

# PENNSYLVANIA BULLETIN

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## Agencies in this issue

The Courts

Department of Banking and Securities

Department of Conservation and Natural  
Resources

Department of Environmental Protection

Department of General Services

Department of Health

Department of Human Services

Department of Revenue

Environmental Hearing Board

Environmental Quality Board

Fish and Boat Commission

Game Commission

Insurance Department

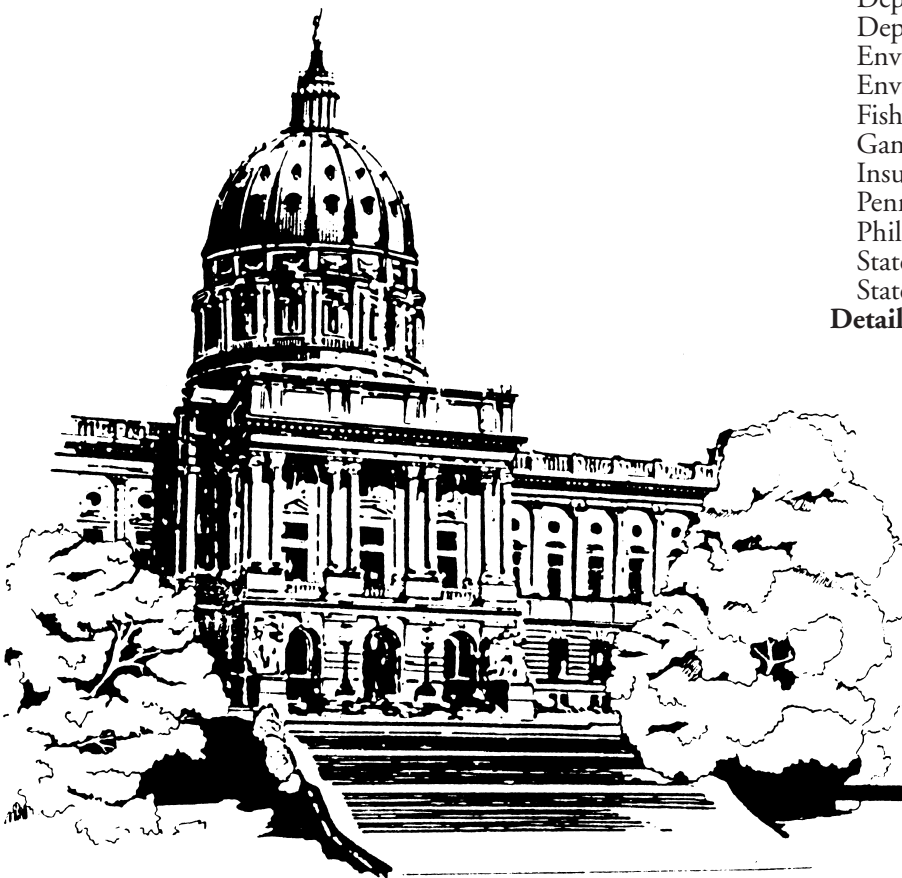
Pennsylvania Public Utility Commission

Philadelphia Parking Authority

State Board of Nursing

State Real Estate Commission

Detailed list of contents appears inside.



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

**No. 510, May 2017**

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# CONTENTS

## THE COURTS

### SUPREME COURT

Transcript fees in the first and fifth judicial districts pursuant to Rule 4008 of the Rules of Judicial Administration; No. 484 judicial administration doc. . . . . 2709

## EXECUTIVE AND INDEPENDENT AGENCIES

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications. . . . . 2779  
 Maximum lawful rate of interest for residential mortgages for the month of June 2017 . . . . . 2780

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Conservation and Natural Resources Advisory Council meeting . . . . . 2780  
 Proposed exchange of property. . . . . 2781

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices. . . . . 2781  
 Cleanup Standards Scientific Advisory Board revised 2017 meeting schedule. . . . . 2830  
 Conditional State water quality certification under section 401 of the Clean Water Act for the United States Army Corps of Engineers Nationwide permits . . . . . 2830  
 Environmental Justice listening sessions; updated locations . . . . . 2832

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Exempt machinery and equipment steel products . . . 2832

### DEPARTMENT OF HEALTH

#### Notices

Abortion facilities; requests for exceptions . . . . . 2834  
 Hospitals; requests for exceptions . . . . . 2834  
 Medical Marijuana Program; electronic tracking system . . . . . 2835

### DEPARTMENT OF HUMAN SERVICES

#### Notices

Medical Assistance Quality Strategy for Pennsylvania. . . . . 2835  
 Trauma disproportionate share hospital payments . . 2836

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania \$100 or \$1,000 instant lottery game 1281 . . . . . 2836

Pennsylvania Emerald 8s instant lottery game 1285 . . . . . 2839  
 Pennsylvania Money Multiplier instant lottery game 1284 . . . . . 2841  
 Pennsylvania Pay Me instant lottery game 1283 . . . 2846  
 Pennsylvania Spicy Hot Crossword instant lottery game 1282 . . . . . 2849

### ENVIRONMENTAL HEARING BOARD

#### Notices

Merck Sharp & Dohme Corp. v. Department of Environmental Protection; EHB doc. No. 2015-011-L consolidated with EHB doc. No. 2015-123-L . . . . . 2853

### ENVIRONMENTAL QUALITY BOARD

#### Proposed Rulemaking

Radiological health. . . . . 2722

### FISH AND BOAT COMMISSION

#### Notices

Triploid grass carp permit application . . . . . 2854

### GAME COMMISSION

#### Rules and Regulations

Hunting and trapping; wild pheasant recovery areas . . . . . 2718  
 Lands and buildings; shooting ranges . . . . . 2715  
 Preliminary provisions; hunting and trapping. . . . . 2710  
 Seasons and bag limits; wildlife management units . 2717  
 Special permits; pheasant permit . . . . . 2720

#### Proposed Rulemaking

Hunting and trapping; general. . . . . 2774  
 Lands and buildings—special wildlife management areas; hunting and furtaker licenses—antlerless deer licenses. . . . . 2774  
 Special permits; deer control . . . . . 2776  
 Special permits; falconry . . . . . 2777

### INSURANCE DEPARTMENT

#### Notices

Insurance coverages or risks eligible for export by the Insurance Commissioner. . . . . 2854

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Hamilton Relay Inc. petition for waiver of equal access and billing option requirements for telephone relay services; doc. No. P-2017-2596198; Hamilton Telephone Co. petition for waiver of equal access and billing option requirements for captioned telephone voice-carry-over relay service; doc. No. P-2017-2596108 . . . . . 2855  
 Natural gas service . . . . . 2855  
 Service of notice of motor carrier applications. . . . . 2856  
 Service of notice of motor carrier formal complaints. 2856

### PHILADELPHIA PARKING AUTHORITY

#### Notices

Service of notice of motor carrier applications in the City of Philadelphia. . . . . 2861

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**STATE BOARD OF NURSING**

**Notices**

Bureau of Professional and Occupational Affairs v.  
 Angel L. Case, LPN; file No. 13-51-09932; doc. No.  
 2273-51-15 ..... 2861

Bureau of Professional and Occupational Affairs v.  
 Tammy L. Conley, LPN, a/k/a Tammy Lou Luc-  
 chesi; file No. 15-51-14880; doc. No. 1163-51-16 ... 2862

Bureau of Professional and Occupational Affairs v.  
 Herbert N. Hewlett, II, RN; file No. 13-51-09023;  
 doc. No. 0986-15-14 ..... 2862

**STATE REAL ESTATE COMMISSION**

**Notices**

Bureau of Professional and Occupational Affairs v.  
 Dorothea A. Gunderman; doc. No. 0853-56-16; file  
 No. 16-56-04185 ..... 2862

# 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.

## 4 Pa. Code (Administration)

### Proposed Rules

91	2332
95	2332
97	2332
98	2332
99	2332
103	2332
105	2332
110	2332

### Statements of Policy

9	832, 1163, 1515, 1855, 2105
---	-----------------------------

## 19 Pa. Code (Corporations and Business Associations)

### Statements of Policy

71	1165
----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

901	313
-----	-----

### Proposed Rules

121	1157
126	1157
208	1636
215	2722
216	2722
217	2722
218	2722
219	2722
220	2722
221	2722
223	2722
225	2722
227	2722
228	2722
230	2722
240	2722

## 28 Pa. Code (Health and Safety)

### Adopted Rules

23	1300
1141	199
1151	199
1161	217

## 34 Pa. Code (Labor and Industry)

### Statements of Policy

123	440
-----	-----

## 49 Pa. Code (Professional and Vocational Standards)

### Proposed Rules

27	1509
----	------

## 52 Pa. Code (Public Utilities)

### Adopted Rules

29	429
1001	2558
1002	2558
1003	2558
1005	2558
1011	2558
1013	2558
1017	2558
1019	2558
1021	2558

1027	2558
1029	2558
1030	2558
1051	2558
1053	2558
1055	2558
1057	2558
1059	2558
1063	2558

### Proposed Rules

56	965
59	19

## 58 Pa. Code (Recreation)

### Adopted Rules

65	1465, 1466
131	1467, 2710
133	1467
135	2599, 2600, 2715
137	2601
139	2603, 2609, 2717
141	2610, 2710, 2718
147	2611, 2612, 2720

### Proposed Rules

65	1469
131	1769
135	1475, 1477, 1479, 2774
137	1493
139	1480, 1486
141	1472, 1473, 1769, 2774
143	2774
147	1490, 1492, 2776, 2777
682a	1495
683a	1495

## 67 Pa. Code (Transportation)

### Proposed Rules

175	1748
-----	------

## 201 Pa. Code (Rules of Judicial Administration)

### Adopted Rules

1	937
---	-----

## 204 Pa. Code (Judicial System General Provisions)

### Adopted Rules

83	1276, 2539
93	2539
213	291

### Proposed Rules

71	2423
81	1122, 2181
303	1999
305	1999

## 207 Pa. Code (Judicial Conduct)

### Adopted Rules

33	2181
----	------

## 210 Pa. Code (Appellate Procedure)

### Adopted Rules

25	1277
69	2101

**Proposed Rules**

1 ..... 7

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

Article VI ..... 1623  
 Article VIII ..... 1623

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 178  
 400 ..... 178  
 1000 ..... 178, 937  
 1910 ..... 1123

**Proposed Rules**

1910 ..... 2540  
 1915 ..... 2181  
 1920 ..... 2540

**234 Pa. Code (Rules of Criminal Procedure)**

**Proposed Rules**

1 ..... 179, 1731  
 2 ..... 182  
 4 ..... 1850  
 5 ..... 182, 185, 306, 1731  
 10 ..... 186

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 941, 2313  
 2 ..... 941, 2313

4 ..... 820  
 5 ..... 2313  
 8 ..... 2313  
 11 ..... 2313  
 12 ..... 2313  
 13 ..... 2313  
 15 ..... 2313  
 16 ..... 2313  
 18 ..... 2313

**Proposed Rules**

1 ..... 938  
 4 ..... 942  
 5 ..... 942  
 6 ..... 942  
 16 ..... 947

**246 Pa. Code (Minor Court Civil Rules)**

**Proposed Rules**

500 ..... 2324  
 1000 ..... 2324

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 420, 1628, 1732, 2330

**255 Pa. Code (Local Court Rules)**

Unclassified ... 8, 9, 12, 14, 15, 17, 18, 188, 190, 191, 192,  
 193, 194, 195, 308, 309, 310, 311, 420, 422, 423, 426, 428,  
 666, 667, 669, 825, 828, 829, 830, 949, 950, 951, 952, 958,  
 959, 963, 1278, 1279, 1628, 1630, 1736, 1738, 1741, 1742,  
 1852, 2101, 2102, 2103, 2187, 2188, 2330, 2424, 2431,  
 2544



# THE COURTS

## SUPREME COURT

### Transcript Fees in the First and Fifth Judicial Districts Pursuant to Rule 4008 of the Rules of Judicial Administration; No. 484 Judicial Administration Doc.

#### Order

#### *Per Curiam*

*And Now*, this 25th day of April, 2017, it is Ordered pursuant to Pennsylvania Rule of Judicial Administration 4008 that the transcript fee adjustments requested by the First Judicial District and the Fifth Judicial District are *Granted*. In lieu of the corresponding fees set forth in Pa.R.J.A. No. 4008(A) and (D), the fees in these judicial districts for paper or electronic delivery shall be as follows:

<i>Transcript type</i>	<i>Fee for Original</i>	<i>Fee for Copy</i>
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Expedited	\$4.50 per page	\$3.00 per page
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The revised fee schedule shall become effective on July 1, 2017.

[Pa.B. Doc. No. 17-805. Filed for public inspection May 12, 2017, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[ 58 PA. CODE CHS. 131 AND 141 ]

#### Preliminary Provisions; Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons, and to expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons, and aperture sights for flintlock muzzleloading deer season.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1769 (March 25, 2017).

#### 1. Purpose and Authority

In relevant part, the act of November 21, 2016 (P.L. 1317, No. 168) (Act 168) made two significant changes to section 2308 of the act (relating to unlawful devices and methods). Act 168 eliminated the Commonwealth's historic prohibition against the use of air guns for hunting. Act 168 also effectively eliminated the Commonwealth's historic prohibition against the use of semiautomatic rifles for hunting. It is important to note that Act 168 was not extended to authorize the Commission to allow use of semiautomatic handguns.

In an effort to expand hunting opportunities in this Commonwealth, the Commission amends §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns for small game and furbearers, and semiautomatic rifles for small game and furbearers. These amendments will also expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of wildlife and hunting seasons, and aperture sights for flintlock muzzleloading deer season. The Commission proposed to extend the use of semiautomatic rifles to include small game furbearers and big game, but removed big game from this final-form rulemaking based upon public comment.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 are adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking amends §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for designated species of wildlife and hunting seasons, and to expand muzzleloader hunting opportunities to include breech-loading black powder firearms for designated species of

wildlife and hunting seasons, and aperture sights for flintlock muzzleloading deer season.

#### 3. Persons Affected

Persons wishing to use air guns, semiautomatic rifles or breech-loading black powder firearms to hunt or take game or wildlife in this Commonwealth may be affected by this final-form rulemaking.

#### 4. Comment and Response Summary

The Commission received a total of 847 official comments in support and 218 official comments in opposition to this final-form rulemaking.

#### 5. Cost and Paperwork Requirements

This final-form rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

This final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. Contact Person

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 131 and 141, are amended by amending §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-410 remains valid for the final adoption of the subject regulations.

#### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 131. PRELIMINARY PROVISIONS

#### § 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and

terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

*Act*—Title 34 of the *Pennsylvania Consolidated Statutes* (relating to Game and Wildlife Code).

*Aggregate ammunition capacity*—A firearm's total cumulative ammunition capacity that includes the ammunition capacity of both the chamber and magazine.

*Air gun*—A firearm operated by air or gas cylinder by which a projectile can be discharged or propelled.

*Antlered deer*—

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having three or more points on one antler, not including brow tines which is the point immediately above the antler burr.

(ii) In all other wildlife management units, a deer having three or more points to one antler.

(iii) In all wildlife management units, junior license holders, disabled person permit (to use a vehicle) holders and residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, a deer having two or more points to one antler, or with one antler 3 inches or more in length.

*Antlered elk*—An elk having at least one spike visible above the hairline.

*Antlerless deer*—A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

*Antlerless elk*—An elk without antlers, or an elk with no spike visible above the hairline.

*Arrow*—A projectile shot from a bow with an overall length exceeding the brace height of the bow with fletching designed only for guidance at the aft end and a broadhead mounted on the fore end. No electronic device may be a part of or attached to the arrow. No device, material or system capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead may be a part of or attached to any arrow.

*Beekeeper's agent*—A person who accepts the responsibility of bees, hives and related equipment in the absence of the owner, and who is willing and able to reset disrupted hives, maintain fencing where present and report damage done by bears to the nearest available Commission officer as soon as practical, but, in any event, within 10 days of the damage. The agent shall be domiciled within 300 yards of the beehives.

*Bow*—In addition to the definition in section 102 of the act, a device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source. These limitations may not exclude the mechanical leverage advantage provided by eccentric wheels or cams so long as the available energy stored in the bent limbs of the bow is the sole result of a single, continuous and direct pulling effort by the shooter. The bowstring shall be drawn, held and released as a direct and conscious action of the shooter. Release shall be accomplished by either relaxing the tension of the fingers or triggering the release action of a manually held release aid.

*Broadhead*—A fixed or mechanical tip affixed to the fore end of an arrow or bolt having sharpened cutting edges consisting of metal or naturally occurring stone.

*Closed season*—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

*Commission*—The Game Commission of the Commonwealth.

*Crossbow*—A device consisting of a bow fixed transversely on a stock, the string of which is released by a trigger mechanism, has a mechanical safety and propels an arrow.

*Crossbow bolt*—An arrow propelled by a crossbow.

*Decoy*—For the purpose of section 2308(b)(6) of the act (relating to unlawful devices and methods), an artificial representation or facsimile of a bird or animal used to attract other birds or animals. The term does not include living birds or animals.

*Deputy Game Commission officer*—A deputy wildlife conservation officer.

*Director*—The Executive Director of the Commission.

*Driving*—An act accomplished when one or more persons chase or flush, or attempt to chase or flush, wildlife towards or in the general direction of other persons, or when two or more persons travel in the same general direction to chase or flush, or attempt to chase or flush, wildlife into view.

*Early small game hunting season*—A designated period when the only resident small game which may be hunted and taken are woodchucks, squirrels and grouse.

*Game Commission officer*—A wildlife conservation officer.

*Import*—To bring or have transported into this Commonwealth.

*Institutions of higher learning*—Colleges and universities accredited by the Department of Education.

*Meat or animal products*—For the purpose of section 2361(a)(13) of the act (relating to unlawful acts concerning taking of furbearers), meat or animal products include artificial representations or facsimiles.

*Muzzleloading firearm*—

(i) A firearm designed and manufactured to be loaded with loose ammunition components (projectile and propellant charge) from the muzzle or forward, open end of the firearm's barrel.

(ii) The term includes breech-loading rifles and handguns that fire loose ammunition components comparable to a muzzleloading firearm.

(iii) The term does not authorize a firearm that accepts cartridge ammunition.

*Plugged shotgun*—For the purpose of section 2308(a)(4) of the act, any shotgun containing a one-piece plug, stop or filler in the magazine to reduce ammunition capacity that is incapable of removal without disassembling the shotgun or magazine.

*Point*—An antler projection at least 1 inch in length from base to tip. The main beam tip shall be counted a point regardless of length.

*Protected birds*—See § 133.2 (relating to protected birds).

*Protected deer*—A deer not defined as an antlered deer or an antlerless deer.

*Protected mammals*—See § 133.1 (relating to protected mammals).

*Regular firearms deer season*—The designated period of time when deer may be hunted and taken by any person who possesses a General Hunting License or a General Hunting License and Antlerless License only.

*Regular small game hunting season*—The designated period of time when resident small game species may be hunted and taken.

*Special firearms deer season*—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

*Sustained yield*—As used in section 546(b)(2) of the act (relating to limitation on expenditures for deterrent fencing), continuous and planned forest production through accepted forestry management practices.

*Venison*—For the purpose of section 2312 of the act (relating to buying and selling game), any meat derived from a white-tailed deer.

## CHAPTER 141. HUNTING AND TRAPPING

### Subchapter B. SMALL GAME

#### § 141.22. Small game seasons.

(a) *Permitted devices.* It is lawful to hunt small game, except woodchucks, during any small game season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun. The firearm must be .22 caliber or less, that propels single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act (relating to falconry permits).

(7) An air gun. The firearm must be between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) *Prohibitions.* While hunting small game during any small game season, except woodchucks, it is unlawful to:

(1) Use or possess single-projectile ammunition larger than .22 caliber or multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) *Woodchuck (Groundhog) season.*

(1) *Permitted devices.* It is lawful to hunt woodchucks during woodchuck season with the following devices:

(i) A manually operated or semiautomatic centerfire rifle or manually operated handgun that propels single-projectile ammunition.

(ii) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less that propels multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(iv) A bow and arrow.

(v) A crossbow and bolt.

(vi) A raptor. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act.

(vii) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(2) *Prohibitions.* While hunting woodchucks during woodchuck season, it is unlawful to:

(i) Use or possess multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act.

(ii) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(iii) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

### Subchapter C. BIG GAME

#### § 141.43. Deer.

(a) *Archery deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting deer during the archery deer season, it is unlawful to:



(i) Use or possess a firearm. Exceptions:

(A) A person may possess certain firearms during the archery deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(B) A person may possess and use both a bow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader deer seasons and the late archery and flintlock muzzleloading deer seasons if that person is in possession of both a valid archery deer license and a valid muzzleloader deer license and meets the greater protective material requirements for the muzzleloader deer season, if applicable.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(b) *Flintlock muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the flintlock muzzleloading deer season with a flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open or aperture sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting deer during the flintlock muzzleloading deer season, it is unlawful to:

(i) Use manmade materials attached to the hammer or frizzen to create sparks.

(ii) Use telescopic sights.

(iii) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(c) *Muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the muzzleloading deer season with a muzzleloading firearm. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting deer during the muzzleloading deer season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(d) *Regular and special firearms deer seasons.*

(1) *Permitted devices.* It is lawful to hunt deer during the regular and special firearms deer seasons with any of the following devices:

(i) A manually operated, centerfire rifle or handgun that propels single-projectile ammunition.

(ii) A manually operated, centerfire shotgun that propels single-projectile ammunition.

(iii) A bow and arrow as permitted under subsection (a)(1)(i).

(iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(v) A muzzleloading firearm as permitted under subsection (b)(1) or (c)(1).

(2) *Prohibitions.* While hunting deer during the regular and special firearms deer seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(e) *Cooperating while hunting during any deer season.* Holders of any of the appropriate licenses or stamps may cooperate while hunting antlered or antlerless deer if pertinent provisions of the act and this section are met.

(f) *.22 caliber or less rimfire required for furbearers.* When using a firearm only a rimfire rifle or handgun .22 caliber or less may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

**§ 141.44. Bear.**

(a) *Archery bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) *Muzzleloading bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the muzzleloading bear season with a muzzleloading firearm. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting bear during the muzzleloading bear season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(c) *Regular and extended firearms bear seasons.*

(1) *Permitted devices.* It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:

(i) A manually operated, centerfire rifle or handgun that propels single-projectile ammunition.

(ii) A manually operated, centerfire shotgun that propels single-projectile ammunition.

(iii) A bow and arrow as permitted under subsection (a)(1)(i).

(iv) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(v) A muzzleloading firearm as permitted under subsection (b)(1).

(2) *Prohibitions.* While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act, except as authorized under section 2525 of the act.

(ii) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

#### § 141.45. Turkey.

(a) *Fall turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the fall turkey season with any of the following devices:

(i) A manually operated rifle or handgun that propels single-projectile ammunition.

(ii) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun that propels single-projectile ammunition or multiple projectile shotgun ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(iv) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(v) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch and may not exceed 3.25 inches in length.

(2) *Prohibitions.* While hunting turkey during the fall turkey season, it is unlawful to:

(i) Use or possess a firearm using single projectile ammunition in Wildlife Management Units 2B, 5B, 5C and 5D, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use drives or any method other than hand or mouth calling.

(iii) Use or possess an electronic caller or a live turkey as a decoy.

(iv) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

(b) *Spring turkey season.*

(1) *Permitted devices.* It is lawful to hunt turkey during the spring turkey season with any of the following devices:

(i) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun using shot ammunition no larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(ii) A bow and arrow as permitted under subsection (a)(1)(iii).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(iv).

(2) *Prohibitions.* While hunting turkey during the spring turkey season, it is unlawful to:

(i) Use or possess a centerfire, rimfire or muzzleloading firearm that propels single projectile ammunition, except as authorized under section 2525 of the act.

(ii) Use or possess single projectile ammunition, except arrows or bolts, except as authorized under section 2525 of the act.

(iii) Use drives or any method other than hand or mouth calling.

(iv) Use or possess an electronic caller or a live turkey as a decoy.

(v) Use or possess a device or ammunition not provided for in the act or in this subsection, except as authorized under section 2525 of the act.

#### § 141.47. Elk.

(a) *Permitted devices.* It is lawful to hunt elk during the elk season with any of the following devices:

(1) A manually operated, centerfire rifle or handgun. The firearm must be a .27 caliber or larger firearm that propels single-projectile ammunition 130 grains or larger.

(2) A manually operated or centerfire shotgun. The firearm must be a 12 gauge or larger firearm that propels single-projectile ammunition.

(3) A muzzleloading firearm. The firearm must be .50 caliber or larger single-barrel firearm that propels single-projectile ammunition 210 grains or larger.

(4) A bow and arrow. A bow must have a peak draw weight of at least 45 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(5) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 1 inch and may not exceed 3.25 inches in length.

(b) *Prohibitions.* While hunting elk during the elk season, it is unlawful to:

(1) Use or possess multiple projectile ammunition or ammunition other than that required under section 2322(a)(4) of the act (relating to prohibited devices and methods), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Fail to mark the kill site after lawful harvest in accordance with Commission instructions provided during the elk season orientation.

(4) Drive or herd elk.

(5) Hunt within the Hick’s Run no hunt zone, the area immediately adjacent to and north of Route 555, between Hick’s Run Road and Huston Hill Road and within 0.3 mile of Route 555.

**Subchapter D. FURBEARERS**

**§ 141.67. Furbearer seasons.**

(a) *Permitted devices.* It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than # 4 buckshot. The centerfire shotgun’s magazine capacity may not exceed two rounds. The shotgun’s total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) An air gun. The firearm must be .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) *Prohibitions.* While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

(1) Use or possess multiple-projectile shotgun ammunition larger than # 4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

[Pa.B. Doc. No. 17-806. Filed for public inspection May 12, 2017, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 135 ]**

**Lands and Buildings; Shooting Ranges**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 135.181 (relating to rifle and handgun ranges) to address various substantive and housekeeping concerns within the State game lands firearms range usage requirements.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1477 (March 11, 2017).

*1. Purpose and Authority*

State game land range users, Commission staff and other interested parties have identified a number of areas in need of improvement in the Commission’s shooting range use regulation. The Commission amends § 135.181 to address the following substantive and housekeeping concerns: 1) expand the 8 a.m. to sunset operational hours on Sundays preceding regular firearms deer and bear seasons to also include Sundays occurring throughout the duration of these seasons to improve hunter access to its ranges when they are most needed; 2) prohibit range users from intentionally shooting at or damaging the target frames or stands in an effort to reduce waste and improve operational availability of ranges; 3) provide clarity that use of automatic firearms, not to include semiautomatic firearms, is prohibited at Commission ranges; 4) expand the six-round loading and discharge limitation to both rifle and handgun ranges; 5) prohibit range users from operating, manipulating or discharging a loaded firearm in negligent disregard for the safety of other persons present at or nearby the range to improve safety; 6) provide greater clarity concerning range reservation, range closure, range designation and general range usage violations; and 7) remove firearms possession related violations from this section to more closely conform to the limitations in 18 Pa.C.S. § 6109(m.3)(2) (relating to licenses).

Section 721(a) of the code (relating to control of property) provides “[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations. . .for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.181 are adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking amends § 135.181 to address various substantive and housekeeping concerns within the State game lands firearms range usage requirements.



### 3. Persons Affected

Persons wishing to State game lands firearms ranges will be affected by this final-form rulemaking.

### 4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

### 5. Cost and Paperwork Requirements

This final-form rulemaking should not result in additional cost or paperwork.

### 6. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 7. Contact Person

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.181 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-408 remains valid for the final adoption of the subject regulation.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 135. LANDS AND BUILDINGS

#### Subchapter J. SHOOTING RANGES

#### § 135.181. Rifle and handgun ranges.

(a) *General provisions.* In addition to § 135.2 (relating to unlawful actions) and except as provided in § 135.182 (relating to ranges, State Game Lands No. 176), the following pertain to lands under Commission ownership, lease or jurisdiction designated as rifle or handgun ranges:

(1) Rifle and handgun ranges are open from 8 a.m., prevailing time, until sunset Monday through Saturday

and from 12 noon to sunset Sunday, unless otherwise posted; except the Sunday immediately preceding and any Sunday throughout the duration of the regular firearms deer seasons and the regular firearms bear seasons, when the hours are 8 a.m. to sunset.

(2) A range may be reserved for exclusive use by an organized group from January 1 through October 1. Applications for a range reservation shall be made through the appropriate regional director or a designee at least 20 days in advance.

(3) An individual may not use the range during any period reserved by an organized group.

(4) An individual or an organized group using the range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter except in approved refuse containers. Range users shall remove targets from range backboards when shooting is completed and prior to leaving the range.

(5) The Commission is not responsible for anyone injured on the range. An individual using Commission-owned ranges does so at his own risk and assumes all responsibility for injuries to a person or property caused by or to him.

(6) When more than one person is using the range, a range officer shall be designated.

(7) An individual under 16 years of age may not use the range unless accompanied by a person 18 years of age or older.

(8) The appropriate regional director or designee may close a range by posting signs to that effect. An individual or organized group may not use the range during a period when it is posted as closed.

(b) *Prohibited acts.* At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

(1) Discharge a firearm from any location on the range other than an established shooting station on the firing line.

(2) Discharge a firearm at any target other than a paper target placed on a permanent target backboard mounted by the Commission. Users are prohibited from intentionally shooting at or damaging the frames or stands constructed by the Commission to mount permanent target backboards.

(3) Discharge armor piercing, incendiary, explosive, tracer or multiple projectile ammunition.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance on the range.

(5) Discharge an automatic firearm.

(6) Load or discharge a firearm that contains more than six rounds of single projectile ammunition.

(7) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

(8) Load or discharge a firearm or use a range facility for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

(9) Operate, manipulate or discharge a firearm in negligent disregard for the safety of other persons present at or nearby the range. This is specifically intended to include loading a firearm, operating or manipulating a loaded firearm, or discharging a firearm anywhere on the firing range while another person is downrange.

(10) Use a Commission range in violation of any other requirement of this section or posted signage.

(c) *Range designation.* The default designation for Commission ranges, regardless of length or size, is as a rifle range. The Commission may designate any range as a handgun only range by posting appropriate signage.

[Pa.B. Doc. No. 17-807. Filed for public inspection May 12, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 139 ]**

**Seasons and Bag Limits; Wildlife Management Units**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 139.17 (relating to wildlife management units) to expand wildlife management unit (WMU) 2E southward into WMU 2C to realign the southwest boundary line of WMU 2E from Route 422 to Route 22.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1486 (March 11, 2017).

*1. Purpose and Authority*

A uniform system of WMUs was implemented in 2003 to replace the system of multiple species-specific management units. The primary objective of this new WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiographic, land cover and use, human population density and land ownership. WMU boundaries were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. In 2008, the Commission conducted a 5-year evaluation of the structure of the WMU system which resulted in the development and implementation of four WMU map revisions. The Commission has again conducted an evaluation of the structure of the WMU system and developed a WMU map revision to expand WMU 2E southward into WMU 2C to realign the southwest boundary line of WMU 2E from Route 422 to Route 22.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the commission to “[d]efine geographic limitations or restrictions.” Section 322(c)(6) of the code specifically empowers the Commission to “[l]imit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas.” Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate con-

cerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 139.17 are adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking amends § 139.17 to expand WMU 2E southward into WMU 2C to realign the southwest boundary line of WMU 2E from Route 422 to Route 22.

*3. Persons Affected*

Persons wishing to hunt or take game or wildlife within WMUs 2C and 2E may be affected by this final-form rulemaking.

*4. Comment and Response Summary*

The Commission received a total of one official comment in support and one official comment in opposition to this final-form rulemaking.

*5. Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

*6. Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*7. Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.17 to read as set forth at 47 Pa.B. 1486.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 1486 and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-404 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-808. Filed for public inspection May 12, 2017, 9:00 a.m.]

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**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Wild Pheasant Recovery Areas**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, amended § 141.28 (relating to wild pheasant recovery areas) to reduce the size of the Central Susquehanna Wild Pheasant Recovery Area (WPRAs), open the Central Susquehanna WPRAs to limited youth pheasant hunting opportunities authorized by executive order, eliminate small game hunting restrictions within WPRAs and shorten the dog training restricted period within WPRAs.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1473 (March 11, 2017).

*1. Purpose and Authority*

Huntible populations of wild pheasants have been successfully established in portions of the Central Susquehanna WPRAs, while other portions of the WPRAs contain very few or no pheasants. In keeping with the goals of the WPRAs program, a reduction in size of the WPRAs has been adopted that will open unsuccessful portions to general pheasant hunting and to the stocking of pen-reared pheasants. Simultaneously, as a conservative approach in reopening the successful portions of the WPRAs to pheasant hunting, this final-form rulemaking will enable the Executive Director to authorize permit-based, youth-only pheasant hunting opportunities in the Central Susquehanna WPRAs. A hunt could occur as early as 2017-2018.

When WPRAs were established, restrictions on small game hunting and dog training were included to avoid potential negative impacts to reintroduced pheasant populations. Research and monitoring results for all WPRAs have demonstrated that outside the nesting season, effects of these activities on pheasants are negligible. Therefore, the Commission removed all small game hunting restrictions (except for those related to pheasants) from WPRAs and shortened the restricted period for dog training. As the WPRAs program transitions to an operational phase, these changes will provide additional recreational opportunities for hunters and dog handlers without jeopardizing wild pheasant populations.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this

Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.28 are adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking amends § 141.28 to reduce the size of the Central Susquehanna WPRAs, open the Central Susquehanna WPRAs to limited youth pheasant hunting opportunities authorized by executive order, eliminate small game hunting restrictions within WPRAs and shorten the dog training restricted period within WPRAs.

*3. Persons Affected*

Persons wishing to hunt or take pheasants or train dogs on small game within this Commonwealth may be affected by this final-form rulemaking.

*4. Comment and Response Summary*

The Commission received a total of one official comment in support and one official comment in opposition to this final-form rulemaking.

*5. Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork. However, this final-form rulemaking will result in the creation of a new class of permit that will be required for youth hunters. The Commission anticipates that this permit will be made available through the Pennsylvania Automated License System, therefore additional paperwork requirements for the general public will be nominal. The Commission determined that there will be limited personnel and administrative costs associated with the implementation of this new permit program. The Commission anticipates that these costs will be accommodated through existing staffing and existing budgets.

*6. Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*7. Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

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



(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.28 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-403 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

**§ 141.28. Wild pheasant recovery areas.**

(a) *Definition.* For the purpose of this section, the phrase “wild pheasant recovery area” (WPRAs) includes and is limited to the following geographic locations.

(1) *Somerset WPRAs.* That portion of Somerset County, WMU 2C, bounded on the western side starting at the intersection of Coleman Station Rd. and Stutzmantown Rd. proceeding south on Coleman Station Rd., crossing SR 31, to Brotherton Rd., continuing south to Round Hill Rd., then east onto Wills Church Rd., then to Archery Rd. The boundary then follows Berlin Plank Rd. (US Rt. 219) south into the town of Berlin where it joins the Mason Dixon Hwy. (US Rt. 219) proceeding south to Pine Hill Rd. to Walker School Rd. then east on Maple Valley Rd., to Sawmill Rd. to the Cumberland Hwy. (SR 160). The boundary then follows the Cumberland Hwy. (SR 160) south to Salco Rd. and then proceeds north on Salco Rd. to Huckleberry Hwy. (SR 160) in the town of Berlin. The boundary follows Huckleberry Hwy. (SR 160) north, crossing SR 31, to the intersection of Roxbury Rd., then north to Shanksville Rd. The boundary then proceeds north to Stutzmantown Rd., then west to the beginning at the intersection of Coleman Station Rd.

(2) *Central Susquehanna WPRAs.* Portions of WMU 4E in Northumberland, Montour and Columbia Counties, bounded and described as follows. Beginning in the southwestern extent of the WPRAs at the intersection of Interstate 80 and Interstate 180, proceed north on Interstate 180 for approximately 7.2 miles to the intersection of Hughes Road. The boundary follows Hughes Road east for 0.2 mile to Susquehanna Trail. Follow Susquehanna Trail south for 0.2 mile to Schmidt Road. Follow Schmidt Road for 1.6 miles to Miller Road. Follow Miller Road east for 1.1 miles to intersection of Hockey Hill Road. Go right on Hockey Hill Road then left onto Pugmore Lane. Follow Pugmore Lane for 0.7 mile to Harrison Road. The boundary follows Harrison Road south for 0.7 mile to Showers Road. Follow Showers Road for 1.2 miles east to intersection of Gearhart Road. Turn right on Gearhart Road and go south for 0.6 mile to the intersection of Hickory Road. The boundary follows Hickory Road east for 0.6 mile then left onto Mingle Road for 0.9 mile until rejoining Hickory Road for another 0.8 mile to the intersection of Muncy Exchange Road. The boundary follows Muncy Exchange Road south for 1.4 miles to bridge over the West Branch of Chillisquaue Creek near the intersection of State Highway 44. The boundary follows the West Branch of Chillisquaue Creek south for

approximately 2.1 miles to the bridge on Arrowhead Road. The boundary follows Arrowhead Road west for 0.8 mile to the intersection of State Highway 54. Follow State Highway 54 south for 2.6 miles to the intersection of State Highway 254. Follow State Highway 254 east for 5.9 miles to the intersection of State Highway 44. Follow State Highway 44 south for 1.1 miles to the intersection of State Highway 642. Follow State Highway 642 southwest for 2.3 miles to the intersection of Billhime Road. Turn right onto Billhime Road and go 1.1 miles to the intersection of East Diehl Road. Turn left on East Diehl Road then right onto Cameltown Hill Road. Follow Cameltown Hill Road for 1 mile to the intersection of Blee Hill Road. The boundary follows Blee Hill Road northwestward for 0.6 mile to the intersection of Hillside Drive. Turn left onto Hillside Drive and follow west for 3.2 miles until State Highway 54. Cross State Highway 54 onto Steckermill Road and go 0.4 mile to the intersection of Keefer Mill Road. Turn right onto Keefer Mill Road and follow north for 0.8 mile to the intersection Mexico Road. Turn right on Mexico Road for 0.1 mile and then turn left onto Keefer Mill Road for 0.6 mile to the intersection of State Highway 254. The boundary follows State Highway 254 west for 5.5 miles to the intersection of Interstate 80. Follow Interstate 80 west for 3.4 miles to the intersection Interstate 180 and the point of origin.

(3) *Hegins-Gratz Valley WPRAs.* That portion of WMU 4E in Schuylkill and Dauphin Counties from Matterstown Road (Rt. 1007) to PA Rt. 901 at Taylorsville. The WPRAs is bounded on the north by the Mahantango Creek. Beginning at the town of Pillow in Dauphin County, proceeding east on Market Street (Rt. 1026) to the Mahantango Creek, which is the Northumberland and Dauphin County border until entering Schuylkill County at Klingerstown. Continuing northeast along the Mahantango Creek in Schuylkill County to Taylorsville Road (Rt. 4039) at Haas, to Taylorsville and then proceeding south on PA Rt. 901. Proceeding south and southeast on PA Rt. 901 to I-81. Proceeding southwest on I-81 and then west on PA Rt. 25, then from PA Rt. 25, proceeding south and west on Dell Road and then northwest and west on Pine Drive (State Hwy. 4009), continuing west on Pine Drive, T593 and north on T592 to Pine Creek. The southern boundary then follows Pine Creek west along the northern side of Broad Mountain to Spring Glen. From Spring Glen, continuing west on PA Rt. 25, crossing into Dauphin County to Gratz, then proceeding southwest from Gratz on Specktown Road (State Hwy. 1014) to South Crossroads Road (PA Rt. 1009). Proceeding south on South Crossroads Road (PA Rt. 1009) to PA Rt. 209 and southwest to Elizabethville. From Elizabethville continue west on Main Street (PA Rt. 209), then turn north onto Botts Road (T462). At the first intersection, turn north onto Feidt Road (T461), then turn east onto West Matterstown Road (Rt. 4008), turn north onto Matterstown Road (Rt. 1007). Turn right or east onto Ber-rysburg Road (PA Rt. 25) which turns into Market St. Turn left or north onto Lykens St. Turn right or east onto Mountain Road (T639). Turn left or north on PA Rt. 225 into Pillow on PA Rt. 225, ending at Market St. (Rt. 1026).

(4) *Franklin County WPRAs.* That portion of WMUs 4A and 5A in Franklin County from PA Rt. 30 on the northern border to the Pennsylvania/Maryland state border on the southern border, and from Cove Mountain on the western border to the towns of Laurich and Williamson and the Conococheague Creek on the eastern border. The WPRAs is bounded on the north by PA Rt. 30 (Lincoln Highway). Beginning at the town of Fort Loudon at the

intersection of PA Rt. 30 (Lincoln Highway) and PA Rt. 75, proceed east on PA Rt. 30 (Lincoln Highway), through St. Thomas and continue east to Laurich. Just east of Laurich, proceed south along Back Creek to SR 3012 (Jack Road). Proceed west along SR 3012 (Jack Road), then south along Weber Road. Continue south and southwest along Weber Road to the intersection of Weber, Grapevine and Jacks Mill Roads. Proceed southwest along Grapevine Road and then northwest to intersection with SR 3013. Turn south onto SR 3013 (St. Thomas Williamson Road) and then west onto State Rt. 995. Proceed west and then south on State Rt. 995 through Williamson to the West Branch of the Conococheague Creek (northeast of Welsh Run). Proceed along the West Branch of the Conococheague Creek to the confluence with Conococheague Creek. Follow the Conococheague Creek south to the Pennsylvania/Maryland state border. Proceed west along the Pennsylvania/Maryland state border to State Rt. 456. Proceed northeast along State Rt. 456 to State Rt. 16. Proceed east on State Rt. 16 to Mountain Road. Proceed northeast on Mountain Road to State Rt. 75. Proceed northwest on State Rt. 75 to the intersection of State Rt. 75 and State Rt. 30 at Fort Loudon.

(b) *Prohibitions.* It is unlawful to:

(1) Release artificially propagated pheasants any time within any area designated as a WPRA.

(2) Train dogs in any manner from March 1 through July 31 within any area designated as a WPRA.

(3) Hunt pheasants within any area designated as a WPRA, except the Director may authorize limited youth pheasant hunting opportunities by Commission-issued access permit in the Central Susquehanna WPRA. During any year youth pheasant hunting opportunities are authorized in the Central Susquehanna WPRA, the Director will establish the number of hunting access permits to be issued, a manner of distribution for a limited number of access permits to be raffled off by an organization promoting pheasant recovery efforts within this Commonwealth, and designate one or more pheasant hunt zones within the WPRA prior to the opening of the earliest established youth pheasant season. The Director or a designee will establish the application deadline and the date, time and location for the random drawing of applications for the issuance of any remaining limited youth pheasant hunting access permits within the Central Susquehanna WPRA. Limited youth pheasant hunting access permits are not transferrable. A pheasant hunting access permit shall be signed and carried on person when hunting or taking pheasants within the Central Susquehanna WPRA.

[Pa.B. Doc. No. 17-809. Filed for public inspection May 12, 2017, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**  
**Special Permits; Pheasant Permit**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, added Chapter 147, Subchapter Q (relating to pheasant permit) to define and implement the Pheasant Hunting Permit Program (Program) in this Commonwealth and provide for the issuance

of hunting permits authorizing eligible individuals to hunt pheasants during applicable pheasant hunting seasons.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 1492 (March 11, 2017).

1. *Purpose and Authority*

Pheasant hunting in this Commonwealth has relied entirely upon stocking of farm-raised pheasants during the past 20—30 years subsequent to the disappearance of the wild pheasant population in this Commonwealth. Four pheasant farms operated by the Commission have historically produced about 200,000 pheasants per year. This pheasant program is popular and has many values related to hunter recruitment/retention/reactivation as well as providing an upland game bird hunting opportunity at a time when wild upland game bird populations are gone or in serious decline. However, the pheasant program has been costing the Commission about \$4.7 million per year with no fee mechanism established to sustain it. Recent budget pressures caused by increases in personnel benefit costs and declines in revenue have forced the Commission to initiate cost cutting measures including closure of two of the four pheasant farms. These closures are estimated to save \$1.7 million per year while changes in operations are being implemented to further reduce costs while minimizing adverse impacts on the bird quality and quantity. The Commission adds Chapter 147, Subchapter Q to define and implement the Program in this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during applicable pheasant hunting seasons. Adoption of the pheasant hunting permit at cost of \$25 for adults is projected to produce about \$1.5 million of new revenue, make the pheasant program more self-sufficient and help ensure the future of pheasant hunting in this Commonwealth.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” Chapter 147, Subchapter Q is adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking adds Chapter 147, Subchapter Q to define and implement the Program in this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during applicable pheasant hunting seasons.

3. *Persons Affected*

Persons wishing to hunt or take pheasants in this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

The Commission received a total of 22 official comments in support and 37 official comments in opposition to this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking will result in the creation of a new class of permit that will be required for adult hunters. The Commission anticipates that this permit will be made available through the Pennsylvania Automated License System, therefore additional paperwork requirements for the general public will be nominal. The Commission determined that there will be limited personnel and administrative costs associated with the implementation of this new permit program. The Commission anticipates that these costs will be accommodated through existing staffing and existing budgets.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by adding §§ 147.315—147.318 to read as set forth in Annex A

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-402 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter Q. PHEASANT PERMIT**

- Sec. 147.315. Purpose.
- 147.316. Application.
- 147.317. Permit.
- 147.318. Violations.

**§ 147.315. Purpose.**

The purpose of this subchapter is to define and implement the Pheasant Hunting Permit Program in this Commonwealth and provide for the issuance of hunting permits authorizing eligible individuals to hunt pheasants during applicable pheasant hunting seasons established in § 139.4 (relating to seasons and bag limits for the license year).

**§ 147.316. Application.**

(a) *Form and content.* Applications for pheasant hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the applicant's name, address, date of birth and Commission-issued Customer Identification Number, and any other information required by the Commission.

(b) *Eligibility.* Adult pheasant hunting permit applications are available for submission by applicants in possession of a valid resident or nonresident adult or senior hunting license, or a valid mentored adult hunting permit. The fee for a pheasant hunting permit is \$25, plus any applicable transactional and issuing agent fees.

**§ 147.317. Permit.**

(a) A pheasant hunting permit is required for an adult to hunt or take pheasants by any means or manner or device, including the use of dogs, in this Commonwealth.

(b) A pheasant hunting permit shall be signed and carried on person when hunting or taking pheasants in this Commonwealth.

(c) This section and subchapter may not be construed to require a permit for individuals engaged in lawful pheasant hunting activities under a valid commercial or noncommercial regulated hunting grounds issued under section 2928 of the act (relating to regulated hunting grounds permits).

**§ 147.318. Violations.**

Violations of this subchapter will be prosecuted under section 2908 of the act (relating to violations). Furthermore, the Director may deny, revoke or suspend a permit for a violation of this subchapter upon written notice to the permittee.

[Pa.B. Doc. No. 17-810. Filed for public inspection May 12, 2017, 9:00 a.m.]



# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 215—221, 223, 225, 227, 228,  
230 AND 240 ]

### Radiological Health

The Environmental Quality Board (Board) proposes to amend Chapters 215—221, 223, 225, 227, 228, 230 and 240 to read as set forth in Annex A. The proposed rulemaking would amend Article V (relating to radiological health) to include clarification and guidance regarding radiation safety, update the standards for protection against radiation and amend requirements for radon certification.

This proposed rulemaking was adopted by the Board at its meeting on October 18, 2016.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Joseph Melnic, Chief, Division of Radiation Control, P.O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 783-9730; or Keith Salador, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8075. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically through the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board (EQB)").

#### C. *Statutory Authority*

The proposed amendments to Chapters 215—221, 223, 225, 227, 228 and 230 are authorized under sections 301 and 302 of the Radiation Protection Act (35 P.S. §§ 7110.301 and 7110.302) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

The proposed amendments to Chapter 240 (relating to radon certification) are authorized under sections 12 and 13 of the Radon Certification Act (63 P.S. §§ 2012 and 2013), section 302 of the Radiation Protection Act and section 1920-A of The Administrative Code of 1929.

#### D. *Background and Purpose*

The Board last updated its radiological health regulations in 2009 to provide for compatibility with the United States Nuclear Regulatory Commission's (NRC) regulations after the Commonwealth became an NRC Agreement State. Since that time, there have been significant technological advances in the use of radiation sources prompting the need to amend the radiological health regulations to establish and maintain adequate radiation protection standards and oversight.

The proposed amendments are based on standards set by the current recognized accrediting bodies and National organizations such as the National Council on Radiation

Protection and Measurements and the Conference of Radiation Control Program Directors.

The radon certification regulations were first promulgated in 1991 and, other than minor amendments in 2004, 2008 and 2009, have not been significantly amended since that time. The proposed rulemaking would amend the radon certification application requirements and the reporting requirements for certified radon service providers to add clarity to both processes. The proposed amendments to the testing and mitigation protocol requirements and the quality assurance (QA) and quality control (QC) requirements would provide greater detail regarding how these programs should be designed and what goals they should accomplish.

As required under section 301(c)(14) of the Radiation Protection Act, the Department provided the Radiation Protection Advisory Committee (RPAC) with an opportunity to review the proposed rulemaking and to advise the Department prior to submittal to the Board. Beginning in 2014, the Department and the RPAC worked together over five RPAC meetings to develop this proposed rulemaking. On July 23, 2015, the RPAC endorsed the proposed rulemaking for presentation to the Board.

#### E. *Summary of Regulatory Requirements*

The following summary outlines the regulatory requirements that will be affected by this proposed rulemaking and describes the basis for the proposed amendments.

##### *Chapter 215. General provisions*

Proposed amendments to § 215.12 (relating to inspections and investigations) include a mechanism whereby the Department can secure or lock-down a radiation source device that is abandoned or poses a threat to public health, safety or the environment.

Proposed amendments to § 215.14 (relating to availability of records) clarify the scope of records regarding radiation sources prohibited from public access to protect public health, safety and the environment.

Proposed amendments to § 215.22 (relating to prohibited uses) expand this section's prohibition on use of nonmedical human use devices for the Department to determine efficacy of a procedure.

Section 215.24 (relating to human use) is proposed to be amended to apply the same X-ray operator requirements to all medical facilities for consistency throughout the regulated community.

Proposed amendments to § 215.31 (relating to granting exemptions) add clarity and reaffirm fee requirements to prevent regulatory confusion.

##### *Chapter 216. Registration of radiation-producing machines and radiation-producing machine service providers*

The amendment to § 216.1 (relating to purpose and scope) proposes the inclusion of licensing requirements for electronic brachytherapy devices. This is a new modality that was not previously addressed in the regulations.

Proposed amendments to § 216.2 (relating to registration of radiation-producing machines) clarify notification requirements for registrants. Specifically, in the notification requirements, radiation safety officer is proposed to be replaced with the individual responsible for radiation protection. A requirement is proposed to be added to have a written inventory that includes the type and location of



all devices, and a current schedule that includes the date and location where mobile services are to be performed.

Proposed amendments to § 216.2a (relating to registration of radiation-producing machine service providers) delete transitional language from when service provider registration went into effect, and exempt in-house service providers.

Proposed amendments to § 216.2b (relating to reporting and recordkeeping requirements for registered radiation-producing machine service providers) clarify that radiation-producing machine service providers are not exempt from the radiation protection requirements in Chapter 219 (relating to standards for protection against radiation).

Proposed amendments to § 216.3 (relating to exemptions) make electronic brachytherapy operations exempt from registration but require licensure. X-ray tubes require registration; however, when tubes are used for electronic brachytherapy, a higher degree of oversight is necessary. This is due to a higher dose being administered in these procedures.

#### *Chapter 217. Licensing of radioactive material*

Proposed amendments to a number of sections delete the transitional language used when the Commonwealth became an Agreement State in 2008.

Proposed amendments to § 217.143 (relating to certain measuring, gauging or controlling devices) add three radioisotopes that are not referenced by 10 CFR 31.5 (relating to certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere). The NRC unintentionally omitted these three isotopes.

#### *Chapter 218. Fees*

Proposed amendments to § 218.1 (relating to purpose and scope) clarify that this section also applies to electronic brachytherapy license holders. Electronic brachytherapy is a new modality not previously addressed in the regulations.

Proposed amendments to § 218.11 (relating to registration, renewal of registration and license fees) address emerging technologies and include a fee for electronic brachytherapy devices at \$1,000 annually for the first unit (controller) at a facility and \$100 for each additional unit at that facility.

Section 218.11a (relating to special provisions for calculating fees during agreement state transition period) is proposed to be deleted as it is obsolete.

#### *Chapter 219. Standards for protection against radiation*

Proposed amendments to § 219.3 (relating to definitions) clarify the definition of “medical reportable event for radiation-producing machine therapy” by including actual criteria. A definition of “medical reportable event for radiation-producing diagnostic or interventional X-ray procedures” is proposed to be added.

Proposed amendments to § 219.6 (relating to effect of incorporation of 10 CFR Part 20) exempt the Radiation Exposure Information and Reporting System requirement. This requirement remains the responsibility of the NRC.

Proposed amendments to § 219.229 (relating to other medical reports) include additional requirements for reporting medical events such as interventional radiology, a modality not previously addressed in the regulations.

#### *Chapter 220. Notices, instructions and reports to workers; inspections and investigations*

Proposed amendments to § 220.10 (relating to effect of incorporation of 10 CFR Part 19) delete transitional language that is obsolete.

#### *Chapter 221. X-rays in the healing arts*

Proposed amendments to § 221.1 (relating to purpose and scope) add licensees to the scope of this chapter.

Proposed amendments to § 221.2 (relating to definitions) add definitions to support the addition of terms in §§ 218.11—221.205, including “air kerma,” “air kerma rate,” “CBCT—cone beam computed tomography,” “CINE—cineradiography,” “CR—computed radiography,” “CT—computed tomography,” “DDR—direct digital radiography,” “DR—digital radiography,” “DRL—diagnostic reference level,” “dose length product,” “electronic brachytherapy,” “emerging technology,” “FGI—fluoroscopic-guided interventional procedures,” “health physics,” “high-risk procedure,” “IORT—intraoperative radiation therapy,” “kerma,” “low-risk procedure,” “medical physics,” “performance phantom,” “QE—qualified expert,” “QMP—qualified medical physicist,” “radiological physics,” “SRDL—substantial radiation dose level” and “unintended dose.”

In addition, for clarity, definitions for all forms of supervision are proposed to be added, including “direct supervision,” “general supervision” and “personal supervision.” The definition of “image intensifier” is proposed to be amended to define it as an image receptor rather than a device.

Proposed amendments to § 221.11 (relating to registrant responsibilities) clarify continuing education requirements and expand the QA program. This includes clarifying how often continuing education should occur, and adding diagnostic reference levels, image quality and artifacts to be addressed by the QA programs. These amendments will ensure adequate radiation protection.

Proposed § 221.16 (relating to training, competency and continuing education) adds specific training for X-ray operations, competency in the operation, and continuing education requirements for registrants and licensees. Continuing education requirements include biological effects of radiation, QA and QC, and radiation safety.

Proposed amendments to § 221.21 (relating to diagnostic equipment requirements) require that new equipment comply with United States Food and Drug Administration (FDA) requirements, which will prevent a business, foreign or domestic, from selling noncertified devices.

Proposed amendments to § 221.25 (relating to beam quality) update Table II, X-ray tube voltage, to current FDA standards.

Proposed amendments to § 221.35a (relating to fluoroscopic X-ray systems) limit who can operate a fluoroscopic X-ray system for clinical purposes to licensed practitioners, radiologist assistants, registered technologists and students-in-training. Equipment evaluations, such as entrance exposure rates, maximum air kerma rates and high contrast resolutions, are proposed to be added. Requirements for fluoroscopic-guided interventional procedures, such as written procedures, records of policies and procedures, radiation output and peak skin dose, are proposed to be added.

Proposed § 221.57 (relating to facilities using CR or DR) adds QC program requirements for the relatively new imaging methods of computed radiography and digi-

tal radiography. These requirements address exposure indicators, image QC program, phantom image evaluation and manufacturer specifications.

Proposed amendments to § 221.61 (relating to radiation therapy simulation systems) clarify the oversight requirements for simulation systems. Requirements for simulation systems are not as arduous as diagnostic systems. Therefore, these systems only need to comply with certain radiological health regulations.

Proposed § 221.63 (relating to therapy imaging guidance systems) adds technical requirements for procedures using this new type of guidance system, such as QC procedures and methods addressing radiation safety.

Proposed § 221.64 (relating to CBCT) adds QC and evaluation requirements for cone beam computed tomography (CBCT) to address radiation safety. Radiation measurements for these units shall be evaluated annually and as soon as practical following any component repair. The operator shall have instructions on performing routine QC.

Proposed § 221.65 (relating to X-ray attenuation systems) clarifies the restrictions needed for this type of computed tomography (CT) system. These systems function differently than diagnostic systems and are required only to comply with §§ 221.202—221.205 unless they are exempted by other means.

Proposed amendments to § 221.71 (relating to equipment requirements) clarify the requirements that apply to electronic brachytherapy. This is a new modality, previously not addressed in the regulations, which is exempt from certain equipment requirements.

Proposed amendments to § 221.201 (relating to definitions) add definitions applicable to CT X-ray systems, including “alert value,” “CT dosimetry phantom,” “CTDI<sub>100</sub>,” “CTDI<sub>vol</sub>,” “CTDI<sub>w</sub>,” “dose profile,” “Modulation transfer function” and “notification value.” The definition of “MSAD—multiple scan average dose,” an obsolete term, is proposed to be deleted. The definition of “CT number” is proposed to be realphabetized and amended. The definition of “CTDI—computed tomography dose index” is proposed to be amended.

Proposed amendments to § 221.202 (relating to equipment requirements) require accreditation of all diagnostic CT X-ray systems, and safety information necessary for these potentially high-risk systems to be maintained and readily accessible to the operators to address radiation safety.

Proposed amendments to § 221.204 (relating to performance evaluations, routine QC and surveys) delete obsolete requirements, add performance evaluation requirements for CT X-ray systems to be performed by or under the direction of a qualified medical physicist (QMP), change performance evaluation procedures to routine QC procedures and add requirements for radiation protection survey and records management to address radiation safety.

Proposed amendments to § 221.205 (relating to operating procedures) add the requirement for operators to be appropriately trained in the specific techniques and modalities they will be utilizing.

#### *Chapter 223. Veterinary medicine*

Proposed amendments to § 223.1 (relating to purpose and scope) clarify that the safety requirements also apply to radiation sources being used in research on animals.

Proposed amendments to § 223.22 (relating to sealed and unsealed sources) add unsealed sources to the scope of this section because unsealed sources are now being used in animal therapy.

Proposed § 223.31 (relating to registrant responsibilities) adds responsibilities of the registrant, including responsibilities such as adequate instruction, written safety procedures, a QA program and continuing education to satisfy radiation safety requirements.

#### *Chapter 225. Radiation safety requirements for industrial radiographic operations*

Proposed amendments to § 225.3a (relating to effect of incorporation of 10 CFR Part 34) delete obsolete transitional language.

Proposed amendments to § 225.4a (relating to radiation safety program) add monitoring report requirements. These are individual monitoring reports required under 10 CFR 20.2206(a)(2) (relating to reports of individual monitoring).

Proposed amendments to § 225.81 (relating to permanent radiographic installations) rectify a typographical error in the citation to 10 CFR 34.53 (relating to posting) and require that records of tests performed for permanent radiographic installations be retained for 5 years as opposed to the current 3 years. This proposed change in records retention requirements was suggested by the RPAC to promote consistency throughout the radiological health regulations.

#### *Chapter 227. Radiation safety requirements for analytical X-ray equipment, X-ray gauging equipment, electron microscopes and X-ray calibration systems*

Proposed § 227.11a(i) (relating to equipment requirements) adds requirements for hand-held devices to address radiation safety. This is a new modality not previously addressed in the regulations.

#### *Chapter 228. Radiation safety requirements for particle accelerators*

Proposed amendments to § 228.11a (relating to licensee responsibilities) add qualification requirements for operators of accelerators used in the healing arts to address radiation safety. This includes operators who need additional instruction including certification in the applicable specialty.

Proposed amendments to § 228.21a (relating to notification and license requirements) delete an outdated requirement and increase the time in which to file an application for a specific license from 30 to 90 days after the initial order is issued to obtain any or all parts of an accelerator.

Proposed amendments to § 228.35 (relating to operating procedures) reduce the requirement for testing interlocks from quarterly to annually. Testing interlocks quarterly can be damaging to the accelerator because it forces a quick shutdown to the machine. The regulated community has recommended the need for no more than an annual test, and the Department’s inspection records confirm that an annual test is sufficient to ensure that the interlocks are functioning properly. The proposed rulemaking would also require records to be maintained for 5 years instead of the current 4 years. This proposed change in records retention was suggested by the RPAC to promote consistency throughout the radiological health regulations. In addition, subsection (g)(5) is proposed to be renumbered as subsection (h) and proposed amendments clarify that it refers to both medical and nonmedical accelerator operations.

Proposed amendments to § 228.36 (relating to radiation monitoring requirements) change the annual check to daily testing to reflect current industry practice. The original rulemaking inadvertently required annual testing.

Proposed amendments to § 228.61(b) (relating to leakage radiation to the patient area) change “[e]xisting equipment shall meet” to “[e]quipment manufactured or installed prior to July 17, 2004, must meet.”

Proposed amendments to § 228.72 (relating to selection of radiation type) clarify that this section refers to devices capable of X-ray therapy or electron therapy, or both.

Proposed amendments to § 228.73 (relating to selection of stationary beam therapy or moving beam therapy) clarify that this section refers to devices capable of stationary beam therapy or moving beam therapy, or both.

Proposed amendments to § 228.75 (relating to calibrations) include the addition of flattening filter free mode for calibration of a therapy beam.

#### *Chapter 230. Packaging and transportation of radioactive material*

Proposed § 230.15 (relating to packaging and transportation of unlicensed material) addresses unlicensed material, such as technologically enhanced naturally occurring radioactive materials, and the requirement to adhere to United States Department of Transportation regulations.

#### *Chapter 240. Radon certification*

A majority of amendments to this section codify current radon testing and mitigation protocols and standards being implemented by radon service providers.

Proposed amendments to § 240.1 (relating to description of regulatory structure) delete the cross-reference to Subchapter F (relating to interim certification), which is proposed to be deleted.

Proposed amendments to § 240.2 (relating to scope) revise certification exceptions from the building that the person occupies to the building in which the person resides for clarity. A new certification exception is proposed to be added to clarify existing requirements for employees of local governments and schools who perform radon testing.

Proposed amendments to § 240.3 (relating to definitions) add definitions applicable to Chapter 240, including “AC—activated charcoal,” “ALARA—as low as reasonably achievable,” “AT—alpha track,” “alteration,” “blind study,” “CRM—continuous radon monitor,” “CWLM—continuous working level monitor,” “calibration,” “certification year,” “certified individual,” “client,” “control limit,” “diagnostic test,” “duplicate measurements,” “electret ion chamber,” “electret reader,” “electret voltage drift,” “field blank,” “firm employee,” “firm owner,” “LS—liquid scintillation,” “laboratory,” “lowest livable level,” “MV—measured value,” “measurement,” “mitigator,” “multifamily building,” “nonreported test,” “pCi/L—picocurie per liter,” “QA—quality assurance,” “QC—quality control,” “RPD—relative percent difference,” “RPE—relative percent error,” “RV—reference value,” “secondary device,” “secondary tester,” “sigma level,” “spiked measurement or spike,” “tester,” “WLM—working level month,” “WLM/yr—working level month per year” and “warning level.” The proposed rulemaking also amends existing definitions for clarity and standardization, including “firm,” “laboratory analysis,” “person,” “primary device,” “primary tester,” “test” and “WL—working level.”

Proposed amendments to § 240.101 (relating to requirements for radon testing certification) clarify this section, including adding that testers reading/analyzing their own continuous monitors or electrets are not required to become certified in radon laboratory analysis. This requirement is in place because of the ease of reading/analyzing these test devices due to advancements in technology. This also clarifies that prior to performing radon testing activities, a person shall obtain either a radon testing individual certification or Department listing as an employee of a testing firm.

Proposed amendments to § 240.102 (relating to prerequisites for radon testing certification) delete the 1-year radon testing experience requirement as it has proven to be prohibitive to persons becoming certified and is not necessary for the protection of the public. Proposed amendments clarify that it is the firm owner and the certified individual’s responsibility to inform the Department of the loss of the certified individual. Proposed amendments clarify that a certified firm may only have one certified individual in responsible charge of a firm at a time to ensure clear lines of responsibility for accountability. Proposed amendments codify the limit on number of testing firm employees to a maximum of five to ensure adequate responsible charge by the certified individual. Proposed amendments specify the requirements for testing firm employee applications to include a completed application form, an identification card photograph, proof of passing an approved exam and the appropriate fee.

Proposed amendments to § 240.103 (relating to radon testing application contents) clarify language and add identification photograph and date of birth to the application requirements to ensure proper identity tracking of testers. Proposed amendments add the requirement to notify the Department of changes to the application within 10 days of each change to ensure compliance with the requirement to perform all radon activities in accordance with the application.

Proposed amendments to § 240.104 (relating to application filing deadline) specify when a testing individual renewal applicant can be assessed a late application fee and clarify that this late fee will not be assessed on any firm renewal applications.

Proposed amendments to § 240.111 (relating to requirements for radon mitigation certification) clarify that a certified firm may only have one certified individual in responsible charge of a firm at a time to ensure clear lines of responsibility for accountability. Proposed amendments also clarify that prior to performing radon mitigation activities a person shall obtain either a radon mitigation individual certification or Department listing as an employee of a mitigation firm.

Proposed amendments to § 240.112 (relating to prerequisites for radon mitigation certification) clarify this section, adding that it is the firm owner and the certified individual’s responsibility to notify the Department of the loss of the certified individual. Proposed amendments codify the limit on the number of mitigation firm employees to a maximum of five to ensure adequate responsible charge by the certified individual. Proposed amendments specify the requirements for mitigation firm employee applications to include a completed application form, an identification card photograph and proof of passing an approved exam or course.

Proposed amendments to § 240.113 (relating to radon mitigation application contents) clarify language, add



identification photograph and date of birth to the application requirements to ensure proper identity tracking of the mitigators, and add the requirement to notify the Department of any changes to the application within 10 days of each change to ensure compliance with the requirement to perform all radon activities in accordance with the application.

Proposed amendments to § 240.114 (relating to application filing deadline) specify when a mitigation individual renewal applicant can be assessed a late application fee and clarify that this fee will not be assessed on firm renewal applications.

Proposed amendments to § 240.121 (relating to requirements for radon laboratory certification) provide clarifying language. Proposed amendments also clarify that prior to performing radon laboratory activities a person shall obtain either a radon laboratory individual certification or Department listing as an employee of a laboratory firm.

Proposed amendments to § 240.122 (relating to prerequisites for radon laboratory certification) clarify the language, adding that it is the firm owner and the certified individual's responsibility to inform the Department upon the loss of the certified individual. Proposed amendments clarify that a certified firm may only have one certified individual in responsible charge of a firm at a time to ensure clear lines of responsibility for accountability. Proposed amendments specify the requirement for each laboratory firm employee applicant to submit a completed and signed laboratory firm employee application as provided by the Department, and the applicant shall receive written approval prior to conducting radon laboratory activities as a firm employee. Proposed amendments also clarify the limits of each laboratory employee's listing.

Proposed amendments to § 240.123 (relating to radon laboratory application contents) clarify language, add applicant's date of birth to ensure proper identity tracking and add the requirement to notify the Department of any changes to the application within 10 days of each change to ensure compliance with the requirement to perform all radon activities in accordance with the application.

Proposed amendments to § 240.124 (relating to application filing deadline) specify when a laboratory individual renewal applicant can be assessed a late application fee clarifying that this fee will not be assessed on firm renewal applications.

Proposed amendments to § 240.132 (relating to limited radon practice in this Commonwealth) make a grammatical change to clarify language.

Proposed amendments to § 240.133 (relating to certification application contents) clarify this section by adding date of birth requirements for individual applicants and adding the requirement to notify the Department of any changes to the application within 10 days of each change.

Proposed § 240.141 (relating to withdrawal of applications and certifications) specifies the requirements for withdrawing an individual or firm certification application, or both, or an individual certification and the process for reinstating a previously withdrawn individual or firm certification, or both. This includes that certification fees are not refundable for a withdrawal of any certification application. Proposed amendments also specify that previous individual or firm certification, or both, may be reinstated upon written request by the individual for an individual certification and by the firm

owner for a firm certification for only the remainder of that certification period at no additional fees.

Proposed § 240.142 (relating to testing and mitigation identification cards) requires each mitigation and testing individual and each mitigation and testing firm employee to obtain a Department identification card. These identification cards are to be worn prominently and presented to a client upon request. This is being added to ensure the public has proper and current proof of certification at all times.

Proposed § 240.143 (relating to adding or removing devices from certification) explains that written requests signed by the certified individual shall be submitted to add or remove testing or lab devices, or both. The Department's written response letter will contain the add or remove date so that all parties are clear on exactly when a device has been added or removed from a certification.

Proposed amendments to § 240.201 (relating to criteria for issuance or denial of certifications or course provider applications) revise the section heading and subsections (a) and (b) to add reference to requirements for course provider's applications to ensure proper accountability and transparency about who is providing this educational service to the certified community.

Proposed amendments to § 240.202 (relating to terms of certification) clarify this section by changing "other radon-related activity" to "laboratory analysis."

Proposed amendments to § 240.203 (relating to conditions of certification) clarify this section and add the requirement for testing and laboratory individuals to pass blind studies conducted by the Department. This blind testing ensures accurate testing is being performed by the certified community with a percent error of less than or equal to +/- 25% of the reference value.

Proposed amendments to § 240.204 (relating to certification renewal) add that a certification renewal application needs to be submitted at least 30 days prior to the expiration of the current certification, and that the submittal of the renewal application does not extend that expiration date. Proposed amendments add that an individual certification application postmarked prior to 1 year after the expiration of the previous certification is considered a renewal application subject to the late application fee. An individual certification application postmarked 1 year or more after the expiration of the previous certification is considered an initial application subject to the initial application fee, but not the late application fee.

Proposed amendments to § 240.205 (relating to certification modification) clarify this section by adding that certifications may be subject to amendment, revision or modification by the Department for a violation.

Proposed amendments to § 240.301 (relating to advertising) clarify this section and add the requirement to include the valid certification number of the certified individual in advertisements to ensure proper accountability and enforcement capability.

Proposed amendments to § 240.302 (relating to required client information) revise the section heading, clarify this section and add the requirement that the tester, mitigator or laboratory shall present to the client a current Department-issued photo identification card.

Proposed amendments to § 240.303 (relating to reporting of information) clarify what information is to be reported to the Department by the primary certified

testing, mitigation or laboratory individual. Proposed amendments also clarify that if radon-related activities are not performed during a 45-day period, a report of no activity shall be submitted to the Department by the end of that 45-day period in a Department-approved format. The Department currently collects this information through Greenport which has greatly minimized tracking and entry time. However, it has shown the data requirements needed to be clarified. Proposed amendments change the requirement of reporting the results in writing within 45 days to 10 days after testing or laboratory analysis to the owner or occupier of the building, and change "owner or occupier of the building" to "client."

Section 240.304 (relating to quality assurance program) is proposed to be deleted. The language of this section is moved to proposed § 240.603 (relating to QA program).

Proposed amendments to § 240.305 (relating to health and safety program) clarify this section and add requirements for radon mitigators to track exposure and retain these records for 5 years. The requirement for testers and laboratories to track exposure is proposed to be deleted because statistics prove their exposure is not even a fraction of the limit due to the short duration of their exposure. However, there is still the possibility that mitigators may reach or exceed the exposure limits.

Proposed amendments to § 240.306 (relating to continuing education program) clarify this section and specify that continuing education credit hours may only be used for one certification period for each certification activity to prevent the use of continuing education credits being used for more than one certification period.

Proposed amendments to § 240.307 (relating to radon measurement proficiency program) revise the section heading and clarify this section as well as the applicability of this requirement to initial primary tester and laboratory applicants only. This section is proposed to be amended to an initial applicant requirement only. Renewal applicants are not required to repeat this operator's proficiency requirement since they are operating these devices regularly as part of their certification.

Proposed amendments to § 240.308 (relating to radon mitigation standards) provide specific requirements for mitigation system installations including fan/fan discharge location, sealing, labeling and information required to be provided to the client. This section is to provide codification of requirements in the Pennsylvania Radon Mitigation Standards to ensure proper enforcement of these standards.

Proposed § 240.309 (relating to testing protocols) provides specific requirements for radon testing to codify United States Environmental Protection Agency (EPA) guidance to ensure proper enforcement capability—"Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, and *Radon Measurement in Schools* (EPA 402-R-92-014). The following American National Standards Institute (ANSI) standard is included in this section—ANSI/AARST MAMF-2010 *Protocol for Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings*. These additions include: placement criteria; closed house conditions; short-term, postmitigation, real estate, multifamily, school and commercial building testing; and testing of new construction and buildings under construction. This section will also specify that the result shall be given to the client within 10 working days and the information to be included on the Result Report Form provided to the client. The information on the radon test result report

form is the only information the client receives about that test. To fully understand that result data such as location of test, calibration due date, test start and end date and time, type of device used, complete address of test location, the average and individual results of co-located devices, radon health risk information and, if applicable, the name and certification number of the lab must be included to have a meaningful test result. Reporting the result as a number in picocurie per liter is not sufficient or adequate.

Proposed amendments to § 240.401 (relating to inspection) correct minor grammatical errors.

Sections 240.501 and 240.502 (relating to scope; and reapplication when this chapter is adopted as final) are obsolete and proposed to be deleted.

Subchapter G (relating to QA requirements) is proposed to be added.

Proposed § 240.601 (relating to scope) applies QA requirements to testers and laboratories and their devices. This section clarifies that the requirements do not apply to testing performed only for diagnostics, because diagnostic testing is used only for performance of internal QA.

Proposed § 240.602 (relating to general requirements) requires QA records to be retained for 5 years and requires the certified individual to be responsible for the QA requirements regardless of who performs the QA activity.

Proposed § 240.603 is language proposed to be relocated from § 240.304, which is proposed to be deleted.

Proposed § 240.604 (relating to QA requirements for testing using primary devices) specifies all QA requirements for each primary testing device (continuous monitors, electret ion chambers and continuous working level monitors). This section states specific requirements for each of these devices and their frequency, logging requirements and control limits.

Proposed § 240.605 (relating to QA requirements for testing using secondary devices) includes QA requirements for each secondary testing device (activated charcoal, continuous monitor, working level monitors, alpha track detectors and electret ion chambers). This section states the specific requirements for each of these devices and their frequency, logging requirements and control limits.

Proposed § 240.606 (relating to QA requirements for laboratories) specifies QA requirements for each laboratory device (activated charcoal, continuous monitors, working level monitors, alpha track detectors and electret ion chambers). This section states the specific requirements for each of these devices and their frequency, logging requirements and control limits.

Proposed Appendix B (relating to non-interference agreement for real estate radon testing) specifies the minimum requirements for testing noninterference requirements maintained during a real estate transaction. The conditions are necessary to ensure valid radon test results.

Proposed Appendix C (relating to radon exposure tracking record) specifies the template that shall be used by radon mitigation service providers as part of their health and safety program to track radon exposure of employees under § 240.305. Tracking radon exposure is necessary to ensure that employees do not exceed recommended exposure limits.

## F. *Benefits, Costs and Compliance*

### *Benefits*

As set forth in this proposed rulemaking, users of radiation sources would be required to comply with radiation protection standards that would not only protect employees but would also protect the general public. The proposed rulemaking would ensure that trained professionals are operating these radiation sources so that both the patient and the operator are adequately protected.

The proposed amendments to the radon certification regulations would add clarity to the application and reporting requirements, making it easier for the regulated community to understand what is required during each process. The proposed amendments to the testing protocols and QA and QC requirements would ensure that the radon services provided to the public will protect the public's health and welfare from the dangers of radon. The proposed QA and QC requirements also benefit the regulated community by eliminating certain equipment check requirements when the equipment is not used and by removing cross checks and duplicate tests for testers who use continuous monitors and continuous working level monitors. The proposed amendments would eliminate the requirement to have 1 year of radon testing experience prior to certification, which would benefit the regulated community by simplifying and shortening the process for an individual to become certified to test for radon. Lastly, the proposed amendments codify the exemption from laboratory certification for certified primary testers who place, retrieve and analyze continuous monitors or electret ion chambers.

### *Compliance costs*

The proposed amendments to Chapter 221 (relating to X-rays in the healing arts) require a QMP to perform various functions and may increase costs for a small percentage of registrants. A QMP would be required to, among other things, personally evaluate or direct the evaluation of fluoroscopic, CT and CBCT equipment, recommend imaging QC programs, review protocols, perform or direct the performance of radiation surveys, and provide analysis of medical events. The Department is proposing to add these requirements because QMPs are trained and most often certified in health physics disciplines, and their oversight of these functions would ensure adequate radiation protection standards are maintained. The vast majority of the regulated community is already employing QMPs in this capacity as it is standard industry practice, but there may be a small percentage of facilities that employ individuals that do not meet the proposed definition of QMP. The Department is proposing a "grandfathering" provision in the definition of QMP, which would further reduce the impact to the regulated community by allowing individuals who meet certain requirements to continue to perform the functions of a QMP as long as they complete continuing education requirements. A QMP typically charges a minimum of \$150 per hour for services, and the small percentage of registrants who will be required to obtain the services of a QMP for these functions may see an increase in their costs.

The proposed amendments to the radon certification regulations pertaining to reinstating previously withdrawn certifications would decrease costs for and be a benefit to the regulated community because they will no longer be required to pay certification fees to reinstate a withdrawn certification. Depending upon the type of certification, this proposed amendment would save a firm

or individual \$300 to \$750 when an individual or firm seeks to reinstate a withdrawn certification. See Chapter 240, Appendix A (relating to radon certification fee schedule).

The proposed amendments to the radon certification regulations requiring certified firms to employ one certified individual per five firm employees may increase costs for the regulated community. This proposed amendment would benefit the public because it would ensure that uncertified firm employees are being adequately supervised by the firm's certified individuals. Based on the current fee schedule, this proposed amendment may cost a certified firm an additional \$300 every 2 years for each additional certified individual they are required to employ.

### *Compliance assistance plan*

Outreach and support will be provided by regional inspectors and technical staff of the Department's Radiation Control Division. The majority of proposed amendments clarifying references and definitions are self-explanatory. Assistance will be offered to explain acceptable requirements for addressing new technologies.

### *Paperwork requirements*

The proposed rulemaking would amend various records retention requirements to a 5-year records retention period. This proposed change was suggested by the RPAC to promote consistency throughout the radiological health regulations. These records do not need to be in paper format and may be stored electronically.

## G. *Pollution Prevention*

Pollution prevention is not applicable to this proposed rulemaking.

## H. *Sunset Review*

The Board is not establishing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

## I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 21, 2017, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

## J. *Public Comments*

Interested persons are invited to submit written comments, suggestions, support or objections regarding the proposed rulemaking to the Board. Comments, suggestions, support or objections must be received by the Board by June 26, 2017.



Comments may be submitted to the Board online, by e-mail, by mail or by express mail as follows.

Comments may be submitted to the Board by accessing the Board's online comment system at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov). A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

PATRICK McDONNELL,  
*Acting Chairperson*

**Fiscal Note:** 7-499. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE V. RADIOLOGICAL HEALTH**

**CHAPTER 215. GENERAL PROVISIONS**

**RIGHTS AND RESPONSIBILITIES OF THE DEPARTMENT**

**§ 215.12. Inspections and investigations.**

\* \* \* \* \*

(b) *Rights of the Department.* The Department and its agents and employees will:

(1) Have access to, and require the production of, books, papers, documents and other records and physical evidence pertinent to a matter under investigation.

(2) Require a registrant or licensee to make reports and furnish information as the Department may prescribe.

(3) Enter the premises of a licensee or registrant for the purpose of making an investigation or inspection of radiation sources and the premises and facilities where radiation sources are used or stored, necessary to ascertain the compliance or noncompliance with the act and this chapter and to protect health, safety and the environment.

**(4) Secure or lock-down a device if a radiation source is abandoned or poses a threat to public health, safety or the environment.**

(c) *Inspections and investigations by the Department.* The Department, its employees and agents may conduct inspections and investigations of the facilities and regulated activities of registrants of radiation-producing machines and licensees of radioactive material necessary to demonstrate compliance with the act or this article.

\* \* \* \* \*

**§ 215.14. Availability of records [ for public inspection ].**

The following Department records [ **are not available for public inspection,** ] will not be disclosed to the public or to a litigant absent a court order unless the Department determines that disclosure is in the public interest and is necessary for the Department to carry out its duties under the act:

(1) Trade secrets or secret industrial processes customarily held in confidence.

(2) A report of investigation[ , **not pertaining to safety and health in industrial plants,** ] which would disclose the institution, progress or results of an investigation undertaken by **or at the direction of** the Department **or other governmental agency.**

(3) Personnel, medical and similar [ **files** ] records, the disclosure of which would [ **operate to the prejudice or impairment of a person's reputation or personal safety** ] be reasonably likely to result in a **substantial and demonstrable risk of physical harm to or the personal security of an individual.**

(4) **Location, identification, safeguards, security measures or other security-related information relating to a radiation source.**

(5) A record designated as classified by a Federal or State authority.

(6) A record exempt from disclosure under any Federal or State law or regulation, or judicial order or decree.

(7) Any other record maintained by the Department, the disclosure of which may endanger or threaten public health, safety or preparedness.

**PROHIBITIONS AND RESTRICTIONS**

**§ 215.22. Prohibited uses.**

(a) No person may operate or maintain within this Commonwealth [ **fitting** ] devices or machines which use [ **fluoroscopic,** ] X-ray or [ **radiation principles for the purpose of selling footwear through commercial outlets** ] radiologic technology for human nonmedical use without prior written approval of the Department.

(1) **A person requesting the Department to approve the nonmedical human use of radiation shall submit written information describing the proposed use to the Department for evaluation.**

(2) **The Department will consider efficacy of the device or procedure as a factor when evaluating the proposed nonmedical human use of radiation.**

(b) Hand-held fluoroscopic screens may not be used.

**§ 215.24. Human use.**

\* \* \* \* \*

(b) Auxiliary personnel employed by a licensed practitioner of the healing arts at the location at which the licensed practitioner practices **or employed by a health care facility** may use radiation sources in the healing arts provided those individuals comply with the applicable requirements of 49 Pa. Code Part I, Subpart A (relating to professional and occupational affairs), located in the following chapters:

\* \* \* \* \*



(7) Chapter 33 (relating to the State Board of Dentistry).

**[ (c) Auxiliary personnel employed by a health care facility regulated by the Department of Health, the Department of Public Welfare or the Federal government may only use radiation sources in the healing arts in accordance with written job descriptions and employee qualifications.**

**(d) Subsections (b) and (c) ] (c) Subsection (b)** notwithstanding, human use of radiation sources is permitted by individuals enrolled in clinical training programs that satisfy the related accreditation requirements of the boards in subsection (b) and who are under the supervision of a licensed practitioner of the healing arts or of auxiliary personnel authorized under **[ subsections (b) and (c) ] subsection (b)** to use radiation sources in the healing arts.

#### EXEMPTIONS

##### § 215.31. Granting exemptions.

(a) The Department may **[ , upon application therefor or upon its own initiative, ]** grant exemptions from this article **on its own initiative or upon application from a licensee** when the Department determines that **[ they ] the exemptions** do not result in significant risk to the health and safety of the public and safeguards that provide equivalent levels of protection in this article are implemented.

**(b) The Department will not grant exemptions to the fee requirements in § 218.11 (relating to registration, renewal of registration and license fees).**

#### CHAPTER 216. REGISTRATION OF RADIATION-PRODUCING MACHINES AND RADIATION-PRODUCING MACHINE SERVICE PROVIDERS

##### § 216.1. Purpose and scope.

(a) This chapter establishes requirements for the registration of radiation-producing machines and radiation-producing machine service providers. A person who possesses a radiation-producing machine or provides services described in this chapter shall comply with this chapter.

(b) A person possessing an accelerator as defined in § 228.2 (relating to definitions) **or a person performing electronic brachytherapy as defined in § 221.2 (relating to definitions)** is exempt from the requirements of § 216.2 (relating to registration of radiation-producing machines).

(1) Accelerators are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators) **[ and license ]**.

(2) **Electronic brachytherapy operations are licensed under Chapter 221 (relating to X-rays in the healing arts) and must comply with §§ 221.71—221.76 (relating to therapeutic X-ray systems with energies less than 1 MeV).**

(c) **License fees are specified in § 218.11(d) (relating to registration, renewal of registration and license fees).**

##### § 216.2. Registration of radiation-producing machines.

(a) A person possessing a radiation-producing machine shall:

(1) Register with the Department within 30 days after acquisition. Registration shall be completed on forms furnished by the Department and shall contain information required on the form and accompanying instructions.

(2) Designate on the registration form an individual to be responsible for radiation protection.

(3) Notify the Department in writing within 30 days of a change **[ of address, owner or radiation safety officer or number of machines ] in name, address, owner or the individual designated under paragraph (2) to be responsible for radiation protection.**

(4) **Maintain a written inventory to include, at a minimum, the type and location of all radiation-producing devices.**

(5) **For registrants offering mobile services, have a current schedule, including the date and location where services are to be performed, available for inspection by the Department.**

(b) The registration becomes valid upon receipt of the properly completed registration form and the fee required under Chapter 218 (relating to fees).

\* \* \* \* \*

##### § 216.2a. Registration of radiation-producing machine service providers.

**[ After July 17, 2004, a ]** A person who engages in the business of assembling or installing radiation-producing machines or who offers to assemble or install radiation-producing machines or who is in the business of furnishing or offering to furnish radiation-producing machine servicing or services or who is in the business of selling, leasing or lending radiation-producing machines in this Commonwealth shall apply for registration of the activities with the Department prior to furnishing or offering to furnish those services.

(1) Registration is for 12 months and is renewable.

(2) An application for registration or renewal will not be accepted unless accompanied by the appropriate fee specified in **[ § 218.11(h) ] § 218.11(k)** (relating to registration, renewal of registration and license fees). Fees are not refundable after issuance of a registration.

(3) An application for registration shall be submitted on forms provided by the Department. The Department will issue a certificate of registration for radiation-producing machine services to the applicant when the application is complete, contains all the information required by the Department and when the appropriate fee specified in **[ § 218.11(h) ] § 218.11(k)** has been paid.

(4) **[ A person who, on July 17, 2004, is currently in the business of providing radiation-producing machine services shall apply for registration by September 15, 2004. ]** X-ray registrants who employ in-house service providers are exempt from this section but are subject to the requirements of 21 CFR 1020.30 (relating to diagnostic x-ray systems and their major components).

§ 216.2b. Reporting and recordkeeping requirements for registered radiation-producing machine service providers.

\* \* \* \* \*

(b) Services performed [ under preventative maintenance ] that do not involve replacement or refurbishing of major X-ray system components are exempt from the reporting requirements specified in this section except subsection (d).

\* \* \* \* \*

(d) A radiation-producing machine service provider who services a radiation-producing machine in a radiation installation in this Commonwealth that is not registered shall report the service to the Department. The report shall be submitted in writing within 15 days after the services and contain the following information:

- (1) The date service was provided.
(2) The name, address and telephone number of the client.
(3) The type of radiation-producing machine, the manufacturer's name, model number and control panel serial number of each radiation-producing machine or major X-ray system component.
(4) The name of the individual performing the service.

(e) A radiation-producing machine service provider shall comply with the requirements of Chapter 219 (relating to standards for protection against radiation).

§ 216.3. Exemptions.

The following radiation-producing machines or equipment are exempt from registration:

(1) Electrical equipment that produces radiation incidental to its operation for other purposes, if the dose equivalent rate averaged over an area of 10 square centimeters does not exceed .5 mrem (.005 mSv) per hour at 5 centimeter from an accessible surface. The production, testing or factory servicing of the equipment are not exempt. Electron beam welders and electron microscopes are not exempt.

(2) Radiation-producing machines while in transit in the possession of a transport carrier.

(3) Radiation-producing machines in the possession of vendors, installers or persons engaged in the service or repair of the machines, if applicable persons who have these machines register their activities with the Department under § 216.6 (relating to transfer and disposal obligations).

(4) [ Accelerators are exempt from registration. ] Accelerators [ shall be ], which are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators). Accelerator service providers are not exempt from registration of services under § 216.2a (relating to registration of radiation-producing machine service providers).

(5) Electronic brachytherapy operations, which are licensed under Chapter 221 (relating to X-rays in the healing arts) and comply with §§ 221.71—221.76 (relating to therapeutic X-ray systems with energies less than 1 MeV).

CHAPTER 217. LICENSING OF RADIOACTIVE MATERIAL

Subchapter A. GENERAL

§ 217.1. Purpose and scope.

\* \* \* \* \*

(c) The use of radioactive material in this Commonwealth under a license issued by the NRC is exempt from the licensing requirements of this chapter [ until the Commonwealth becomes an agreement state on the date published in the Federal Register ].

Subchapter B. GENERAL PROVISIONS FOR RADIOACTIVE MATERIAL

§ 217.131. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 30 (relating to rules of general applicability to domestic licensing of byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 30.5, 30.6, 30.8, 30.21(c), 30.34(d), (e)(1) and (3), [ 30.41(a)(6) ] 30.41(b)(6), 30.55, 30.63 and 30.64 are not incorporated by reference.

§ 217.132. Effect of incorporation of 10 CFR Part 30.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 30 (relating to rules of general applicability to domestic licensing of byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 30 as follows:

\* \* \* \* \*

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ].

§ 217.133. [ Persons possessing a license for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass on the date the Commonwealth becomes an agreement state as published in the Federal Register ] (Reserved).

[ On the date the Commonwealth becomes an agreement state as published in the Federal Register, a person who possesses a general or specific license issued by the NRC for source, byproduct or special nuclear material in quantities not sufficient to form a critical mass, is deemed to possess a like license issued under this chapter and the act. The license shall expire either 90 days after receipt from the Department of a notice of expiration of the license, or on the date of expiration specified in the NRC license, whichever is earlier. ]

Subchapter C. GENERAL LICENSES FOR RADIOACTIVE MATERIAL

§ 217.142. Effect of incorporation of 10 CFR Part 31.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 31 (relating to

general domestic licenses for byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 31 as follows:

\* \* \* \* \*

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ].

§ 217.143. Certain measuring, gauging or controlling devices.

In addition to the parts of 10 CFR 31.5 (relating to certain detecting measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere) incorporated by reference, general licensees subject to registration under 10 CFR 31.5(c)(13)(i) or possessing general licensed devices containing 37 MBq (1 mCi) or more of cobalt-57, cadmium-109, iron-55 or accelerator-produced material, as determined on the date of manufacture, or 3.7 MBq (0.1 mCi) or more of radium-226 shall also comply with all of the following:

\* \* \* \* \*

Subchapter D. SPECIFIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING RADIOACTIVE MATERIAL

§ 217.152. Effect of incorporation of 10 CFR Part 32.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 32 (relating to specific domestic licenses to manufacture or transfer certain items containing byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 32 as follows:

\* \* \* \* \*

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ].

Subchapter F. SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR RADIOACTIVE MATERIAL

§ 217.162. Effect of incorporation of 10 CFR Part 33.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 33 (relating to specific domestic licenses of broad scope for byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 33 as follows:

\* \* \* \* \*

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ].

Subchapter G. LICENSING OF SOURCE MATERIAL

§ 217.172. Effect of incorporation of 10 CFR Part 40.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 40 (relating to

domestic licensing of source material), the following words and phrases shall be substituted for the language in 10 CFR Part 40 as follows:

\* \* \* \* \*

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ].

Subchapter H. LICENSING OF SPECIAL NUCLEAR MATERIAL

§ 217.182. Effect of incorporation of 10 CFR Part 70.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 70 (relating to domestic licensing of special nuclear material), the following words and phrases shall be substituted for the language in 10 CFR Part 70 as follows:

\* \* \* \* \*

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ].

Subchapter J. RECIPROCITY

§ 217.202. Effect of incorporation of 10 CFR Part 150.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 150 (relating to exemptions and continued regulatory authority in agreement states and in offshore waters under section 274), the following words and phrases shall be substituted for the language in 10 CFR Part 150:

\* \* \* \* \*

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ].

CHAPTER 218. FEES

GENERAL

§ 218.1. Purpose and scope.

(a) This chapter establishes fees for registration and licensing and provides for their payment. For the purpose of this chapter, radiation-producing machines under the same administrative control in a single building are registered or licensed as a single facility. Radiation-producing machines under the same administrative control at the same address or in a contiguous group of buildings may be registered or licensed as a single facility if the Department determines that it is appropriate.

(b) Except as otherwise specifically provided, this chapter applies to a person who:



(1) Is required to register or renew registration for radiation-producing machines or radiation-producing machine service providers under Chapter 216 (relating to registration of radiation-producing machines and radiation-producing machine service providers).

(2) Is an applicant for or holder of a radioactive material license issued under Chapter 217 (relating to licensing of radioactive material).

(3) Is an applicant for or holder of an accelerator license issued under Chapter 228 (relating to radiation safety requirements for particle accelerators).

**(4) Is an applicant for or holder of an electronic brachytherapy license issued under Chapter 221 (relating to X-rays in the healing arts).**

**PAYMENT OF FEES**

**§ 218.11. Registration, renewal of registration and license fees.**

(a) Annual registration fees for radiation-producing machines [ , other than accelerators, ] are the sum of an annual administrative fee and an annual fee for each X-ray tube or radiation generating device **and shall be paid** as follows:

\* \* \* \* \*

(c) Annual license fees for radioactive material [ are ] **shall be paid** as set forth in Appendix A (relating to fees for radioactive material licenses).

\* \* \* \* \*

(e) An initial application for a license or reciprocity shall be accompanied by a check payable to the Department in accordance with the fee schedules in subsections (c) and (d). Thereafter, the Department will issue an annual fee invoice in accordance with the appropriate fee schedule at least 2 months prior to the license expiration. Fees [ are payable ] **shall be paid** by the last day of the license expiration month as shown on the license fee invoice. This provision is not applicable to full cost recovery licenses specified in Appendix A.

(f) The Department will not accept an initial application for a license prior to payment of the fees required by subsections (c) and (d).

(g) If the registration involves more than one of the facilities in subsection (a), or if a license involves more than one of the categories in subsection (c), the highest applicable fee applies.

**(h) The fee schedule in subsection (a) is not applicable to accelerators, emerging technology devices or electronic brachytherapy.**

**(i) Electronic brachytherapy devices are licensed under Chapter 221 (relating to X-rays in the healing arts). The annual fee is \$1,000 for the first unit (controller) at the facility plus \$100 for each additional unit at that facility.**

**(j) Emerging technology devices require Department safety review and approval prior to use. The registrant shall pay a fee equal to the full cost of Department staff time, as specified in Appendix A, for the review and approval process.**

[ (h) ] **(k)** A radiation-producing machine service provider shall pay an annual registration fee of \$140.

[ (i) ] **(l)** The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The

report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

**§ 218.11a. [ Special provisions for calculating fees during agreement state transition period ] (Reserved).**

**[ (a) The fees for the NRC licenses that are transferred to the Commonwealth on the date the Commonwealth becomes an agreement state will be invoiced on the license's next anniversary date.**

**(b) During the first year after the date the Department attains agreement state status, the annual fee for each NRC license transferred to the Commonwealth will include a proportional amount, based on the schedule of fees in Appendix A, for the period from the date agreement state status is attained until the license's next anniversary date, in addition to the amount assessed for the year following the license's anniversary date.**

**(c) In the event that the Commonwealth attains agreement state status prior to January 1, 2009, the provisions of this section and § 218.11 and Appendix A (relating to registration, renewal of registration and fees; and fees for radioactive material licenses) will be applied retroactively to NRC licenses transferred to the Commonwealth. ]**

**CHAPTER 219. STANDARDS FOR PROTECTION AGAINST RADIATION**

**Subchapter A. GENERAL PROVISIONS**

**§ 219.3. Definitions.**

The following [ term ] terms, when used in this subchapter, [ has the following meaning ] have the following meanings, unless the context clearly indicates otherwise:

***Medical reportable event for radiation-producing diagnostic or interventional X-ray procedures*—The administration to a human being, except for an administration resulting from a direct intervention of a patient that could not have been reasonably prevented by the licensee or registrant, that results in one of the following:**

**(i) An unintended peak skin dose to the same area in a single procedure greater than 3 Gy (300 rad).**

**(ii) An unintended dose, other than skin dose, in a single procedure exceeding five times the facility's established protocol and 0.5 Gy (50 rad) to any organ.**

**(iii) A dose to the wrong patient or wrong site for the entire procedure and exceeding 0.5 Gy (50 rad) to any organ.**

***Medical reportable event for radiation-producing machine therapy*—The administration to a human being, except for an administration resulting from a direct intervention of a patient that could not have been reasonably prevented by the licensee or registrant, that results in one of the following:**

**(i) An administration of a therapeutic radiation dose to the wrong individual, wrong treatment site or using a treatment delivery intended for another individual.**

(ii) An administration of a dose for therapy [ when the result is an increase in the total expected doses inside or outside of the intended treatment volume for organs, tissue or skin that exceeds 20% of the total prescribed dose for the intended target volume. ] identified in a written directive that differs from the prescribed dose for the treatment site or any other organ from the intended prescribed dose, by one of the following:

- (A) More than 20% of the total prescribed dose.
- (B) Exceeds 30% of the weekly prescribed dose.
- (C) Exceeds 50% of a single fraction dose of a multifraction plan.

[ (iii) A total dose delivered to the treatment site identified in a written directive for therapy that is outside the prescribed dose range or differs from the total prescribed dose by more than 20%, or for a fractionated dose, when the weekly administered dose differs from the weekly prescribed dose by more than 30%. ]

§ 219.6. Effect of incorporation of 10 CFR Part 20.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 20 (relating to standards for protection against radiation), the following words and phrases shall be substituted for the language in 10 CFR Part 20 as follows:

\* \* \* \* \*

(7) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ], except as required under 10 CFR 20.2206 (relating to reports of individual monitoring).

\* \* \* \* \*

Subchapter M. REPORTS

§ 219.229. Other medical reports.

(a) Within 30 days of the determination by a physician of either actual or suspected acute or long-term functional damage to an organ or a physiological system of a patient exposed to [ therapeutic or diagnostic ] radiation from a diagnostic or interventional procedure from a radiation-producing machine, the registrant or licensee shall document the finding and provide a report to the Department and provide a clinical summary to the prescribing physician and the patient. The report shall be retained for at least 5 years. Exempt from this reporting requirement are any events already reported under § 219.228 (relating to reports of medical reportable events for radiation-producing machine therapy) and any functional damage to a patient organ or a physiological system that was an expected outcome when the causative procedures were prescribed.

(b) Upon discovery of a medical event, the registrant or licensee shall:

- (1) Notify the Department regarding the medical event within 1 business day.
- (2) Provide a written report, including the analysis of the medical event, by the qualified medical physicist, as defined in § 221.2 (relating to definitions), to the Department within 15 business days.

(3) Provide a clinical summary to the prescribing physician and patient within 15 business days.

(4) Maintain a record of the medical event as part of the patient's permanent medical record.

CHAPTER 220. NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS AND INVESTIGATIONS

§ 220.10. Effect of incorporation of 10 CFR Part 19.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 19 (relating to notices, instructions and reports to workers; [ inspections ] inspection and investigations), the following words and phrases shall be substituted for the language in 10 CFR Part 19 as follows:

\* \* \* \* \*

(4) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ].

CHAPTER 221. X-RAYS IN THE HEALING ARTS GENERAL PROVISIONS

§ 221.1. Purpose and scope.

This chapter establishes requirements for the use of X-ray equipment by or under the supervision of a licensed practitioner of the healing arts. A registrant or licensee who uses X-rays in the healing arts shall comply with this chapter. This chapter is in addition to, and not in substitution for, other applicable provisions of this article.

§ 221.2. Definitions.

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

*AAPM*—American Association of Physicists in Medicine.

*Air kerma*—Kerma in air.

*Air kerma rate*—Air kerma per unit time.

*Aluminum equivalent*—The thickness of type 1100 aluminum alloy—the nominal chemical composition of type 1100 aluminum alloy is 99% minimum aluminum, .12% copper—affording the same attenuation, under specified conditions, as the material in question.

*Automatic exposure control*—A device which automatically controls one or more technique factors [ in order ] to obtain at preselected locations a desired quantity of radiation.

*Beam axis*—A line from the source through the centers of the X-ray fields.

*Beam-limiting device*—A device providing a means to restrict the dimensions of the X-ray field.

[ *Certified components*—Components of X-ray systems which are subject to regulations promulgated under the Radiation Control for Health and Safety Act of 1968 (42 U.S.C.A. §§ 263b—263n). ]

*CBCT*—Cone beam computed tomography—A digital volume tomography method used in some imaging applications using two-dimensional digital detector arrays and a cone-shaped X-ray beam, instead of fan-shaped, that rotates around to generate a high-resolution 3D image with high geometric

accuracy. Reconstruction algorithms can be used to generate images of any desired plane.

**CINE—Cineradiography**—A motion picture record of successive images appearing on a fluoroscopic screen.

**CR—Computed radiography**—A digital X-ray imaging method in which a photo-stimulable phosphor is used to capture and store a latent image. The latent image is read out by stimulating the phosphor with a laser. CR systems may use cassettes to house the phosphor or it may be integrated into a DR system.

**CT—Computed tomography**—The production of a tomogram by the acquisition and computer processing of X-ray transmission data.

**Cephalometric device**—A device intended for the radiographic visualization and measurement of the dimensions of the human head.

\* \* \* \* \*

**Control panel**—The part of the X-ray control upon which are mounted the switches, knobs, pushbuttons and other hardware necessary for manually setting the technique factors.

**DDR—Direct digital radiography**—An X-ray imaging method in which a digital sensor, usually incorporating a thin-film transistor, is used to capture an X-ray image. Some DDR systems use a scintillator to convert X-rays to light and a photodiode array to convert light to charge, while others use a photoconductor to convert X-rays directly to charge, which is stored on the thin-film transistor.

**DR—Digital radiography**—

(i) An X-ray imaging method (or radiography) which produces a digital rather than film projection image.

(ii) The term includes CR and DDR.

**DRL—Diagnostic reference level**—An investigational level, set as a standard by a recognized body (for example, the American College of Radiology, the American Association of Physicists in Medicine, the National Council on Radiation Protection and Measurements or similar), used to identify unusually high radiation doses for common diagnostic medical X-ray imaging procedures. DRLs are suggested action levels above which a facility should review its methods and determine if acceptable image quality can be achieved at lower doses. DRLs should not be applied to an individual patient.

**Dead-man switch**—A switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.

**Dental panoramic system**—A device intended to produce a radiographic image of both dental arches on one film.

**Diagnostic source assembly**—The tube housing assembly with a beam-limiting device attached.

**Diagnostic X-ray system**—An X-ray system designed for irradiation of a part of the human body for the purpose of diagnosis or visualization.

**Direct supervision**—A licensed practitioner of the healing arts who exercises general supervision and is present in the facility and immediately available to furnish assistance and direction throughout the performance of the procedure. The licensed practitioner does not have to be present in the room when the procedure is being performed.

**Dose length product**—The indicator of the integrated radiation dose from a complete CT examination. It addresses the total scan length by the following formula:

$$DLP \text{ (mGy - cm)} = CTDI_{vol} \text{ (mGy)} \times \text{scan length (cm)}$$

**Electronic brachytherapy**—A modality of radiation therapy where an electrically generated source of ionizing radiation is placed in or near the tumor or target tissue to deliver therapeutic radiation dosage. X-ray devices specifically designed and solely used to treat skin cancer lesions are not considered electronic brachytherapy devices under this definition and must meet the applicable parts of this title pertaining to registration and use.

**Emerging technology**—An innovative medical technology that uses an ionizing radiation source.

**Entrance exposure rate**—The exposure in air per unit time at the point where the center of the useful beam enters the patient.

**FGI—Fluoroscopic-guided interventional procedures**—An interventional diagnostic or therapeutic procedure performed by means of percutaneous or other access routes, usually with local anesthesia or intravenous sedation, which uses external ionizing radiation in the form of fluoroscopy to do all of the following:

- (i) Localize or characterize a lesion, diagnostic site or treatment site.
- (ii) Monitor the procedure.
- (iii) Control and document therapy.

**Field emission equipment**—Equipment using an X-ray tube in which electrons are emitted from the cathode solely by the force between an electric field and the electrons.

**Filter**—Material placed in the useful beam to modify the spectral energy distribution and flux of the transmitted radiation and preferentially absorb selected radiation.

**Filtration**—The amount of material placed in the useful beam to modify the radiation's characteristics, typically expressed in terms of millimeters of aluminum or copper equivalent.

**Fluoroscopic imaging assembly**—A subsystem in which X-ray photons produce a fluoroscopic image. The term includes the image receptors such as the image intensifier and spot-film device, electrical interlocks, if any, and structural material providing linkage between the image receptor and diagnostic source assembly.

**Fluoroscopic system**—See fluoroscopic imaging assembly.

**Focal spot**—The area projected on the anode of the X-ray tube by the electrons accelerated from the cathode and from which the useful beam originates.



**General supervision**—The overall direction and control of a licensed practitioner of the healing arts. The licensed practitioner is not required to be present during the performance of the procedure.

**HVL**—Half-value layer [ (HVL) ]—

(i) The thickness of specified material which attenuates the exposure rate by 1/2 when introduced into the path of a given beam of radiation. In this definition, the contribution of all scattered radiation, other than any which might be present initially in the beam concerned, is deemed to be excluded.

(ii) The term is used to describe the penetrating ability of the radiation.

**Healing arts screening**—The testing of human beings using X-ray machines for the detection or evaluation of health indications when the tests are not specifically and individually ordered for the purpose of diagnosis or treatment by a licensed practitioner of the healing arts legally authorized to prescribe the X-ray tests.

**Health physics**—An application of physics concerned with protection of people and the environment from the biological effects of radiation.

**High-risk procedure**—Any radiologic procedure that utilizes energies of less than 1 million electron volts that could exceed skin doses of 200 rads.

**IORT**—Intraoperative radiation therapy—A modality of therapy in which therapeutic levels of ionizing radiation are applied to a target area, such as a cancer tumor, while the area is exposed during surgery.

**Image intensifier**—[ A device ] An image receptor with electronic amplification, installed in its housing, which instantaneously converts an X-ray pattern into a corresponding light image of higher energy density.

**Image receptor**—A device, such as a fluorescent screen or radiographic film, which transforms incident X-ray photons either into a visible image or into another form which can be made into a visible image by further transformations.

**Intensifying screen**—A fluorescent screen which transforms incident X-ray photons into a visible image.

**Intraoral dental radiography**—A modality of dental radiography in which the image receptor is placed inside a patient's oral cavity.

**kV**—Kilovolts

**kVp**—Peak tube potential (see kilovolts peak).

**Kerma**—A measure of energy transferred from radiation to matter and means kinetic energy released per unit mass. It is related to, but not the same as, absorbed dose. Unit of measure is gray.

**Kilovolts peak (kVp)**—The maximum value of the potential difference across the X-ray tube during an exposure.

\* \* \* \* \*

**Line-voltage regulation**—The difference between the no-load and the load line potentials expressed as a percent of the load line potential calculated using the following equation:

$$\text{Percent line-voltage regulation} = 100 (V_n - V_1)/V_1$$

where

$V_n$  = No-load line potential and

$V_1$  = Load line potential.

**Low-risk procedure**—Any radiologic procedure that is not a high-risk procedure.

**mA**—Milliamperere.

**mas**—Milliamperere second.

**mR**—Milliroentgen.

**Maximum line current**—The root-mean-square current in the supply line of an X-ray machine operating at its maximum rating.

**Medical physics**—An application of physics that addresses the needs of medicine or health care. Subfields of medical physics include the following:

(i) Therapeutic medical physics.

(ii) Diagnostic medical physics or imaging.

(iii) Nuclear medical diagnostic or molecular imaging and therapy.

(iv) Medical health physics or radiation protection.

**Mobile X-ray system**—[ see ] See X-ray equipment.

**Patient**—An individual subjected to healing arts examination, diagnosis or treatment.

**Peak tube potential**—The maximum value of the potential difference across the X-ray tube during an exposure.

**Performance phantom**—A device specifically approved by the QMP or QE for evaluation of operational conformance with tolerances established by the QMP, QE or manufacturer.

**Personal supervision**—A licensed practitioner of the healing arts who exercises general supervision and is present in the room or adjacent control area during the performance of the procedure.

**Phototimer**—A method for controlling the radiation exposures to an image receptor by measuring the radiation which reaches a radiation monitoring device. The radiation monitoring device is part of an electronic circuit which controls the duration of time the tube is activated.

\* \* \* \* \*

**Protective barrier**—A barrier of radiation absorbing material used to reduce radiation exposure. The term includes the following types:

(i) **Primary protective barrier**—Material used to reduce radiation exposure from the useful beam.

(ii) **Secondary protective barrier**—Material used to reduce exposure from stray, leakage or scattered radiation.

**QE**—Qualified expert—The term as defined in § 215.2 (relating to definitions).

**QMP**—Qualified medical physicist—An individual who is competent to independently provide clinical professional services and practices only in health or radiological physics, or in the subfields of medical physics.

(i) A QMP meets all of the following credentials:

(A) Certified in the field of medical physics, radiological physics, medical health physics or health physics by an appropriate National certifying body recognized by the Department.



(B) Complies with the certifying body's requirements for continuing education and recertification.

(C) Provides clinical professional services and practices only in health/radiological physics or in one or more of the subfields of medical physics, consistent with the individual's training and experience, and in accordance with his respective certifying body's code of ethics.

(ii) An individual who does not meet the requirements of subparagraph (i) shall meet each of the following credentials to qualify as a QMP:

(A) Has earned a master's or doctoral degree, or both, in physics, medical physics, biophysics, radiological physics, health physics or equivalent disciplines from an accredited college or university.

(B) Has 3 years of documented relevant clinical training and experience in each of the subfields in the definition of "medical physics," under the supervision of a QMP who is qualified to practice in the same subfield, for each of the areas in which the individual intends to practice.

(C) Completes the continuing education requirements of an applicable certifying body of health/radiological physics or in one or more of the subfields of medical physics in which the individual practices.

(iii) An individual who has been practicing as a QMP in health/radiological physics or in one or more of subfields of medical physics for at least 5 years prior to \_\_\_\_\_, (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) is exempt from the requirements of subparagraphs (i) and (ii). Documentation of at least 5 years of practicing as a QMP in health/radiological physics or in one or more of the subfields of medical physics must be maintained for each of the fields or subfields, or both, in which the individual practices. As of \_\_\_\_\_, (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) an individual who qualifies as a QMP under this subparagraph shall meet the continuing education requirements in subparagraph (ii)(C).

*Radiation therapy simulation system*—A radiographic or fluoroscopic X-ray system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

*Radiograph*—An image receptor on which an image is created directly or indirectly by an X-ray pattern and results in a permanent record.

*Radiographic imaging system*—A system whereby an image is produced on an image receptor by the action of ionizing radiation.

*Radiological physics*—See health physics.

*Rating*—The operating limits specified by the component manufacturer.

*Registrant*—A person who is legally obligated to register with the Department under this article and the act.

*Research*—One of the following:

(i) Theoretical analysis, exploration or experimentation.

(ii) The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental testing of models, devices, equipment, materials and processes. The term includes the external administration of X-ray radiation to human beings for diagnostic or therapeutic purposes or in an equivalent manner as a diagnostic or therapeutic procedure.

[ *SSD*—The distance between the source and the skin of the patient. ]

*SID*—*Source-image receptor distance*—The distance from the source to the center of the input surface of the image receptor.

*SRDL*—*Substantial radiation dose level*—An appropriately selected dose used to trigger additional dose-management actions during a procedure and medical follow-up for a radiation level that might produce a clinically relevant injury in an average patient.

*SSD*—The distance between the source and the skin of the patient.

*Scattered radiation*—Radiation that, during passage through matter, has been deviated in direction.

\* \* \* \* \*

*Tube housing assembly*—The tube housing with the X-ray tube installed. The term includes high-voltage or filament transformers, or both, and other appropriate elements when contained within the tube housing.

*Unintended dose*—A radiation dose in diagnostic or interventional X-ray resulting from an error in procedure or equipment malfunction.

*Useful beam*—The radiation which passes through the tube housing port and the aperture of the beam-limiting device when the exposure switch or timer is activated.

\* \* \* \* \*

**ADMINISTRATIVE CONTROLS**

**§ 221.11. Registrant responsibilities.**

(a) The registrant is responsible for directing the operation of X-ray systems under his administrative control and shall assure that the requirements of this article are met in the operation of the X-ray systems.

(b) An individual who operates an X-ray system shall be instructed adequately in the safe operating procedures and be competent in the safe use of the equipment. The instructions shall include items included in Appendix A (relating to determination of competence) and there shall be continuing education in radiation safety, biological effects of radiation, quality assurance and quality control.

(1) **The operator or the individual who supervises the operation of a high-risk procedure shall have additional instruction, including certification or registration in the applicable specialty by a professional organization recognized by the Department. Continuing education for high-risk procedures shall occur, at a minimum, every 2 years.**

(2) **Continuing education for all other (low-risk) procedures shall occur, at a minimum, every 4 years.**

(c) [ **A chart** ] **Protocol information**, which specifies the techniques for examinations performed with the system, shall be provided in the vicinity of each diagnos-

tic X-ray system's control panel. [ **This chart** ] **The protocol** shall include information pertinent to the particular examination, such as:

\* \* \* \* \*

(l) The registrant shall have a quality assurance program. This quality assurance program shall be documented and be in accordance with guidelines established by the Department or by another appropriate organization recognized by the Department. At a minimum, the quality assurance program shall address repeat rate[ ; ], **DRLs, image recording, processing and viewing[ ; ], image quality and artifacts,** and maintenance and modifications to the quality assurance program. **For CT, each study shall be checked. If an artifact is present, the registrant shall take corrective action as appropriate.** Records shall be maintained by the registrant for inspection by the Department for [ **3** ] **5** years. The Department's guidelines and a list of recognized organizations will be maintained and made available on the Department's website and on request.

(m) Neither the X-ray tube housing nor the collimating device may be [ **hand-held** ] **handheld** during the exposure **unless specifically designed to be handheld.**

(n) **Functional damage to a patient organ or a physiological system that results from a prescribed causative procedure shall be reported to the Department as outlined in § 219.229 (relating to other medical reports).**

(o) **The registrant shall maintain records documenting the QMP's qualifications and compliance with continuing education requirements.**

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

**§ 221.16. Training, competency and continuing education.**

(a) *Training and competency.* The registrant shall ensure that:

(1) An individual who operates X-ray equipment during diagnostic or interventional procedures or supervises the operation of X-ray equipment during a procedure is trained and competent in all of the following subject areas, as applicable to the procedures performed and the specific equipment utilized:

- (i) Basic properties of radiation.
- (ii) Units of measurement.
- (iii) Sources of radiation exposure.
- (iv) Methods of radiation protection for patients and others.
- (v) Biological effects of radiation exposure.
- (vi) Facility-specific and modality-specific X-ray equipment.
- (vii) Facility-specific and modality-specific image recording and processing.
- (viii) Patient exposure and positioning.
- (ix) Facility-specific and modality-specific procedures.
- (x) Facility-specific and modality-specific quality assurance.
- (xi) Facility-specific and modality-specific dose reduction, monitoring and recording procedures.

(xii) Units of measurement and dose, such as dose-area product values, CT dose index and air kerma.

(xiii) Factors affecting fluoroscopic outputs.

(xiv) High-level control options.

(xv) Dose management including dose reduction techniques, monitoring and recording.

(xvi) Principles and operation of the specific fluoroscopic X-ray system to be used.

(xvii) Fluoroscopic and fluorographic outputs of each mode of operation on the system to be used clinically.

(xviii) Applicable State and Federal regulations.

(2) An individual who operates X-ray equipment during potentially high-risk diagnostic or interventional procedures or supervises the operation of X-ray equipment during these procedures is registered or credentialed and privileged in the applicable specialty by a professional organization recognized by the Department.

(3) Documentation demonstrating compliance with this section is maintained for inspection by the Department.

(b) *Continuing education.*

(1) The registrant shall ensure that individuals who operate X-ray equipment during diagnostic or interventional procedures or supervise the operation of X-ray equipment during a procedure complete continuing education in biological effects of radiation, quality assurance and quality control, and radiation safety, including concepts for minimizing patient and occupational dose and emerging technologies.

(i) An individual who performs low-risk procedures shall complete continuing education every 4 years.

(ii) An individual who performs high-risk procedures shall complete continuing education every 2 years. In addition to the topics in this paragraph, the continuing education must include facility and X-ray unit-specific methods to manage patient dose.

(2) Documentation of continuing education must be maintained for inspection by the Department for 5 years.

**DIAGNOSTIC INSTALLATIONS GENERAL REQUIREMENTS**

**§ 221.21. Diagnostic equipment requirements.**

(a) Diagnostic systems incorporating one or more certified components shall comply with 21 CFR 1020.30—1020.33.

(b) **Equipment registered after \_\_\_\_\_, (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) must comply with 21 CFR 1010.2 (relating to certification).**

**§ 221.25. Beam quality.**

(a) Diagnostic X-ray systems shall have filtration that satisfies the requirements of Table I. The requirements of this section shall be considered to have been met if it can be demonstrated that the half value layer of the primary beam is not less than that shown in Table II.

TABLE I

*Filtration Required vs. Operating Voltage*

<i>Operating Voltage (kVp)</i>	<i>Total Filtration (inherent plus added) (millimeters aluminum equivalent)</i>
Below 50 .....	.5 millimeters
50—70 .....	1.5 millimeters
Above 70 .....	2.5 millimeters

TABLE II

[ <i>Design operating range</i> ( <i>Kilovolts peak</i> )	<i>Measured potential</i> ( <i>Kilovolts peak</i> )	<i>Minimum half-value layer</i> ( <i>millimeters of aluminum</i> )	
		<i>Specified dental systems*</i>	<i>All other X-ray systems</i>
Below 51	30	1.5	0.3
	40	1.5	0.4
	50	1.5	0.5
51 to 70	51	1.5	1.2
	60	1.5	1.3
	70	1.5	1.5
Above 70	71	2.1	2.1
	80	2.3	2.3
	90	2.5	2.5
	100	2.7	2.7
	110	3.0	3.0
	120	3.2	3.2
	130	3.5	3.5
	140	3.8	3.8
	150	4.1	4.1 ]

**X-Ray Tube Voltage (kilovolt peak)**

<i>Design Operating Range</i>	<i>Measured Operating Potential</i>	<i>Minimum HVL</i> ( <i>mm of Aluminum</i> )		
		<i>Specified Dental Systems<sup>1</sup></i>	<i>Other X-Ray Systems<sup>2</sup></i>	<i>Other X-Ray Systems<sup>3</sup></i>
Below 51	30	1.5	0.3	0.3
	40	1.5	0.4	0.4
	50	1.5	0.5	0.5
51 to 70	51	1.5	1.2	1.3
	60	1.5	1.3	1.5
	70	1.5	1.5	1.8
Above 70	71	2.1	2.1	2.5
	80	2.3	2.3	2.9
	90	2.5	2.5	3.2
	100	2.7	2.7	3.6
	110	3.0	3.0	3.9
	120	3.2	3.2	4.3
	130	3.5	3.5	4.7
	140	3.8	3.8	5.0
	150	4.1	4.1	5.4

<sup>1</sup> Dental X-ray systems designed for use with intraoral image receptors and manufactured after December 1, 1980.

<sup>2</sup> Dental X-ray systems designed for use with intraoral image receptors and manufactured before or on December 1, 1980, and all other X-ray systems subject to this section and manufactured before June 10, 2006.

<sup>3</sup> All X-ray systems, except dental X-ray systems designed for use with intraoral image receptors, subject to this section and manufactured on or after June 10, 2006.

*Note:* Half-value layers for kilovoltages not listed in Table II may be determined by interpolation or extrapolation.

[ \* Dental systems manufactured after December 1, 1980, designed for use with intraoral image receptors. ]

(b) Beryllium window tubes shall have a minimum of 0.5 millimeter aluminum equivalent filtration permanently installed in the useful beam.

\* \* \* \* \*

#### § 221.35a. Fluoroscopic X-ray systems.

(a) *General requirements.* Fluoroscopic X-ray systems shall use an image intensifier and, in addition to the requirements of §§ 221.1—221.34a, shall meet the requirements of §§ 221.36a—221.38a (relating to limitation of useful beam of fluoroscopic equipment; activation of fluoroscopic tube; and entrance exposure rate).

(b) *Operator qualifications.* In addition to the applicable sections of these regulations, the operation of a fluoroscopic X-ray system for clinical purposes is limited to:

(1) A licensed practitioner working within his scope of practice.

(2) A Department-recognized radiologist assistant working within his scope of practice and under the direct supervision of a licensed practitioner working within his scope of practice.

(3) An individual who passed the American Registry of Radiologic Technologists exam or equivalent, holds a valid certification and is under the personal supervision of a licensed practitioner working within his scope of practice.

(4) A medical resident, radiologist assistant or radiologic technology student in training who is under the personal supervision of a licensed practitioner working within his scope of practice.

(c) *QMP evaluations.* Fluoroscopic equipment shall be evaluated by or under the direction of a QMP within 30 days after installation and after any maintenance of the system that may affect the exposure rate. Thereafter, evaluations shall be made at intervals not to exceed 14 months from the date of the prior evaluation by or under the direction of a QMP. At a minimum, evaluations shall include all of the following:

(1) A measurement of entrance exposure rates over a representative range of attenuating materials, including those that are expected to drive the system to maximum output in all modes clinically used, including fluoroscopy, high-level control, acquisition, digital subtraction and CINE, when available. Measurements shall be performed with a calibrated dosimetry system per manufacturer recommendations not to exceed 2 years and records maintained for 5 years for inspection by the Department. Measurements shall be made as follows:

(i) For systems without automatic exposure control, by utilizing an mA and kVp typical of the clinical use of the fluoroscopic system.

(ii) For systems with automatic exposure control, by utilizing sufficient attenuating material in the useful beam to produce an mA and kVp typical of the clinical use of the fluoroscopic system.

(2) A measurement and verification of compliance of maximum air kerma rate for fluoroscopy and high-level control, if available.

(3) An evaluation of high-contrast resolution and low-contrast resolution in both fluoroscopic and spot-film modes.

(4) An evaluation of the operation of the 5-minute timer, warning lights, interlocks and collision sensors.

(5) An evaluation of the beam quality and collimation in the fluoroscopy and spot-film modes.

(6) An evaluation of the availability and accuracy of technique indicators and integrated radiation dose displays.

(7) An evaluation of changes that may impact patient and personnel protection devices.

(d) *Additional requirements for facilities performing FGI.*

(1) The registrant utilizing FGI studies shall establish and implement written procedures, or procedures documented in an electronic reporting system, that include all of the following:

(i) Identification of individuals who are authorized to use fluoroscopic systems for interventional purposes.

(ii) A method to be used to monitor patient radiation dose during FGI.

(iii) Dose notification levels, as appropriate, at which the physician is notified for actions that may be taken for patient safety.

(iv) SRDL values referencing or consistent with Nationally-recognized standards.

(v) Actions to be taken for cases when an SRDL is exceeded, which may include patient follow-up.

(vi) A review of the established procedures at an interval not to exceed 12 months.

(2) Records of policies and procedures shall be maintained for inspection by the Department. If the registrant revises a policy or procedure, documentation shall be maintained that includes the justification for the revision.

(3) A record of radiation output information shall be maintained so the radiation dose to the skin may be estimated in accordance with established protocols. The record must include all of the following:

(i) Patient identification.

(ii) Type and date of examination.

(iii) Identification of the fluoroscopic system used.

(iv) Peak skin dose, cumulative air kerma or dose area product used if the information is available on the fluoroscopic system.

(4) If the peak skin dose, cumulative air kerma or dose area product is not displayed on the fluoroscopic system, records must include all of the following information necessary to estimate the radiation dose to the skin in accordance with established protocol or the following, as necessary:



(i) **Fluoroscopic mode, such as high-level or pulsed mode of operation.**

(ii) **Cumulative fluoroscopic exposure time.**

(iii) **Number of films or recorded exposures.**

(5) **The registrant shall maintain records for 5 years for inspection by the Department.**

#### **INTRAORAL DENTAL RADIOGRAPHIC SYSTEMS**

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

##### **§ 221.57. Facilities using CR or DR.**

(a) When exposure indicators are available, the facility shall establish, document and post an acceptable range for the exposure values for examinations routinely performed at the facility. The indicated exposure values for each image shall be compared to the established range. Consistent deviations from established ranges shall be investigated, corrective actions taken as necessary and results documented.

(b) Facilities shall establish and follow an image QC program in accordance with the recommendations of a QMP, the system manufacturer or a Nationally-recognized organization.

(c) Facilities other than dental, podiatric and veterinary shall complete phantom image evaluation using a phantom approved by a QMP, system manufacturer or the Department. The evaluation shall be completed on a quarterly basis and include, at a minimum, all of the following:

- (1) Artifacts.
- (2) Spatial resolution.
- (3) Contrast/noise.
- (4) Workstation monitors.
- (5) Exposure indicator constancy.

(d) In addition to subsections (a)—(c), CR facilities shall erase all CR cassettes, at a minimum, on a weekly basis.

(e) Dental and podiatric facilities shall maintain and operate photostimulable storage phosphor and DDR systems in accordance with manufacturer specifications.

(f) The facility shall maintain records for 5 years for inspection by the Department.

#### **OTHER SYSTEMS**

##### **§ 221.61. Radiation therapy simulation systems.**

(a) Fluoroscopic systems used solely for radiation therapy simulations shall **only** comply with §§ [ 221.35a ] 221.35a(a) and (b), 221.37a, 221.40a and 221.41a. The requirements in § 221.41a (relating to fluoroscopic timer) may also be satisfied if a means is provided to indicate the cumulative time that an individual patient has been exposed to X-rays. In this case, procedures shall require that the timer be reset between examinations.

(b) CT units used solely for therapy simulations shall comply with §§ [ 221.202(f)(1) ] 221.202(h)(1), (7) and (8) and 221.203 (relating to equipment requirements; and facility design requirements).

*(Editor's Note: Sections 221.63—221.65 are proposed to be added and printed in regular type to enhance readability.)*

##### **§ 221.63. Therapy imaging guidance systems.**

(a) The QMP shall develop QC procedures and tolerances for therapy imaging guidance systems following Nationally-recognized standards or those recommended by the manufacturer.

(b) If a system is a CBCT, it must conform to the requirements of § 221.64 (relating to CBCT).

##### **§ 221.64. CBCT.**

(a) The following radiation measurements shall be evaluated annually and as soon as practical after a component repair or change which, in the opinion of the QMP, may affect the performance of the CBCT unit:

(1) Beam alignment. The X-ray field in the plane of the image receptor may not exceed beyond the edge of the image receptor by more than 2% of the SID, when the axis of the X-ray beam is perpendicular to the plane of the image receptor. In addition, the center of the X-ray field must be aligned with the center of the image receptor to within 2% of the SID.

(2) A performance evaluation shall be performed by or under the direct supervision of a QMP. The evaluation shall follow Nationally-recognized standards and tolerances or those recommended by the manufacturer. The evaluation shall be performed within 30 days of initial installation, at intervals not to exceed 12 months, and within 30 days after any change or replacement of components which, in the opinion of the QMP, could cause a change in the radiation output or image quality.

(3) The registrant shall document and implement QC guidelines in accordance with Nationally-recognized guidelines.

(4) The registrant shall document and implement a policy addressing deviations from established protocols.

(5) In addition to the requirements of § 221.16 (relating to training, competency and continuing education), the CBCT X-ray system shall only be operated by an individual who has been specifically trained in its operation.

(6) The facility shall maintain documentation of the established standards and tolerances and testing results for 5 years for inspection by the Department.

(b) The CBCT operator shall have instructions on all of the following:

(1) Performing routine QC, including the use of the CBCT phantom.

(2) A schedule of routine QC appropriate for the system.

(3) Allowable variations set by the QMP, if required, for the indicated parameters.

(4) The results of at least the most recent routine QC completed on the system.

(c) CBCT systems capable of operating at no greater than 100 kV or 20 mA are exempt from an annual QMP performance evaluation.

##### **§ 221.65. X-ray attenuation systems.**

CT systems solely used to calculate attenuation coefficients or for image registration in nuclear medicine studies must meet the requirements in §§ 221.202—221.205 unless otherwise exempted as follows:

(1) Section 221.202(a) (relating to equipment requirements) is exempted.

(2) Instead of § 221.204(a) (relating to performance evaluations, routine QC and surveys), the registrant shall complete a performance evaluation on the CT system following the recommendations of a QMP, the system manufacturer or a Nationally-recognized organization at intervals not to exceed 14 months.

(3) Section 221.204(a)(4)(xi) is exempted.

(4) Instead of § 221.204(b), checks shall be established and documented by the registrant following Nationally-recognized guidelines or those recommended by the manufacturer.

**THERAPEUTIC X-RAY SYSTEMS WITH ENERGIES LESS THAN 1 MEV**

**§ 221.71. Equipment requirements.**

\* \* \* \* \*

(m) Unless it is possible to bring the X-ray output to the prescribed exposure parameters within 5 seconds, the entire useful beam shall be automatically attenuated by a shutter having a lead equivalency not less than that of the tube housing assembly.

(1) After the unit is at operating parameters, the shutter shall be controlled electrically by the operator from the control panel.

(2) An indication of shutter position must appear at the control panel.

**(n) Electronic brachytherapy devices are exempt from the requirements in subsections (k)—(m).**

**COMPUTED TOMOGRAPHY X-RAY SYSTEMS**

**§ 221.201. Definitions.**

In addition to the definitions in §§ 215.2 and 221.2 (relating to definitions), the following words and terms, when used in this section and §§ 221.202—221.205, have the following meanings, unless the context clearly indicates otherwise:

**Alert value**—A dose index value (for example, CTDI<sub>vol</sub> (mGy) or of DLP (mGy – cm)) that is set by the registrant or licensee, or both, to trigger an alert to the operator prior to scanning within an ongoing examination. The alert value represents a value well above the registrant’s or licensee’s established range for the examination that warrants more stringent review and consideration before proceeding.

**CS**—*Contrast scale*—The change in the linear attenuation coefficient per CT number relative to water; that is:

$$CS = (U_x - U_w) / ((CT)_x - (CT)_w)$$

Where:

$U_x$  = Linear attenuation coefficient of the material of interest

$U_w$  = Linear attenuation coefficient of water

$(CT)_x$  = CT number of the material of interest

$(CT)_w$  = CT number of water

**[ CT number**—The number used to represent the X-ray attenuation associated with each elemental area of the CT image. ]

**CT**—*Computed tomography*—The production of a tomogram by the acquisition and computer processing of X-ray transmission data.

**CT conditions of operation**—The selectable parameters governing the operation of a CT X-ray system

including, but not limited to, nominal tomographic section thickness, filtration and the technique factors as defined in this chapter.

**CT dosimetry phantom**—The phantom used for determination of the dose delivered by a CT X-ray system.

**CT number**—The number used to represent the X-ray attenuation associated with each elemental area of the CT image:

$$\overline{CTN} = \frac{k(\mu_x - \mu_w)}{\mu_w}$$

where:

**k** = A constant, a normal value of 1,000 when the Hounsfield scale of CTN is used.

$\mu_x$  = Linear attenuation coefficient of the material of interest.

$\mu_w$  = Linear attenuation coefficient of water.

**CTDI**—*Computed tomography dose index*—

(i) The integral of the dose profile along a line perpendicular to the tomographic plane divided by the product of the nominal tomographic section thickness and the number of tomograms produced in a single scan.

$$CTDI = \frac{1}{NT} \int_{-\infty}^{\infty} D(z) dz ,$$

where:

**z** = Position along a line perpendicular to the tomographic plane.

**D(z)** = Dose at position z.

**T** = Nominal tomographic section thickness (cm).

**N** = Number of tomograms produced in a single scan.

(ii) This definition assumes that the dose profile is centered around z = 0 and that, for a multiple tomogram system, the scan increment between adjacent scans is NT.

**[ CT conditions of operation**—The selectable parameters governing the operation of a CT X-ray system including, but not limited to, nominal tomographic section thickness, filtration and the technique factors as defined in this chapter. ]

**CTDI<sub>100</sub>**—An accumulated multiple scan dose at the center of a 100-mm scan that requires integration of the radiation dose profile from a single axial scan over specific integration limits. In the case of CTDI<sub>100</sub>, the integration limits are +50 mm, which corresponds to the 100-mm length of the commercially available “pencil” ionization chamber. CTDI<sub>100</sub> is acquired using a 100-mm long, 3-cc active volume CT “pencil” ionization chamber, one of the two standard CTDI acrylic phantoms (16 and 32 cm diameter) and a stationary patient table.

**CTDI<sub>vol</sub>**—*Volume Computed Tomography Dose Index*—A radiation dose parameter derived from the CTDI<sub>w</sub> (weighted or average CTDI given across the field of view), that is:

$$CTDI_{vol} = (N)(T)(CTDI_w)/I,$$

where:

**N** = number of simultaneous axial scans per X-ray source rotation,

**T** = thickness of one axial scan (mm), and

**I** = table increment per axial scan (mm).

Thus,

$$CTDI_{vol} = (1 / \text{pitch}) \times CTDI_w$$

**CTDI<sub>w</sub>**—*Weighted Computed Tomography Dose Index*—The estimated average CTDI<sub>100</sub> across the field of view. The equation is:

$$CTDI_w = 1/3 CTDI_{100,center} + 2/3 CTDI_{100,edge}$$

Where 1/3 and 2/3 approximate the relative areas represented by the center and edge values derived using the 16 cm or 32 cm acrylic phantom. CTDI<sub>w</sub> uses CTDI<sub>100</sub> and an f-factor for air (0.87 rad/R or 1.0 mGy/mGy).

**Detector**—A device that provides a signal or other indication suitable for measuring one or more quantities of incident radiation.

**Dose profile**—The dose as a function of position along a line.

**Elemental area**—The smallest area within a tomogram for which the X-ray attenuation properties of a body are depicted.

**Gantry**—The tube housing assemblies, beam-limiting devices, detectors, transformers, if applicable, and the supporting structures and frames which hold these components.

**Lux**—A unit illumination equivalent to 1 lumen per square centimeter or .0929 foot-candles.

[ **MSAD—Multiple scan average dose**—The calculated average dose to the tissue within each slice in a series utilizing an ion chamber. The MSAD is calculated using the following equation:

$$MSAD = (F \times K \times L \times E)/(T \times N)$$

Where

**F** = Factor to convert exposure in air to absorbed dose in lucite in RADS/mR

**K** = Calibration factor to account for the ion chamber's response and volume.

**L** = Effective length of ion chamber in millimeters (mm)

**E** = Exposure reading in milliroentgen (mR)

**T** = Nominal slice thickness in millimeters (mm) and

**N** = Number of slices per scan ]

**Modulation transfer function**—The modulus of the Fourier transform of the impulse response of the system.

**Multiple tomogram system**—A [ **computed tomography** ] CT X-ray system which obtains X-ray transmission data simultaneously during a single scan to produce more than one tomogram.

**Noise**—The standard deviation of the fluctuations in the CT number expressed as a percentage of the attenuation coefficient of water. Its estimate (S<sub>n</sub>) is calculated using the following expression:

$$S_n = 100 \times CS \times S/U_w$$

Where:

CS = Contrast scale

U<sub>w</sub> = Linear attenuation coefficient of water.

S = Estimated standard deviation of the CT number of picture elements in a specified area of the CT image.

**Nominal tomographic section thickness**—The full-width at half-maximum of the sensitivity profile taken at the center of the cross-sectional volume over which X-ray transmission data are collected.

**Notification value**—A dose index value (for example, CTDI<sub>vol</sub> (mGy) or DLP (mGy - cm)) that is set by the registrant to trigger a notification to the operator prior to scanning when the dose index exceeds the established range for the examination.

**Performance phantom**—A phantom which has a capability of providing an indication of [ **contrast scale** ] CS, noise, nominal tomographic section thickness, the resolution capability of the CT system for low and high contrast objects, and measuring the mean CT number for water or other reference materials.

\* \* \* \* \*

§ 221.202. Equipment requirements.

(a) **Accreditation.** All diagnostic CT X-ray systems must be accredited by an accrediting organization recognized by the Department within 1 year from first patient use.

(b) **Technical and safety information.** The technical and safety information relating to the conditions of operation, dose information and imaging performance provided by the CT manufacturer shall be maintained by the facility and readily accessible to the operators.

[ (a) ] (c) **Termination of exposure.** The operator shall be able to terminate the X-ray exposure at any time during a scan, or series of scans under X-ray system control, of greater than 0.5 second duration. Termination of the X-ray exposure shall necessitate resetting of the conditions of operation prior to initiation of another scan.

[ (b) ] (d) **Tomographic plane indication and alignment.**

(1) For any single tomogram system, a means shall be provided to permit visual determination of the tomographic plane or a reference plane offset from the tomographic plane.

(2) For any multiple tomogram system, a means shall be provided to permit visual determination of the location of a reference plane. This reference plane may be offset from the location of the tomographic plane.

[ (c) ] (e) **Status indicators and control switches.**

(1) The CT X-ray control and gantry shall provide visual indication whenever X-rays are produced and, if applicable, whether the shutter is open or closed.

(2) The emergency buttons or switches shall be clearly labeled as to their function.

(3) Each individual scan or series of scans shall require initiation by the operator.



[ (d) ] (f) *Indication of CT conditions of operation.* The CT X-ray system shall be designed so that the CT conditions of operation to be used during a scan or a scan sequence are indicated prior to the initiation of a scan or a scan sequence. On equipment having all or some of these conditions of operation at fixed values, this requirement may be met by permanent markings. Indication of CT conditions of operation shall be visible from any position from which scan initiation is possible.

[ (e) ] (g) *Leakage radiation.* The leakage radiation from the diagnostic source assembly measured at a distance of 1 meter in any direction from the source may not exceed 100 milliroentgens (25.8  $\mu\text{C}/\text{kg}$ ) in 1 hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

[ (f) ] (h) *Additional requirements applicable to CT X-ray systems containing a gantry manufactured after September 3, 1985.*

(1) The total error in the indicated location of the tomographic plane or reference plane by the light field or laser indicator may not exceed 5 millimeters.

(2) If the X-ray production period is less than 0.5 second, the indication of X-ray production shall be actuated for at least 0.5 second. Beam-on and shutter status indicators at or near the gantry shall be discernible from any point external to the patient opening where insertion of any part of the human body into the primary beam is possible.

(3) The CT X-ray system shall be normalized to water.

(4) The CT number for water for a region of interest, not exceeding 100 square millimeters, shall be  $0 \pm [10.0] 7.0$  CT number units. The facility's performance phantom shall be utilized, with the technique factors specified by the [ **qualified expert** ] QMP, to confirm compliance. In instances when a CTN of 0 for water is inappropriate, as in 3D treatment planning, the [ **qualified expert** ] QMP may establish and maintain an equivalent value.

(5) With the performance phantom, the mean CT number of water of one group of pixels may not differ from the mean CT number of water of a second group of pixels equal size within the same image by more than the manufacturer's published specifications, or those established by the QMP.

(6) The noise, utilizing the facility's performance phantom, may not exceed the manufacturer's published specifications.

(7) The total error between the indicated and actual slice thickness may not exceed 2.0 millimeters.

(8) A distance of at least 100 millimeters measured in a CT image shall agree with the actual distance to within  $\pm 5\%$ .

(9) Premature termination of the X-ray exposure by the operator shall necessitate resetting the CT conditions of operation prior to the initiation of another scan.

§ 221.204. [ **Radiation measurements and performance evaluations** ] Performance evaluations, routine QC and surveys.

[ (a) *Radiation measurements.*

(1) The CTDI or MSAD along the two axes specified in paragraph (2)(ii) shall be measured. The CT dosimetry phantom shall be oriented so that the measurement point 1.0 centimeter from the outer surface and within the phantom is in the same angular position within the gantry at the point of maximum surface exposure identified. The CT conditions of operation shall be reproducible and correspond to typical values used by the registrant. If the point of maximum surface exposure constantly changes due to system design, then measurements shall be taken at four different locations—top left, top right, bottom left, bottom right—1 centimeter from the outer surface of the phantom.

(2) CT dosimetry phantoms shall be used in determining the radiation output of a CT X-ray system. The phantoms shall meet the definition for a CT dosimetry phantom under 21 CFR 1020.33(b)(6) (relating to computed tomography (CT) equipment).

(i) The phantoms shall be specifically designed for CT dosimetry and deemed appropriate by the facility's qualified expert and the Department.

(ii) CT dosimetry phantoms shall provide a means for the placement of dosimeters along the axis of rotation and along a line parallel to the axis of rotation 1.0 centimeter from the outer surface and within the phantom. The means for the placement of dosimeters or alignment devices at other locations may be provided.

(iii) Any effects on the doses measured due to the removal of phantom material to accommodate dosimeters shall be accounted for through appropriate corrections to the reported data or included in the statement of maximum deviation for the values obtained using the phantom.

(iv) Dose measurements shall be performed with the CT dosimetry phantom placed on the patient couch or support device without additional attenuation materials present.

(3) In addition to the items in subsection (b), the following items shall be evaluated annually or after any component repair or change which in the opinion of the qualified expert may effect the performance of the CT unit:

(i) HVL (half value layer) determination at the most commonly used kVp or 120 kVp.

(ii) CTDI or MSAD as specified in § 221.201 (relating to definitions) for commonly used techniques.

(iii) Tomographic plane indication (light/laser alignment).

(iv) Slice thickness as specified in § 221.202(g)(7) (relating to equipment requirements).

(v) Distance readout calibration.

(4) The measurement of the radiation output of a CT X-ray system shall be performed with a dosimetry system that has calibration traceable to National Institute of Standards and Technology. The calibration of the system shall be in accordance with an established calibration protocol. The calibration protocol published by the AAPM is accepted as an established protocol. Other protocols which are equivalent will be accepted, but the user shall submit that protocol to the Department for concurrence that the protocol is equivalent.



(5) An mR/mAs value shall be determined at least annually for the head and body.

(6) Procedures and results shall be maintained for 5 years and be available for review by the Department. ]

(a) *Performance evaluations.*

(1) The performance evaluation of the CT X-ray system shall be performed by or under the direction of a QMP.

(2) Evaluation standards and tolerances shall be established by a QMP and maintained by the facility. These standards and tolerances must meet Nationally-recognized standards and tolerances for the CT X-ray system.

(3) The performance evaluation of a CT X-ray system shall be performed after initial installation and before use on human patients. Thereafter, the evaluation shall be made at intervals not to exceed 14 months.

(4) The performance evaluation must include all of the following:

(i) Geometric factors and alignment, including alignment light accuracy and table incrementation accuracy.

(ii) Slice localization from scanned projection radiograph (localization image).

(iii) Slice thickness.

(iv) Image quality including high-contrast (spatial) resolution, low-contrast resolution, image uniformity, noise and artifact evaluation.

(v) CT number accuracy.

(vi) Image quality for acquisition workstation display devices (video and hard copy when applicable).

(vii) A review of the results of the routine QC required under subsection (b).

(viii) A safety evaluation of audible and visual signals and posting requirements.

(ix) A review of commonly used CT protocols along with the evaluation for appropriateness of dose and image quality, in comparison with the older protocols. The review should be by the QMP along with the radiologist and lead CT technologist.

(x) For dosimetry, a review of the protocols deemed appropriate by the QMP which could result in significant doses. This review must include acquisition and reconstruction parameters, and radiation dose. At a minimum, the QMP shall review the following clinical protocols, if performed, at intervals not to exceed 14 months:

(A) Pediatric head (1 year of age).

(B) Pediatric abdomen (5 years of age; 40–50 lbs. (about 20 kg)).

(C) Adult head.

(D) Adult abdomen (70 kg).

(E) Brain perfusion.

(xi) Review DRL, notification values and alert values for the procedures reviewed under subparagraph (x).

(xii) Review actions to be taken when a dose alert value is exceeded including patient follow-up.

(xiii) Review the process determining who has access and authority to make changes to the protocol management systems, including a policy or procedure to prevent inadvertent or unauthorized modifications to a CT protocol.

(5) A performance evaluation shall be made within 30 days after any change or replacement of components which, in the opinion of the QMP, could cause a change in the radiation output or image quality.

(6) Dose measurements of a CT unit shall be performed with a calibrated dosimetry system. The calibration of the system shall be traceable to a National standard. The dosimetry system must have been calibrated within the preceding 2 years.

(b) [ *Performance evaluations* ] *Routine QC.*

(1) Written [ performance evaluation ] routine QC procedures shall be developed by a [ qualified expert ] QMP. These procedures shall be available for review by the Department.

(2) The [ performance evaluation procedures shall include at least ] routine QC procedures must include, at a minimum, all of the following using the facility's performance phantom:

(i) Noise.

[ (ii) Contrast scale.

(iii) Spatial resolution (low and high contrast).

(iv) ] (ii) Mean CT number for water.

[ (v) Acceptable tolerances. ]

(iii) Artifact evaluation.

(3) [ The performance evaluation shall be performed at intervals not to exceed 3 months by the qualified expert or an individual designated by the qualified expert. ] The routine QC shall be performed at intervals not to exceed 1 week.

(4) [ The qualified expert need not be present during the performance evaluation, but shall be informed within 48 hours of any problems or unacceptable deviations. ] The QMP need not be present during the routine QC.

(5) [ Performance evaluations ] Routine QC shall include acquisition of images obtained with the performance phantom using the same processing mode and CT conditions of operation as are used to perform the measurements required by subsection (a).

[ (6) Records of the performance evaluations shall be maintained for inspection by the Department for at least 4 years. ]

(c) *Radiation protection surveys.*

(1) All CT X-ray systems installed after \_\_\_\_\_, (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) and those systems not previously surveyed shall have a survey performed by or under the direction of a QMP. In addition, a survey shall be performed after a change in the facility or equipment which might cause a significant increase in radiation hazard.

(2) The registrant shall obtain a written report of the survey from the QMP, and a copy of the report shall be made available to the Department upon request.

(d) *Records.* Records of the performance evaluations and surveys shall be maintained for inspection by the Department for at least 5 years. Routine QC records shall be maintained for at least 1 year.

§ 221.205. Operating procedures.

[ (a) Information shall be available at the control panel regarding the operation and performance evaluations of the system. The information shall include the following:

(1) The dates of the latest radiation measurements and performance evaluation and the location within the facility where the results of those tests may be obtained.

(2) Instructions on the use of the CT phantoms including a schedule of performance evaluations appropriate for the system, allowable variations for the indicated parameters and the results of at least the most recent performance evaluation conducted on the system.

(3) A current technique chart available at the control panel which specifies for each routine examination the CT conditions of operation and the number of scans per examination. ]

(a) In addition to the training requirements in § 221.16 (relating to training, competency and continuing education), a CT X-ray system shall be operated only by an individual who has been specifically trained in its operation.

(b) All of the following information must be readily available to the CT operator:

(1) Instructions on the use of the CT phantoms and a process for reporting deviations in protocols including a schedule of routine QC appropriate for the system, allowable variations for the indicated parameters and the results of at least the most recent performance evaluation conducted on the system.

(2) Current protocol information available at the control panel which specifies for each routine examination the CT conditions of operation.

[ (b) ] (c) If the radiation measurements and performance evaluation of the CT X-ray system indicates that a system operating parameter has exceeded a tolerance established by the [ qualified expert ] QMP, the use of the CT X-ray system on patients shall be limited to those uses permitted by established written instructions of the [ qualified expert ] QMP.

## CHAPTER 223. VETERINARY MEDICINE

### GENERAL PROVISIONS

§ 223.1. Purpose and scope.

This chapter establishes radiation safety requirements for persons utilizing radiation sources in veterinary medicine. Persons who use radiation sources for veterinary medicine **or research on animals** shall comply with this chapter. The requirements of this chapter are in addition to and not in substitution for other applicable requirements of this article.

### RADIOACTIVE MATERIAL

§ 223.22. Sealed and unsealed sources.

A veterinarian who uses sealed or unsealed sources for therapeutic treatment of animals shall comply with [ 10 CFR Part 35, Subparts F, G, H and K but is exempt from 10 CFR 35.632—35.645 and 35.2632—35.2645 ] 10 CFR Part 30 and 31.11 (relating to rules of general applicability to domestic licensing of byproduct material; and general license for use of byproduct material for certain in vitro clinical or laboratory testing).

### ADMINISTRATIVE CONTROLS

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

§ 223.31. Registrant responsibilities.

(a) The registrant is responsible for directing the operation of X-ray systems under the registrant's administrative control and shall assure that the requirements of this article are met for the operation of the X-ray systems.

(b) A person who operates an X-ray system shall be instructed adequately about safe X-ray operating procedures and be competent in the safe use of X-ray equipment. The instructions must include the subjects listed in Chapter 221, Appendix A (relating to determination of competence). The person shall receive continuing education at least every 4 years in radiation safety, biological effects of radiation, species-specific positioning techniques, QA and QC.

(c) Written safety procedures and rules shall be available at the facility and include restrictions of the operating technique required for the safe operation of the particular X-ray system. The operator shall be able to demonstrate familiarity with these procedures and rules.

(d) Only the staff, ancillary facility personnel or other persons required for the medical procedure or training may be in the room during the radiographic exposure. All of the following requirements apply to persons involved with the examination:

(1) An individual or extremity may not be positioned in the useful beam unless required to conduct the procedure.

(2) Individuals shall be positioned so that no part of the body will be struck by the useful beam unless protected by at least 0.5 millimeter lead equivalent material. The lead equivalent of the material is to be determined at 60 kV.

(3) Each person shall be protected from stray radiation by protective aprons or whole protective barriers of at least 0.25 millimeter lead equivalent or shall be positioned so that no person is in the direct line of the useful beam and the nearest portion of the body is at least 2 meters from both the tube head and the nearest edge of the image receptor.

(e) If an animal or image receptor requires auxiliary support during a radiation exposure, all of the following requirements apply:

(1) Mechanical holding devices or chemical restraint shall be used when the technique permits.

(2) An individual may not be used routinely to hold image receptors or subjects. Procedures and auxiliary equipment designed to minimize personnel exposure commensurate with the needed diagnostic information shall be used.

(3) An individual who holds the animal or image receptor shall be protected as required under subsection (d).

(f) The registrant shall have a QA program. The QA program must be documented and be in accordance with guidelines established by the Department or by another appropriate organization recognized by the Department. At a minimum, the QA program must address radiation safety to personnel and modifications to the QA program.

(g) Neither the X-ray tube housing nor the collimating device may be handheld during the exposure unless specifically designed and shielded to be handheld.

(h) CT systems used solely for nonhuman imaging are exempt from §§ 221.202—221.205.

**CHAPTER 225. RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS**

**Subchapter A. GENERAL PROVISIONS**

**§ 225.3a. Effect of incorporation of 10 CFR Part 34.**

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 34 (relating to licenses for industrial radiography and radiation safety requirements for industrial radiographic operations), the following words and phrases shall be substituted for the language in 10 CFR Part 34 as follows:

\* \* \* \* \*

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department [ and, for NRC licenses, to the NRC until agreement state status is in effect ].

**§ 225.4a. Radiation safety program.**

(a) A person who intends to use radiation-producing machines for industrial radiography shall have a program for training personnel, written operating procedures and emergency procedures, **individual monitoring reports required under 10 CFR 20.2206(a)(2) (relating to reports of individual monitoring)**, an internal review system and an organizational structure for radiographic operations which includes specified delegations of authority and responsibility for operation of the program. This program shall be approved by the Department before [ commencing ] beginning industrial radiographic operations.

(b) The registrant shall notify the Department of intended changes to the registrant's radiation safety program and obtain Departmental approval.

**Subchapter B. RADIATION-PRODUCING MACHINES**

**GENERAL TECHNICAL REQUIREMENTS**

**§ 225.81. Permanent radiographic installations.**

(a) Permanent radiographic installations having high radiation area entrance controls of the types described in 10 CFR 20.1601 and 20.1902 (relating to control of access to high radiation areas; and posting requirements) shall also meet all of the following requirements[ . ]:

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be activated by radiation whenever the X-ray

source is energized. The audible signal shall be actuated when an attempt is made to enter the installation while the X-ray source is energized.

(2) The entrance control device or alarm system shall be tested for proper function prior to beginning operations on each day of use.

(3) The radiographic exposure system may not be used if an entrance control device or alarm system is not operating properly. If an entrance control device or alarm system is not functioning properly, it shall be removed from service and repaired or replaced immediately. If no replacement is available, the facility may continue to be used provided that the registrant implements the continuous surveillance under 10 CFR 34.51 and [ 34.52 ] 34.53 (relating to surveillance; and posting), § 225.83 (relating to records required at field radiography sites) and uses an alarming ratemeter. Before the entrance control device or alarm system is returned to service, the radiation safety officer or an individual designated by the radiation safety officer shall validate the repair.

(b) Records of the tests performed under subsection (a) shall be maintained for inspection by the Department for [ 3 ] 5 years.

**CHAPTER 227. RADIATION SAFETY REQUIREMENTS FOR ANALYTICAL X-RAY EQUIPMENT, X-RAY GAUGING EQUIPMENT, ELECTRON MICROSCOPES AND X-RAY CALIBRATION SYSTEMS**

**ANALYTICAL X-RAY EQUIPMENT**

**§ 227.11a. Equipment requirements.**

\* \* \* \* \*

(h) Equipment exclusively designed and exclusively used for vacuum spectroscopy where the tube housing and sample chamber is located behind all external surfaces of the unit shall be exempt from the requirements of this section, §§ 227.12a and 227.13a (relating to area requirements; and operating requirements), but shall meet the requirements of § 227.14 (relating to personnel [ procedures ] requirements) and the following:

\* \* \* \* \*

(6) A sign bearing the radiation symbol and the words "CAUTION—RADIATION," or words of similar intent shall be placed next to the opening of the sample chamber.

(i) **Analytical X-ray equipment operating at less than or equal to 50 kV tube voltage and designed to be held by an operator during use are exempt from the requirements of this section and § 227.12a(b), but shall meet the requirements of subsection (f)(2) and §§ 227.13a(a) and 227.14(a).**

**CHAPTER 228. RADIATION SAFETY REQUIREMENTS FOR PARTICLE ACCELERATORS**

**ADMINISTRATIVE CONTROLS**

**§ 228.11a. Licensee responsibilities.**

(a) A person may not possess, operate or permit the operation of an accelerator unless the accelerator and installation meet the applicable requirements of this article.

(b) Written safety procedures and rules shall be available at a facility, including restrictions of the operating technique required for the safe operation of the particular accelerator. The operator shall be able to



demonstrate familiarity with the rules. **The operator of an accelerator used for healing arts shall have additional instruction, including certification in the applicable specialty by a professional organization recognized by the Department.**

(c) An individual may not be exposed to the useful beam except for healing arts purposes. An exposure shall be authorized by a licensed practitioner of the healing arts.

**NOTIFICATION AND LICENSING PROCEDURES**

**§ 228.21a. Notification and license requirements.**

(a) A person who intends to purchase, construct or acquire an accelerator shall notify the Department of this intent by filing an application for a specific license within **[ 30 ] 90** days after the initial order is issued to obtain any or all parts of the accelerator.

(1) The application shall be filed in duplicate on a form prescribed by the Department and shall be accompanied by the required fee as described in § 218.11(d) (relating to registration, renewal of registration and license fees).

(2) The application shall contain pertinent information to permit the Department to evaluate the accelerator facility for compliance with the act and this article.

(b) In addition to the notification requirement in subsection (a), a person who intends to install an accelerator shall notify the Department within 30 days after the initial construction or installation begins.

**[ (c) Except as provided in subsection (d), a person may not operate a particle accelerator after October 3, 1998, without having obtained a license from the Department.**

**(d) A registrant possessing an accelerator before October 3, 1998, may continue to operate the accelerator provided an application for a license is filed in duplicate with the Department by October 4, 1999.**

**(e) ] (c)** The Department may, after the filing of an original application, and before the expiration of the license, require further information to enable the Department to determine whether the application will be granted or denied or whether a license will be modified or revoked.

**[ (f) ] (d)** The application shall be signed by the applicant or licensee, or an individual authorized by the applicant or licensee.

**[ (g) ] (e)** A license issued under this chapter may not be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, to any person except through submission of a written request by the licensee to the Department for approval.

**GENERAL RADIATION SAFETY REQUIREMENTS**

**§ 228.35. Operating procedures.**

\* \* \* \* \*

(c) Each safety and warning device, **[ including ] except** interlocks, shall be checked at least every 3 months for proper functioning and shall be repaired as necessary. **Interlocks shall be checked at least annually.** Results of these checks and records of repairs shall be maintained for **[ 4 ] 5** years at the accelerator facility for inspection by the Department.

\* \* \* \* \*

(g) For accelerators used in the healing arts, operating procedures shall meet the following requirements:

\* \* \* \* \*

**[ (5) ] (h)** An individual who operates an accelerator system shall be instructed adequately in the safe operating procedures and be competent in the safe use of the equipment. The instructions **[ shall include, but not be limited to, ] must include** items included in Appendix A (relating to determination of competence) **for medical accelerator operations, as well as basic radiation protection for nonmedical accelerator operations.** There shall be continuing education in radiation safety, biological effects of radiation, quality assurance and quality control.

**§ 228.36. Radiation monitoring requirements.**

An independent radiation monitoring system shall be provided so that the individuals entering or present in a potential very high radiation area become aware of the existence of the hazard. Independent radiation monitors shall be tested for response **[ at least annually ] daily** and after each servicing or repair.

**RADIATION SAFETY REQUIREMENTS FOR ACCELERATORS USED IN THE HEALING ARTS**

**§ 228.61. Leakage radiation to the patient area.**

(a) **[ New equipment shall meet ] Equipment must meet all of** the following requirements:

(1) For operating conditions producing maximum leakage radiation, the dose due to leakage radiation, including X-rays, electrons and neutrons, at any point on a circle of 2 meters radius centered on and perpendicular to the central axis of the beam at the isocenter or normal treatment distance and outside the maximum useful beam size, may not exceed 0.1% of the maximum dose of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the plane surface. Measurements, excluding those for neutrons, shall be averaged over an area up to, but not exceeding, 100 square centimeters at the position specified. Measurements of the portion of the leakage radiation dose contributed by neutrons shall be averaged over an area up to, but not exceeding, 200 square centimeters.

(2) For each system, the licensee shall determine or obtain from the manufacturer the leakage radiation existing at the positions specified in paragraph (1) for the specified operating conditions. The licensee shall maintain records for 5 years on leakage radiation measurements for inspection by the Department.

(b) **[ Existing equipment shall meet ] Equipment manufactured or installed prior to July 17, 2004, must meet all of** the following requirements:

(1) For operating conditions producing maximum leakage radiation, the absorbed dose due to leakage radiation, including neutrons, at any point on a circle of 2 meters radius centered on and perpendicular to the central axis of the beam 1 meter from the virtual source, may not exceed 0.1% of the maximum absorbed dose of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the surface of the circular plane. Measurements shall be averaged over an area up to but not exceeding 100 square centimeters at the positions specified.

(2) For each system, the licensee shall have available the leakage radiation data existing at the positions specified in paragraph (1) for the specified operating



conditions. The licensee shall maintain records on radiation leakage for 5 years for inspection by the Department.

§ 228.72. Selection of radiation type.

Equipment capable of [ both X-ray therapy and electron therapy shall meet ] X-ray therapy or electron therapy, or both, must meet all of the following additional requirements:

\* \* \* \* \*

§ 228.73. Selection of stationary beam therapy or moving beam therapy.

Equipment capable of [ both stationary beam therapy and moving beam therapy shall meet ] stationary beam therapy or moving beam therapy, or both, must meet all of the following additional requirements:

\* \* \* \* \*

§ 228.75. Calibrations.

\* \* \* \* \*

(e) The calibration of the therapy beam shall include, but is not limited to, the following determinations:

(1) Verification that the equipment is operating in compliance with the design specifications concerning the light localizer, the side light and back-pointer alignment with the isocenter when applicable, variation in the axis of rotation for the table, gantry and beam limiting device (collimator) system.

(2) The absorbed dose rate at various depths (depth dose) and beam profile measured in water and the beam flatness and symmetry for the range of field sizes used, for each beam energy, and if applicable, for each flattening filter free mode.

\* \* \* \* \*

CHAPTER 230. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

Subchapter B. GENERAL

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

§ 230.15. Packaging and transportation of unlicensed material.

Radioactive material not licensed by the Department or under the specific regulatory control of another state or Federal agency that meets the definition of radioactive material in 49 CFR 173.403 (relating to definitions) must be packaged and transported in compliance with the standards and requirements of 49 CFR 173.401—173.477 (relating to class 7 (radioactive) materials).

CHAPTER 240. RADON CERTIFICATION

Subchapter A. GENERAL PROVISIONS

GENERAL

§ 240.1. Description of regulatory structure.

\* \* \* \* \*

(e) Subchapter E (relating to enforcement and decertification) contains the enforcement provisions, including inspection, decertification and assessment of civil penalties. Other enforcement actions are available under sections 308 and 309 of the Radiation Protection Act (35 P.S. §§ 7110.308 and 7110.309) and section 14 of the act (63 P.S. § 2014).

[ (f) Subchapter F (relating to interim certification) specifies the requirements for persons certified under the Department's Interim Certification Program.

(g) ] (f) This section is for descriptive purposes only. This section does not limit the authority of the Department under the acts or this chapter.

§ 240.2. Scope.

(a) This chapter applies to all persons except a person:

(1) Testing for or mitigating against radon contamination in a building that the person owns or [ occupies ] in which the person resides.

(2) Using measures designed to prevent radon contamination in newly constructed buildings. This exemption does not apply to radon testing or installation of radon mitigating devices in these buildings following occupancy.

(3) Performing testing or mitigation in the course of the person's normal duties as an employee or contractor of the Department or the Federal government.

(4) Performing Department-approved scientific research if the person discloses the information obtained to the Department under § 240.303 (relating to reporting of information) and the person informs the owner or occupant of the affected building of all of the following:

(i) That the person is not certified by the Department to test for or mitigate against radon contamination.

(ii) That the test results are not [ certified ] valid.

(iii) That the mitigation methods are for experimental purposes and may be unsuccessful.

(5) Purveying[ , but not placing, or retrieving passive radon testing devices, such as charcoal canisters or track etch monitors ] secondary devices supplied by a certified laboratory, if radon concentrations determined by the laboratory are only reported directly to the owner or [ occupier ] resident of the building tested.

(i) Test results may also be reported to the certified mitigator who installed a mitigation system at the property.

(ii) Purveying does not include the activities of either placing or retrieving radon testing devices.

(6) Employed by a local government or a school who performs testing for that local government or school if all of the following criteria are met:

(i) The practice is limited to the employee's official duties and no fee is charged for the testing except for the employee's salary.

(ii) Radon testing is limited to the buildings owned or occupied by the local government or school.

(b) This chapter is in addition to, and not in substitution for, other applicable provisions of this article.

§ 240.3. Definitions.

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

**AC—Activated charcoal**—A device used to measure radon by exposing activated charcoal to air in the area to be tested.

**ALARA**—*As low as reasonably achievable*—Making every reasonable effort to maintain exposures as far below the dose limits as is practical, taking into account economic considerations and other societal concerns.

**AT**—*Alpha track*—A device used to measure radon by recording alpha particle tracks on a plastic chip.

**Act**—The Radon Certification Act (63 P.S. §§ 2001—2014).

**Acts**—The Radon Certification Act and the Radiation Protection Act (35 P.S. §§ 7110.101—7110.703).

**Alteration**—A change to the original mitigation system design, including fan size, number or placement of suction points, or pipe diameter.

**Blind study**—A study in which the certified person's device is exposed to a specific radon concentration that is unknown to the certified person.

**CRM**—*Continuous radon monitor*—An active device used to measure radon with solid state silicon surface barrier detectors, scintillation cells or ion chambers, usually on an hourly basis.

**CWLM**—*Continuous working level monitor*—An active device used to measure radon decay products, usually on an hourly basis.

**Calibration**—The process of determining the response of an instrument (or measurement system) to a series of known values over the range of the instrument (or measurement system).

**Certification year**—Each 12-month period beginning with the most recent certification date of the certified individual.

**Certified individual**—An individual with a Department certification to perform radon testing, mitigation or laboratory analysis in this Commonwealth.

**Client**—A receiver of services that are regulated under the Act or this chapter.

**Control limit**—A QC value set at  $\pm 3$  sigma.

**Diagnostic test**—A test performed to determine specific radon entry points and sources, the result of which is not reported to the Department or in writing to the client.

**Duplicate measurements**—Two measurements made concurrently, for the same time period and in the same location, approximately 4 inches from one another.

**Electret ion chamber**—A radon measurement device that consists of a small plastic container with an electrostatically charged disk inside to serve as a detector.

**Electret reader**—A radon measurement device that consists of a voltmeter used to measure the voltage on the electrostatically charged disk of an electret ion chamber testing device at the beginning and end of a test period.

**Electret voltage drift**—A QC process which evaluates the voltage drift of each new batch of electrets received from the manufacturer of the electrets.

**Field blank**—A QC measurement made by analyzing unexposed (closed) detectors that have been maintained in a low-radon environment to assess

radon exposure to the detector from a source other than the concentration in the environment to be measured.

**Firm**—[ A person, other than an individual. ] A Department-certified entity that has one certified individual in responsible charge of the entity's testing, mitigation or laboratory radon activities. A business, such as a corporation or limited liability company, may contain more than one firm.

**Firm employee**—A Department-listed radon testing, mitigation or laboratory employee under the responsible charge of a certified individual.

**Firm owner**—A person or business entity which owns and is responsible for the radon firm.

**LS**—*Liquid scintillation*—A device used to measure radon by exposing a small amount of AC contained within a small vial and placed in the area to be sampled.

**Laboratory**—A Department-certified individual or firm.

**Laboratory analysis**—[ The act of determining radon concentrations in air, water, soil or passive radon testing devices. ] The act of analyzing a radon test device and calculating a radon concentration in air or water.

**Lowest livable level**—The lowest level of a building that may be used as a living space without requiring any major structural changes.

**MV**—*Measured value*—The radon concentration reported by the analyst, in units of picocuries per liter or WLs.

**Measurement**—A radon or radon decay product test result used for the performance of quality assurance, including a spike, blank, duplicate, intercomparison or cross check.

**Mitigate**—To repair or alter a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.

**Mitigator**—A Department-certified individual or a Department-listed mitigation employee of a Department-certified mitigation firm.

**Multifamily building**—A building with more than three attached dwellings.

**Nonreported test**—A test conducted for reasons other than reporting valid, written results to the client, such as a diagnostic test.

**pCi/L**—*Picocurie per liter*—2.22 disintegrations per minute of radioactive material per liter of air.

**Person**—An individual, corporation, partnership, business entity, association, trust, estate, public or private institution, group, agency or political subdivision of this Commonwealth, another state or political subdivision or agency thereof, and a legal successor, representative, agency or agency of the entities [ listed ] in this definition.

[ *Picocurie per liter*—2.2 disintegrations per minute of radioactive material per liter of air. ]

**Primary device**—Continuous monitors or [ electrets ] electret ion chambers, or both, read or analyzed, or both, by a primary tester.

*Primary tester*—A tester who reads or analyzes, or both, [ the continuous monitors or electrets, or both, ] a primary device that the tester places or retrieves, or both.

*QA—Quality assurance*—The activities required to provide the evidences needed to establish confidence that radon test data are of the required precision and accuracy.

*QC—Quality control*—The process through which a person measures performance, compares performance with standards and acts on any differences.

*RPD—Relative percent difference*—The absolute value of the difference between two measurements divided by their average, multiplied by 100. The equation is:

$$RPD = \frac{(|MV_1 - MV_2|)}{(MV_1 + MV_2)/2} \times 100.$$

*RPE—Relative percent error*—The measured value (pCi/L) minus the RV (pCi/L), divided by the RV, multiplied by 100. The equation is:

$$RPE = \frac{(MV - RV)}{RV} \times 100.$$

*RV—Reference value*—The known radon concentration value, in units of picocuries per liter or WL, to which a test device is exposed.

*Radon*—The radioactive noble gas Radon-222 and the short-lived radionuclides which are products of Radon-222 decay, including polonium-218, lead-214, bismuth-214 and polonium-214.

*Secondary device*—A radon test device that is analyzed by a Department-certified laboratory.

*Secondary tester*—A tester who places or retrieves, or both, a radon test device that is analyzed by a Department-certified laboratory.

*Sigma level*—A sample standard deviation around a mean, which is a measure of the scatter of data around a mean. The term is often described as 1, 2 or 3 sigma, corresponding to one, two or three standard deviations around the mean.

*Spiked measurement or spike*—A QC measurement conducted to evaluate accuracy by exposing the detector or device to a known concentration and submitted for analysis.

*Test*—[ The act of examining a building, soil, air or water for the presence of radon, including taking air, soil or water samples, or the act of diagnosing the cause of radon contamination in a building. ] The act of measuring for the presence of radon in a building's air or water supply.

*Tester*—A Department-certified individual or a Department-listed testing employee of a Department-certified testing firm.

*WL*—[ *working* ] *Working level*—[ One working level is that amount of potential alpha-particle energy dissipated in air by the short-lived daughters in equilibrium with 100 pCi/l of Radon-222. One WL is equal to 130,000 Mev of alpha-particle energy deposited per liter of air. ] Any combination of short-lived radon progeny (for radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212 and polonium-212) in 1 liter of air that will result in the ultimate emission of  $1.3 \times 10^5$  MeV of alpha particle energy.

*WLM—Working level month*—The cumulative exposure from breathing in an atmosphere at a concentration of 1 WL for a working month of 170 hours.

*WLM/yr—Working level month per year*—The cumulative exposure incurred over 1 year (2,040 hours) from breathing in an atmosphere at a concentration of 1 WL for a working month of 170 hours.

*Warning level*—A QC value set at  $\pm 2$  sigma.

## Subchapter B. CERTIFICATION

### CERTIFICATION FOR RADON TESTING

§ 240.101. [ Requirement ] Requirements for radon testing certification.

(a) A person may not test for radon or represent or advertise that he may so test in a building [ or building lot ] in this Commonwealth[, ] unless the person has first applied for and obtained certification [ to test ] from the Department to test or is a firm employee of a certified testing firm.

(b) For a firm to perform radon testing it shall employ [ at least one person certified to test ] one individual certified to test who is in responsible charge of the firm's testing activities, and the firm shall submit an application for certification and receive certification from the Department. [ Not everyone within the firm is required to be certified to test. An individual performing testing and not working for a certified radon testing firm shall obtain radon testing certification prior to performing testing. ]

(c) A certified primary tester does not also have to be certified in radon laboratory analysis to read or analyze continuous monitors or electret ion chambers that he places and retrieves.

(d) A person using [ passive radon monitors, such as charcoal canisters ] secondary radon testing devices, such as AC, from a certified radon laboratory does not also have to [ become ] be certified in radon laboratory analysis.

§ 240.102. Prerequisites for radon testing certification.

(a) *Individual certification for radon testing.* An individual will not be certified to test unless the individual has [ done the following ]:

(1) [ Taken ] Completed a Department-approved course on radon.

(2) [ Taken and passed ] Passed a Department-approved written exam on radon testing within 2 years before the postmark date of the individual's application submittal. The applicant shall forward [ an official ] a copy of exam results to the Department.

[ (3) Had 1 year of professional experience in performing radon measurements or equivalent as determined by the Department.

(4) ] (3) Submitted a complete and accurate application to the Department, including applicable fees.

(b) *Firm certification for radon testing.* If the applicant for testing certification is a firm, it shall employ [ at least ] one individual who is certified to test and who is



in responsible charge of the firm's testing activities. [ If the firm loses its certified individual, the certification automatically lapses and is void until the firm has notified the Department of employment of another certified individual. Within 5 days' the firm shall notify the Department in writing when it loses its certified individual. Each testing firm employee, after the first initial testing firm employee, will be charged a fee as set forth in Appendix A (relating to radon certification fee schedule). ]

(1) If the firm loses its certified individual, all of the following apply:

(i) The firm owner shall notify the Department in writing within 5 days of losing that individual.

(ii) The firm's certification automatically lapses and is void until the Department approves in writing the firm owner's written and signed request for a certified individual to be in responsible charge of that firm's radon testing activities.

(2) The firm's certified individual may not also be a testing firm employee.

(3) If a testing firm employee is no longer under the responsible charge of the firm's certified individual, all of the following apply:

(i) The firm's certified individual shall notify the Department within 5 days of this change.

(ii) The firm employee's Department listing becomes invalid.

(4) A testing firm may list a maximum of five testing firm employees at one time.

(5) Each testing firm employee shall conduct activities in accordance with the signed testing firm employee application.

(6) Each testing firm employee applicant shall submit all of the following:

(i) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).

(ii) A completed firm employee application as provided by the Department.

(iii) Proof of passing a Department-approved radon measurement exam.

(iv) The applicant's current photograph, in a format specified by the Department, to be used on the identification card as required under § 240.142 (relating to testing and mitigation identification cards).

(7) The firm's certified individual shall receive written approval from the Department before a testing firm employee may conduct radon testing activities.

(c) *Additional requirements.* If the applicant for testing certification is a firm, or an individual performing testing and not working for a certified radon testing firm, the applicant shall also have a [ **quality assurance program, a health and safety** ] QA program and a continuing education program as [ **required in §§ 240.304—240.307** ] required under §§ 240.306 and 240.604 (relating to continuing education program; and QA requirements for testing using primary devices). In addition, the applicant shall be successfully enrolled in [ **the EPA** ] a Department-approved radon measurement proficiency program [ **or equivalent, as required**

in §§ 240.304—240.307 ] as required under § 240.307 (relating to radon measurement proficiency program).

#### § 240.103. Radon testing application contents.

(a) An application for radon testing certification, by [ **both** ] an individual [ **and** ] or a firm, shall be submitted to the Department in writing on forms provided by the Department and must contain **all of the following**:

(1) Evidence that the applicant has the certification prerequisites in § 240.102 (relating to prerequisites for radon testing certification)[ **, including the services offered and experience in each. If the applicant is a firm, the** ]. The application must [ **also** ] include the duties assigned to the certified individual in responsible charge of the testing activities.

(2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).

(3) The applicant's name, address [ **and** ], telephone number **and, if the applicant is an individual, the applicant's date of birth.** It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Copies of reporting forms, information distributed to potential clients and recent **or proposed** advertisements.

(6) **The applicant's current photograph, in a format specified by the Department, to be used on the identification card as required under § 240.142 (relating to testing and mitigation identification cards).**

[ (6) ] (7) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to radon testing.

[ (7) ] (8) A verification by [ **a responsible official of** ] the applicant that the information contained in the application is correct to the best of the [ **official's** ] applicant's information and belief. **This verification is subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).**

(b) **Within 10 days of a change to the information submitted in the certified individual application or firm certification application, the certified individual shall submit to the Department a written and signed notification listing each change. The change will not take effect until the Department provides written approval of the change.**

#### § 240.104. Application filing deadline.

(a) A person who expects to conduct radon testing shall file a complete application for certification a minimum of 30 days prior to the anticipated starting date of testing activity [ **and any** ].

(b) **A testing individual certification renewal application postmarked after the previous testing individual certification expiration date will be charged a late**



application fee as set forth in Appendix A (relating to radon certification fee schedule).

#### CERTIFICATION FOR RADON MITIGATION

§ 240.111. [ Requirement ] Requirements for radon mitigation certification.

(a) A person may not mitigate radon contamination in a building or represent or advertise that he may so mitigate in a building [ or building lot ] in this Commonwealth[ , ] unless the person has first applied for and obtained certification from the Department to mitigate or is a firm employee of a certified mitigation firm.

(b) For a firm to perform radon mitigation it shall employ [ at least one person ] one individual certified to mitigate who is in responsible charge of the firm's mitigation activities, and the firm shall submit an application for certification and receive certification from the Department prior to performing mitigation of radon contamination. [ Not everyone within the firm is required to be certified to mitigate. An individual performing mitigation and not working for a certified radon mitigation firm shall obtain radon mitigation certification prior to performing mitigation of radon contamination. ]

§ 240.112. Prerequisites for radon mitigation certification.

(a) *Individual certification for radon mitigation.* An individual will not be certified to mitigate unless [ he has done the following ] the individual has:

(1) [ Taken ] Completed a Department-approved course on radon mitigation.

(2) [ Taken and passed ] Passed a Department-approved written exam on radon mitigation within 2 years before the postmark date of the individual's application submittal. The applicant shall forward [ an official ] a copy of exam results to the Department.

(3) Had 1 year professional experience [ or supervised experience ] in radon mitigation system installation or 3 years experience in architecture, engineering, electrical contracting, plumbing, carpentry, masonry or related trades.

(4) Submitted a complete and accurate application to the Department including applicable fees.

(b) *Firm certification for radon mitigation.* If the applicant for mitigation certification is a firm, it shall employ [ at least ] one individual who is certified to mitigate and who is in responsible charge of the firm's mitigation activities. [ If the firm loses its certified individual, the certification automatically lapses and is void until the firm has notified the Department of employment of another certified individual. Within 5 days the firm shall notify the Department in writing when it loses its certified individual. ]

(1) If the firm loses its certified mitigation individual, all of the following apply:

(i) The mitigation firm owner shall notify the Department in writing within 5 days of losing that individual.

(ii) The firm's certification automatically lapses and is void until the Department approves in writing the mitigation firm owner's written and signed

request for a certified individual to be in responsible charge of that firm's radon mitigation activities.

(2) The firm's certified individual may not also be a mitigation firm employee.

(3) If the mitigation firm employee is no longer under the responsible charge of the firm's certified individual, all of the following apply:

(i) The firm's certified individual shall notify the Department within 5 days of this change.

(ii) The firm employee's Department listing becomes invalid.

(4) The mitigation firm employee shall conduct activities in accordance with the signed mitigation firm employee application.

(5) A mitigation firm may list a maximum of five mitigation firm employees at one time.

(6) Each mitigation firm employee applicant shall submit all of the following:

(i) A completed firm employee application as provided by the Department.

(ii) The applicant's current photograph, in a format specified by the Department, to be used on the identification card as required under § 240.142 (relating to testing and mitigation identification cards).

(iii) Proof of passing a Department-approved course on radon mitigation or passing a Department-approved mitigation exam.

(7) The firm's certified individual shall receive written approval from the Department before a mitigation firm employee may conduct radon mitigation activities.

(c) *Additional requirements.* If the applicant for mitigation certification is a firm, or an individual performing mitigation and not working for a certified mitigation firm, he shall also have a health and safety program, and a continuing education program, as required in §§ 240.305 and 240.306 (relating to health and safety program; and continuing education program).

§ 240.113. Radon mitigation application contents.

(a) An application for radon mitigation certification, by [ both individual and ] an individual or a firm, shall be submitted to the Department in writing on forms provided by the Department and must contain all of the following:

(1) Evidence that the applicant has the certification prerequisites contained in § 240.112 (relating to prerequisites for radon mitigation certification)[ , including the services offered and experience in each ]. [ If the applicant is a firm, the applicant shall also ] The application must include the duties assigned to the certified individual in responsible charge of the mitigation activities.

(2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).

(3) The applicant's name, address [ and ], telephone number and, if the applicant is an individual, the applicant's date of birth. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal

shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

**(5) Copies of reporting forms, information distributed to potential clients and recent or proposed advertisements.**

**(6) The applicant's current photograph, in a format specified by the Department, to be used on the identification card as required under § 240.142 (relating to testing and mitigation identification cards).**

[ (5) ] (7) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to radon mitigation.

[ (6) ] (8) A verification by [ a responsible official of ] the applicant that the information contained in the application is correct to the best of the [ official's ] applicant's information and belief. **This verification is subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).**

**(b) Within 10 days of a change to the information submitted in the mitigation certification application, the certified individual shall submit to the Department a written and signed notification listing each change. The change will not take effect until the Department provides written approval of the change.**

#### § 240.114. Application filing deadline.

(a) A person who anticipates conducting radon mitigation services shall file a complete application for certification a minimum of 30 days prior to the anticipated starting date of mitigation activities.

**(b) A certified individual renewal application postmarked after the previous certified individual certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).**

#### CERTIFICATION FOR RADON LABORATORY

§ 240.121. [ Requirement ] Requirements for radon laboratory certification.

(a) A person in this Commonwealth or a person analyzing devices placed or retrieved in this Commonwealth may not perform laboratory analysis or represent or advertise that [ he ] the person may perform laboratory analysis of radon testing devices supplied to the public or of samples or devices received from the public or from other certified persons, unless that person has first applied for and obtained radon laboratory analysis certification from the Department or is a firm employee of a certified laboratory firm.

(b) For a firm to perform radon laboratory analysis it shall employ one individual certified to perform laboratory analysis who is in responsible charge of the firm's laboratory radon analytical activities, and the firm shall submit an application for certification and receive certification from the Department.

#### § 240.122. Prerequisites for radon laboratory certification.

(a) *Individual certification for laboratory analysis.* A person will not be certified to perform radon laboratory analysis unless the person has [ done the following ]:

(1) [ Taken ] Completed a Department-approved course on radon.

(2) Had 1 year professional experience in performing laboratory analysis of radon measurement devices or samples or is certified in Health Physics by the American Board of Health Physics, or equivalent certification or professional work experience, or both, as determined by the Department.

(3) Received a bachelors degree in the physical sciences or engineering or related fields as approved by the Department, or the education or professional work experience equivalent to a degree, as determined by the Department.

(4) Submitted a complete and accurate application to the Department, including applicable fees.

(b) *Firm certification for laboratory analysis.* If the applicant for radon laboratory certification is a firm, it shall employ [ at least ] one individual who is certified to perform radon laboratory analysis and who is in responsible charge of the laboratory radon analytical activities. [ If the firm loses its certified individual, the certification automatically lapses and is void until the firm has notified the Department of employment of another certified individual. Within 5 days the firm shall notify the Department in writing when it loses its certified individual. ]

(1) If the firm loses its certified individual, all of the following apply:

(i) The firm owner shall notify the Department in writing within 5 days of losing its certified individual.

(ii) The firm's certification automatically lapses and is void until the Department approves in writing the firm owner's written and signed request for a certified individual to be in responsible charge of that firm's radon laboratory activities.

(2) The firm's certified individual may not also be a laboratory firm employee.

(3) If a laboratory firm employee is no longer under the responsible charge of the firm's certified individual, the following apply:

(i) The firm's certified individual shall notify the Department within 5 days of this change.

(ii) The firm employee's Department listing becomes invalid.

(4) Activities of the laboratory firm employee shall be conducted in accordance with the signed laboratory firm employee application.

(5) Each laboratory firm employee applicant shall submit a completed and signed laboratory firm employee application as provided by the Department.

(6) Each laboratory firm employee shall receive written approval from the Department prior to conducting radon laboratory activities as a laboratory firm employee.

(c) *Additional requirements.* If the applicant for radon laboratory certification is a firm, or an individual performing laboratory analysis and not working for a certified laboratory, the applicant shall also have a [ **quality assurance** ] QA program and a continuing education program as [ **required in §§ 240.304—240.307** ] required under §§ 240.306 and 240.604 (relating to continuing education program; and QA requirements for testing using primary devices). [ **In addition, the applicant shall be successfully enrolled in the EPA radon measurement proficiency program or equivalent, as required in §§ 240.304—240.307.** ] In addition, the applicant shall be successfully enrolled in a Department-approved radon measurement proficiency program as required under § 240.307 (relating to radon measurement proficiency program).

**§ 240.123. Radon laboratory application contents.**

(a) An application for radon laboratory certification, by an individual or a firm, shall be submitted to the Department in writing on forms provided by the Department and must contain **all of the following**:

(1) Evidence that the applicant has the certification prerequisites contained in § 240.122 (relating to prerequisites for radon laboratory certification) [ **, including the services offered and experience in each.** ] [ **If the applicant is a firm, the applicant shall also** ] **The application must** include the duties assigned to the certified individual **in responsible charge of the laboratory analysis activities.**

(2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).

(3) The applicant's name, address [ **and** ], telephone number **and, if the applicant is an individual, the applicant's date of birth.** It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to laboratory analysis of radon samples.

(6) A verification by [ **a responsible official of** ] the applicant that the information contained in the application is correct to the best of the [ **official's** ] applicant's information and belief. **This verification is subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).**

(b) **Within 10 days of a change to the information submitted in the laboratory certification application, the laboratory certified individual shall submit to the Department a written and signed notification listing each change.**

**§ 240.124. Application filing deadline.**

(a) A person who anticipates performing laboratory analysis of samples to determine radon concentrations

shall file a complete application for laboratory analysis certification a minimum of 30 days prior to the anticipated starting date of laboratory analysis [ **and any** ].

(b) **A laboratory individual certification** application postmarked after the **previous laboratory individual** certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).

**CERTIFICATION FOR PERSONS CERTIFIED IN ANOTHER STATE**

**§ 240.132. Limited radon practice in this Commonwealth.**

A person may test, mitigate or perform laboratory analysis without first obtaining certification from the Department if the person does **all of the following**:

(1) [ **The person has obtained** ] **Obtains** certification to do so from a state with which the Department has entered into a reciprocal agreement.

(2) [ **The person conducts** ] **Conducts** that activity in this Commonwealth [ **less** ] **fewer** than 90 days each calendar year.

**§ 240.133. Certification application contents.**

(a) A person who has a certification from a state with which the Department has entered into a reciprocal agreement, and who intends to conduct the radon-related activity in this Commonwealth for [ **at least** ] 90 days **or more** a year, shall **first** obtain certification from the Department. The application must be in writing and contain **all of the following**:

(1) A copy of the [ **certificatin from** ] **certification from the** foreign state.

(2) A nonrefundable fee [ **of \$200** ] **as set forth in Appendix A (relating to radon certification fee schedule).**

(3) The applicant's name, address [ **and** ], telephone number **and, if the applicant is an individual, date of birth.** It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Other information the Department may require related to an applicant's qualifications, or technical or administrative information related to radon testing, mitigation of radon contamination or laboratory analysis of radon samples.

(6) A verification by [ **a responsible official of** ] the applicant that the information contained in the application is correct to the best of the [ **official's** ] applicant's information and belief.

(b) **Within 10 days of a change to the information submitted in the certification application, the certified individual shall submit to the Department a written and signed notification listing each change.**



(*Editor's Note:* Sections 240.141—240.143 are proposed to be added and printed in regular type to enhance readability.)

#### OTHER CERTIFICATION PROCEDURES

##### § 240.141. Withdrawal of applications and certifications.

###### (a) *Withdrawal of applications.*

(1) An application may be withdrawn before Department approval is granted.

(2) Fees will not be refunded.

(3) After an application for certification is withdrawn, a person who wishes to reapply for certification shall submit a new application along with the appropriate fee set forth in Appendix A (relating to radon certification fee schedule).

(4) The withdrawal is complete when all of the following conditions have been met:

(i) The request for an application withdrawal has been submitted to the Department in writing and signed by the applicant.

(ii) The Department has confirmed the withdrawal in writing.

###### (b) *Withdrawal of certifications.*

(1) A certified testing, mitigation or laboratory individual may request that the Department withdraw the individual's own certification or a firm certification. The withdrawal is complete when the request has been submitted in writing, signed by the certified individual and the Department has provided written confirmation of the withdrawal.

(2) A firm owner may request that the Department withdraw the firm's certification. The withdrawal is complete when the request has been submitted in writing, signed by the firm owner and the Department has provided written confirmation of the withdrawal.

(c) *Withdrawal of a testing or laboratory individual certification by the Department.*

(1) The Department may withdraw a testing or laboratory individual certification when that individual no longer has Department-listed testing devices.

(2) The Department will confirm the withdrawal in writing.

###### (d) *Reinstatement of withdrawn certifications.*

(1) The previously certified individual may submit a written, signed request to reinstate the individual's testing, mitigation or laboratory individual certification or the firm owner may request to reinstate the testing, mitigation or laboratory firm certification prior to the withdrawn certification's expiration date.

(2) The Department will approve or disapprove this request in writing.

(3) A person who wishes to reapply for certification after the expiration of the person's previous certification shall submit a new application along with appropriate fees as set forth in Appendix A.

##### § 240.142. Testing and mitigation identification cards.

(a) All of the following persons shall obtain Department identification cards:

(1) Individuals for testing certification.

(2) Individuals for mitigation certification.

(3) Each testing firm employee.

(4) Each mitigation firm employee.

(b) Each applicant referenced in subsection (a) shall submit the applicant's current photograph, in a format specified by the Department, to the Department with the application.

(c) Each person listed in subsection (a) shall wear prominently the Department-issued identification card while performing radon-related activities and present the Department-issued identification card to a client upon request.

##### § 240.143. Adding or removing devices from certification.

(a) To add or remove a device from laboratory or testing certification, the certified individual shall submit a written and signed request to the Department.

(b) The certified individual who analyzes each continuous monitor and electret reader shall provide in the request the specific serial number and proof of current calibration of each device to be added.

(c) The certified individual who analyzes each continuous monitor and electret reader shall provide in the request the specific serial number of each device to be removed.

(d) The device will be considered Department-listed or removed on the effective date stated in the Department's confirmation letter to the certified individual.

(e) After the effective removal date of the device, the device may no longer be used to conduct radon testing activities or laboratory analysis.

(f) The certified individual shall receive written approval from the Department to add a specific device prior to performing radon testing activities or laboratory analysis with the device.

#### Subchapter C. CERTIFICATION REVIEW PROCEDURES AND STANDARDS

##### § 240.201. Criteria for [ certification ] issuance or denial of certifications or course provider applications.

(a) A certification **or course provider** application will not be approved unless the applicant affirmatively demonstrates to the Department's satisfaction that **all of** the following conditions are met:

(1) Neither the applicant nor a person identified in the application **or involved with the course or its development** is in violation of the act or this chapter or has been decertified under § 240.403 (relating to decertification).

(2) The application is accurate and complete and the applicant is in compliance with the requirements of the act and this chapter.

(3) The applicant has the qualifications required in this chapter and is capable of performing the activities for which he is seeking certification as required by the act and this chapter.

(b) The Department may deny **the** certification [ **to** ] **or course provider application of** a person who has shown a lack of ability or intention to comply with the acts or this chapter, as indicated by past or continuous conduct. A certification lapse under § 240.203(b) (relating



to conditions of certification) may be considered evidence of a lack of ability or intention to comply with the acts or this chapter.

**§ 240.202. Terms of certification.**

(a) A certification will be valid for 2 years following issuance.

(b) Testing, mitigating or [ **other radon-related activity** ] **laboratory analysis** may not be conducted after the expiration of the term of certification.

**§ 240.203. Conditions of certification.**

(a) Persons certified under this chapter shall, at a minimum, comply with **all of** the following conditions:

(1) The certified person shall conduct [ **his** ] **all** activities as described in the approved application.

(2) The certified person shall allow the Department, its agents and [ **employees** ] **employees**, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to the person's facilities, offices and files for inspection and examination of records. The certified person shall also allow the Department, its agents and [ **employees** ] **employees** to accompany him while performing radon-related activities for the purpose of inspection of those activities.

(3) The certified person shall remain in compliance with the acts and this chapter.

(4) For certification of a firm, the certified [ **person shall continue to direct** ] **individual shall remain in responsible charge of** the radon-related activities. The certified [ **person** ] **individual** shall have his duties and responsibilities listed in the firm's certification application.

(5) **Certified individuals shall pass blind studies conducted by the Department. The individual measurement results of the blind study must achieve an individual RPE of less than or equal to  $\pm 25\%$  of the RV.**

(b) The Department may suspend certification if a condition of certification is violated. The Department will publish notice of the suspension in the *Pennsylvania Bulletin*.

**§ 240.204. Certification renewal.**

(a) An application for certification renewal [ **shall** ] **must** contain the contents required in an initial certification application, except that the Department may permit an applicant to rely on information previously submitted if the information remains the same. A certification renewal application shall be issued or denied according to the criteria in § 240.201 (relating to criteria for [ **certification** ] issuance or denial of certifications or course provider applications).

(b) Prior to the expiration of radon certification, a person who intends to continue to provide radon-related services in this Commonwealth shall submit an application for certification renewal. To avoid a lapse in certification, an applicant for certification renewal shall file an application at least 30 days prior to the expiration of the current certification. Submitting a renewal application does not extend the previous certification period. The certified person is responsible to make a timely application for certification renewal.

(c) For an application from a radon service provider postmarked after the expiration of the certification, the following criteria will determine application requirements:

(1) An individual certification application postmarked prior to 1 year after the expiration of the certification is a renewal application subject to the late application fee in Appendix A (relating to radon certification fee schedule).

(2) An individual certification application postmarked 1 year or more after expiration of certification is an initial application subject to the initial application fee in Appendix A. The application is not subject to the late application fee set forth in Appendix A.

**§ 240.205. Certification modification.**

The terms and conditions of a certification are subject to amendment, revision or modification by the Department for a violation of the acts, this chapter or a term or condition of the certification, or for a false statement made to the Department by the certified party, or for a change of condition which would warrant the issuance or denial of a certification on the basis of an original application.

**Subchapter D. OPERATION REQUIREMENTS**

**§ 240.301. Advertising.**

A person may not advertise a radon-related service or product with false or misleading statements regarding the [ **offered service or product, or the risks to health** ] **services or products offered, health effects** or property value. A person required to obtain certification may not advertise a service or product, unless the person [ **has previously obtained** ] **currently holds** a valid certification from the Department to perform that service or provide that product. **Advertising for a radon-related service or product must include the valid Department certification number of the certified individual providing that service.**

**§ 240.302. [ Notice to clients ] Required client information.**

(a) A person may not test, mitigate against radon, or provide a radon-related service or product without first offering the potential client a price list of services offered, and providing evidence of certification and a notice that only persons certified under the act and this chapter may provide the services or products. For [ **a person who mitigates against radon** ] **mitigators**, a written estimate for services shall constitute a price list. The notice [ **shall** ] **must** read substantially as follows:

**NOTICE TO CLIENTS:**

[ **The Radon Certification Act requires that anyone who provides any radon-related service or product to the general public must be certified by the Pennsylvania Department of Environmental Protection. You are entitled to evidence of certification from any person who provides such services or products. You are also entitled to a price list for services or products offered. All radon measurement data will be sent to the Department as required in the Act and will be kept confidential. If you have any questions, comments or complaints concerning persons who provide radon-related services, please contact the Department at the Bureau of Radiation**

Protection, Department of Environmental Protection, P.O. Box 8469, Harrisburg, Pa. 17105-8469, (717) 783-3594. ]

Pennsylvania law requires that anyone who performs radon testing, mitigation or laboratory analysis activities for the general public must be currently certified by the Pennsylvania Department of Environmental Protection (DEP). Any person providing these radon services shall present to the client a current Department-issued photo identification card upon request. If you have questions, you may contact DEP at the Bureau of Radiation Protection, Department of Environmental Protection, P.O. Box 8469, Harrisburg, Pa. 17105-8469, (717) 783-3594.

(b) For a person performing mitigation, warranty information, **if offered**, and information on the proper method of checking and servicing of mitigation equipment to maintain its function shall be provided in writing to the client.

§ 240.303. Reporting of information.

[ (a) Within 45 days after testing, mitigation or other radon-related service is provided, the person providing the service shall submit to the Department in a format approved by the Department the results of testing, including screening measurements, follow-up measurements, premitigation measurements, postmitigation measurements and the method used to mitigate against radon contamination. If no testing, mitigation or radon-related service has been provided during this 45-day period, that person shall inform the Department of same in writing. Anyone required to provide this 45-day reporting who does not report within 90 days of the completion of the activity will be subject to the Late 45-Day Reporting Fee as set forth in Appendix A (relating to radon certification fee schedule). At a minimum, these results will be retained for 2 years. The information must include:

- (1) The name of the person providing the service.
- (2) The name and address of the owner or occupant of the building involved.
- (3) The address and location of the building involved, including street and number, post office, full zip code and county.
- (4) The date each measurement was taken, or the mitigation performed.
- (5) The type of house or building, the types of measurements, location within the building of specific measurements, and the results in picocuries per liter or in working levels.
- (6) The type and price of mitigation system installed.

(b) Within 45 days after testing, mitigation or other radon-related service is provided, the person providing radon-related services shall report in writing to the owner or occupier of the building the results in picocuries per liter and when appropriate in working levels of radon measurements taken in the building. If a person provides the service through a certified intermediary, it is the responsibility of the intermediary to report the results.

(c) For a person performing mitigation, each building shall be tested for radon levels before and

after the mitigation is performed. Each test must be at least 48 hours in duration and follow EPA- or DEP-approved protocols. The postmitigation test shall be conducted no sooner than 24 hours after completion of the mitigation. The results of radon testing shall be reported in accordance with this section. ]

This section specifies reporting requirements for testing, mitigation and other radon-related services.

(1) *Laboratory reporting and primary tester reporting.*

(i) A primary tester performing analyses or a certified individual performing laboratory analyses shall report test results to the Department within 45 days of the analysis date. If a radon-related analysis is not provided during a 45-day period, the certified individual shall inform the Department by the end of that 45-day period in a format approved by the Department. Radon tests used for diagnostic purposes must be identified as "diagnostic" when submitted to the laboratory. The information must include all of the following:

(A) The name and certification number of the person certified to provide the testing or laboratory analysis service.

(B) The address of the building tested, including street and number, post office, full zip code and county.

(C) The begin and end date of each measurement, measurement method and locations in the building.

(D) The type of house or building, the types of measurement devices used, the locations within the building of specific measurements and the results in picocuries per liter.

(E) The operational status of the mitigation system at the test site.

(F) The date the analysis was performed.

(G) The serial number of the CRM or electret reader.

(ii) The primary certified individual shall retain for 5 years the test result documentation identified in subparagraph (i).

(iii) The following test results should not be reported to the Department:

(A) An invalid test.

(B) A diagnostic test.

(C) A measurement performed only for QA.

(2) *Mitigation reporting.*

(i) A mitigation certified individual shall report the mitigation activity results to the Department within 45 days of the mitigation system initial fan activation or the alteration to an existing mitigation system. If mitigation activity is not performed during a 45-day period, the certified individual shall inform the Department by the end of that 45-day period in a format approved by the Department. The reported information must include all of the following:

(A) The name and certification number of the person providing the service.

(B) The address of the building involved, including street and number, post office, full zip code and county.

(C) The date of the initial fan activation or the alteration to an existing mitigation system.

(D) The type of house or building.

(E) The type of mitigation installation or alteration.

(F) The cost to the client.

(G) The postmitigation result.

(ii) The mitigation certified individual shall retain for 5 years the mitigation activity result documentation identified in subparagraph (i).

(3) *Reporting to client.* Within 10 days after testing or laboratory analysis is provided, the person providing radon-related services shall report in writing to the client the results in picocuries per liter and, when appropriate, in WLs of radon measurements taken in the building. If a secondary tester provides the service through a certified laboratory, it is the responsibility of the certified individual to report the results to the client.

(4) *Postmitigation testing and reporting.* For a person performing mitigation, each building shall be tested for radon levels before and after the mitigation is performed. Each test must be at least 48 hours in duration and follow Department-approved protocols, § 240.308(e) (relating to radon mitigation standards) after system installation and § 240.309 (relating to testing protocols). The postmitigation test shall be conducted no sooner than 24 hours after completion of the mitigation. The results of the postmitigation test shall be reported in accordance with this section.

§ 240.304. [ Quality assurance program ] (Reserved).

[ A person conducting radon testing or radon laboratory analysis activities shall have a quality assurance program to assure that measurements are accurate and errors are controlled. The program shall insure that testing devices are routinely and properly calibrated. The program shall provide the information related to the following activities:

- (1) Organization and responsibilities.
- (2) Sampling procedures.
- (3) Detector custody.
- (4) Analytical procedures.
- (5) Data reduction, validation and reporting.
- (6) Corrective action.
- (7) Quality assurance reports to management. ]

§ 240.305. Health and safety program.

[ A person conducting radon-related activities ] A certified individual shall have a radon health and safety program to protect himself and [ employees ] firm employees from exposure to radon [ during the course of their employment ]. The program [ shall ] must include records of each [ individual's ] mitigator's exposure to radon during the course of employment. [ Persons conducting radon-related activities shall maintain exposure to radon as low as reasonably achievable. ] The certified individual shall record the items on the form in Appendix C (relating to radon exposure tracking record) and retain the

records for a period of 5 years. Testers and mitigators shall maintain exposure to radon ALARA. A tester or mitigator may not exceed 4 WLM/yr in radon exposure.

§ 240.306. Continuing education program.

[ A person conducting radon-related activities shall have a radon education program to assure that the applicant and all employees have a minimum of 4 hours initial training, and the certified person shall participate in a continuing education program consisting of a minimum of 8 hours of Department-approved courses or seminars on radon testing or mitigation each year. Course providers are required to submit course information as requested by the Department and the Course Provider Fee as set forth in Appendix A (relating to radon certification fee schedule) prior to Department approval of any course. ] Upon certification renewal, the certified individual shall submit to the Department proof of having satisfactorily completed 16 credit hours of Department-approved continuing education courses or Department-approved equivalent. Continuing education credit hours may only be used for one certification period for each certification activity.

§ 240.307. [ EPA Radon Measurement Proficiency Program ] Radon measurement proficiency program.

[ A person conducting radon testing or radon laboratory activities shall provide written evidence of successful participation in the most recent EPA Radon/Radon Progeny Measurement Proficiency Program or an alternative program approved by the Department for each radon measurement utilized. ] An initial laboratory individual applicant, initial primary testing individual applicant, or an applicant applying to add a new primary testing or laboratory device shall provide written evidence of successful participation in a Department-approved radon measurement proficiency program for each model type.

§ 240.308. [ Testing and mitigation protocols ] Radon mitigation standards.

(a) *Terminal discharge.* To prevent re-entrainment of radon, fan discharges of depressurization systems, whether fan-powered or passive, must meet all of the following requirements:

(1) The termination point must be vertical, upward, outside the structure and discharging to the atmosphere. Rain caps or terminal bends may not be used.

(2) For vent pipes attached to the side of a building, the termination point must be above the immediate edge of the roof.

(3) For vent pipes that penetrate the roof, the termination point must be at least 12 inches above the surface of the roof.

(4) The termination point must be 10 feet or more above the ground level nearest to the point of discharge.

(5) The termination point must be 10 feet or more from an operable window unit, door or other opening into conditioned spaces unless it is 2 feet above the top of the openings. The 10-foot distance may



be measured directly between the opening and the exhaust point or with a flexible tape following the shortest path possible around intervening solid objects. A chimney is not considered an opening into conditioned spaces.

(6) The termination point must be 10 feet or more horizontally from a vertical wall that extends above the roof.

(7) The termination point must be 10 feet or more from an opening into an adjacent structure.

(b) *Fan location.* A radon fan used in active soil depressurization or a block wall depressurization system may not be installed:

(1) Below grade or in the heated or cooled space of a building.

(2) In a basement, crawl space or other interior location directly beneath the heated or cooled spaces of a building.

(c) *Sealing.*

(1) When accessible, the following are required to be adequately sealed with urethane caulk or equivalent material using methods and materials that are permanent and durable when installing a mitigation system:

(i) Perimeter channel drains.

(ii) Cracks that exist where the slab meets the foundation wall (floor wall joint).

(iii) Openings or cracks in the foundation or at expansion or control joint.

(2) When the opening or channel is greater than 1/2 inch in width, a foam backer rod or other equivalent filler material shall be inserted into the channel before application of the sealant. Materials inserted into the channel must leave adequate space below the filler material to allow subsurface drainage from the channel into the subslab material.

(3) If the mitigator and homeowner determine that the perimeter channel drain cannot be sealed for water control reasons, or that openings or cracks are inaccessible, then the mitigator may leave those areas unsealed and shall provide the following written statements to the homeowner:

(i) This technique may contribute to an increased heating and cooling penalty.

(ii) This technique may decrease the efficiency of the radon mitigation system.

(iii) This technique may increase the potential for backdrafting natural draft combustion appliances.

(d) *Labeling.*

(1) If the mitigation system is accessible and visible, a system description label shall be prominently and permanently affixed to the mitigation system piping. If the mitigation system is concealed or not accessible, then the label shall be placed in another prominent location. The label must be legible from a distance of at least 3 feet and include all of the following information:

(i) "Radon Reduction System."

(ii) The name and certification number of the mitigation certified individual.

(iii) The contact telephone number of the mitigator.

(iv) The date of installation.

(v) "Building should be tested for radon at least every two years."

(2) Each exposed and visible interior radon mitigation system vent pipe section shall be identified with at least one label on each floor level. The label must read "Radon Reduction System."

(e) *Required client information.* Upon completion of the mitigation project, the mitigator shall attach an information package to the mitigation system in a secure and permanent manner, visible location and labeled "Radon Mitigation Information." The information package must include all of the following:

(1) A completed copy of the Radon Mitigation Project Record from "Pennsylvania Radon Mitigation Standards," 294-2309-002, October 1, 1997, Appendix A.

(2) A copy of contracts and warranties for the mitigation system.

(3) A description of the installed mitigation system and its basic operating principles.

(4) A description of the proper operating procedures of installed mechanical or electrical systems, including the manufacturer's operation and maintenance instructions, drain-filling instructions and warning device interpretations.

(5) A list of appropriate actions for the client to take if the system failure warning device indicates system degradation or failure.

(6) A recommendation to retest at least every 2 years.

(7) A recommendation to have an electrical inspection performed on the applicable components of the installed system.

(f) *Compliance.* A person conducting radon [ testing or mitigation for radon contamination ] mitigation activities shall conduct the [ testing and ] mitigation in accordance with [ EPA- or DEP-approved protocols ] Department-approved mitigation standards and shall comply with applicable statutes, regulations, ordinances and building codes. The following protocols, "Protocols for Radon and Radon Decay Product Measurements in Homes," "Indoor Radon and Radon Decay Product Measurement Device Protocols" and "Pennsylvania Radon Mitigation Standards" are available upon request from the following sources:

Environmental Protection Agency  
Office of Radiation Programs  
Washington, D.C. 20460

Department of Environmental Protection  
Bureau of Radiation Protection  
Rachel Carson State Office Building, 13th Floor  
400 Market Street  
Post Office Box 8469  
Harrisburg, Pennsylvania 17105-8469

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

#### § 240.309. Testing protocols.

(a) *Radon testing protocols.* The certified individual shall ensure that the requirements in this section are



completed. For testing that is required to be reported to the Department under § 240.303 (relating to reporting of information), radon testing shall be performed in accordance with all of the following testing protocols:

(1) *Placement of testing devices.* Testing devices shall be placed as follows:

- (i) At least 3 feet from exterior doors, windows or ventilation ducts.
- (ii) Out of the direct flow of air.
- (iii) At least 1 foot from ceilings and exterior walls.
- (iv) At least 20 inches but not more than 6 feet from the floor.
- (v) At least 4 inches from other objects horizontally or vertically above the detector.
- (vi) At least 4 feet from heat sources including fireplaces, furnaces and direct sunlight.
- (vii) At least 7 feet from sump pits.
- (viii) Where the device will remain undisturbed during the test period.

(2) *Improper placement of testing devices.* Testing devices may not be placed in the following locations:

- (i) Bathrooms.
- (ii) Kitchens.
- (iii) Within 10 feet of washer/dryer unit.
- (iv) Spa rooms or other areas of high humidity.
- (v) Closets.
- (vi) Cupboards.
- (vii) Sump pits.
- (viii) Crawlspace or nooks within the foundation.

(3) *Short-term tests.* Short-term tests shall be taken in the lowest livable level of each structural zone that contacts the soil.

(4) *Conditions of testing.* Testing shall be conducted under the following conditions:

- (i) Testing devices must remain undisturbed during the testing period.
- (ii) A short-term test must range in duration from 48 hours to 90 days.
- (iii) Short-term tests must be conducted under closed-building conditions.
- (iv) Closed-building conditions must begin at least 12 hours prior to the beginning of the test period for tests lasting less than 96 hours.

(v) Closed-building conditions consist of all of the following criteria:

- (A) All windows must be closed.
- (B) All external doors must be closed except for normal entry and exit. Structural openings due to disrepair or structural defects shall be repaired to correct their condition prior to initiation of testing.
- (C) Normal operation of permanently installed HVAC systems must continue during closed-building conditions.
- (D) Fireplaces, wood stoves and coal stoves may not be operated unless they are normal sources of heat for the building.
- (E) Air conditioning systems that recycle interior air may be operated during closed-building conditions.

(F) Whole-house fans may not be operated during the test period. Portable window fans shall be removed from windows or sealed in place. Window air conditioning units may only be operated in a recirculation mode. If the building contains an air handling system, the air handling system may not be set for continuous operation unless the air handling equipment is specifically used for radon control and is labeled accordingly.

(G) In buildings with permanently installed radon mitigation systems, the mitigation system must be functioning during the test period.

(H) Operation of fans, portable dehumidifiers, portable humidifiers, portable air filters and window air conditioners may not create a direct flow of air on the radon testing device.

(vi) All closed-building conditions shall be inspected and documented at the time of placement and retrieval of the detectors.

(vii) Short-term tests of fewer than 96 hours may not be conducted during severe storms or periods of sustained high winds of 30 miles per hour or greater. Local weather forecasts shall be checked and documented prior to placing short-term test devices when the test period is less than 96 hours.

(viii) Instructions describing closed-building conditions required in this section shall be provided to the persons who control the building and shall be documented.

(ix) Only co-located duplicate tests may be averaged.

(5) *Minimum requirements for short-term testing.*

(i) *Simultaneous testing using short-term passive devices.*

(A) Simultaneous testing must comprise at least two short-term indoor radon tests conducted simultaneously with identical test devices.

(B) Simultaneous testing devices shall be:

(I) Co-located and the near edges spaced 4 to 5 inches apart.

(II) Exposed for the same test period.

(C) Both tests and the average of the simultaneous tests shall be reported to the client, except as indicated in subclause (II):

(I) If the RPD is greater than 67% for simultaneous test results that are both between 2.0 and 3.9 pCi/L, the tests shall be reported to the client and the cause investigated, documented and corrected.

(II) If the RPD is greater than 36% for simultaneous test results that are both equal to or greater than 4.0 pCi/L, the tests may not be reported to the client, and the cause shall be investigated, documented and corrected.

(D) If one test is equal to or greater than 4.0 pCi/L and one test is less than 4.0 pCi/L, and the higher test is more than twice the amount of the lower test, the tests may not be reported to the client.

(ii) *CRM testing.*

(A) A CRM must have the capability to integrate and record a new result at least hourly.

(B) The minimum test period is 48 hours, with 44 contiguous hours of usable data to produce a valid average. The first 4 hours of data from a CRM may be discarded.

(C) The contiguous results shall be averaged to produce a result that is reported to the client.

(D) A copy of the hourly printout shall be provided to the client as part of the test results.

(6) *Real estate testing.* Real estate testing shall be conducted using all of the following anti-tampering procedures:

(i) Testing devices shall be secured against movement by employing anti-tampering methods.

(ii) The buyer, seller, occupant, real estate professional or other individual in control of the property shall sign a Conditions for Short-Term Radon Testing Agreement, which must contain the information in Appendix B (relating to non-interference agreement for real estate radon testing).

(iii) If the Conditions for Short-Term Radon Testing Agreement cannot be signed by the buyer, seller, occupant, real estate professional or other individual in control of the property, the reason shall be documented on the completed agreement.

(iv) A Radon Testing in Progress Notice shall be posted at every building entry and in a conspicuous indoor location. The notice shall be posted upon initiation of a radon test and include all of the following statements:

(A) "Radon Testing in Progress."

(B) "Keep all windows closed."

(C) "Keep all exterior doors closed, except for normal entry and exit."

(D) "Do not move or touch the radon testing device."

(7) *Multifamily building tests.* Multifamily building tests shall be performed in accordance with ANSI/AARST MSMF-2010, "Protocol for Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings," or its equivalent as determined by the Department.

(8) *School and commercial building tests.* School and commercial building tests shall be performed in accordance with *Radon Measurement in Schools* (EPA 402-R-92-014) or its equivalent as determined by the Department.

(9) *New construction and buildings under renovation.* This paragraph provides the testing requirements for new construction and buildings under renovation. A newly constructed building or existing building under renovation may not be tested for radon or radon progeny unless all of the following items have been installed:

(i) Insulation.

(ii) Exterior doors with associated hardware.

(iii) Windows.

(iv) Fireplaces and fireplace dampers, if they are or will be installed.

(v) Heating, air conditioning and plumbing appliances.

(vi) Ceilings.

(vii) Interior trim and coverings for the exterior walls.

(viii) Exterior siding, weatherproofing and caulking.

(ix) Interior and exterior structural components.

(x) Interior or exterior work that may adversely affect the test validity.

(10) *Postmitigation testing.*

(i) Testing conducted while temporary radon reduction systems are in use may not be used as the postmitigation test.

(ii) The mitigation system must be operated continuously during the entire test period.

(iii) The postmitigation test may not be performed sooner than 24 hours or later than 30 days following the completion and activation of the mitigation system or an alteration to an existing system.

(iv) Postmitigation testing shall be conducted in accordance with this subsection.

(b) *Result Report Form.*

(1) A tester shall have a Department-approved Result Report Form. Testers shall provide the client with a completed Result Report Form within 10 working days from the completion of the test or the receipt of the test results from the laboratory. The Result Report Form must contain all of the following:

(i) Each test result in pCi/L and rounded to one decimal place. Standard mathematical rules for rounding shall be followed.

(ii) Notification of an invalid radon test with an explanation and without a test result given.

(iii) The average of co-located test device results as well as the individual results.

(iv) The exact start and stop dates and times of the test period.

(v) The complete street address of the test location, including, when applicable, the apartment, suite or building number.

(vi) The test device used and its manufacturer, model and serial number.

(vii) The complete name, street address and telephone number of the tester.

(viii) The name and Department certification number of each tester placing and retrieving each testing device.

(ix) The name and certification number of the laboratory analyzing the testing device, if applicable.

(x) A statement whether a mitigation system was observed in the building during placement or retrieval of the testing device, including whether the mitigation system was operating.

(xi) A statement describing if tampering, interference or deviations from the required test conditions was observed.

(xii) A description of the condition (open, closed or not applicable) of permanent vents that allow outdoor air into the building, such as crawlspace vents or combustion air supply to combustive appliances.

(xiii) A description of severe weather conditions during the test period.

(xiv) The location within the building of each testing device.

(xv) The Pennsylvania "Notice to Clients" statement as indicated in § 240.302 (relating to required client information).

(xvi) If using a CRM, a copy of the device printout.

(xvii) If using a CRM or electret reader, the calibration expiration date.

(xviii) If using a CRM or electret reader, the device serial number.

(xix) The following radon health risk information:

Radon is the second leading cause of lung cancer, after smoking. The U.S. Environmental Protection Agency (EPA) and the Surgeon General strongly

recommend taking further action when the home's radon test results are 4.0 pCi/L or greater. The national average indoor radon level is about 1.3 pCi/L. The higher the home's radon level the greater the health risk to you and your family. Reducing your radon levels can be done easily, effectively and fairly inexpensively. Even homes with very high radon levels can be reduced below 4.0 pCi/L. For further information about reducing elevated radon levels, please refer to the "Pennsylvania Citizen's Guide to Radon."

(2) A laboratory shall use a Department-approved Result Report Form. Laboratories shall provide the client with a completed Result Report Form within 10 working days after completion of test analysis. The Result Report Form must contain all of the following:

- (i) Each test result in pCi/L and rounded to one decimal place. Standard mathematical rules for rounding shall be followed.
- (ii) Notification of invalid radon tests with an explanation and without a test result given.
- (iii) The average of co-located testing devices as well as the individual results.
- (iv) The exact start and stop dates and times of the test period.
- (v) The complete street address of the test location, including, when applicable, the apartment, suite or building number.
- (vi) The test device used and its manufacturer, model and serial numbers.
- (vii) The name and certification number of the laboratory analyzing the testing device.
- (viii) The location within the building of each test device.

(ix) The Pennsylvania "Notice to Clients" statement as indicated in § 240.302.

- (x) If using a CRM, a copy of the device printout.
- (xi) The calibration expiration date of the electret reader or continuous monitor.
- (xii) The following radon health risk information:

Radon is the second leading cause of lung cancer, after smoking. The U.S. Environmental Protection Agency (EPA) and the Surgeon General strongly recommend taking further action when the home's radon test results are 4 pCi/L or greater. The national average indoor radon level is about 1.3 pCi/L. The higher the home's radon level the greater the health risk to you and your family. Reducing your radon levels can be done easily, effectively and fairly inexpensively. Even homes with very high radon levels can be reduced below 4 pCi/L. For further information about reducing elevated radon levels, please refer to the "Pennsylvania Citizen's Guide to Radon."

**Subchapter E. ENFORCEMENT AND DECERTIFICATION**

**§ 240.401. Inspection.**

(a) The Department and its agents and [ **employees** ] **employees** will:

\* \* \* \* \*

(b) The Department, its agents and [ **employees** ] **employees** may conduct inspections of a building, property,

premises or place of business of a person who conducts radon-related activities if a person presents information to the Department or the Department has access to information which gives it reason to believe that one of the following exists:

\* \* \* \* \*

(c) An agent or [ **employee** ] **employee** of the Department may not enter a private residence for the purpose of conducting an inspection under this section without a search warrant or without the consent of the occupant.

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**Subchapter F. [ INTERIM CERTIFICATION ] (Reserved)**

**§ 240.501. [ Scope ] (Reserved).**

**[ This subchapter applies to persons certified in accordance with the Department's interim certification program as required under section 11 of the act (63 P.S. § 2011). ]**

**§ 240.502. [ Reapplication when this chapter is adopted as final ] (Reserved).**

**[ A person granted interim certification by the Department shall reapply for certification under this chapter. If a person fails to apply for certification within 60 days of Departmental notification, the interim certification automatically lapses and is void. ]**

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

**Subchapter G. QA REQUIREMENTS**

- Sec. 240.601. Scope.
- 240.602. General requirements.
- 240.603. QA program.
- 240.604. QA requirements for testing using primary devices.
- 240.605. QA requirements for testing using secondary devices.
- 240.606. QA requirements for laboratories.

**§ 240.601. Scope.**

(a) This subchapter applies to QA requirements for:

- (1) Persons conducting radon testing and radon laboratory analysis activities.
- (2) Testing devices listed with the Department on the individual's certification.

(b) The subchapter does not apply to tests performed for the sole purpose of diagnostic testing.

**§ 240.602. General requirements.**

(a) The certified individual is responsible for all requirements in this subchapter, including when QA activity is performed by others.

(b) QA requirements and corrective actions in this section shall be documented and the records retained for a minimum of 5 years.

**§ 240.603. QA program.**

A person conducting radon testing or radon laboratory analysis activities shall have a QA program to ensure the measurements are accurate and errors are controlled. The program must ensure that testing devices are routinely and properly calibrated. The program shall provide the information related to all of the following activities:



- (1) Organization and responsibilities.
- (2) Sampling procedures.
- (3) Detector custody.
- (4) Analytical procedures.
- (5) Data reduction, validation and reporting.
- (6) Corrective action.
- (7) QA reports to management.

**§ 240.604. QA requirements for testing using primary devices.**

(a) *CRMs for primary testers.*

(1) *Calibration.* Each Department-listed CRM must have a current calibration. To have a current calibration, the CRM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CRM.

(2) *Background measurements.* Background measurements shall be performed and documented after every 1,000 hours of operation of scintillation cell-type CRM. These background measurements shall be checked by purging the unit with clean, aged air or nitrogen in accordance with the manufacturer's instructions. For all CRMs, the background shall be monitored in accordance with the manufacturer's instructions.

(3) *Check source counting.* For a CRM with a check source, check source counting shall be documented and completed with that check source prior to each test.

(4) *Routine instrument checks.* Before and after each measurement, the CRM shall be checked according to the manufacturer's instructions. For each check, all of the following shall be verified:

- (i) The correct input parameters and the unit's clock or timer are set properly.
- (ii) The pump's flow rates are within the range of the manufacturer's specifications.

(5) *Data collection log.*

(i) CRM data shall be tracked on a form that contains all of the following:

- (A) The CRM serial number.
- (B) The exposure dates and times.
- (C) The test result.
- (D) The address of the building tested.
- (E) The test location in the building.
- (F) The name of the tester who placed the CRM.
- (G) The name of the tester who retrieved the CRM.

(H) The calibration, repair and Department listing dates.

(ii) For a CRM without a radioactive check source, the data collection log must also contain all of the following intercomparison measurement information:

- (A) The intercomparison devices' serial numbers.
- (B) The RPD value.
- (C) The intercomparison measurements results.

(6) *Intercomparison measurements.* An intercomparison measurement shall be performed for each CRM without a radioactive check source.

(i) Intercomparison measurements shall be made at least every tenth test with another Department-listed passive device that is analyzed by a Department-certified laboratory or with another CRM with a hard copy printout. The intercomparison measurements shall be distributed systematically throughout the entire population of test locations. Original printouts or Department-certified laboratory results, or both, shall be kept for each intercomparison. Each intercomparison measurement must be performed with the devices side by side for the measurement for at least 48 hours.

(ii) For intercomparison measurements, the RPD shall be used to track performance. The RPD value shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(iii) If the RPD value exceeds the control limit, the CRM may not be used for radon measurements until the problem is identified and corrected. If the RPD value exceeds the warning level, the criteria in "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be followed.

(iv) In addition to the control charts, intercomparison measurements shall be documented on the CRM data collection log.

(b) *CWLMs for primary testers.*

(1) *Calibration.* Each Department-listed CWLM must have a current calibration. To have a current calibration, the CWLM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CWLM.

(2) *Background measurements.* CWLM background measurements shall be performed and documented at least every 168 hours of operation and when the unit is calibrated.

(3) *Routine instrument checks.* Routine instrument checks for each CWLM shall be documented and performed before and after each test by using an Am-241 or similar energy check source. Pumps and flow meters shall be checked in accordance with the manufacturer's instructions and documented. The pump and flow meter check shall be performed with a dry-gas meter or other flow measurement device of traceable accuracy.

(4) *Data collection log.*

(i) CWLM data shall be tracked on a form that contains all of the following:

- (A) The CWLM serial number.
- (B) The exposure dates and times.
- (C) The test result.
- (D) The address of the building tested.
- (E) The test location in the building.
- (F) The name of the tester who placed the CWLM.
- (G) The name of the tester who retrieved the CWLM.

(H) The calibration, repair and Department listing dates.

(ii) For CWLMs without a radioactive check source, the data collection log must also contain all of the following intercomparison measurement information:

- (A) The intercomparison devices' serial numbers.
- (B) The RPE value or RPD value.
- (C) The intercomparison measurement results.

(5) *Intercomparison measurements.* An intercomparison measurement shall be performed for each CWLM monitor without a radioactive check source.

(i) A CWLM without radioactive check source capability must have an informal intercomparison measurement made with another CWLM with a hard copy printout at least every tenth test. This printout shall be retained for each intercomparison. The intercomparison measurements shall be distributed systematically throughout the entire population of test locations. Each intercomparison measurement must be performed with the devices side by side for the measurement for at least 48 hours.

(ii) Each intercomparison shall be documented on the data collection log.

(iii) For intercomparison measurements the RPD shall be used to track performance. The RPD value shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(iv) If the RPD value exceeds the control limit, the CWLM may not be used for radon measurements until the problem is identified and corrected. If the RPD value exceeds the warning level, the criteria in "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be followed.

(c) *Electret ion chambers for primary testers.*

(1) *Calibration.* Each Department-listed electret reader must have a current calibration. To have a current calibration, the electret reader shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the electret reader. Each electret reader shall be calibrated simultaneously with its corresponding reference electret's recertification.

(2) *Data collection log.* Electret custody shall be tracked on a form that contains all of the following:

- (i) The electret serial number.
- (ii) The electret chamber serial number.
- (iii) The initial voltage reading.
- (iv) The final voltage reading.
- (v) The exposure dates and times.
- (vi) The test result.
- (vii) The serial number of duplicate electret.
- (viii) The RPD value.
- (ix) The address of the building tested.
- (x) The test location in the building.
- (xi) The name of the tester who placed the electret.
- (xii) The name of the tester who retrieved the electret.

(3) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be analyzed in the same manner as all other testing.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which corresponds to the 3 sigma control level.

(iv) The control and warning levels identified in subparagraph (iii) shall be adjusted when the RPE of at least 20 spike results has been calculated. The standard deviation of the 20 or more RPE values shall also be calculated and the warning and control limits shall be re-established on new control charts.

(v) Each RPE value shall be plotted on the means control chart within 1 week of return of the device from the chamber. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(vi) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
  - (B) The electret serial numbers.
  - (C) The electret chamber serial numbers.
  - (D) The RV from radon chamber.
  - (E) The measured spike value or values.
  - (F) The individual RPE results.
  - (G) The certification year beginning date and end date.
  - (H) The exposure dates.
- (4) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 14%.
- (B) The warning level shall be set at an RPD of 28%.
- (C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 25%.
- (B) The warning level shall be set at an RPD of 50%.
- (C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.

(5) *Electret voltage drift.* The tester shall maintain documentation that electret voltage drift testing has been performed as follows:

(i) For each new shipment of 20 electrets or fewer, a minimum of 1 electret shall be set aside from each new shipment and evaluated for voltage drift.

(ii) For each new shipment of more than 20 electrets, a minimum of 5% of the electrets or 10 electrets, whichever number is smaller, shall be evaluated for voltage drift.

(iii) Electrets shall be covered with protective caps in a low-radon environment.

(iv) For short-term and long-term electrets, an initial and a final voltage reading shall be made.

(A) For short-term electrets the final voltage reading shall be made at 4 weeks.

(B) For long-term electrets the final voltage reading shall be made at 3 months.

(v) If the short-term voltage loss is greater than 6 volts per month or if the long-term voltage loss is greater than 12 volts over a 3-month period, testing with this shipment may not occur until the voltage loss is corrected.

(vi) Documentation of electret voltage drift must include all of the following:

- (A) Whether it is a short-term or long-term electret.
- (B) The date of receipt of the new shipment.
- (C) The electret serial number.
- (D) Initial voltages and dates.
- (E) Final voltages and dates.
- (F) The reader serial number.
- (G) Corrective actions performed.

(6) *Voltmeter routine instrument checks.*

(i) Proper operation of the surface voltmeter shall be monitored following the manufacturer's procedures for analyzing the reference electrets and zeroing the voltmeter.

(ii) A voltage reading of a reference electret difference of more than 2 volts from the reference electret specified value shall be considered a wrong reading. The second reference electret in the set shall be read to determine whether the wrong reading is in the first reference

electret or in the reader. Corrective action shall be taken in consultation with the manufacturer.

(iii) When zeroing the reader, if the voltmeter displays more than ( $\pm$ ) 3 volts, corrective action shall be taken in consultation with the manufacturer.

(iv) Voltmeter checks shall be conducted at least once each week while the voltmeter is in use and shall be documented. Documentation of routine instrument checks must include all of the following:

- (A) The reader serial number.
- (B) The date of analysis.
- (C) Zero value.
- (D) The reference electret values.
- (E) Corrective actions performed.

#### § 240.605. QA requirements for testing using secondary devices.

(a) *CRMs for secondary testers.*

(1) *Calibration.* Each Department-listed CRM must have a current calibration. To have a current calibration, the CRM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CRM. A current calibration certificate shall be retained for each monitor.

(2) *Check source counting.* For a CRM with a check source, check source counting shall be documented and completed with that check source prior to each test.

(3) *Routine instrument checks.* Before and after each measurement, the CRM shall be checked according to the manufacturer's instructions. For each check, all of the following shall be verified:

- (i) The correct input parameters and the unit's clock or timer are set properly.
- (ii) The pump's flow rates are within the range of the manufacturer's specifications.

(4) *Data collection log.*

(i) CRM data shall be tracked on a form that contains all of the following:

- (A) The CRM serial number.
- (B) The exposure dates and times.
- (C) The test result.
- (D) The address of the building tested.
- (E) The test location in the building.
- (F) The name of the tester who placed the CRM.
- (G) The name of the tester who retrieved the CRM.
- (H) The calibration, repair and Department listing dates.

(ii) For a CRM without a radioactive check source, the data collection log must also contain all of the following intercomparison measurement information:

- (A) The intercomparison device serial number.
- (B) The RPE value or RPD value.
- (C) The intercomparison measurement result.

(5) *Intercomparison measurements.* An intercomparison measurement shall be performed for each CRM without a radioactive check source.



(i) Intercomparison measurements shall be made at least every tenth test with another Department-listed passive device that is analyzed by a Department-certified laboratory or with another CRM with a hard copy printout. The intercomparison measurements shall be distributed systematically throughout the entire population of test locations. Original printouts or Department-certified laboratory results, or both, shall be kept for each intercomparison. Each intercomparison measurement must be performed with the devices side by side for the measurement for at least 48 hours.

(ii) When performing intercomparison measurements, the RPD shall be used to track performance. The RPD value shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(iii) If the RPD value exceeds the control limit, the CRM may not be used for radon measurements until the problem is identified and corrected. If the RPD value exceeds the warning level, the criteria in the "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be followed.

(iv) In addition to the control charts, intercomparison measurements shall be documented on the CRM data collection log.

(b) *CWLM for secondary testers.*

(1) *Calibration.* Each Department-listed CWLM must have a current calibration. To have a current calibration, the CWLM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CWLM. A current calibration certificate shall be retained for each monitor.

(2) *Data collection log.*

(i) CWLM data shall be tracked on a form that contains all of the following:

- (A) The CWLM serial number.
- (B) The exposure dates and times.
- (C) The test result.
- (D) The address of the building tested.
- (E) The test location in the building.
- (F) The name of the tester who placed the CWLM.
- (G) The name of the tester who retrieved the CWLM.
- (H) The calibration, repair and Department listing dates.

(ii) For CWLMs without a radioactive check source, the data collection log must also contain all of the following intercomparison measurement information:

- (A) The intercomparison device serial number.
- (B) The RPD value.
- (C) The intercomparison measurement result.

(3) *Intercomparison measurements.* An intercomparison measurement shall be performed for all CWLM monitors without a radioactive check source.

(i) A CWLM without radioactive check source capability shall have an informal intercomparison measurement made with another CWLM with a hard copy printout at least every tenth test. This printout shall be retained for each intercomparison. The intercomparison measure-

ments shall be distributed systematically throughout the entire population of test locations. Each intercomparison measurement must be performed with the devices side by side for the measurement for at least 48 hours.

(ii) Each intercomparison shall be documented on the data collection log.

(iii) When performing intercomparison measurements, the RPD shall be used to track performance. The RPD value shall be tracked using control charts from "Protocols for Radon and Radon Decay product measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(iv) If the RPD value exceeds the control limit, the CWLM may not be used for radon measurements until the problem is identified and corrected. If the RPD value exceeds the warning level, the criteria in the "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be followed.

(c) *Electret ion chambers for secondary testers.*

(1) *Data collection log.* Electret data shall be tracked on a form that contains all of the following:

- (i) The electret serial number.
- (ii) The electret chamber serial number.
- (iii) The initial voltage reading.
- (iv) The final voltage reading.
- (v) The exposure dates and times.
- (vi) The test results.
- (vii) The serial number of duplicate electret.
- (viii) The RPD value.
- (ix) The address of the building tested.
- (x) The test location in the building.
- (xi) The name of the tester who placed the electret.
- (xii) The name of the tester who retrieved the electret.

(2) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be submitted to a Department-certified laboratory labeled as QA. The RV of the spiked device may not be revealed to the laboratory prior to analysis.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

- (A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.
- (B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.
- (C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) The control and warning levels identified in subparagraph (iii) shall be adjusted when the RPE of at least 20 spike results have been calculated. The standard deviation of the 20 or more RPE values shall also be calculated and the warning and control limits shall be re-established on new control charts.

(v) Each RPE value shall be plotted on the means control chart within 1 week of return of the device from the chamber. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(vi) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The electret serial numbers.
- (C) The electret chamber serial numbers.
- (D) The RV from radon chamber.
- (E) The measured spike value or values.
- (F) The individual RPE results.
- (G) The certification year beginning date and end date.
- (H) The exposure dates.
- (3) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 14%.
- (B) The warning level shall be set at an RPD of 28%.
- (C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 25%.
- (B) The warning level shall be set at an RPD of 50%.
- (C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.

(d) *LS, AC and ATs for secondary testers.*

(1) *Data collection log.* Detector data shall be tracked on a form that contains all of the following:

- (i) The device serial number.
- (ii) The serial number of duplicate devices.
- (iii) The serial number of spiked devices.
- (iv) The exposure dates and times.
- (v) The test results.
- (vi) The RPE value or RPD value.
- (vii) The address of the building tested.
- (viii) The test location in the building.
- (ix) The name of the tester who placed the device.
- (x) The name of the tester who retrieved the device.
- (xi) The name of the laboratory to which device was sent.

(2) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be submitted to a Department-certified laboratory labeled as QA. The RV of the spiked device may not be revealed to the laboratory prior to analysis.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) The control and warning levels identified in subparagraph (iii) shall be adjusted when the RPE of at least 20 spike results has been calculated. The standard deviation of the 20 or more RPE values shall also be calculated and the warning and control limits shall be re-established on new control charts.

(v) Each RPE value shall be plotted on the means control chart within 1 week of receiving the result from the laboratory. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(vi) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The device serial numbers.
- (C) The RV from radon chamber.
- (D) The measured spike value or values.
- (E) The individual RPE results.

(F) The certification year beginning date and end date.

(G) The exposure dates.

(3) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

(A) The control level shall be set at an RPD of 14%.

(B) The warning level shall be set at an RPD of 28%.

(C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

(A) The control level shall be set at an RPD of 25%.

(B) The warning level shall be set at an RPD of 50%.

(C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

(A) The device serial numbers.

(B) The exposure dates.

(C) Each duplicate measurement result.

(D) The RPD results.

(4) *Field blanks.*

(i) Field blank results shall be monitored and recorded. Field blanks shall be performed at a rate of 5% of the devices that are deployed each month, or 25 each month, whichever is smaller, or a minimum of 1 per certification year, unless tests are not performed. These devices shall be set aside, kept in a low-radon environment and labeled as QA when submitted to the laboratory.

(ii) If a field blank has a concentration greater than the lowest level of detection (LLD) as established by the laboratory, all of the following shall occur:

(A) The occurrence shall be documented and reported to the laboratory.

(B) The cause shall be investigated in conjunction with the laboratory and documented.

(iii) Documentation of field blanks must include all of the following:

(A) The device serial numbers.

(B) The date submitted to laboratory.

(C) The measurement results.

(D) The laboratory's reported LLD.

**§ 240.606. QA requirements for laboratories.**

(a) *CRMs for laboratories.*

(1) *Calibration.* Each Department-listed CRM must have a current calibration. To have a current calibration, the CRM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CRM. A current calibration certificate shall be retained for each monitor. Analysis may not be performed on a monitor that was not calibrated during any portion of the testing period.

(2) *Data collection log.* CRM data shall be tracked on a form that contains all of the following:

(i) The CRM serial number.

(ii) The exposure dates and times.

(iii) The test result.

(iv) The address of the building tested.

(v) The test location in the building.

(vi) The name of the tester who placed the CRM.

(vii) The name of the tester who retrieved the CRM.

(viii) The calibration, repair and Department listing dates.

(b) *CWLM for laboratories.*

(1) *Calibration.* Each Department-listed CWLM must have a current calibration. To have a current calibration, the CWLM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CWLM. A current calibration certificate shall be retained for each monitor. Analysis may not be performed on a monitor that was not calibrated during any portion of the testing period.

(2) *Data collection log.* CWLM data shall be tracked on a form that contains all of the following:

(i) The CWLM serial number.

(ii) The exposure dates and times.

(iii) The test result.

(iv) The address of the building tested.

(v) The test location in the building.

(vi) The name of the tester who placed the CWLM.

(vii) The name of the tester who retrieved the CWLM.

(viii) The calibration, repair and Department listing dates.

(c) *Electret ion chamber for laboratory analysis.*

(1) *Calibration.* Each Department-listed electret reader shall have a current calibration. To have a current calibration, the electret reader shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when



alterations or repairs are made to the electret reader. Each electret reader shall be calibrated simultaneously with its corresponding reference electret's recertification.

(2) *Voltmeter routine instrument checks.*

(i) Proper operation of the surface voltmeter shall be monitored following the manufacturer's procedures for zeroing the voltmeter and analyzing the reference electrets.

(ii) A voltage reading of a reference electret difference of more than 2 volts from its specified value shall be considered a wrong reading and corrective action shall be taken.

(iii) If the voltmeter displays more than ( $\pm$ ) 3 volts, corrective action shall be taken.

(iv) Voltmeter checks shall be conducted at least once each week while the voltmeter is in use and shall be documented. Documentation of routine instrument checks must include all of the following:

- (A) The reader serial number.
- (B) The date of analysis.
- (C) Zero value.
- (D) The reference electret values.
- (E) Corrective actions performed.

(3) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be analyzed in the same manner as all other testing.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) The control and warning levels identified in subparagraph (iii) shall be adjusted when the RPE of at least 20 spike results has been calculated. The standard deviation of the 20 or more RPE values shall also be calculated and the warning and control limits shall be re-established on new control charts.

(v) Each RPE value shall be plotted on the means control chart within 1 week of return of the device from the radon chamber. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(vi) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The electret serial numbers.
- (C) The RV from the radon chamber.
- (D) The measured spike value or values.

(E) The individual RPE results.

(F) The certification year beginning date and end date.

(G) The exposure dates.

(4) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

(A) The control level shall be set at an RPD of 14%.

(B) The warning level shall be set at an RPD of 28%.

(C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

(A) The control level shall be set at an RPD of 25%.

(B) The warning level shall be set at an RPD of 50%.

(C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.

(5) *Electret voltage drift.*

(i) For shipments of 20 electrets or fewer, a minimum of 1 electret shall be set aside from each new shipment and evaluated for voltage drift.

(ii) For shipments of more than 20 electrets, a minimum of 5% of the electrets or 10 electrets, whichever number is smaller, shall be evaluated for voltage drift.

(iii) Electrets shall be covered with protective caps in a low-radon environment.

(iv) For short-term and long-term electrets, an initial and a final voltage reading shall be made.

(A) For short-term electrets the final voltage reading shall be made at 4 weeks.

(B) For long-term electrets the final voltage reading shall be made at 3 months.

(v) If the short-term voltage loss is greater than 6 volts per month or if the long-term voltage loss is greater than 12 volts over a 3-month period, testing with this shipment may not occur until the voltage loss is corrected.

(vi) Documentation of electret voltage drift must include all of the following:

- (A) Whether it is a short-term or long-term electret.
  - (B) The date of receipt of the new shipment.
  - (C) The electret serial number.
  - (D) Initial voltages and dates.
  - (E) Final voltages and dates.
  - (F) The reader serial number.
  - (G) Corrective actions performed.
- (d) *AC and LS.*

(1) *Calibration.* All AC or LS laboratory systems shall be calibrated at least once every 12 months, when alterations or repairs are made to the system, or when a new batch of charcoal is received. This requires a determination of calibration factors for AC and LS devices by the exposure of these devices to a known concentration of radon in a Department-approved radon chamber. Calibration factors shall be determined for a range of exposure times and humidity levels.

(2) *Laboratory control devices.* The laboratory background level for each batch of AC and LS devices shall be established by each laboratory. Laboratories shall measure the background of at least 5% of unexposed AC and LS devices that have been processed according to their standard operating procedures (laboratory blanks).

(3) *Routine counting system checks.* Daily counting of a reference source shall be performed and documented. The characteristics of the check source (geometry, type of radiation emitted, and the like) must be similar to the samples to be analyzed. The count rate of the check sources must be high enough to yield reliable counting statistics in a short period of time, such as 1,000 to 10,000 counts per minute, to provide a maximum random uncertainty of 5%.

(4) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be analyzed in the same manner as all other testing.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) The control and warning levels identified in subparagraph (iii) shall be adjusted when the RPE of at least

20 spike results has been calculated. The standard deviation of the 20 or more RPE values shall also be calculated and the warning and control limits shall be re-established on new control charts.

(v) Each RPE value shall be plotted on the means control chart within 1 week of receiving the result from the laboratory. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(vi) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The device serial numbers.
- (C) The RV from the radon chamber.
- (D) The measured spike value or values.
- (E) The individual RPE results.
- (F) The certification year beginning date and end date.
- (G) The exposure dates.

(5) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 14%.
- (B) The warning level shall be set at an RPD of 28%.
- (C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 25%.
- (B) The warning level shall be set at an RPD of 50%.
- (C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.
- (e) ATs.

(1) *Calibration.* All AT laboratory systems shall be calibrated at least once every 12 months, when alterations or repairs are made to the system, or when each new batch or sheet of detector material is received. This requires a determination of calibration factors for AT devices by the exposure of these devices to different concentrations of radon in a Department-approved radon chamber.

(2) *Laboratory control detectors.* Laboratory control detectors for each batch of ATs shall be established and documented. Each laboratory shall measure the background of a statistically significant number of unexposed ATs. The laboratory control background value shall be subtracted from the field readings to produce a final result.

(3) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be analyzed in the same manner as all other testing. The RV of a spike may not be revealed to the laboratory prior to analysis.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) The control and warning levels identified in subparagraph (iii) shall be adjusted when the RPE of at least 20 spike results has been calculated. The standard deviation of the 20 or more RPE values shall also be calculated and the warning and control limits shall be re-established on new control charts.

(v) Each RPE value shall be plotted on the means control chart within 1 week of receiving the result from the laboratory. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(vi) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The device serial numbers.
- (C) The RV from radon chamber.
- (D) The measured spike value or values.
- (E) The individual RPE results.

(F) The certification year beginning date and end date.

(G) The exposure dates.

(4) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

(A) The control level shall be set at an RPD of 14%.

(B) The warning level shall be set at an RPD of 28%.

(C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

(A) The control level shall be set at an RPD of 25%.

(B) The warning level shall be set at an RPD of 50%.

(C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be used to determine the action to be taken.

(ix) Documentation of duplicates shall include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.

(*Editor's Note:* Appendices B and C are proposed to be added and printed in regular type to enhance readability.)



Appendix B. Non-interference Agreement for Real Estate Radon Testing

Property name:
Property address:
Property city, state, zip:
Dates of test:

I hereby agree to abide by the following conditions to ensure a valid radon test result:

1) I will maintain closed-house conditions during the entire test period, and for 12 hours prior to any test of less than 96 hours, by doing the following:

- Continuing normal operation of permanently installed HVAC systems.
Minimizing operation of dryers, range hoods, bathroom fans and other mechanical systems...
In buildings having permanently installed radon mitigation systems...
Operating window air conditioning systems...
Keeping all windows closed.
Keeping all external doors closed...
Not operating whole-house fans...
Not operating fireplaces, wood/coal stoves...
Not operating ceiling fans...

2) I will not interfere with or move the radon test device.

If the certified tester determines that these conditions were not maintained, this test will be deemed invalid.

Signature of Person in Control of Property
Printed Name of Person in Control of Property
Date

Appendix C. Radon Exposure Tracking Record

Name
Month(s)
Company Name
Year
Employee ID Number

Table with 8 columns: Date, Job Site, Radon Level (pCi/L), Working Level (WL), Hrs. of Exposure, Working Level Month (WLM), Cumulative Exposure (WLM), Method used to assess Exposure. Includes calculation rows: Radon Level / 200 = Working Level x Hrs. of Exposure / 170 = Working Level Month.

1. Based upon an annual recommended health and safety limit of 4 working level months (4 WLM)

2. Highest Premitigation Level (a) or On-site Measurement (b)

WL = (pCi/L)/200 (assuming 50% ER)

# GAME COMMISSION

[ 58 PA. CODE CH. 141 ]

## Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, proposed to amend § 141.15 (related to loaded firearms or devices in vehicles) to clarify that any air gun with a pellet or bullet ammunition in either the chamber or magazine will be considered “loaded” for the purposes of 34 Pa.C.S. § 2503 (relating to loaded firearms in vehicles).

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the March 24, 2017, meeting of the Commission. Comments can be sent until June 23, 2017, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

### 1. Purpose and Authority

In relevant part, the act of November 21, 2016 (P.L. 1317, No. 168) amended section 2308 of the code (relating to unlawful devices and methods) to eliminate the Commonwealth’s historic prohibition against the use of air guns for hunting. On March 28, 2017, the Commission amended §§ 131.2, 141.22 and 141.67 (relating to definitions; small game seasons; and furbearer seasons) to define and authorize the use of air guns for small game and furbearers. See 47 Pa.B. 2710 (May 13, 2017). In light of this approval, the Commission identified a need to highlight the applicability of section 2503 of the code and this section’s long standing prohibitions against loaded firearms in, on or against motor vehicles to these new devices. The Commission is proposing to amend § 141.15 to clarify that any air gun with a pellet or bullet ammunition in either the chamber or magazine will be considered “loaded” for the purposes of section 2503 of the code.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.15 are proposed under this authority.

### 2. Regulatory Requirements

This proposed rulemaking will amend § 141.15 to clarify that any air gun with a pellet or bullet ammunition in either the chamber or magazine will be considered “loaded” for the purposes of section 2503 of the code.

### 3. Persons Affected

Persons wishing to hunt or take small game or furbearers with an air gun may be affected by this proposed rulemaking.

### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in additional cost or paperwork.

### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 6. Contact Person

For further information regarding this proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-417. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter A. GENERAL

#### § 141.15. Loaded firearms or devices in vehicles.

For the purpose of enforcing section 2503 of the act (relating to loaded firearms in vehicles), the term “loaded firearm” includes the following meanings:

(1) Any centerfire or rimfire firearm that has a live shell or cartridge in either the chamber or magazine.

(2) Any muzzleloading firearm that has a live charge of ammunition in its firing chamber and a primer, flash powder or a battery, [ **which ever** ] **whichever** is applicable, properly positioned in the firing mechanism of the firearm rendering it capable of discharge.

(3) Any crossbow that has been cocked and has a bolt affixed onto the string or positioned into the firing mechanism of the device.

(4) **Any air gun that has a pellet or bullet ammunition in either the chamber or magazine.**

[Pa.B. Doc. No. 17-812. Filed for public inspection May 12, 2017, 9:00 a.m.]

## [ 58 PA. CODE CHS. 135 AND 143 ]

### Lands and Buildings—Special Wildlife Management Areas; Hunting and Furtaker Licenses—Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, proposed to amend §§ 135.103 and 143.42 (relating to registration for controlled goose hunting areas; and definitions) to require that registrations for controlled goose hunting areas and antlerless licenses be submitted on a form and in the manner designated by the Commission. These proposed amendments will allow the Commission and public greater access to electronic sources and methods of application. The Commission is also proposing to amend § 135.103 and § 135.104 (relating to restrictions on controlled goose hunting areas) to update the parameters for establishing and managing the controlled hunts at the Middle Creek and Pymatuning Wildlife Management Areas.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the March 24, 2017, meeting of the Commission. Comments can be sent until June 23, 2017, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

To efficiently use the Commonwealth's resources, beginning in 2017, the Commission will no longer provide hard copies of the entire *Hunting & Trapping Digest (Digest)* to license buyers free of charge. Rather, the Commission will be providing an abbreviated version of the seasons and bag limits, and directing license buyers to the web site and smartphone application for the entire version of the *Digest*. This cost saving measure is made necessary by the fact that the Commission has not had a license increase since 1999. As a consequence of the move away from the paper *Digest*, the Commission has identified regulations that need to be updated to provide for alternative registration and license application processes. To this end, the Commission is proposing to amend §§ 135.103 and 143.42 to require that registrations for controlled goose hunting areas and antlerless licenses be submitted on a form and in the manner designated by the Commission. These proposed amendments will allow the Commission and public greater access to electronic sources and methods of application. The Commission is also proposing to amend §§ 135.103 and 135.104 to update the parameters for establishing and managing the controlled hunts at the Middle Creek and Pymatuning Wildlife Management Areas. These proposed amendments allow for greater flexibility, consistency and clarity in the regulations.

Section 721(a) of the code (relating to control of property) provides "[t]he administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations...for its use and protection as necessary to properly manage these lands or waters." Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendments to §§ 135.103, 135.104 and 143.42 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend §§ 135.103 and 143.42 to require that registrations for controlled goose hunting areas and antlerless licenses be submitted on a form and in the manner designated by the Commission. The proposed rulemaking will amend §§ 135.103 and 135.104 to update the parameters for establishing and managing the controlled hunts at the Middle Creek and Pymatuning Wildlife Management Areas.

#### 3. Persons Affected

Persons wishing to hunt or take geese at the controlled goose hunting areas within the Middle Creek and Pymatuning Wildlife Management Areas will be affected by this proposed rulemaking. Persons wishing to hunt or take antlerless deer in this Commonwealth may also be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

The proposed rulemaking should result in a reduction in cost and paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding this proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-416. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART III. GAME COMMISSION

#### CHAPTER 135. LANDS AND BUILDINGS

#### Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

#### § 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

**(1) Applications are available in, and shall be submitted from, the current edition of Digest of Pennsylvania Hunting and Trapping Regulations supplied with each hunting license.**

**(2) Reservation requests on official application forms shall be submitted by mail. An application shall contain requested information, including the applicant's current valid hunting license back tag number, including letter.**

**(i) Middle Creek Wildlife Management Area. Applications shall be received by the close of business on the second Tuesday in September. Applications received later than the close of business on the second Tuesday in September will be rejected.**

**(ii) Pymatuning Wildlife Management Area. Applications shall be received by the close of business on the second Saturday in September. Applications received later than the close of business on the second Saturday of September will be rejected.**

**(3) One official application per person to hunt on one controlled goose hunting area in this Commonwealth may be submitted. Anyone submitting more than one application for a reservation will have all applications rejected.**

**(4) Selections of mailed application forms will be made by random drawing from all eligible applications submitted. The Director will establish, no later than 20 days prior to the drawing, the number of applications to be drawn.**

**(i) Middle Creek Wildlife Management Area. The drawing will be held on the second Wednesday in September and shall be open to the public.**

**(ii) Pymatuning Wildlife Management Area. The drawing will be held on the third Saturday in September and shall be open to the public.**



(iii) Disabled access blinds.

(A) A separate drawing shall also be held for the disabled access blinds for persons in possession of a disabled person permit issued under section 2923(a) of the act (relating to disabled person permits). A copy of the current disabled person permit shall accompany the application.

(B) Other provisions of this section apply to disabled access blinds. ]

(1) Applications shall be submitted on a form and in the manner designated by the Commission. Applications must include the applicant's name, address, date of birth and Commission-issued Customer Identification Number, and any other information required by the Commission.

(2) Applications for controlled goose hunting areas in the Middle Creek Wildlife Management Area or the Pymatuning Wildlife Management Area shall be submitted to the Commission by the deadline set by the Director or a designee.

(3) An individual may submit no more than one official application per year to hunt on a controlled hunting area in this Commonwealth. Incomplete, illegible or duplicate applications will not be included in the drawing.

(4) The Director will establish the number of applications to be drawn no later than 20 days prior to the respective drawing of reservations for the Middle Creek and Pymatuning Wildlife Management Areas. Reservations will be awarded by the Commission to individuals selected during random public drawings from all eligible applications submitted for each management area. The drawings for each management area will occur on the date, time and at the location set by the Director or a designee. The Commission will hold separate drawings for the disabled access blinds for persons in possession of a disabled person permit issued under section 2923(a) of the act (relating to disabled person permits).

[ (iv) ] (i) *Youth only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a youth-only day. Adults who accompany a junior hunter on this day may participate in the hunt by calling only. Applications received from junior hunters will be separated and drawn prior to the other applications on the established drawing date for the management area. Unsuccessful applicants for the youth shooting day will then be placed with all other applications and the drawing will proceed until all shooting days are filled.

[ (v) ] (ii) *Veterans with disabilities only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day. Only persons who possess a resident disabled veteran license or a reduced fee resident disabled veteran license are eligible to apply. Successful applicants may be accompanied by up to three properly licensed guests of any general or base hunting license classification. Applications received from veterans with disabilities will be separated and drawn prior to all other applications on the established drawing date for each wildlife management area.

\* \* \* \* \*

§ 135.104. Restrictions on controlled goose hunting areas.

It is unlawful to:

(1) Take wildlife other than ducks [ and ], geese, coots and mergansers, except by permit issued by the Director or a designee.

(2) Remove [ geese and ] ducks, geese, coots and mergansers from a blind prior to vacating the blind to check out.

(3) Remain in a blind when the maximum limit of geese has been killed or the [ ten-round ] ammunition limit has been expended, or after the time specified on the permit has expired.

\* \* \* \* \*

CHAPTER 143. HUNTING AND FURTAKEE LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.42. Definitions.

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

*Application*—The original PALS form issued with a regular hunting license or the original or reasonable facsimile of the universal form [ contained in the "Hunting and Trapping Digest" ] provided by the Commission that is used in applying for an antlerless license or an unsold tag.

\* \* \* \* \*

[Pa.B. Doc. No. 17-813. Filed for public inspection May 12, 2017, 9:00 a.m.]

[ 58 PA. CODE CH. 147 ]

Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, proposed to rescind § 147.687 (relating to sunset clause) to eliminate the sunset clause and establish the continued effectiveness of the deer attractant permit program (program).

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the March 24, 2017, meeting of the Commission. Comments can be sent until June 23, 2017, to the Director Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

On March 31, 2010, the Commission's 3-year evaluation of the effectiveness of a broad scale and widely accessible authorization permitting the baiting of white-tailed deer across the southeast special regulations areas expired. The Commission's final review of the baiting authorization generally concluded that broad scale and widely accessible baiting did not establish viable increases in harvest rates to justify an extension of the experimental program. On April 8, 2014, the Commission amended § 141.1 (relating to special regulations areas) and added

[ 58 PA. CODE CH. 147 ]  
**Special Permits; Falconry**

§§ 147.681—147.687 (relating to deer attractant permit) to create and implement a deer attractant permit to authorize focused and limited baiting activities on private, township or municipal property in the southeast special regulations area. However, per § 147.687, the regulatory authorization for the program is set to expire on June 30, 2017. The Commission is proposing to rescind § 147.687 to eliminate the sunset clause and establish the continued effectiveness of the program.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The rescission of § 147.687 is proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will rescind § 147.687 to eliminate the sunset clause and establish the continued effectiveness of the program.

3. *Persons Affected*

Persons wishing to hunt or take white-tailed deer under the program will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-418. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter R. DEER CONTROL**

**DEER ATTRACTANT PERMIT**

§ 147.687. [ **Sunset clause** ] (Reserved).

**[ Sections 147.681—147.686 and this section become effective July 1, 2014, and expire and are rendered void on June 30, 2017, unless the Commission further authorizes their legal effectiveness prior to this termination date. ]**

[Pa.B. Doc. No. 17-814. Filed for public inspection May 12, 2017, 9:00 a.m.]

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its March 28, 2017, meeting, proposed to amend §§ 147.106a and 147.111b (relating to nonresident falconers; and Arctic Peregrine Falcon limited take special permit) to expand the limited take of Arctic Peregrine Falcons (*Falco peregrinus tundrius*) within this Commonwealth to also include general class and nonresident falconry permit holders.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the March 24, 2017, meeting of the Commission. Comments can be sent until June 23, 2017, to the Director Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The United States Fish and Wildlife Service (USFWS) has the authority to grant states within the Atlantic Flyway the ability to permit certain qualified falconers the opportunity to take passage Arctic Peregrine Falcons for falconry purposes. Various states within the Atlantic Flyway, including the Commonwealth, participate in the limited allowable take of passage Arctic Peregrine Falcons. The Commission expects the USFWS to issue a moderate increase to the Commonwealth’s annual allocation of Arctic Peregrine Falcon take authorization. The Commission has determined that an increase in the Commonwealth’s take allowance justifies expansion of this program’s eligibility class to include a greater range of eligible participants. The Commission is proposing to amend §§ 147.106b and 147.111b to expand the limited take of Arctic Peregrine Falcons in this Commonwealth to also include general class and nonresident falconry permit holders.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.106a and 147.111b are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend §§ 147.106b and 147.111b to expand the limited take of Arctic Peregrine Falcons within this Commonwealth to also include general class and nonresident falconry permit holders.

3. *Persons Affected*

Persons wishing to take Arctic Peregrine Falcons within this Commonwealth under a falconry permit will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding this proposed rule-making, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-419. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**Subchapter F. FALCONRY**

**§ 147.106a. Nonresident falconers.**

\* \* \* \* \*

(c) *Taking restriction.* Taking restrictions for nonresidents are as follows:

\* \* \* \* \*

(10) Raptors taken under the authority of this permit shall be used for falconry purposes only.

(11) **Raptors taken under the authority of this permit may only be captured by devices authorized under § 147.105a(4) (relating to resident falconers).**

**§ 147.111b. Arctic Peregrine Falcon limited take special permit.**

\* \* \* \* \*

(c) *Eligibility.*

**[ (1) Applications will only be accepted from persons who possess a current and valid master class falconry permit issued under this subchapter and a Pennsylvania resident hunting license.**

**(2) Applicants shall be a resident of this Commonwealth. ]**

**(1) Applications will only be accepted from persons who meet all of the following criteria:**

**(i) Applicants shall possess a current and valid master or general class falconry permit issued under this subchapter.**

**(ii) Applicants shall possess a current and valid Pennsylvania hunting license.**

**(iii) Applicants shall be a resident of this Commonwealth or a nonresident whose home state allows the taking of Arctic Peregrine Falcons by residents of this Commonwealth.**

**[ (3) ] (2)** Applicants who were successfully drawn for an Arctic Peregrine Falcon limited take special permit during the previous 2 permit years are ineligible to make application.

(d) *Drawing.*

(1) Each year the Commission will determine the allowable take of Arctic Peregrine Falcons for the season based on the guidelines provided by the United States Fish and Wildlife Service.

(2) If the allowable take authorized for this Commonwealth is one or more in any given year, the Commission will hold a public drawing by August 15 at a location to be determined by the Commission to determine the successful applicants.

(3) The Commission will randomly draw the names of eligible applicants up to and including the total allowable take. The number of permits issued will be based solely on the total allowable take each year. When the total allowable take number is reached, the drawing will be closed and additional permits will not be issued. **Resident applications will be drawn first until either the annual allowable take quota or pool of available resident applications is exhausted. If any portion of the annual allowable take quota is available after resident applications are exhausted, then nonresident applications will be drawn until the annual allowable take quota is exhausted.**

(4) The Commission will issue an Arctic Peregrine Falcon limited take special permit to successful applicants by August 31 each year.

(e) *Authorized activities.*

(1) Arctic Peregrine Falcons (*Falco peregrinus tundrius*) may only be taken by persons **[ in possession of a valid master class falconry permit, a resident Pennsylvania hunting license and an ]** who have been issued a valid Arctic Peregrine Falcon limited take special permit **and who continue to meet the eligibility criteria in subsection (c)(1).**

\* \* \* \* \*

[Pa.B. Doc. No. 17-815. Filed for public inspection May 12, 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 May 2, 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

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-30-2017	NexTier, Inc. Kittanning Armstrong County  Application for approval to acquire 100% of Manor Bank, Manor.	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-24-2017	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	20 Montchanin Road Greenville New Castle County, DE	Opened

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-21-2017	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	7 Pennsylvania Avenue Matamoras Pike County	Closed
4-21-2017	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Routes 115 and 940 Blakeslee Monroe County	Closed
4-21-2017	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1425 Fifth Avenue Pittsburgh Allegheny County	Closed

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-2-2017	FNCB Bank Dunmore Lackawanna County	<i>To:</i> 1150 Route 315 Wilkes-Barre Luzerne County  <i>From:</i> 734 Sans Souci Parkway Hanover Luzerne County	Filed
5-2-2017	FNCB Bank Dunmore Lackawanna County	<i>To:</i> 1150 Route 315 Wilkes-Barre Luzerne County  <i>From:</i> 3 Old Boston Road Pittston Luzerne County	Filed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-2-2017	FNCB Bank Dunmore Lackawanna County	<i>To:</i> 1150 Route 315 Wilkes-Barre Luzerne County  <i>From:</i> 27 North River Road Plains Luzerne County	Filed

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-2-2017	FNCB Bank Dunmore Lackawanna County	<i>Into:</i> 1001 Main Street Honesdale Wayne County  <i>From:</i> 1127 Texas Palmyra Highway Honesdale Wayne County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
5-1-2017	Harleysville Savings Bank Harleysville Montgomery County  Amendment to Article 1 of the institution's Articles of Incorporation provides for change in corporate title from Harleysville Savings Bank to Harleysville Bank. The institution also removed obsolete information pertaining to their mutual to stock conversion.	Effective

**CREDIT UNIONS**

**Community Charter Conversions**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
4-28-2017	NBA Credit Union Bristol Bucks County  Amendment to Article 1 of the institution's Articles of Incorporation provides for change in corporate title to Access Credit Union. Amendment to Article VIII which changes the institution's Field of Membership.	Approved

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. 17-816. Filed for public inspection May 12, 2017, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2017**

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the

Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.64 to which was added 2.50 percentage points for a total of 5.14 that by law is rounded off to the nearest quarter at 5 1/4%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-817. Filed for public inspection May 12, 2017, 9:00 a.m.]

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**Conservation and Natural Resources Advisory Council Meeting**

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednes-

day, May 24, 2017, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. Persons who wish to participate during the public comment section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Katie Woodbury directly at (717) 783-5878 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 17-818. Filed for public inspection May 12, 2017, 9:00 a.m.]

**Proposed Exchange of Property**

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and Joel and Cindy Artz are proposing to negotiate an exchange of property interests in Potter County.

The exchange would involve 0.1 acre going from Joel and Cindy Artz to the Department and 0.1 acre going

from the Department to Joel and Cindy Artz. Joel and Cindy Artz encroached on Commonwealth property when they built their access road, outhouse and camp porch. The property that the Commonwealth is receiving includes road frontage which has the possibility of being used to build a timber sale haul road to access adjacent, existing State forest land. This exchange also eliminates the need to have any structures removed. Joel and Cindy Artz are responsible for any survey and subdivision costs.

As is the policy of the Department, the public is notified of this exchange. A 30-day period for public inquiry or comment, or both, will be in effect beginning May 13, 2017, and ending June 11, 2017. Oral or written comments or questions concerning this proposed exchange may be addressed to Ryan Szuch, Planning Section, Bureau of Forestry, P.O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2980, rszuch@pa.gov. Oral and written comments will become part of the official document used in the final decision process. Written documents are also available regarding the proposed land exchange by request.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 17-819. Filed for public inspection May 12, 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>
PA0020745 (Sewage)	Nescopeck WWTP 501 Arber Avenue Nescopeck, PA 18635-1101	Luzerne County Nescopeck Township	Nescopeck Creek (5-D)	Yes
PA0060861 (Sewage)	Wayne Highland School District Preston Elementary School 1493 Crosstown Highway Lakewood, PA 18439	Wayne County Preston Township	Unnamed Tributary of Equinunk Creek (1-A)	Yes
PA0112411 (Sewage)	Hillside Acres Mobile Home Park 17 Hillside Acres Gillett, PA 16925-9621	Bradford County Ridgebury Township	Buck Creek (4-B)	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>
PA0238538 (Sewage)	Patricia & Robert Tuznik SFTF 9028 South Creek Road Girard, PA 16417-8808	Erie County Girard Township	Unnamed Tributary to Elk Creek (15-A)	Yes
PA0093360 (Sewage)	Lake Arthur Estates MHP 2925 New Castle Road Portersville, PA 16051	Butler County Muddycreek Township	Muddy Creek (20-C)	Yes
PA0238546 (Industrial)	Ellwood City Forge PO Box 31 Ellwood City, PA 16117	Lawrence County Ellwood City Borough	Connoquenessing Creek (20-C)	Yes

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

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

**PA0266493**, Sewage, SIC Code 8811, **Daniel Dryja**, 124 Rattlesnake Hill Road, Boyertown, PA 19512. Facility Name: Dryja Residence. This proposed facility is located in Douglass Township, **Berks 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), a dry swale entering Unnamed Tributary to Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
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 Geo Mean	XXX	XXX

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

- An Annual Maintenance Report (AMR) must be submitted to the DEP by June 30 every year.

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

The EPA Waiver is in effect.

**Application No. PA0260223 A-1**, Concentrated Animal Feeding Operation (CAFO), **Riverview Farms (Riverview Farms CAFO)**, 323 Riverview Road, Peach Bottom, PA 17563.

Riverview Farms has submitted an application for an Individual NPDES permit for an amendment of a CAFO known as Riverview Farms CAFO, located in Fulton Township, **Lancaster County**.

The CAFO is situated near Haines Branch in Watershed 7-K, which is classified for HQ-CWF. The CAFO is designed to maintain an animal population of approximately 626.06 animal equivalent units (AEUs) consisting of 3,000 Swine, 40,000 proposed Layers, and 20 Dairy Heifers. Manure from the Swines is stored in deep pit underbarn storages beneath the barns. Manure from the Dairy is stored as a bedded pack within the dairy barns, and the layer manure will be stored in facilities at the end of each layer barn. 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 717-705-4732.

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

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

**PA0232823**, Industrial, SIC Code 1389, **Hydro Recovery LP**, 1975 Waddle Road, State College, PA 16803-1639.

Facility Name: HSF Manufacturing Blossburg. This proposed facility will be located in Blossburg Borough, **Tioga County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated industrial waste. This publication notice is for a second draft of the permit.

The receiving streams, Johnson Creek and Boone Run, are located in State Water Plan watershed 4-A and is classified for Cold Water Fishes, 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 0.288 MGD:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	18.0	36.0	45

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Chemical Oxygen Demand (COD)	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	Report	Report	XXX	61.3	216.0	270
Total Dissolved Solids	Report	Report	XXX	500.0	1,000.0	1,250
Oil and Grease	Report	Report	XXX	15.0	XXX	30.0
Ammonia-Nitrogen	Report	XXX	XXX	4.96	9.92	12.4
Aluminum, Total	1.27	2.54	XXX	0.53	1.06	1.325
Barium, Total	Report	Report	XXX	10.0	20.0	25
Cadmium, Total (µg/L)	1.90	3.81	XXX	0.795	1.59	1.98
Copper, Total	0.21	0.33	XXX	0.757	0.865	1.89
Iron, Dissolved	XXX	XXX	XXX	XXX	XXX	7.0
Iron, Total (µg/L)	0.74	1.48	XXX	310.0	620.0	775
Manganese, Total (µg/L)	0.81	1.63	XXX	340.0	680.0	850
Strontium, Total	Report	Report	XXX	10.0	20.0	25
Zinc, Total	Report	Report	XXX	0.420	0.497	1.05
o-Cresol	Report	Report	XXX	0.561	1.92	2.4
2,4,6-Trichlorophenol	Report	Report	XXX	0.106	0.155	0.26
Phenol	Report	Report	XXX	1.08	3.65	4.56
Acetone	Report	Report	XXX	7.97	30.2	37.75
Acetophenone	Report	Report	XXX	0.056	0.114	0.14
alpha-BHC (µg/L)	XXX	XXX	XXX	0.041	0.082	0.102
Benzene	Report	Report	XXX	Report	Report	XXX
Benzidine (µg/L)	0.002	0.004	XXX	0.001	0.002	0.0025
beta-BHC (µg/L)	XXX	XXX	XXX	0.143	0.286	0.357
Chloride	Report	Report	XXX	250.0	500.0	625
2-Butanone	Report	Report	XXX	1.85	4.81	6.01
N-Nitrosodiphenylamine	Report	Report	XXX	Report	Report	XXX
p-Cresol	Report	Report	XXX	0.205	0.698	0.87
Pyridine	Report	Report	XXX	0.182	0.370	0.455
Temperature (deg F) (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	45.2	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	45.8	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	56.6	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	67.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	71.0	XXX
May 1 - 15	XXX	XXX	XXX	XXX	64.9	XXX
May 16 - 31	XXX	XXX	XXX	XXX	68.9	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	66.8	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	70.8	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	70.3	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	69.7	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	69.7	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	67.1	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	63.1	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	57.3	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	53.3	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	50.1	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	46.1	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	45.6	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	0.0			
Net Total Phosphorus	Report	0.0			



The proposed effluent limits for Outfalls 002 & 003 are based on a design flow of 0.0 MGD:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX

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

- Chesapeake Bay Nutrient Requirements
- WQM Application Submission
- Chemical Additives
- Requirements Applicable to Stormwater Outfalls
- Process Area Stormwater
- Thermal Requirements
- Radiation Protection Action Plan
- WQBELs Below Quantitation Limits

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.*

**PA0020401**, Sewage, SIC Code 4952, **Johnsonburg Borough Municipal Authority Elk County**, 434 Center Street, Johnsonburg, PA 15845-1305. Facility Name: Johnsonburg STP. This existing facility is located in Johnsonburg Borough, **Elk 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, the Clarion River, is located in State Water Plan watershed 17-A and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	205	330	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	250	375	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- Chlorine Minimization
- Sludge Management
- Annual, Chronic Whole Effluent Toxicity Testing

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

The EPA Waiver is not in effect.

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

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

**WQM Permit No. 2503414 A-2**, Sewage, **David J. Tomczak**, 9485 Old Waterford Road, Erie, PA 16509-5659.

This existing facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Amendment to use subsurface sand filters.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD460005	300 Brookside Commercial LLC 300 Brookside Avenue Ambler, PA 19002	Montgomery	Lower Gwynedd Township	Housten Creek TSF-MF Wissahickon Creek TSF-MF
PAD150014	Prevail Property Holdings 1101 Ridge Road Pottstown, PA 19465	Chester	South Coventry Township	Unnamed Tributary to French Creek EV
PAD150021	Petra Community Housing 201 South Main Street Spring City, PA 19475-2002	Chester	Phoenixville Borough	French Creek TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390029	Landston Equities, LLC 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Iron Run (HQ-CWF, MF)
PAD390025	Lockard Ires, LLC 4501 Prairie Parkway Cedar Falls, IA 50613	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

*Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth, PA 18064-9211.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480017	Peter Albanese Green Knight Economic Development Corporation 2147 Pen Argyl Road Pen Argyl, PA 18072	Northampton	Bushkill Township Plainfield Township	UNT to Bushkill Creek (HQ-CWF) And Wetlands (HQ-CWF)
PAD480026	Steven Kolbe Valley Industrial Properties, LLC 21 East 10th St. Northampton, PA 18067	Northampton	East Bangor Borough Upper Mount Bethel Township	Brushy Meadow Creek (CWF, MF) Wetlands (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>
PAD290001	Steve Everhart PO Box 428 Hustontown, PA 17229	Fulton County	Taylor Township	Wooden Bridge Creek (HQ-CWF) Lamberson Branch (HQ-CWF)

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

*Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 17754, (570) 433-3003.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD410002 Previously PAI044112005	Amber Oyler PG E 120 Market St Warren, PA 16365	Lycoming	McHenry Twp	Pine Creek—EV

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD020004	Redevelopment Authority of Allegheny County One Chatham Center Suite 900 112 Washington Place Pittsburgh, PA 15219	Allegheny County	Coraopolis Borough	Montour Run (TSF)
PAD630012	Buddy Gregg, Inc. 1790 Route 136 Eighty-Four, PA 15330	Washington County	Somerset Township	Little Chartiers Creek (HQ-WWF)
PAD630013	City of Washington 55 West Maiden Street Washington, PA 15301	Washington County	City of Washington	UNT to Little Chartiers Creek (HQ-WWF)
PAD650004	Jacob Schlesinger 337 Chestnut Ridge Road Latrobe, PA 15650	Westmoreland County	Derry Township	UNT to Miller Run (HQ-CWF)

## 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.

**NPDES Permit No. PAG126103, CAFO, Pennwood Farms, 262 Sugar Grove School Road, Berlin, PA 15530.**

This proposed facility is located in Brothersvalley Township, **Somerset County**.

Description of size and scope of proposed operation/activity: This is a dairy operation consisting of a main dairy facility and three heifer farm locations where livestock are housed. The main dairy facility consists of a free-stall barn, special needs barn, milking parlor, dry cow barn, pre-fresh barn, calf hutches, methane digester, solids separator and storage, large HDPE manure lagoon and bunker silos. Per Nutrient Management Plan, Total Operations Acres are 1,426.6 and Animal Equivalent Units 1,254.9. This facility will produce 4,689,345 gallons of liquid dairy manure annually.

The possible receiving streams are: Blue Lick Run, Buck Run, Buffalo Creek, Hays Run, Millers Run, Schrock Run, Stonycreek River, Unnamed tributary to Wills Creek, in watersheds 19-F and 13-A. Wills Creek is HQ-CWF and others are CWFs.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where



applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**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>
Colton Deppen 847 Imes Road McCoysville, PA 17058	Juniata	111	672.66	Swine	None	New
Rick Cramer Noah W. Kreider & Sons, LLP—Mt. Pleasant Facility 1486 Mount Pleasant Road Lebanon, PA 17042	Lebanon	80.3	7,503	Poultry	NA	Approved
Meadow Lane Dairy LLC Geoffrey Rohrer 3392 Blue Rock Road Lancaster, PA 17603	Lancaster	934.2	1,147.8	Dairy/ Broiler	NA	R
Daniel & Dwight Forry 1015 Prospect Road Columbia, PA 17512	Lancaster	348.5	661.39	Swine/ Dairy/ Sheep	NA	R

**CAFO NMP  
PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Country View Family Farms, LLC—Smiling Porker Farms 530 Graanger Lane Morris, PA 16938	Lycoming	226.0	2,978.55	Swine	Hughes Run—EV (existing use)	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

The permit application and related documents are on file at the office listed before the application and available

for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

**SAFE DRINKING WATER**

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

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

**Application No. 4017502**, Public Water Supply.

Applicant	<b>3 Springs Water Company, Inc.</b> 1800 Pine Run Rd. Laurel Run, PA 18702
[Township or Borough]	Laurel Run Borough <b>Luzerne County</b>
Responsible Official	Mr. Joe Sokolowski 3 Springs Water Co., Inc. 1800 Pine Run Rd. Laurel Run, PA 18702
Type of Facility	BVRB

Consulting Engineer Thomas Pullar, PE  
Earth Res  
PO Box 468  
Pipersville, PA 18947

Application Received Date 4/24/2017

Description of Action Applicant proposes the installation of a Cap Snap ADAPTA-450 5-gallon bottling line with Hyper Ozonator and Raypak-Ratherm boiler, SS in-line filler capper, and Hess H50 ozone generator with T150 injection tank. The project also includes the direct replacement of the existing Filler Specialties PET line and Orbit Rinser with a Tech-Long PET bottle rinser/filler/capper compliant unit.

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

**Permit No. 5017501**, Public Water Supply.

Applicant **Hillside Manor Apartments**  
Municipality Oliver Township  
County **Perry**  
Responsible Official David M. Bomberger  
PO Box 36  
Mexico, PA 17056

Type of Facility Public Water Supply  
Consulting Engineer Stephen R. Morse, P.E.  
Skelly & Loy, Inc.  
449 Eisenhower Boulevard  
Harrisburg, PA 17111

Application Received: 4/20/2017

Description of Action The iron/manganese treatment system will be removed. The booster pump on the arsenic treatment system will be removed, and bypasses for each arsenic treatment unit will be installed.

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

**Permit No. 0217521**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] White Oak Borough

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility McKeesport water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the White Oak water storage tank.

**Permit No. 0217522**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] City of McKeesport

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility McKeesport water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Renzie # 2 water storage tank.

**Permit No. 6517513**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Allegheny Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Sweeney water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Vandergrift # 1 water storage tank.

**Permit No. 6517514**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Allegheny Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Sweeney water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Vandergrift # 2 water storage tank.

**Permit No. 6517515**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Hempfield Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Sweeney water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Adamsburg # 1 water storage tank.

**Permit No. 6517516**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Hempfield Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Sweeney water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Adamsburg # 2 water storage tank.

**Permit No. 6517518**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Bell Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Beaver Run water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the Truxal water storage tank.

**Permit No. 6517517**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Penn Township

Responsible Official Michael Kukura, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Beaver Run water system

Consulting Engineer Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Application Received Date April 25, 2017

Description of Action Installation of a mixing system in the North Jeannette water storage tank.

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

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

**Application No. 2660950, Minor Amendment.**

Applicant **Saddleview Water LLC**  
301 Shore Dr.  
Tunkhannock, PA 18657

[Township or Borough] Tunkhannock Township  
**Wyoming County**

Responsible Official William Ruark, Managing Member  
Saddleview Water LLC  
301 Shore Dr.  
Tunkhannock, PA 18657

Type of Facility Public Water Supply  
 Consulting Engineer Timothy S. Gourley, PE  
 Dietz-Gourley Consulting LLC  
 1215 Deerfield Dr.  
 State College, PA 16803

Application Received Date 5/01/2017

Description of Action Transfer application for PWS facilities under PWS ID No. 2660950 formerly known as Stone Hedge Water Co.

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

**Application No. 6516501MA-1, Minor Amendment.**

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  
 Box 853  
 Latrobe, PA 15650

Application Received Date April 20, 2017

Description of Action Installation of approximately 8,470 feet of 8-inch diameter waterline and appurtenances along Palmerton Road.

**Application No. 5617503MA, Minor Amendment.**

Applicant **Somerset Township Municipal Authority**  
 PO Box 247  
 Somerset, PA 15501

[Township or Borough] Somerset Township

Responsible Official Carolyn Zambanini, Manager  
 Somerset Township Municipal Authority  
 PO Box 247  
 Somerset, PA 15501

Type of Facility Friedens Water system

Consulting Engineer Somerset Planning & Engineering Services, LLC  
 222 West Main Street  
 Suite 100  
 Somerset, PA 15501

Application Received Date April 20, 2017

Description of Action Installation of a vault and waterline to provide an interconnection with Sunny Acres MHP.

**Application No. 1116511MA-1, Minor Amendment.**

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

[Township or Borough] City of Johnstown

Responsible Official Mike Kukura, Manager  
 Greater Johnstown Water Authority  
 640 Franklin Street  
 PO Box 1407  
 Johnstown, PA 15901-1407

Type of Facility Water system

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

Application Received Date May 2, 2017

Description of Action Amendment to construction permit for the additional installation of approximately 1,100 feet of 24-inch diameter waterline and appurtenances along Baumer Road.

**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:

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

**WPX Energy Appalachia-Kalp 1 Impoundment** (aka Kalp 1 Well Pad & Water Impoundment Storage OG), 1185 Route 711, Donegal Township, **Westmoreland County**. Groundwater and Environmental Services, Inc., 301 Commerce Park Blvd., Cranberry Township, PA 16066 on behalf of WPX Energy Appalachia, LLC, 6000 Town Center Blvd., Canonsburg, PA 15317 has submitted a revised Notice of Intent to Remediate to meet a combination of Background, Statewide Health and Site Specific standards for contaminants of concern in soil and groundwater as set forth in the department's workplan approved in August of 2016. Notice of this intent to remediate was published in the *Tribune-Review* on March 28th, 2017.

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

**260 South Broad Street**, 260 South Broad Street, City of Philadelphia, **Philadelphia County**. Stephen D. Brower, P.G., Environmental Standards, 1140 Valley Forge, P.O. Box 810, Valley Forge, PA 19482-0810 on behalf of Sarina Rose, Post 260 Property Owner, LLC, P.O. Box 44131, Philadelphia, PA 19144 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The proposed future use of the property will be residential for a multi-tenant apartment building. A Notice of Intent to Remediate was published in the *Philadelphia Daily News* on April 6, 2017. PF817871.

**1820 West Allegheny Avenue**, 1820 West Allegheny Avenue, City of Philadelphia, **Philadelphia County**. Paul Martino, PG, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of R. Max Kent, NewCourtland at Allegheny, Inc., 6950 Germantown Avenue, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted

with the release of pahs, and pp metals. The proposed future use of the property will remain the same. A Notice of Intent to Remediate was published in the *Metro* on April 12, 2017. PF817769.

**Defense Supply Center Philadelphia/Passyunk Homes**, 2990 B South 290th Street, City of Philadelphia, **Philadelphia County**. Kevin Kivimaki, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 239, Fort Belvoir, VA 22060-6221 on behalf of Matthew Lesley, Arcadis U.S., Inc., 824 North Market Street, Suite 820, Wilmington, DE 19801 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of leaded gasoline aviation gasoline and jet fuel. The proposed future use of the property could include commercial or retail office buildings, or light industrial use. A Notice of Intent to Remediate was published in the *Philadelphia Daily News* on April 1, 2017. PF654838.

**Tasty Baking**, 2801 West Hunting Park Avenue, City of Philadelphia, **Philadelphia County**. Aaron Epstein, P.G., Partner Engineering and Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355, James Duba, Partner Engineering and Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355 on behalf of Larry Hine, AMERCO Real Estate Company, 2727 North Central Avenue, Phoenix, AZ 85004 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of benzene, ethylbenzene, naphthalene. The proposed future use of the property will be for non-residential purposes. A Notice of Intent to Remediate was published in the *Metro* January 25, 2017. PF811127.

**First Blue Bell Cleaners Services**, 1734 DeKalb Pike, Whitpain Township, **Montgomery County**. Kimberly Wash Hunsberger, G.I.T., GHD Services Inc., 135 Raritan Center Parkway, Suite 5, Edison, NJ 08837, James Carey, GHD Services, Inc., 135 Raritan Center Parkway, Suite 5, Edison, NJ on behalf of Robert Carson, Regency Blue Bell, L.P. c/o Levin Management Corporation, 975 US Highway 22 West, North Plainfield, NJ 07060 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pce and tce. The proposed future use of the property will be non-residential for commercial property. A Notice of Intent to Remediate was published in the *Times Herald Digital* on April 6, 2017. PF817719.

**Roddy Produce Packing Company Inc.**, 3 Merion Avenue, Aldan Borough, **Delaware County**. Joseph Diamadi, Jr, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Joseph L. Masticola, Jr, Roddy Products packaging Company, Inc., P.O. Box 164, Aldan, PA 19018 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of gasoline. The proposed future use of the property will be maintained as a commercial property. A Notice of Intent to Remediate was published in the *Daily Times* and *Sunday Times* on April 4, 2017. PF817760.

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

**Permit received, under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and regulations to operate a Solid Waste Processing or Disposal Area or Site.**

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

**Permit ID No. 301294. PetroMax, Ltd.**, 301 Prestley Street, Carnegie, PA 15106. An application for renewal of a permit for the operation of a residual waste processing facility located in Collier Township, **Allegheny County** was received in the Southwest Regional Office on March 16, 2017 and accepted for technical review on April 11, 2017.

## 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 Approval or Operating Permits from the following facilities.

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

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection

Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

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

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

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

**46-0013F: Clemens Food Group** (2700 Clemens Rd., Hatfield, PA 19440-0902) for the replacement of existing control devices at the Rendering Plant with a new venturi scrubber and a packed tower scrubber, as well as to permit the change of the packing material for an existing control device (packed tower scrubber—Source ID: C02) to control particulate matter and odor emissions at their meat processing at their facility in Hatfield Township, **Montgomery County**.

As a result of potential emissions of nitrogen oxides (NO<sub>x</sub>), the facility is Title V facility. The facility has a plantwide Federally Enforceable Emission Cap (FEEC) of 74.15 tons per year for NO<sub>x</sub>.

In addition, the Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

**28-05002Q: Letterkenny Army Depot**—US Department of Defense (One Overcash Avenue, Chambersburg, PA 17201) for the construction of two replacement paint stripping tanks in Building 377 at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**. The two paint stripping tanks to be constructed in Building 377 will replace two existing paint stripping tanks in Building 370. Primary emissions from the tanks will be VOC emissions and the proposed project is expected to result in no increase in facility VOC emissions. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these



findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

#### OPERATING PERMITS

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

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

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

**47-00001: Montour LLC** (PO Box 128, Washingtonville, PA 17884) for the Department's intent to issue a significant permit modification pursuant to 25 Pa. Code § 127.541 to Montour for Title V Operating Permit 47-00001 for their Montour Steam Electric Station located in Derry Township, **Montour County**.

Montour has submitted a significant operating permit modification application for replacement of the filterable particulate (PM) monitoring requirements of the Compliance Assurance Monitoring (CAM) rule with the filterable PM monitoring requirements of the Mercury and Air Toxics Standards (MATS) rule. The revised Title V Operating Permit includes the applicable MATS requirements, including the proposed change in monitoring plans, as well as additional monitoring and record keeping requirements to ensure the facility complies with all applicable Federal and State air quality regulations. Several permit conditions have been derived from the applicable requirements of 40 CFR Part 63 Subpart UUUU and 25 Pa. Code Chapters 121–145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**39-00086: We Are Pets Inc.** (9923 Old Route 22, Breinigsville, PA 18031) intends to issue a State Only (Natural Minor) Operating Permit renewal for their facility located in Weisenberg Township, **Lehigh County**. The sources include one (1) incinerator controlled by an afterburner. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00095: American Atelier Inc.** (2132 Downyflake Ln, Allentown, PA 18102) intends to issue a State-Only (Synthetic Minor) Operating Permit renewal for their

wood office furniture manufacturing facility located in the City of Allentown, **Northampton County**. The sources include stain, sealer, topcoat and custom paint booths and additional dryers. All booths are equipped with filters. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00096: DMS Shredding, Inc.** (9 Fellows Ave, Wilkes-Barre, PA 18706-5231) intends to issue a State-Only (Natural Minor) Operating Permit renewal for their metal services facility located in Hanover Township, **Luzerne County**. The sources include one (1) metal shredded controlled by a venturi scrubber. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**54-00027: Perryman Company** (235 Industrial Park Road, Frackville, PA 17931) intends to issue a State-Only (Natural Minor) Operating Permit renewal for their non-ferrous metal rolling, drawing, and extruding facility located in West Mahonoy Township, **Schuylkill County**. The sources include one (1) heat treating furnace and one (1) acid bath wire cleaning line controlled by one packed tower. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

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

**67-05063 York Building Products Co. Inc.** (950 Smile Way, York, PA 17404) for the operation of a crushed limestone plant controlled by wet suppression and baghouses at the Roosevelt Quarry located in East Manchester Township, **York County**. The facility has the estimated air emissions of 70.2 tpy of PM, 25.9 tpy of PM<sub>10</sub>, 20.0 tpy of PM<sub>2.5</sub> and 2.9 tpy of VOC. The Synthetic Minor Operating Permit will include visible emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Some of the quarry sources are subject to NSPS Subpart OOO.

**36-03077: Allan Myers Materials** (638 Lancaster Avenue, Malvern, PA 19355-1898) to issue a State-Only Operating Permit for the operation of their crushing and screening plant at the Cedar Hill Quarry in Fulton Township, **Lancaster County**. Potential emissions from the facility are estimated to be 37.51 tpy PM & 13.54 tpy of PM<sub>10</sub>. 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 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**21-05044: Dairy Farmers of America, Inc.** (4825 Old Gettysburg Road, Mechanicsburg, PA 17055) to issue a

State Only Operating Permit for the bottled dairy beverage production facility (Mechanicsburg Plant) located in Lower Allen Township, **Cumberland County**. The actual emissions from the facility in 2016 were reported to be 14.8 tons CO; 9.4 tons NO<sub>x</sub>; 1.4 ton SO<sub>x</sub>; and 1.0 ton VOC. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (Source IDs 031, 032 and 033).

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

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

**24-00165: Elkhorn Gas Processing, LLC** (4613 E. 91st Street, Tulsa, Oklahoma 74137). The Department intends to renew a State Only Operating Permit for the facility located in Jones Township, **Elk County**. The facility is a Natural Minor. Actual 2016 emissions were as follows: 9.2 tons VOC, 3.4 tons NO<sub>x</sub>, 9.84 tons CO, 0.005 ton SO<sub>x</sub>, and 0.062 ton PM<sub>10</sub>. The primary sources at the facility include a 1.46 million Btu/hr natural gas fueled process heater, 1.25 million Btu/hr natural gas fueled dehydrator, storage tanks, a 277 hp natural gas fueled refrigeration compressor, and a 700 hp natural gas fueled inlet compressor. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## 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.*

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill, Center and Gray Townships, **Greene County** and related NPDES permit for development mining. Underground Acres Proposed 4,875.0, Subsidence Control Plan Acres Proposed 4,875.0. No additional discharges. The application was considered administratively complete on April 26, 2017. Application received March 3, 2017.

**26961602 and NPDES No. PA0214892. Bullsken Tipple Company**, (2927 Pittsburgh Street, Perryopolis, PA 15473). To renew the permit for the Bullsken Tipple in Connellsville Township, **Fayette County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on April 27, 2017. Application received January 12, 2017.

**03851302 and NPDES No. PA0379302. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Rosebud No. 3 Mine in Perry Township, **Armstrong County** and related NPDES Permit for post-mining treatment only. No additional discharges. The application was considered administratively complete on April 28, 2017. Application received January 17, 2017.

**11040701 and NPDES No. PA0235717. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Refuse Area No. 1 in Portage Township, **Cambria County** and related NPDES Permit for additional disposal area to ensure future processing and disposal capacity and add NPDES Point 007. This notice is being republished to reflect the application includes a request for a Section 401 Water Quality Certification. Coal Refuse Disposal Support Acres Proposed 178.6, Coal Refuse Disposal Acres Proposed 178.6. Receiving Stream: Unnamed Tributary of Spring Run, classified for the following use: CWF. The application was considered administratively complete on April 4, 2017. Application received August 31, 2016.

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

**Permit No. 32820134 and NPDES No. PA0606154, Arcadia Company, Inc.**, 175 McKnight Road, Blairs-



ville, PA 15717, permit renewal for reclamation only of a bituminous surface mine in Grant, Banks, Canoe & Montgomery Townships, **Indiana County**, affecting 1,166.0 acres. Receiving streams: unnamed tributaries to/and Little Mahoning Creek, unnamed tributary to Cush Creek classified for the following use: high quality—cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 27, 2017.

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

**Permit No. 49111301R. S & N Coal Co., LLC**, (8689 RT 25, Spring Glen, PA 17978), renewal of an existing anthracite underground mine operation in Mt. Carmel Township, **Northumberland County** affecting 4.1 acres, receiving stream: Locust Creek, classified for the following use: cold water fishes. Application received: April 27, 2017.

**Permit No. 54950101R4. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 127.0 acres, receiving stream: Silver Creek, classified for the following uses: cold water and migratory fishes. Application received: April 26, 2017.

*Noncoal Applications Withdrawn*

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

**Permit No. 58900302C and NPDES Permit No. PA0225339. Stateline, Quarry, Inc.**, (1677 Creamery

Road, Clifford Township, PA 18407), correction to an existing quarry operation to include an NPDES Permit for discharge of treated mine drainage from a quarry operation in Apolaccon Township, **Susquehanna County**, receiving stream: unnamed tributary to Apalachin Creek. Application received: September 11, 2012. Application withdrawn: April 26, 2017.

#### **MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

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

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

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

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

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

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

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

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

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

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES)

Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0262366 (Mining Permit No. 56070103), PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for continued discharge of water resulting from surface coal mining in Stonycreek Township, **Somerset County**, affecting 344.1 acres. Receiving streams: unnamed tributaries to/and Schrock Run, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: April 13, 2017.

The outfalls listed below discharge to unnamed tributary to/and Schrock Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond)	N
002 (Sediment Pond)	N
003 (Sediment Pond)	N
004 (Sediment Pond)	N
005 (Sediment Pond)	N
006 (Sediment Pond)	N
007 (Treatment Pond)	N

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

<i>Outfalls: 001 &amp; 007 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.5 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 002—006 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0257486 (Mining Permit No. 41100301), Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803-1649), renewal of an NPDES permit for a Large Industrial Minerals surface mine in Armstrong Township, **Lycoming County**, affecting 81.5 acres. Receiving stream(s): Hagermans Run, classified for the following use(s): CWF (where discharge point is located). Application received: December 2, 2016.

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

The outfall(s) listed below discharge to Hagermans Run (CWF section):

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (SB3)	N
002 (MB)	N

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

**NPDES Permit No. PA0225541 on Surface Mining Permit No. 45152801. Elmer F. Possinger & Sons, Inc.,** (P.O. Box 520, Bartonville, PA 18321), new NPDES Permit for a shale, sand and gravel quarry operation in Hamilton Township, **Monroe County**, affecting 3.0 acres. Receiving stream: unnamed tributary to McMichael Creek, classified for the following use: HQ—cold water fishes. Application received: January 9, 2015.

Non-discharge BMPs shall be in effect.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-1014. Warwick Township**, 1733 Township Greene, Warwick, PA 18929, Warwick Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a pedestrian bridge across an unnamed tributary to Little Neshaminy Creek (WWF)

having an approximate waterway opening of 10 feet wide by 10 feet high and measuring approximately 35 feet in length associated with the Memorial Trail Park. Additionally, the project will place and maintain approximately 1,766 cubic yards of fill within the 100-year Floodplain and part of the Floodway of Little Neshaminy Creek (WWF). The site is located in Memorial Park (Hatboro Lat. 40° 14' 10.8"; Long. -75° 5' 37.5").

**E09-1006. Dierstein Millhafen, LLC**, 266 Rockhill Road, Quakertown, PA 18951, West Rockhill Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain 24 feet, by 20 feet, by 4 feet high low flow stream bridge crossing Mill Creek and associated wetland for the purpose of future land development.

The site is located on the southwest corner of Sate Road (AKA "SR 152") and Keystone Drive (Telford, PA USGS map; Latitude: 40.3429; Longitude: -75.3111).

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E01-317: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor Pittsburgh, PA 15275 in Menallen Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to install and maintain a 64-foot long, 30 foot wide concrete box beam bridge having an under clearance of 6.7 feet over Opossum Creek (TSF, MF, Wild Trout). The construction will temporarily impact 0.046 acre and permanently impact 0.017 acre of Exceptional Value Wetland. All impacts are associated with the SR 4006, Aspers Bendersville bridge replacement over Opossum Creek (Latitude 39°58'37.56", Longitude -77°13'31.44") for the purpose of improving safety standards.

**EA29-001: Izaak Walton League of America**, York Chapter 67; 7131 Ironstone Hill Road, Dallastown, PA in York and North Hopewell Townships, **York County**, U.S. Army Corps of Engineers Baltimore District.

To relocate and restore 2,000 linear feet of Barshinger Creek (CWF, MF) by use of rock J-hooks, Log J-hooks, toe wood, digger logs, random boulder clusters and bank grading. The project is located upstream of the intersection of Arbor Drive and Dunkard Valley Road (SR 0214) in York and North Hopewell Townships, York County (Latitude: 39.87059, Longitude: -76.661734).

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



**E08-501. Pennsylvania Department of Transportation**, Engineering District 3-0, 715 Jordan Ave, Montoursville, PA 17754. SR 0220, Section 161, Cash Creek Bridge Replacement, Ulster Township, **Bradford County**, ACOE Baltimore District (Ulster, PA Quadrangle; Latitude: 41°50'58"; Longitude -76°30'05").

PA DOT Engineering District 3-0 proposes to replace a single span concrete slab bridge with a single span concrete box culvert over Cash Creek. The existing bridge has a span of 12.0 Ft., a skew of 80 degrees, roadway width of 68 Ft., an underclearance of 7.0 Ft., a low chord of 750.00 Ft. and a hydraulic opening of 84 Ft<sup>2</sup>. The proposed 18 Ft x 8 Ft box culvert has a span of 18 Ft., a skew of 78 degrees, roadway width of 91 Ft., an underclearance of 7.0 Ft., a low chord of 748.87 Ft. and a hydraulic opening of 126 Ft<sup>2</sup>. The proposed box culvert will utilize one foot depression, fish baffles and R-8 Rip Rap scour protection at the inlet and outlet in accordance with the BD-632M. The Rip Rap and box culvert floor will have native material placed on top to aid in aquatic passage. The project will utilize concrete U-Walls with a concrete flow line and baffles upstream and downstream of the proposed structure. The project will remove existing retaining walls upstream and downstream. The chan-

nel side slopes will be regraded to provide a more natural condition. The project will utilize R-8 Rip Rap (Choked with R-4 Rip Rap and native material) to stabilization for 180 Ft. upstream and 95 Ft. downstream of the U-walls. The project will not impact any jurisdictional wetlands. The application includes a Memorandum of Agreement for Archeological impacts. Cash Creek is classified as a Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards.

**E53-451. UGI Central Penn Gas, Inc.**, 2525 North 12th Street, Suite 360, Reading, PA 19612-2677. PA Pellet Gas Distribution Pipeline Extension Project, Ulysses Borough, **Potter County**, ACOE Baltimore District (Ulysses, PA Quadrangle, Southern Terminus Latitude 41° 53' 56.36" N; Longitude 77° 46' 39.00" W and Northern Terminus Latitude 41° 54' 31.54" N; Longitude 77° 46' 19.20" W).

UGI Central Penn Gas, Inc., is seeking Department approval to construct, operate and maintain approximately 4,260 linear feet of new natural gas distribution pipeline within a 20-foot right-of-way requiring three (3) watercourse and three (3) wetland water obstruction and/or encroachment activities at locations as follows:

<i>Identified Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Regulated Waters</i>	<i>Designated Water Quality</i>	<i>Activity Length</i>
Impact 1 Bored Utility Line Crossing	41.904610°	-77.772315°	Tributary # 1 Genesee River	CWF, MF	10-Feet
Impact 2 Bore Utility Line Crossing	41.905617°	-77.772348°	Wetland # 5	EV	55-feet
Impact 3 Temporary Construction Crossing	41.906022°	-77.772347°	Tributary # 2 Genesee River	CWF, MF	20-Feet
Impact 4 Bored Utility Line Crossing	41.906567°	-77.772361°	Wetland # 4	EV	23-feet
Impact 5 Bored Utility Crossing	41.907497°	-77.772297°	Genesee River	CWF, MF	13-feet
Impact 6 Bored Utility Crossing	41.907727°	-77.772251	Wetland # 1	EV	148-feet

Boring of the 6-inch diameter HPDE gas distribution pipeline crossings beneath the above listed watercourses shall be performed to ensure the depth between stream channel bottom and top of bore casing is minimally 3-feet. Excavation or fill placement, as a part of pipeline maintenance within the 20-foot right-of-way, shall not be performed at the above listed EV (Exceptional Value) wetlands without prior written approval from the Department. The gas distribution pipeline extension project is located along the eastern right-of-way of SR 0049.

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

**E27-091, Kane Hardwood Division Collins Pine Co.**, 95 Hardwood Drive, Kane, PA 16735. Trust 13 Stream Crossing, in Kingsley Township, **Forest County**, ACOE Pittsburgh District (Mayburg, PA Quadrangle N: 41°, 36', 6.464"; W: -79°, 12', 36.505").

As part of a timber harvesting operation, the Applicant proposes to construct and maintain a haul road crossing of an unnamed tributary to Bobbs Creek (HQ-CWF) consisting of a CMP arched culvert measuring approximately 137 inches wide by 87 inches high by 40 feet long.

**E10-507, The Buncher Company, Penn Liberty Plaza I**, 1300 Penn Avenue, Suite 300, Pittsburgh PA 15222. Jackson's Pointe Phases 3 & 4, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40°, 45', 28.85"; W: 80°, 07', 03.26").

To construct a commercial development, consisting of lots for restaurants, offices, retail stores, a hotel, and a bank, along with all associated roadways, parking, utilities, and stormwater management facilities, on two parcels located between SR 19 and SR 79 at the intersection

of Lindsay Road (Phase 3 to the south; Phase 4 to the north). Project will permanently impact 4 wetlands totaling 0.12 acre and 12 streams totaling 4,200 LF. All of the streams impacted by this project have drainage areas less than 100 acres. Applicant proposes to mitigate for the wetland impacts by purchasing credits from the Enlow Fork Mitigation Bank operated by RES. Applicant proposes to mitigate for the impacts to streams by partnering with Connoquenessing Watershed Alliance on multiple projects planned for Thorn Creek through the Thorn Creek Habitat Improvement Project totaling approximately 4,225 LF of improvements.

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

**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 for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

## ACTIONS

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

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

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0029149 (Sewage)	The Inn at Pocono Manor P.O. Box 38 Pocono Manor, PA 18349	Monroe County Pocono Township	Swiftwater Creek (01E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0020885	Mechanicsburg Borough 36 W Allen Street Mechanicsburg, PA 17055	Mechanicsburg Borough Cumberland County	Conodoguin Creek Watershed(s) 7-B	N
PAG043959	Stewart Residence PO Box 39 Amberson, PA 17210	Fannett Township Franklin County	UNT to Conococheague Creek In Watershed(s) 13-C	Y
PA0261581	Red Lion Municipal Authority Cabin Creek WTP PO Box 190 Red Lion, PA 17356	Windsor Township York County	Cabin Creek in Watershed(s) 7-I	Y
PA0044113	South Middleton Township Municipal Authority 345 Lear Lane Boiling Springs, PA 17007-0008	Monroe Township Cumberland County	Yellow Breeches Creek in Watershed(s) 7-E	N
PA0086878	Hamburg Municipal Authority 61 North 3rd Street Hamburg, PA 19526-1501	Windsor Township Berks County	Furnace Creek in Watershed(s) 3-B	Y
PA0087955	Cassville Water & Sewer Authority PO Box 48 Cassville, PA 16623	Cass Township Huntingdon County	UNT of Little Trough Creek in Watershed(s) 11-D	Y

**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

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

**NPDES Permit No. PA0046680**, Industrial Waste, **Republic Service of PA LLC**, 4400 Mount Pisgah Road, York PA, 17406.

This proposed facility is located in Windsor Township and Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT to Kreutz Creek and Kreutz Creek in Watershed(s) 7-I

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

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

**WQM Permit No. WQG01281701**, Sewerage, **Stewart SRSTP**, PO Box 39 Amberson, PA 17210.

This proposed facility is located in Fannett Township, **Franklin County**.

Description of Proposed Action/Activity: UNT of West Branch Conococheague Creek listed in Watershed(s) 13-C.

**WQM Permit No. 2172402**, Sewerage, **South Middleton Township Municipal Authority**, 345 Lear Lane, Boiling Springs, PA 17007-0008.

This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity:

This amendment approves the operation of sewage facilities consisting of:

Enhanced Biological Nutrient Removal facility using a 5 stage Integrated Fixed Film Activated Sludge (IFAS) system. This permit is amended to rerate the existing organic design capacity from 1,876 lbs BOD<sub>5</sub>/day to 2,940 lbs BOD<sub>5</sub>/day. Treatment units are Headworks containing coarse screens, fine screens, grit removal and 4 sewage pumps; aerated Equalization Tank No. 1, aerated Equalization Tank No. 2 receiving flow from White Rock Acres area, four Biological Unit trains containing anaerobic zone, anoxic zone 1, aeration zone 1, aeration zone 2, recycle sump, anoxic zone 2, and reaeration zone, Clarifiers Nos. 1 and 2, Filter/Chemical Building containing 5 return sludge and 2 waste sludge pumps,



2 disk filters, alum feed system, methanol system and UV disinfection, Digester/Sludge Building with 6 aerobic digesters in a 2 train arrangement, rotary drum thickener, centrifuge, and polymer feed system, and a Product Enclosure Building.

**WQM Permit No. 3616203**, Industrial Waste, **Green Harvest Augsburger LLC**, 511 S Bolmer Street, West Chester, PA 19382.

This proposed facility is located in West Cocalico, Township, **Lancaster County**.

Description of Proposed Action/Activity:

This permit approves the construction/operation of industrial wastewater facilities consisting of raw feedstock receiving and influent pump station, one 47,700 gallon Influent homogenization reactor, solids separation, solids drying and handling, primary clarification (3 compartments, 59,900 gallons total), one Sequencing batch reactor (2 compartments, 26,300 gallons total), two 9,200 gallon bioreactors, one 1,300,000 gallon effluent storage lagoon, advanced water treatment process and one (1) 47,700 gallon processed water storage tank

**WQM Permit No. 0616202**, CAFO, **Zahncroft Dairy LLC**, 3993 Smalltz Road, Womelsdorf, PA 19567.

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

Description of Proposed Action/Activity:

This permit approves the construction of manure storage facilities consisting of: Two liquid manure storage ponds. The stage 1 pond will be 100' x 200' x 14', and the stage 2 will be 200' x 180' x 14'-15' (sloped bottom). Both staged ponds will have a 1' freeboard. The stage 1 will have a structural capacity of 873,493 gallons, but considering the freeboard and 25-year, 24-hr storm volume, will be able to store 686,521 gallons. The stage 2 will have a structural volume and a total usable volume of 2,604,463 gallons, and 1,747,674 gallons, respectively.

**WQM Permit No. 0617401**, Sewerage, **Fleetwood Borough**, 110 West Arch Street, Suite 104, Fleetwood, PA 19522-1321.

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

Description of Proposed Action/Activity:

This permit approves the construction and operation of sewage facilities consisting of:

Replacement of an 8"  $\Phi$  sanitary sewer segment with a 12"  $\Phi$  PVC sanitary sewer pipe, gravity flow, from MH 63 to MH 63A along East Vine Street, approximately 331 linear feet; Replacement of a 6"  $\Phi$  sewer force main with a 6"  $\Phi$  cement-lined ductile iron sewer force main, from the Vine Street Pump Station to MH63, approximately 990 linear feet; Replacement of 4" valving at the Vine Street Pump Station (PS # 7) with 6" valving; Replacement of 4'  $\Phi$  MH63 with a new 5'  $\Phi$  precast concrete Manhole (MH); A resulting modest increase in effective pumping capacity at the Vine Street Pump Station; Pressure test of sewer force main before placed into service.

**WQM Permit No. 6717403**, Sewerage, **Meadowbrook MHP LP**, 710 Myrtle Court, New Cumberland, PA 17070.

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

Description of Proposed Action/Activity:

This permit approves the construction/operation/modification of sewage facilities consisting of:

- The existing pump station consists of 8-inch diameter wet well with two (2) new 5-HP centrifugal grinder pumps, check valves and pump control panel.
- New 3-inch HDPE force main from the existing pump station to the public sewer system operated by Pennsylvania American Water.
- An emergency notification system and air release chamber and valve on the 3-inch HDPE force main.
- Abandonment of the existing 0.025 MGD sanitary wastewater treatment facility owned and operated by Meadowbrook MHP LP.

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD150001	Dreamhouse, Inc. 6022 West Chester Pike Newtown Square, PA 19073	Chester	Willistown Township	Hillside Run HQ-TSF
PAD150006	Westlakes Lodging, LP 125 Strafford Avenue Suite 115 Wayne, PA 19087	Chester	Tredyffrin Township	Unnamed Tributary to Little Valley Creek EV
PAD150005	Shelter Development, LLC 218 North Charles Street Suite 220 Baltimore, MD 212011	Chester	Tredyffrin Township	Little Darby Creek CMF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD350001	PPL Electric Utilities Corporation c/o Ms. Colleen Kester 2 North Ninth Street Allentown, PA 18101	Lackawanna	Clarks Summit Borough, Dalton Borough, Glenburn Township, Newton Township, Ransom Township, City of Scranton, South Abington Township & West Abington Township	Leach Creek (TSF, MF) Summit Lake Creek (TSF, MF) Ackerly Creek (TSF, MF) Trout Brook (CWF, MF) South Branch Leach Creek (TSF, MF) Keyser Creek (CWF, MF) Gardner Creek (CWF, MF) Falls Creek (CWF, MF) EV wetlands
PAI021316002	Vertical Bridge Structures, LLC 750 Park of Commerce Drive Suite 200 Boca Raton, FL 33487	Carbon	Lower Towamensing Township	Aquashicola Creek (HQ-CWF) Buckwa Creek (HQ-CWF)
PAD390022	James Gentile Polaris Corner LP 645 W. Hamilton St. Suite 208 Allentown, PA 18102	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)
PAI024816012	Toll PA, LP c/o Mr. Mike Nice 250 Gibraltar Road Horsham, PA 19044	Northampton	East Allen Township and Hanover Township	Monocacy Creek (HQ-CWF, MF)
PAD390020	William Wall Valley Builders, LLC 775 Furnace St. P.O. Box 189 Emmaus, PA 18049-3907	Lehigh	Emmaus Borough	UNT to Leibert Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD310001	Huntingdon Borough 530 Washington Street P.O. Box 592 Huntingdon, PA 16652	Huntingdon County	Huntingdon Borough	Standing Stone Creek (HQ-CWF, MF)
PAD670004	Corey A. Grove 5135 Mack Road Stewartstown, PA 17363	York County	East Hopewell Township	UNT Rambo Run (EV, MF)

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

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD180001	Mill Hall DPP, LLC 9010 Overlook Blvd Brentwood, TN 37027	Clinton	Porter Twp	UNT—Fishing Creek HQ-CWF

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD020004	Redevelopment Authority of Allegheny County One Chatham Center Suite 900 112 Washington Place Pittsburgh, PA 15219	Allegheny County	Coraopolis Borough	Montour Run (TSF)
PAD630012	Buddy Gregg, Inc. 1790 Route 136 Eighty-Four, PA 15330	Washington County	Somerset Township	Little Chartiers Creek (HQ-WWF)
PAD630013	City of Washington 55 West Maiden Street Washington, PA 15301	Washington County	City of Washington	UNT to Little Chartiers Creek (HQ-WWF)
PAD650004	Jacob Schlesinger 337 Chestnut Ridge Road Latrobe, PA 15650	Westmoreland County	Derry Township	UNT to Miller Run (HQ-CWF)

### **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

#### *General Permit Type—PAG-02*

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bensalem Township Bucks County	PAC090050	Paramount Realty Services, Inc. 1195 Route 70 Suite 2000 Lakewood, NJ 08701	Tributary to Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAC090008	Fieldstone Farms of Sladek Road 895 Easton Road Suite 250 Warrington, PA 18976	Hickory Creek TSF-AMF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bensalem Township Bucks County	PAC090050	Paramount Realty Services, Inc. 1195 Route 70 Suite 2000 Lakewood, NJ 08701	Tributary to Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Swarthmore Borough Delaware County	PAC230011	Swarthmore College 500 College Avenue Swarthmore, PA 19081	Crum Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAC230023	Villanova University 800 Lancaster Avenue Villanova, PA 19085	Mill Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510017	FedEx Ground Package System, Inc. 1000 FedEx Drive Moon Township, PA 15108-9373	Poquessing Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Moosic Borough Lackawanna County	PAC350009	HG Montage Land Holdings, LLC 2 Twain Close Moosic, PA 18507	Covey Swamp Creek (CWF, MF) Stafford Meadow Brook (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Upper Nazareth Township Northampton County	PAC480010	Robert P. Zemanick Nazareth Area School District One Education Plaza Nazareth, PA 18064	Schoeneck Creek (WWF, MF)	Northampton County Conservation District 610-746-1971
Susquehanna Depot Borough Susquehanna County	PAC580003	PA DEP Environmental and Brownfields Program 2 Public Square Wilkes-Barre, PA 18701	North Branch Susquehanna River (WWF)	Susquehanna County Conservation District 570-278-4600

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Tyrone Township Adams County Issued	PAC010024	Matthew Sharrer Agricultural Commodities, Inc. 2224 Oxford Road New Oxford, PA 17350	West Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
East St. Clair Township Bedford County Issued	PAC050009	Old Dominion Freight Line, Inc. 500 Old Dominion Way Thomasville, NC 27360	UNT Oppenheimer Run (WWF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522

<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>
Shade, Napier, East St. Clair and Bedford Townships Central City Borough Bedford County	PAC050002	Mid-Atlantic Interstate Transmission/PA Electric Company (MAIT/Penelec) 341 White Pond Drive Akron, OH 44320	Little Dark Shade Creek (CWF), Dark Shade Creek and UNTs (CWF), Beaverdam Run UNTs (HQ-CWF), Shawnee Branch and UNTs (WWF, MF), UNTs Adams Run (WWF, MF), Raystown Branch Juniata River (WWF, MF), Brush Run and UNTs (WWF, MF), Dunning Creek and UNTs (WWF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522
Muhlenberg Township Berks County Issued	PAC060040	Massimo Folino, MF, Inc. 40 Kim Winona Court Fleetwood, PA 19510	Laurel Run (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
Lower Allen Township Cumberland County Issued	PAC210031	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033	UNT Cedar Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Fayette Township Juniata County Issued	PAC340007	Conrad Brubaker 1326 Oakland Road Mifflintown, PA 17059	UNT Lost Creek (CWF, MF)	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059 717.436.8953 x5
East Cocalico Township Lancaster County Issued	PAG02003615022	Mahlon Zimmerman 490 Millway Road Ephrata, PA 17522	Cocalico Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
West Lampeter Township Lancaster Township Issued	PAC360052	WPD Partners, LLC 1213 Orchard Road Lititz, PA 17543	UNT Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Rapho Township Lancaster County Issued	PAC360067	Judy Grillo 2425 Water Valley Road Lancaster, PA 17603	Rife Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Manheim Township Lancaster County Issued	PAC360078	Robert Fryer 30 Eshelman Road Lancaster, PA 17601	Landis Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Palmyra Borough Lebanon County Issued	PAC380021	Roger Powl 325 South Railroad Street Palmyra, PA 17078	Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042 717.277.5275
Swatara Township North Lebanon Township Lebanon County Issued	PAC380019	Matt Martin 1282 Lebanon Road Manheim, PA 17545	UNT Little Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042 717.277.5275
Union Township Lebanon County Issued	PAC380020	Donald E. Smith 75 Mystic Harbor Bradford Woods, PA 15015	UNT Swatara Creek (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042 717.277.5275

*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>
Asylum Twp, Bradford Cnty	PAC080004	SBA Towers, IX, LLC 8051 Congress Ave Boca Raton, FL 33487-1307	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
Wolf Twp, Lycoming Cnty	PAC410009	Thomas Montgomery 484 E. Water St Hughesville, PA 17737	UNT to Gregs Run CWF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Cambria Township	PAC110011	Century Development Ebensburg, LLC 1233 Main Street Suite 150D Wheeling, WV 26003	UNT to South Branch of Blacklick Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-0686
Young Township; Conemaugh Township	PAC320008	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Roaring Run (CWF); Marshall Run (CWF); Elders Run (CWF); Miller Run (TSF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Cecil Township	PAC630019	Graziani Homes 1028 Skyline Drive Canonsburg, PA 15317	Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Penn Township; Murrysville Municipality	PAC650004	Pennsylvania Turnpike Commission 700 Eisenhower Boulevard Middletown, PA 17057	Lyons Run (TSF)	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>
North Huntingdon Township	PAC650008	F & H Development P.O. Box 297 Wexford, PA 15090	Little Sewickley Creek (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Upper Burrell Township	PAC650016	Kaforey Holdings II, LP 702 Prominence Drive New Kensington, PA 15067	Pucketa Creek (TSF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township	PAC650019	KWP NSP, LLC P.O. Box 979 Telluride, CO 81435-0979	UNT to Buffalo Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Latrobe City	PAC650023	Greater Latrobe School District 1816 Lincoln Avenue Latrobe, PA 15650	Loyalhanna Creek (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township	PAC650025	Speedway, LLC 500 Speedway Drive Enon, OH 45323	Jacks Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Salem Township	PAC650026	Speedway, LLC 500 Speedway Drive Enon, OH 45323	UNT to Loyalhanna Creek (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Mount Pleasant Township	PAC650027	Sewickley Creek Watershed Association P.O. Box 323 Youngwood, PA 15697	Sewickley Creek (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township	PAC650030	Westmoreland County Airport Authority 148 Aviation Lane Suite 103 Latrobe, PA 15650	Monastery Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Allegheny Township	PAC650032	Kiski Area School District 240 Hyde Park Road Leechburg, PA 15656	Pine Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township	PAG02006515029(1)	Pennsylvania Department of Transportation, District 12-0 825 North Gallatin Avenue Extension Uniontown, PA 15401-2105	Sherrick Run (WWF); Belson Run (WWF)	Westmoreland County Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Rostraver Township	PAG02006516023	Golden Triangle Construction 8555 Old Steubenville Pike Imperial, PA 15126	DDM Development, Inc. P.O. Box 217 Curwensville, PA 16833	UNT to Pollock 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>
Salem Township	PAG02006516033	Totteridge Properties, LLC 325 Hannastown Road Greensburg, PA 15601  Ricciuti Enterprise 100 Boyce Park Center Suite F Pittsburgh, PA 15239	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>
Ridgway Twp, Elk County	PAC240004	Assured Testing Services 198 River Road	Mohan Run CWF	Elk County Conservation District 850 Washington Street, St. Marys, PA 15857 814-776-5373
Cranberry Twp, Butler County	PAC100028	Two Alps Avenue LLC 122 Maple Ridge Court Canonsburg, PA 15317	Unt to Brush Creek	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Midland Borough Beaver County	PAG036187	Champion Inc. 180 Traders Mine Road PO Box 180 Iron Mountain, MI 49801	Unnamed Tributary to Ohio River—20-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-5*

<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>
Ridgway Township Elk County	PAG058397	United Refining Co. Of PA 15 Bradley Street PO Box 688 Warren, PA 16365-3224	Clarion River—17-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/ Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Port Royal Sewage Treatment Plant PO Box 236 804 8th Street Port Royal, PA 17082	PAG083594	Revocation of Permit— Port Royal Municipal Authority PO Box 236 804 8th Street Port Royal, PA 17082	Port Royal Sewage Treatment Plant PO Box 236 804 8th Street Port Royal, PA 17082	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707
Juniata County/ Port Royal Borough			Juniata County/ Port Royal Borough	

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*

Ken	PAG080002	Synagro	Same As Facility	DEP—SCRO—
WickardLongenecker	PAG080003	1605 Dooley Marietta		Clean Water Program
Farm # 2	PAG080004	Donegal Joint Authority		909 Elmerton Avenue
220 Hunter 1718	PAG080005	50 Furnace Road		Harrisburg, PA 17110-8200
Maytown Road	PAG080006	PO Box B		717-705-4707
Newville	PAG080008	Whiteford, MD 21160		
Elizabethtown, PA	PAG080011	Marietta, PA 17547		
17241 17022	PAG080016			
	PAG080018			
Upper Frankford &	PAG080021			
Lower Mifflin	PAG082203			
Township/	PAG082211			
Cumberland County	PAG082219			
East & West	PAG082223			
Donegal Townships/	PAG083501			
Lancaster County	PAG083506			
	PAG083510			
	PAG083515			
	PAG083518			
	PAG083522			
	PAG083535			
	PAG083540			
	PAG083547			
	PAG083551			
	PAG083556			
	PAG083565			
	PAG083567			
	PAG083568			
	PAG083573			
	PAG083596			
	PAG083597			
	PAG083600			
	PAG083605			
	PAG083610			
	PAG083611			
	PAG083825			
	PAG089903			
	PAG089904			
	PAG089905			
	PAG089909			
	PAG089910			
	PAG070003			
	PAG070005			
	PAG073508			
	PABIG9903			
	WMGR009			
Longenecker Farm	PAG083601	Marietta Donegal	Same As Facility	DEP—SCRO—
1718 Maytown Road		Joint Authority		Clean Water Program
Elizabethtown, PA		50 Furnace Road		909 Elmerton Ave
17022		Marietta, PA 17547		Harrisburg, PA 17110
				717-705-4707
East & West				
Donegal Townships/				
Lancaster County				

*General Permit Type—PAG-9**Facility Location &  
County/  
Municipality**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*

Fulton County/	PAG099901	Glens Septic Service	Beale Farm	DEP—SCRO—
Union Township		13908 Heavenly Acres	473 Papertown Road	Clean Water
		Ridge Road	Warfordsburg, PA	909 Elmerton Avenue
		Hancock, MD 21750	17267	Harrisburg, PA 17110
				717-705-4707

<i>Facility Location &amp; County/ Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Dauphin County/ East Hanover Township	PAG093504	Walters Environmental Services PO Box 400 Grantville, PA 17028	Grateful Acres Farm 463 Manada Gap Road Grantville, PA 17028	DEP—SCRO— Clean Water 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Fulton Township/ Dublin Township	PAG093538	County Septic Service 29169 Great Cove Road Ft Littleton, PA 17223	County Septic Service 29169 Great Cove Road Ft Littleton, PA 17223	DEP—SCRO— Clean Water 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-12*

<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>
Mount Joy Borough, Lancaster County	PAG123840	Bellaire Farms LLC 9192 Elizabethtown Road Elizabethtown, PA 17022	Lancaster County in Watershed 7-G	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
East Providence Township, Bedford County	PAG123837	Michael Wilt & Corey Wilt 1408 Pointer Road Everett, PA 15537	Bedford County in Watershed 11-D	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Rapho Township, Lancaster County	PAG123582	Weaver Lester B 2560 Sunnyside Road Manheim, PA 17545	Lancaster County in Watershed 7-G	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin Township, Adams County	PAG123847	Doug Wetzel Wetzel Poultry Farm PO Box 55 Aspers, PA 17304	Adams County in Watershed(s) 13-D	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Halifax Borough, Dauphin County	PA0024457	Halifax Area Water & Sewer Authority PO Box 443 Halifax, PA 17032	Susquehanna River in Watershed(s) 6-C	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

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

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Round Hill Poultry Travis and Mitchell Miller 6108 Carlisle Pike East Berlin, PA 17316	Adams	34.2	344.12	Poultry— Turkeys	NA	approval

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0917503**, Public Water Supply.

Applicant	<b>North Wales Water Authority</b> 200 West Walnut Street P.O. Box 1339 North Wales, PA 19454-0339
Township	Doylestown
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	North Wales Water Authority 200 West Walnut Street P.O. Box 1339 North Wales, PA 19454-0339
Permit to Construct Issued	May 01, 2017

**Permit No. 0917504**, Public Water Supply.

Applicant	<b>Warminster Municipal Authority</b> 415 Gibson Avenue Warminster, PA 18974
Warminster Township	
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	CKS Engineers, Inc. 88 South Main Street Doylestown, PA 18901
Permit to Construct Issued	April 26, 2017

**Operations Permit # 0917511** issued to: **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954, [(PWSID) Northampton Township, **Bucks County** on April 26, 2017] for the operation of Northampton Bucks County Municipal Authority Liquid Sodium Hypochlorite Feed Systems at Well House Nos. 4, 8, 9, 10, 13, and 16 facilities approved under construction permit # 0916514.

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

**Permit No. 2400140**, **Operations Permit**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 1 Aqua Way White Haven, PA 18661
[Borough or Township]	Butler Township
County	<b>Luzerne</b>
Type of Facility	PWS
Consulting Engineer	Steven E. Riley, PE Entech Engineering, Inc. 201 Penn Street Reading, PA 19603
Permit to Operate Issued	3/01/2017

**Permit No. 6617501**, Public Water Supply.

Applicant	<b>Silver Springs Ranch, LLC</b> 5148 Nuangola Rd. Mountain Top, PA 18707
[Borough or Township]	Monroe Township
County	<b>Luzerne</b>
Type of Facility	BVRB
Consulting Engineer	Thomas Pullar, PE EarthRes Group, Inc. P.O. Box 468 Pipersville, PA 18947



Permit to Construct April 26, 2017  
Issued

**Application No. 4517501**, Public Water Supply.

Applicant **Aqua PA, Inc.**  
1 Aqua Way  
White Haven, PA 18661

[Township or Borough] Polk Township,  
**Monroe County**

Responsible Official Patrick R. Burke, PE  
Aqua PA, Inc.  
204 E. Sunbury Street  
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer David R. Knapton, PE  
GHD  
230 Executive Drive,  
Suite 300  
Cranberry Township, PA 16066

Issue Date 04/17/2017

Description of Action Improvements to the existing  
Well No. 3 well station facility  
and modifications to the 4-log  
system.

**Permit. 2580026**, Public Water Supply.

Applicant **PA American Water**  
(Thompson Well 1)  
800 W. Hershey Park Drive  
Hershey, PA 17033

[Township or Borough] Thompson Borough  
**Susquehanna County**

Responsible Official Mr. David Kaufman  
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Daniel Rickard, PE  
PA American Water Company  
2699 Stafford Avenue  
Scranton, PA 18505

Operation Permit Issued 04/18/2017

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

**Permit No. 3617505 MA, Minor Amendment**, Public  
Water Supply.

Applicant **Pequea Valley School  
District-Paradise Elementary  
School**

Municipality Paradise Township

County **Lancaster**

Responsible Official Jeremy Crum, Dep Operator  
1697 Swamp Pike  
Gilbertsville, PA 19525

Type of Facility Installation of flow pacing  
chemical feed equipment and a  
bypass for nitrate treatment  
blending.

Consulting Engineer Bruce Rader, P.E.  
Berks Surveying & Engineering,  
Inc.  
311 East Main Street  
Fleetwood, PA 19522

Permit to Construct 4/19/2017  
Issued

**Operation Permit No. 2116501** issued to: **Newville  
Borough Water & Sewer Authority (PWS ID No.  
7210041)**, Penn Township, **Cumberland County** on  
4/24/2017 for facilities approved under Construction Per-  
mit No. 2116501.

*Northcentral Region: Safe Drinking Water Program  
Manager, 208 West Third Street, Suite 101, Williamsport,  
PA 17701-6448.*

**Permit No. 1716502—Operation—Public Water Sup-  
ply.**

Applicant **Aqua Pennsylvania, Inc.**

Township/Borough Sandy Township

County **Clearfield**

Responsible Official Mr. Zach Martin  
Assistant Division Manager  
Aqua Pennsylvania, Treasure  
Lake Division  
665 South Dock St.  
Sharon, PA 16146

Type of Facility Public Water Supply

Consulting Engineer Robert Horvat, P.E.  
Entech Engineering, Inc.  
Building 2, Suite 200  
Coraopolis, PA 15108

Permit Issued April 26, 2017

Description of Action Authorizes operation of the  
pre-engineered triplex,  
multi-stage pumping system in  
the Cayman Booster Station that  
replaces previous equipment and  
produces equivalent flow.

**Permit No. 1717501-MA—Construction—Public Wa-  
ter Supply.**

Applicant **Red Rock Job Corps Center**

Township/Borough Colley Township

County **Sullivan**

Responsible Official Gerry McGroarty  
Center Director  
PO Box 218  
Lopez, PA 18628

Type of Facility Public Water Supply

Consulting Engineer Edmund Slocum  
Milnes Engineering, Inc.  
12 Frear Hill Rd.  
Tunkhannock, PA 18657

Permit Issued April 28, 2017

Description of Action Authorizes replacement of the  
submersible pump in Well No. 5  
that was oversized and failed  
(Goulds Model 8RALC 30 hp)  
with a more appropriately sized  
submersible well pump (Goulds  
Model 65L 15 15 hp).

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

**Permit No. 0215536**, Public Water Supply.

Applicant **Borough of Brackenridge**  
1000 Brackenridge Avenue  
Brackenridge, PA 15014

[Borough or Township] Brackenridge Borough  
County **Allegheny**

Type of Facility Brackenridge WTP ammonium sulfate addition

Consulting Engineer Senate Engineering Company  
U-PARC  
420 William Pitt Way  
Pittsburgh, PA 15238

Permit to Construct May 1, 2017  
Issued

**Permit No. 3217515**, Public Water Supply.

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

[Borough or Township] Young Township  
County **Indiana**

Type of Facility Grove Chapel water storage tank

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

Permit to Construct May 1, 2017  
Issued

**Permit No. 3217512**, Public Water Supply.

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

[Borough or Township] Young Township  
County **Indiana**

Type of Facility Coal Run pump station

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

Permit to Construct May 1, 2017  
Issued

**Permit No. 3217516**, Public Water Supply.

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

[Borough or Township] Washington Township  
County **Indiana**

Type of Facility Raw water intake and pumps along Crooked Creek

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

Permit to Construct May 1, 2017  
Issued

**Permit No. 3216510**, Public Water Supply.

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

[Borough or Township] Green Township  
County **Indiana**

Type of Facility Uniontown water storage tank

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

Permit to Construct May 1, 2017  
Issued

**Operations Permit** issued to: **Hastings Municipal Authority**, 207-1 Fifth Avenue, PO Box 559, Hastings, PA 16646, (PWSID # 4110013) Hastings Township, **Cambria County** on May 1, 2017 for the operation of facilities approved under Construction Permit # 1117506.

**Operations Permit** issued to: **Hastings Municipal Authority**, 207-1 Fifth Avenue, PO Box 559, Hastings, PA 16646, (PWSID # 4110013) Hastings Township, **Cambria County** on May 1, 2017 for the operation of facilities approved under Construction Permit # 1114509.

**Operations Permit** issued to: **Hastings Municipal Authority**, 207-1 Fifth Avenue, PO Box 559, Hastings, PA 16646, (PWSID # 4110013) Hastings Township, **Cambria County** on May 1, 2017 for the operation of facilities approved under Construction Permit # 1114508MA.

**Permit No. 1117501MA, Minor Amendment.** Public Water Supply.

Applicant **East Taylor Municipal Authority**  
403 Donruth Lane  
Johnstown, PA 15909

[Borough or Township] Jackson Township  
County **Cambria**

Type of Facility Interconnection with Jackson Township Municipal Authority

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct May 1, 2017  
Issued

**Permit No. 2617501MA, Minor Amendment.** Public Water Supply.

Applicant **National Pike Water Authority**  
PO Box 10  
Markleysburg, PA 15459

[Borough or Township] Wharton Township

County	<b>Fayette</b>
Type of Facility	Deer Lake Outer Loop waterline
Consulting Engineer	McMillen Engineering 115 Wayland Smith Drive Uniontown, PA 15401
Permit to Construct Issued	May 1, 2017

**Ebensburg Borough Municipal Authority (Public Water Supply), Cambria County:** On May 2, 2017, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for Ebensburg Borough Municipal Authority. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP Plan was completed with assistance from PA DEP's Source Water Protection Technical Assistance Program.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Settlement Under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup act The Boarhead Farms NPL Site, Bridgeton Township, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P.S. §§ 6020.101—6020.1305, and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C.A §§ 9601—9675, has entered into a Consent Order and Agreement (COA) with the current members of the Boarhead Farms NPL Site Group (Group) regarding the Boarhead Farms NPL Site (Site) to resolve the Group's liability for past Department costs incurred at the Site.

The Site was previously used to illegally dispose of hazardous wastes from the 1960s into the early-1980s. The United States Environmental Protection Agency (USEPA) initially added the Site to the National Priorities List (NPL) on March 31, 1989. Following that, USEPA conducted multiple removal actions to excavate buried drums and clean-up contaminated groundwater. In 1998, EPA issued a Record of Decision (ROD). The Department has participated with USEPA in the oversight of the selected remedy, while a group of responsible parties (RPs) has maintained and implemented USEPA's remedy at the site. The cleanup was divided into two Operable Units (OUs). OU-1 is an on-going long-term groundwater response which includes a ground water extraction and treatment system. The soil and waste removal associated with the OU-2 remedy was completed in 2003. To learn more about the Boarhead Farms NPL Site, please visit <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0300963>.

The Group has agreed to reimburse the Department in the amount of \$95,763.22 to resolve its liabilities for past costs incurred by the Department at the Site. The Department reserves the right to request reimbursement from the Group for future costs associated with the Department's continuing oversight of the long-term remedy implementation on an annual basis.

This notice is provided under section 1113 of HSCA, 35 P.S. § 6020.1113. The agreements may be examined at the Department's offices at 2 East Main Street, Nor-

ristown, PA 19401 by contacting Dustin Armstrong at [darmstrong@pa.gov](mailto:darmstrong@pa.gov) or 484.250.5723 and Robert Schena at [roschena@pa.gov](mailto:roschena@pa.gov) or 484.250.5865. The Department will accept public comments for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding this PPA and its amendments by submitting them to Dustin Armstrong at the Department's address as listed above.

## 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.*

**Circle of Seasons Charter School**, 8380 Mohr Lane and 8415 Redhaven Street, Upper Macungie Township and Weisenberg Township, **Lehigh County**. Moonstone Environmental, 1150 Glenlivet Drive, Suite A23, Allentown, PA 18106, on behalf of Circle of Seasons Charter School, 8380 Mohr Lane, Fogelsville, PA 18051, submitted a Remedial Investigation Report and Final Report con-



cerning remediation of site soils contaminated with lead and arsenic. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standard.

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

**Supreme Corp./Former Sterling Lebanon Packaging, Inc.**, 24900 State Road 72, Jonestown, PA 17038 Union Township, **Lebanon County**. TecServ Environmental, Inc., 1911 Clover Road, Suite 10, Mishawaka, IN 46545, on behalf of Supreme Corporation, 411 Jonestown Road, Jonestown, PA 17038, submitted Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site Specific Standard.

**D&D Distribution Services**, 789 Kings Mill Road, York, PA 17403, Spring Garden Township, **York County**. Arcadis, Inc., 35 Columbia Road, Branchburg, NJ 08876, on behalf of 789 Kings Mill, L.P., 40 Morris Avenue, Suite 230, Byrn Mawr, PA 19010, and Safe Harbor Reserve, Inc., 789 Kings Mill Road, York, PA 17403, submitted Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with VOCs, chlorinated solvents and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**127 South Oak Street**, 127 South Oak Street, Manheim, PA 17545, Manheim Borough, **Lancaster County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Fannie Mae, 14221 Dallas Parkway, Suite 1000, Dallas, TX 75254, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Former Ingersoll Rand Power Tools Site**, Athens Township, **Bradford County**. Arcadis U.S., Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940, on behalf of Ingersoll Rand Company, 800 Beaty Street, Building E, Davidson, NC 28036, has submitted a Final Report concerning remediation of site soils contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**JKLM Headwaters Pad 143**, Ulysses Township, **Potter County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of JKLM Energy, LLC, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, has submitted a Final report concerning remediation of soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**NFG Midstream Clermont West Compressor Station**, 12753 Shawmut Grade Road, Jones Township, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of National Fuel Gas Supply Corporation, P.O. Box 2081, 1100 State Street, Erie, PA 16512, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation

of site soil and site groundwater contaminated with benzene, toluene, ethyl benzene, xylene, sec-butyl benzene, tert-butyl benzene, cyclohexane, 1,3,4-trimethylbenzene, 1,3,5-trimethylbenzene, cumene, naphthalene, acenaphthene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluoranthene, fluorene, indeno[1,2,3-c,d]pyrene, 2-methylnaphthalene, phenanthrene, pyrene, 1,1, biphenyl, phenol, aluminum, barium, boron, chloride, iron, lithium, manganese, strontium, vanadium, zinc, selenium, and ethylene glycol. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19011, Telephone 484.250.5960.*

**Sweitzer Residence**, 4623 Osage Avenue, City of Philadelphia, **Philadelphia County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Brett Sweitzer, 4623 Osage Avenue, Philadelphia, PA 19143 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF697158.

**Hale Productions Industrial**, 720 Spring Mill Avenue & 710 Jones Street, Borough of Conshohocken, **Montgomery County**. Jon Rutledge, Arcadis, U.S., Inc., 10 Friends Land, Suttie 200, Newtown, PA 18940 on behalf of Mark Frick, Hurst Jaws of Life, Inc., (f/k/a Hale Productids, Inc.), 1925 West Field Court, Suite 100, Lake Forest, IL 60045-4824 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with vocs, svocs and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF772990.

**Georgia Pacific/Philadelphia Container Facility**, 600 Righters Ferry Road, Lower Merion Township, **Montgomery County**. Michael A. Christie, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440, on behalf of Kevin S. Kyle, Righters Ferry Associates, LLP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site groundwater contaminated with pyrene, phenanthrene, naphthalene, chrysene and benzene. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF669339.

**Duval Manor Apartment**, 6350 Green Street, City of Philadelphia, **Philadelphia County**. Andrew D. Hubley, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, Michael Young, Classic Management, Inc., 229 West Upsal Street, Philadelphia, PA 19118 on behalf of Thomas Famoly, Duval Manor associates, LLC, 6350 Green Street, Philadelphia, PA 19144 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with fuel oil, 4, 5, & 6 parameters. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF803702.

**Duval Manor Apartment**, 6347-6351 Green Street, City of Philadelphia, **Philadelphia County**. Andrew D. Hubley, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, Michael Young, Classic Management, Inc., 229 West Upsal Street, Philadelphia, PA 19118 on behalf of Thomas Famoly, Duval Manor associates, LLC, 6350 Green Street, Philadelphia, PA 19144 has submitted a Final Report



concerning remediation of site soil and groundwater contaminated with vocs, tcl and pahs. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF803698.

**Power Residence**, 37-38 Mulberry Street, Upper Chichester, **Delaware County**. Patrick S. Crawford, P.G., Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, Thomas Ferron, Ferron Fuel Oil, Inc., 2400 Chichester Avenue, Upper Chichester, PA 19061 on behalf of Mr. and Mrs. Robert Powers, 37 Mulberry Street, Boothwyn, PA 19061 has submitted a Final Report concerning remediation of site soil contaminated with home heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF809927.

**5400 Tulip Street**, 5400 Tulip Street, City of Philadelphia, **Philadelphia County**. Richard S. Werner, Werner, PG Environmental Inc., 2020 Renaissance Blvd, Suite 110, King of Prussia, PA 19406 on behalf of Joe DePascale, Philadelphia-Harbison, LP, 166 Nassau Street, Princeton, NJ has submitted a Remedial Investigation/Cleanup Plan/Risk concerning remediation of site soil and groundwater contaminated with pah, arsenic, lead, trichloroethene and vocs. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF618998.

**242. Acre Property**, 400 Block of Newbold Road, Falls Township, **Bucks County**. Henry Alexander, GHD, 401 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Kyle D. Colman, Waste Gas Fabricating Company, Inc., 450 Newbold Road, Fairless Hills, PA 19030 has submitted a Final Report concerning remediation of site soil contaminated with non-media solids. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF776317.

**Argus Property Group**, 98 & 99 Church Road, East Whiteland Township, **Chester County**. Sara Szymanski, REPSG, Inc., 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142, Mike Ryan, APG The Valley, LP, 606 Gordon Drive, Exton, PA 19341, Brenda Kellogg, REPSG, Inc., 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Jamie Bartholomew Aller, Estate of Lydia H. Willits, et al, 145 Lucky Hill Road, West Chester, PA 19382 has submitted a Final Report concerning remediation of site groundwater contaminated with lithium, boron, bromate, and bromide. The report is intended to document remediation of the site to meet the Background Standard. PF813233.

**Groundwater Flint Property**, 730 Wheatland Street, Borough of Phoenixville, **Chester County**. Alexander Ulmer, Barry Isett Associates, 1003 Egypt Road, Phoenixville, PA 19460 on behalf of Steve Kambic, Petra Community Housing, 201 South Main Street, Spring City, PA 19475 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard. PF806062.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101–6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Station Lot B**, 330 South Warminster Road, Hatboro Borough, **Montgomery County**. Max Ryan, Alliance HSP Station Park, LP, 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010, Mark Fortan, DelVa Soil & Environmental Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18902 on behalf of Michael Nice, P.E., Toll Brothers, Inc., 250 Gibraltar Road, Horsham, PA 19044 has submitted a Final Report concerning the remediation of site soil contaminated with pesticides. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 11, 2017. PF814953.

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

**Kings Cleaners**, 225 Ferry Street, City of Easton, **Northampton County**. Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Lehigh Valley Economic Development Corp., 2158 Avenue C, Suite 200, Bethlehem, PA 18017, submitted a Final Report concerning the remediation of site soils contaminated with VOCs. The Final Report demonstrated attainment of the Statewide Health and Site-Specific Standards, and was approved by the Department on April 25, 2017.

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

**Former Monro Muffler Brake & Service**, 3242 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of KFJ, Ltd., 59 General Warren Boulevard, Malvern, PA 19355, submitted a Final Report concerning remediation of site soils contaminated with PAHs. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on April 26, 2017.

**Kenneth Kramer Property**, 3567 Kettle Road, Altoona, PA 16601, Tyrone Township, **Blair County**. P. Joseph Lehman Consulting Engineers, 117 Olde Farm Office Road, Suite 113, Altoona, PA 16635, on behalf of Kenneth Kramer, 3567 Kettle Road, Altoona, PA 16601, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Standard, and was approved by the Department on April 27, 2017.

**Former Armstrong Environmental Services Facility**, 205 Greenfield Road, Lancaster, PA 17601, East Lampeter Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of 205 Greenfield, LP, 5 Holland Street, Salunga, PA 17538, submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Site Specific Standard, and was disapproved by the Department on April 27, 2017.

**Myrle Aument Property**, 1197 Pennsy Road, Pequea, PA 17565, Martic Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Myrle Aument, 1197 Pennsy Road, Pequea, PA 17565, submitted a Final Report for soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on April 27, 2017.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Liquid Transport Release**, Bradford Township, **Clearfield County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Liquid Transport, 8470 Allison Pointe, Suite 400, Indianapolis, IN 46250, has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 28, 2017.

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

**INDSPEC Chemical**, Route 268, 133 Main Street, Petrolia Borough, **Butler County**. ARCADIS U.S., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of Beazer East, Inc., 1 Oxford Center, Suite 3000, Pittsburgh, PA 15219-6401 and INDSPEC Chemical Corporation, c/o Glenn Springs Holdings, Inc., P.O. Box 2148, Houston, TX 77252-2148, submitted a Risk Assessment Report concerning the remediation of site soil and site groundwater contaminated with including, but not limited to, benzenesulfonic acid, m-benzenedisulfonic acid, formaldehyde, p-phenolsulfonic acid, resorcinol, 2,4,3-trihydroxydiphenyl and benzene. The Report was disapproved by the Department on April 24, 2017.

**Interstate Chemical Company**, 2797 Freedland Road, City of Hermitage, **Mercer County**. AMEC Foster Wheeler Environment & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of Interstate Chemical Company, Inc., 2797 Freedland Road, Hermitage, PA 16148 submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with furfural, 2-propanol, methanol, n-butyl alcohol, 1,1,1-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethane, 2-butanone (MEK), 2-hexanone, 2-propanol, 4-methyl-2-pentanone (MIBK), chlorobenzene, chloroform, cis-1,2-dichloroethene, ethylbenzene, methyl tert-butyl ether, methylene chloride, tetrachloroethene, toluene, trans-1,2-dichloroethene, trichloroethene, xylenes, naphthalene, and vinyl chloride. The Report was disapproved by the Department on January 11, 2017.

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

**Norfolk Southern Railyard, 210 1st Street (Derailment Area)**, Borough of Vandergrift, **Westmoreland County**. Geosyntec Consultants, 1 Penn Center West Drive, Pittsburgh, PA 15276 on behalf of Norfolk Southern Corporation, 1200 Peachtree Street, Atlanta, GA 30309 has submitted a Final Report concerning the remediation of site soil contaminated with Heavy Crude Oil. The department approved the report meeting a non-residential Statewide Health Standard for constituents tested for of the Pennsylvania Crude oil list of VOCs, SVOCs and lead. The report was approved on April 26, 2017.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

*Hazardous Waste Transporter License Issued*

**Brook Ledge Inc.**, P.O. Box 56, Oley, PA 19547. License No. PA-AH 0855. Effective Apr 26, 2017.

**TCI of NY, LLC**, PO Box 396, Coeymans, NY 12045. License No. PA-AH 0842. Effective Apr 25, 2017.

*Hazardous Waste Transporter License Reissued*

**AES Asset Acquisition Corporation d.b.a. American Transportation Services. LLC (ATS)**, 310 Seven Fields Blvd, Seven Fields, PA 16046. License No. PA-AH 0825. Effective Apr 27, 2017.



**Hittman Transport Services, Inc.**, 1560 Bear Creek Rd, Oak Ridge, TN 37830. License No. PA-AH S239. Effective May 01, 2017.

**Laidlaw Carriers Bulk GP Inc.**, 1179 Ridgeway Rd, Woodstock, ON N4S 0A9. License No. PA-AH 0703. Effective Apr 27, 2017.

**Laidlaw Carriers Tank Gp Inc.**, 1179 Ridgeway Rd, Woodstock, ON N4S 0A9. License No. PA-AH 0704. Effective Apr 27, 2017.

**Weavertown Transport Leasing, Inc.**, 2 Dorrington Rd, Carnegie, PA 15106. License No. PA-AH 0263. Effective May 02, 2017.

*Renewal Applications Received*

**Hittman Transport Services, Inc.**, 1560 Bear Creek Rd, Oak Ridge, TN 37830. License No. PA-AH S239. Effective Apr 27, 2017.

**Laidlaw Carriers Bulk GP Inc.**, 1179 Ridgeway Rd, Woodstock, ON N4S 0A9. License No. PA-AH 0703. Effective Apr 27, 2017.

**Laidlaw Carriers Tank Gp Inc.**, 1179 Ridgeway Rd, Woodstock, ON N4S 0A9. License No. PA-AH 0704. Effective Apr 27, 2017.

**Weavertown Transport Leasing, Inc.**, 2 Dorrington Rd, Carnegie, PA 15106. License No. PA-AH 0263. Effective May 01, 2017.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**GP3-40-017B: Kriger Construction, Inc.** (859 Enterprise Street, Dickson City, PA 18519) on February 10, 2017 to construct and operate a Portable Crushing Operation with water sprays at their SVP Site in Hanover Township, **Luzerne County**.

**GP9-40-017B: Kriger Construction, Inc.** (859 Enterprise Street, Dickson City, PA 18519) on February 10, 2017 to install and operate nine (9) Diesel I/C engines at their SVP Site in Hanover Township, **Luzerne County**.

**GP11-40-010B: Susquehanna Nuclear, LLC** (769 Salem Boulevard, Berwick, PA 18603) on January 27, 2017 to operate four (4) Diesel I/C engines at the Susquehanna Steam Electric Station in Salem Township, **Luzerne 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.*

**GP1-67-03003: Hanover Hospital** (300 Highland Avenue, Hanover, PA 17331) on April 21, 2017 for the two natural gas/# 2 oil-fired boilers at the hospital facility in Hanover Borough, **York County**. The GP1 authorization was renewed.

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

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

**GP5-30-00217B: Cone Gathering, LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) on April 27, 2017, for construction and/or operation of five (5) 2,370 bhp compressor engines controlled by oxidation catalysts and an additional dehydrator at the Morris Station located in Center Township, **Greene 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.*

**09-0222: Telex Metals, LLC** (105 Phyllis Drive, Croydon, PA 19021) On April 26, 2017 issuance for installation of thirty (30) metal refining process tanks and three (3) associated packed tower wet scrubbers, as follows, at their existing metal refining facility located in Bristol Township, **Bucks 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.*

**06-03171A: Dengler Funeral Home, Inc.** (144 North Spruce Street, Birdsboro, PA 19508-2038) on April 26, 2017, for construction of a human crematory controlled by an afterburner at the facility in Birdsboro Borough, **Berks County**.

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

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

**AMS 15240:** (United States Mint, 151 N Independence Mall East, Philadelphia, PA 19106) issued on April 26, 2017 for the installation of a 264 kW (900,000 BTU/hr) exo-gas generator and catalytic oxidizer. The exo-gas generator is fueled by natural gas and the catalytic oxidizer is electric. The catalytic oxidizer controls Carbon Dioxide (CO) emissions from the exo-gas generator. CO emissions will have a potential of 1.08 ton/year (tpy). There will be potential Nitrogen Oxides (NO<sub>x</sub>), Particulate Matter (PM), Sulfur Oxides (SO<sub>x</sub>), and Volatile Organic Compounds (VOC) emissions from the exo-gas generator and catalytic oxidizer of less than 1 tpy per pollutant. The plan approval will contain operating, monitoring, recordkeeping, testing, and reporting requirements to ensure operation within all applicable requirements.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**06-05069X: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on April 28, 2017, for modifying A-2 Facility production lines. The sources are located at the Lyon Station lead-acid battery assembly facility 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.

**32-00428A: Creps United Publications, LLP** (1163 Water Street, Indiana, PA 15701) Extension effective April 28, 2017, to extend the period of temporary operation until October 28, 2017, for Creps United Publications, LLP's new commercial printing facility located in White Township, **Indiana County**.

**04-00738A: Aliquippa Metal Recovery, LLC** (100 Bet Tech Drive, Aliquippa, PA 15001) Extension effective April 28, 2017, to extend the period of temporary operation until October 28, 2017, for Aliquippa Metal Recovery's slag processing and metals recovery facility located in Hopewell Township, **Beaver County**.

**63-00968A: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 1, Suite 1600, Denver, CO 80202-2137) Extension effective April 28, 2017, to extend the period of temporary operation of eight new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00968A until October 28, 2017, at the Smith Compressor Station located in Smith Township, **Washington County**.

**30-00170A: Laurel Mountain Midstream Operating, LLC** (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on April 28, 2017, to extend the period of temporary operation of one Caterpillar G3612 lean burn natural gas-fired compressor engine rated at 3,550 bhp at the existing Brown Compressor Station located in Greene Township, **Greene County**. The new expiration date is October 28, 2017.

**PA-63-00549B: Arden Landfill, Inc.** (200 Rangos Lane, Washington, PA 15301) on April 28, 2017, to extend the temporary operation period for the landfill expansion at Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date is October 28, 2017.

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

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

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

**36-05142: Mars Chocolate North America, LLC** (295 Brown Street, Elizabethtown, PA 17022-2127) on April 26, 2017, for the chocolate and snack food manufacturing facility located in Elizabethtown Borough, **Lancaster County**. The Title V permit was renewed.

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

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

**09-00211: Pennridge School District** (1303 North 5th Street, Perkasio, PA 18944) On April 21, 2016 the issuance of the State Only Operating Permit renewal for the operation of five (5) boilers and three (3) emergency generators in East Rockhill Township, **Bucks 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.

**22-05045: Capital Region Water** (212 Locust Street, Suite 500, Harrisburg PA 17101-1510) on April 27, 2017 for the Harrisburg Advanced Wastewater Treatment Facility located in Swatara Township, **Dauphin County**. The State-only permit was renewed.

**36-03165: Nexans, Inc.** (132 White Oak Road, New Holland, PA 17557-8303) on April 26, 2017 for the electrical cable manufacturing facility located in Earl Township, **Lancaster County**. The State-only permit was renewed.

**36-03188: Dorma USA, Inc.** (Dorma Drive, Reamstown, PA 17567) on April 26, 2017, for the facility that manufactures door controls, locks, exit devices, and electronic access control hardware located in East Cocalico Township, **Lancaster County**. The State-only permit was renewed.

**06-03551: SGL Carbon, LLC** (796 Fritztown Road, PO Box 2193, Sinking Spring, PA 19608) on April 24, 2017, for the graphite components manufacturing facility in Spring Township, **Berks County**. The State-only permit was renewed.

**36-03055: New Enterprise Stone & Lime Co., Inc. dba Martin Limestone, Inc.** (PO Box 550, Blue Ball, PA 17506-0550) on April 24, 2017, for the Limeville Quarry located in Salisbury Township, **Lancaster County**. The State-only permit was renewed.

**67-03146: Johnson Controls** (PO Box 1592-091B, York, PA 17405-1592) on April 26, 2017 for the air conditioning and heating equipment manufacturing facility located in Spring Garden Township, **York County**. The State-only permit was renewed.

**67-03078: Snyder's—Lance, Inc.** (1350 York Street, Hanover, PA 17331-7949) on April 25, 2017 for the snack food manufacturing facility located in Penn Township, **York County**. The State-only permit was renewed.

**06-05067: County of Berks** (1238 County Welfare Road, Suite 140, Leesport, PA 19553-9709) on April 24, 2017, for the boilers and generator at the Berks County Complex in Bern Township, **Berks County**. The State-only permit was renewed.

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

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



**14-00033: Spectra Wood, Inc.** (2651 Carolean Industrial Drive, State College, PA 16801), on April 17, 2017, for their State College facility located in College Township, **Centre County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the renewal NMOP 14-00033.

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

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

**65-00838: Quadrant, EPP** (201 Industrial Drive, Delmont, PA 15626) on May 2, 2017, the Department issued a State Only Operating Permit renewal for the manufacturing of ultra-high molecular weight polyethylene plastic located in Salem Township, **Westmoreland County**.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**37-00185: Universal Refractories** (PO Box 97, 915 Clyde Street, Wampum, PA 16157) on April 25, 2017, the Department issued the State Only Operating Permit for the non-clay refractory manufacturing facility located in Wampum Borough, **Lawrence County**. The sources at the facility include, 4 drying ovens, refractory finishing sander # 5 (controlled by a baghouse), magnesium oxide processing (controlled by a baghouse), bulk blending (controlled by a baghouse), and miscellaneous natural gas usage. The facility is a synthetic minor due to the elective emission restriction on hazardous air pollutants of 9.9 TPY of phenol. 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:*

**S16000023: South Eastern Pennsylvania Transportation Authority, Berridge/Courtland Maintenance Shop** (200 West Wyoming Avenue, Philadelphia, PA 19140) for the operation of a public transportation in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two each 10.043 MMBTU/hr boilers, two each 5.021 MMBTU/hr boilers, one 2.95 MMBTU/hr, one 3.95MMBTu/hr heaters, and one 1MMBTU/hr, two each 0.5 MMBTU/hr, nine each 1.21MMBTU/hr hot water heaters, six pressure washers, two space heaters and one Catalyst Regeneration Unit, a spray booths, a stage 2 vapor recovery units, a printing presses, an emergency generator, cyclones, and a non-emergency engines.

**N16000018: Social Security Administration Office** (300 Spring Garden Street, Philadelphia, PA 19123), for the operation of the following sources in the City of Philadelphia, **Philadelphia County**; Three (3) 5.1 MMBTU/hr boilers and one 2.583 MMBTU/hr boiler firing natural and No. fuel oil and one (1) 1,818 HP diesel emergency generator.

**S15-002: Saint Joseph's University** (5600 City Avenue, Philadelphia, PA 19131) for the operation of a

university in the City of Philadelphia, **Philadelphia County**. The facility's major air emission source are 2 Boilers rated at 10.3 MMBTU/hr and one Boiler rated at 20.7 MMBTU/hr, 14 emergency generators less than 500 KW each, 39 boilers less than 5 MMBTU/hr each.

**N16000020: Weber Displaying & Packaging** (3500 Richmond Street, Philadelphia, PA 19134), for the operation of the following sources in the City of Philadelphia, **Philadelphia County**; One (1) 25 MMBTU/hr boiler firing natural and No. 2 fuel oil and Four (4) Flexographic Press, a cyclone and a baghouse.

**S14-025: Federal Reserve Bank of Philadelphia** (100 North 6th Street, Philadelphia, PA 19106) for the operation of a banking facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes five 6.0 MMBTU/hr boilers and seven 300 kW, one 750 kW and one 1,000 kW emergency generators.

**N14-023: Delavau, LLC** (10101 Roosevelt Boulevard, Philadelphia, PA 19154-2105) for the operation of a pharmaceutical products manufacturing facility the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include two (2) boilers less than 10 MMBtu/hr firing natural gas, two (2) 1.0 MMBtu/hr ovens firing natural gas, two (2) 2.0 MMBtu/hr ovens firing natural gas, 4 dust collectors, and three baghouses.

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

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

**46-0288: Scott Building. Corp** (2939 Felton Road, Norristown, PA 19401-1359) On May 1, 2017 for the extension of the installation of a portable non-metallic processing plant in Norristown 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.*

**21-05066: Martins Creek LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101-2400) on April 24, 2017, for the West Shore Combustion Turbine Generator site located in Lower Allen Township, **Cumberland County**. The state-only permit was administratively amended to update permit contact and responsible official information.

**22-05058: Martins Creek LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101-2400) on April 24, 2017, for the Harrisburg Combustion Turbine Generator site located in Harrisburg City, **Dauphin County**. The state-only permit was administratively amended to update permit contact and responsible official information.

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

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

**56-00160: Keystone Lime Company, Inc./Eichorn Hot Mix Plant** (1136 Christner Hoolow Road, Fort Hill, PA 15540) on April 26, 2017, the Department amended the Natural Minor Operating Permit for the incorporation of GP13-56-00160 for hot mix asphalt plant located in the Addison Township, **Somerset County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

### Coal Permits Issued

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

**03860701 and NPDES No. PA0213519. McVile Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the McVile Refuse Disposal Area in South Buffalo Township, **Armstrong County**. No additional discharges. The application was considered administratively complete on January 19, 2005. Application received December 28, 2004. Permit issued April 25, 2017.

**32841312. Indiana Investments, Inc.**, (RD # 2, Box 305, Shelocta, PA 15774). To renew the permit for the Urling Nos. 1 & 3 Mines in Armstrong Township, **Indiana County**. No additional discharges. The application was considered administratively complete on March 19, 2007. Application received February 1, 2007. Permit issued April 25, 2017.

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

**17010110 and NPDES PA0243132. River Hill Coal Company, Inc.** (P.O. Box 141, Kylertown, PA 16847). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Bigler and Woodward Townships, **Clearfield County** affecting 320.0 acres. Receiving stream(s): Unnamed Tributary to Upper Morgan Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: February 7, 2017. Permit issued: April 18, 2017.

### Noncoal Permits Issued

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

**Permit No. 21900301 and NPDES Permit No. PA0595055, EE Kough Sons, Inc.**, P.O. Box 134, Newville, PA 17241, renewal of NPDES permit, located in North Newton Township, **Cumberland County**. Receiving

stream: unnamed tributary to Conodoguinet Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 2, 2016. Permit issued: April 20, 2017.

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

**PAM216020. Leroy W. Hoover** (339 Pick Rd, Millmont, PA 17845), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Permit No. 60900301 to the following surface water(s) in Hartley Township, **Union County**. Receiving stream(s): Spruce Run to Laurel Run. Application received: November 28, 2016. Permit Issued: April 13, 2017.

**08162805. Robert Johnson Flagstone, Inc.** (3658 Old Stagecoach Road, Wyalusing, PA 18853), commencement, operation and restoration of a small noncoal industrial minerals (flagstone/bluestone) in Stevens Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Wyalusing Creek classified for the following use(s): WWF, MF. Application received: November 17, 2016. Permit Issued: April 17, 2017.

**PAM216027. Robert Johnson Flagstone, Inc.** (3658 Old Stagecoach Road, Wyalusing, PA 18853). General NPDES permit for stormwater discharge associated with mining activities on Surface Mining Permit No. 08162805 in Stevens Township, **Bradford County**. Receiving stream(s): Wyalusing Creek. Application received: November 17, 2016. Permit issued: April 17, 2017.

**4777SM1. P Stone, Inc.** (P.O. Box 254, 1430 Route 880, Jersey Shore, PA 17740). Permit revision to modify the Erosion and Sedimentation Controls and revise the reclamation plan on an existing industrial mineral mine located in Limestone Township, **Lycoming County** affecting 89.17 acres. Receiving stream: Antes Creek classified the following use(s): CWF, existing use EV. There are no potable water supply intakes within 10 miles downstream. Application received: September 26, 2016. Permit issued: April 18, 2017.

**41910301. P Stone, Inc.** (P.O. Box 254, 1430 Route 880, Jersey Shore, PA 17740). Permit revision to modify the Erosion and Sedimentation Controls and revise the reclamation plan on an existing industrial mineral mine located in Limestone Township, **Lycoming County** affecting 108.0 acres. Receiving stream: Antes Creek classified for the following use(s) CWF, existing use EV. There are no potable water supply intakes within 10 miles downstream. Application received: September 26, 2016. Permit issued: April 18, 2017.

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

**Permit No. PAM112026R, New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3724 Crescent Court West, Whitehall, PA 18052), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66990303 in Mehoopany Township, **Wyoming County**, receiving stream: unnamed tributaries to Susquehanna River. Application received: February 6, 2017. Permit issued: April 26, 2017.



## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### *Blasting Permits Issued*

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

**Permit No. 19174101. Rock Work, Inc.,** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for White Pines Landfill in Pine Township, **Columbia County** with an expiration date of December 17, 2017. Permit issued: April 25, 2017.

**Permit No. 36174115. Maine Drilling & Blasting, Inc.,** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Crossings at Conestoga Creek in Manheim Township, **Lancaster County** with an expiration date of January 2018. Permit issued: April 26, 2017.

**Permit No. 48174105. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting for Lafayette College Integrated Science Center in the City of Easton, **Northampton County** with an expiration date of April 17, 2018. Permit issued: April 26, 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**

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

**E40-783. Anthracite Scenic Trails Association,** P.O. Box 212, Dallas, PA 18612. Dallas Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with an 8-foot wide, 2,600-L.F. gravel walking trail as part of the Anthracite Scenic Trails Association:

1) An 8-foot wide, 3-span wooden pedestrian bridge crossing of an Unnamed Tributary to Toby Creek (CWF, MF) having a combined span of 24 feet and a 2-foot underclearance.

2) An 8-foot wide, 16-span wooden pedestrian bridge crossing of an Unnamed Tributary to Toby Creek (CWF, MF) and adjacent EV wetlands having a combined span of 128 feet and a 2-foot underclearance.

3) An 8-foot wide, 14-span wooden pedestrian bridge crossing of 115 feet of EV wetlands.

4) An 8-foot wide, 8-span wooden pedestrian bridge crossing of 40 feet of EV wetlands.

The project impacts a de minimus area of EV wetlands equal to 0.05 acre. The project is located approximately 900 feet east of the intersection of S.R. 309 and Dorchester Road (Kingston, PA Quadrangle Latitude: 41° 19' 50" Longitude: -75° 56' 48") in Dallas Township, Luzerne County.

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

**E14-575. Harris Township,** 224 East Main Street, Boalsburg, PA 16827. Stream Crossing at Fasick Park, in Harris Township, **Centre County**, ACOE Baltimore District (State Colledge, PA Quadrangle N: 40° 46' 52"; W: 77° 45' 57").

To construct and maintain: 1) a steel beam bridge with a 20-foot clear span, 10-foot width and out-of-stream concrete abutments to cross over Spring Creek, 2) 100-foot long by 10-foot wide elevated boardwalk to cross over the adjacent wetlands and 100-year floodplain, to establish a pedestrian walkway from Elksview Townhomes to Fasick Park. This project proposes to: 1) temporarily impact 20 linear feet of Spring Creek and 0.04 acre of wetland, 2) permanently impact 10 linear feet of Spring Creek and 0.01 acre of wetland, which are classified as a High Quality Fishery.

This permit also includes 401 Water Quality Certification.

**E14-574: The Pennsylvania State University**, 139J Physical Plant Building, University Park, PA 16802. Duck Pond Inflow Channel Rehabilitation Project in State College Borough, **Centre County**, USACE Baltimore District (State College, PA Quadrangle; Latitude 40° 48' 7.7" N; Longitude 77° 50' 47.7" W).

To construct and maintain integrated reno mattress bed protection and stacked gabion side walls to stabilize the upper 700 feet of the channel, and stacked gabion side walls alone will be used in the lower 300 feet to reduce bed and bank erosion that is occurring in an unnamed tributary to Thompson Run and adjacent riparian wetlands due to high velocity discharges from upstream stormwater pipes. This permit also includes 401 Water Quality Certification.

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

**E5929-064: HEP Tioga Gathering, LLC**, 17806 IH-10 West, Suite 210, San Antonio, TX 78227, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 52 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'46"N, 77°09'42"W);

2) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 50 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'09"N, 77°09'50"W);

3) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 50 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'11"N, 77°09'50"W);

4) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 586 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 282 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 48 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'26"N, 77°09'53"W);

5) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 52 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'32"N, 77°09'53"W);

6) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,678 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 59 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'35"N, 77°09'53"W);

7) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 50 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'41"N, 77°09'53"W);

8) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diam-

eter waterline impacting 89 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 56 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'41"N, 77°09'53"W).

The project will result in 372 linear feet of temporary stream impacts, 675 square feet (0.02 acre) of temporary wetland impacts and 1,960 square feet (0.04 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County. The permittee will provide 0.04 acres of compensatory mitigation through on-site wetland enhancement of impacted forested wetlands.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA33-051, National Fuel Gas Supply Corporation**, 1100 State Street, PO Box 2081, Erie, PA 16512. Waiver 16 Request for Heath Compressor Station Abandonment Project, in Heath Township, **Jefferson County**, ACOE Pittsburgh District (Sigel, PA Quadrangle N: 41°, 20', 56"; W: 79°, 0', 49").

To remove an existing Natural Gas Compressor Station and five ancillary facilities and grade the site to existing grade and contour. The site will be restored to meadow due to remaining natural gas lines in the area. A forested riparian buffer will be planted along the project side of Callen's Run for the purpose of stream bank stabilization. This project was deemed eligible as a restoration plan for waiver of permit requirements under 105.12(a)(16).

*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.*

**D40-253EA. Greg Gulick**, Borough Manager, Ashley Borough, 10 North Main Street, Ashley, PA 18706, Ashley Borough, **Luzerne County**, USACOE Baltimore District.

Project proposes to remove the Solomon Creek Dam for the purpose of eliminating a threat to public safety and restoring approximately 600 feet of stream channel to a free-flowing condition. The proposed restoration project includes construction of in-stream habitat enhancement/grade control structures within the former reservoir. The project is located across Solomon Creek (CWF, MF) (Wilkes-Barre West, PA Quadrangle, Latitude: 41.2073; Longitude: -75.9006).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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



and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

ESCP 2 # ESG00081160003  
 Applicant Name Transcontinental Gas Pipe Line Co, LLC  
 Contact Person Joseph Dean  
 Address 2000 Commerce Dr  
 City, State, Zip Pittsburgh, PA 15276  
 County Lycoming  
 Township(s) Wolf Township  
 Receiving Stream(s) and Classification(s) Pine Run—  
 CWF, MF; Muncy Creek—TSF, MF

ESCP 2 # ESG00081160003  
 Applicant Name Transcontinental Gas Pipe Line Co, LLC  
 Contact Person Joseph Dean  
 Address 2000 Commerce Dr

City, State, Zip Pittsburgh, PA 15276  
 County Lycoming  
 Township(s) Fairfield Township and Loyalsock Township  
 Receiving Stream(s) and Classification(s) Mill Creek EV;  
 Loyalsock Creek EV

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX12-129-0003  
 Applicant Name CNX Gas Company, LLC  
 Contact Person Erika Whetstone  
 Address 200 Evergreene Road  
 City, State, Zip Waynesburg, PA 15370  
 County Westmoreland County  
 Township(s) Washington Township  
 Receiving Stream(s) and Classification(s) UNTs to Beaver  
 Run Reservoir (HQ-CWF)  
 Secondary—Beaver Run Reservoir (HQ-CWF)

ESCGP-2 # ESX16-059-0007  
 Applicant Name Rice Midstream Holdings, LLC  
 Contact Person Kyle Shirey  
 Address 2200 Rice Drive  
 City, State, Zip Canonsburg, PA 15317  
 County Greene County  
 Township(s) Wayne Township  
 Receiving Stream(s) and Classification(s) UNTs to Sharp  
 Run (WWF), Sharp Run (WWF), Rudolph Run (WWF)

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

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG000716001-1	ETC Northeast Pipeline, LLC 7000 Stonewood Drive Suite 351 Wexford, PA 15090	Washington County	Jackson Township (Butler County)  New Sewickley Township; Center Township; Raccoon Township; Independence Township; Conway Borough (Beaver County)  Findlay Township (Allegheny County)  Smith Township; Robinson Township (Washington County)	UNT to Breakneck Creek (WWF); Breakneck Creek (WWF); UNT to Likens Run (WWF); UNT to Glade Run (WWF); Glade Run (WWF); UNT to Brush Creek (WWF); Brush Creek (WWF); UNT to Crows Run (WWF); Crows Run (WWF); Pine Run (WWF); Ohio River (WWF); Moon Run (WWF); Elkhorn Run (WWF); UNT to Elkhorn Run (WWF); UNT to Shafers Run (WWF); Shafers Run (WWF); Logtown Run (WWF); Raccoon Creek (WWF); UNT to Raccoon Creek (WWF); Frames Run (WWF); UNT to Service Creek (WWF); Service Creek (WWF); UNT to Obney Run (WWF); Obney Run (WWF) Potato Garden Run (WWF); UNT to Potato Garden Run (WWF); Bigger Run (WWF); UNT to Saint Patrick Run (WWF); Little Raccoon Creek (WWF); UNT to Little Raccoon Creek (WWF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX17-019-0006—Lesney to Guiher Gas Pipeline

Applicant Mountain Gathering, LLC

Contact Mr. Dewey Chalos

Address 810 Houston Street

City Fort Worth State TX Zip Code 76102

County Butler Township(s) Connoquenessing

Receiving Stream(s) and Classification(s) Little Connoquenessing Creek (CWF), Mulligan Run (CWF)/Little Connoquenessing Creek

ESCGP-2 # ESG16-019-0027—Bristol Interchange to Frye B Pipeline

Applicant Stonehenge Appalachia, LLC

Contact Patrick Redalen

Address 11400 Westmoor Circle, Suite 200A

City Westminster State CO Zip Code 80021

County Butler Township(s) Oakland

Receiving Stream(s) and Classification(s) UNT Thorn Creek, UNT to Connoquenessing Creek HQ-WWF, Connoquenessing Creek

ESCGP-2 # ESX14-019-0006A—Flinner Well Pad—Major Modification

Applicant R.E. Gas Development

Contact Michael Endler

Address 600 Cranberry Woods Drive

City Cranberry Township State PA Zip Code 16066

County Butler Township(s) Muddy Creek Township

Receiving Stream(s) and Classification(s) UNTs to Crab Run (CWF) Crab Run (CWF)

ESCGP-2 # ESX16-005-0011—Jayhawks Well Pad

Applicant Burnett Oil Company

Contact Dan Tomley

Address 375 South Pointe Blvd, Suite 430

City Canonsburg State PA Zip Code 15317-8587

County Armstrong Township(s) South Bend

Receiving Stream(s) and Classification(s) Whiskey Run and UNTs to Whiskey Run CWF, Loyalhanna Creek

## 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>
17-04-014	Shell Chemical Appalachia LLC 300 Frankfort Road Monaca, PA 15061 Attn: James H. Sewell	Beaver	Potter and Center Townships	15 ASTs storing hazardous substances and petroleum products	3,269,937 gallons total

## SPECIAL NOTICES

### Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

*Northwest Region: Waste Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

The Erie County Municipal Waste Plan Revision was deemed approved by operation of law on February 7, 2017, in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101. The Revision was submitted to the Department of Environmental Protection (Department) on December 8, 2016.

Persons aggrieved by an action may appeal, 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), 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 may contact the Environmental Hearing Board (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 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, 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.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning the deemed approval should be directed to Regina Schweinsberg, Regional Planning and Recycling Coordinator, Bureau of Land Recycling and Waste Management at 814-332-6981, or [rschweinsb@pa.gov](mailto:rschweinsb@pa.gov), or the previous Regional Office address.

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2017 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
James Andrews	353 Loveville Road Warriors Mark, PA 16877	Mitigation
Rick Aspinwall	3691 E. Brandon Way Doylestown, PA 18902	Testing
Matthew Beinhaur Harris Environmental, Inc.	600 Stone House Road Clarion, PA 16214	Mitigation
Scott Bobowicz Historic Home Inspections, LP	31 Bridle Drive Furlong, PA 18925	Testing
Robert Bolus, Jr.	8 Red Bud Drive Bloomsburg, PA 17815	Testing
Jason Boni	8470 Ridgmont Road Pittsburgh, PA 15237	Testing
Michael Bonura, Jr.	720 Anderson Street New Kensington, PA 15068	Testing
Michael Bonura, Jr. Restoration Contracting Services, Inc.	720 Anderson Street New Kensington, PA 15068	Mitigation
Terry Campbell	6192 Boxer Drive Bethel Park, PA 15102	Testing
Peter Ciliberto	675 Featherbed Lane Garnet Valley, PA 19060	Testing
James Cortez	166 Dickson Avenue Pittsburgh, PA 15202	Testing
George Curry	PO Box 33450 Philadelphia, PA 19142	Testing
Bill Ditchey	401 South Pine Street Mount Carmel, PA 17851	Testing
Kim Fella	PO Box 543 Fleetwood, PA 19522	Testing
Michael Fella	PO Box 543 Fleetwood, PA 19522	Testing
Timothy Gentry	PO Box 1956 Horsham, PA 19044	Mitigation
Guardian Home Inspection	8470 Ridgmont Road Pittsburgh, PA 15237	Testing
Shawn Heisse	231 Liberty Drive Langhorne, PA 19047	Testing



<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
HomePro Systems of Delaware Valley, Inc.	6301 Hilltop Drive Brookhaven, PA 19015	Testing
Jeffrey Jackson	2502 Brooksboro Drive Erie, PA 16510	Testing & Mitigation
Lake Shore Home Inspection & Radon Services	2502 Brooksboro Drive Erie, PA 16510	Mitigation
Stephanie Lamb Hillman Consulting, LLC	1600 Route 22, East Union, NJ 07083	Testing
John Madrak	220 Ripka Street Philadelphia, PA 19127	Testing
Marc Marino	PO Box 1143 Oaks, PA 19456	Testing
Marc Marino Radon-Rid, LLC	PO Box 1143 Oaks, PA 19456	Mitigation
Karl May, Jr.	82 Walnut Street Wellsboro, PA 16901	Mitigation
Donald Minehart	2400 Oxford Drive, # 412 Pittsburgh, PA 15102	Testing
Neil Minnucci	955 Allentown Road Lansdale, PA 19446	Testing
Daniel Morson	3650 East Thompson Street Philadelphia, PA 19134	Testing
Philip Parke, Sr.	PO Box 30308 Wilmington, DE 19805	Testing
Robert Pecca	404 Richmond Road Bangor, PA 18013	Testing
Robert Petrillo	PO Box 587 Dunmore, PA 18512	Testing
Harvey Ricci SPY Inspection Services, Inc.	101 South Broad Street, Suite 100 Lansdale, PA 19446	Testing
Laird Ritter	717 Oak Hall Street Boalsburg, PA 16827	Testing
Clifford Rogers	1738 North Third Street, Suite A Harrisburg, PA 17102	Testing
Joel Ruch	201 Furnace Road Lewisburg, PA 17837	Testing
Ronald Rusnock	PO Box 2245 Hazleton, PA 18201	Testing
Mike Sheely	1000 Wolfe Road Enola, PA 17025	Mitigation
S.W.A.T. of Pittsburgh	201 Penn Center Boulevard Suite 400 Pittsburgh, PA 15235	Testing
Christopher Urban	PO Box 20 Elrama, PA 15038	Testing
Peter Weber	6 Boors Cove Lane West Grove, PA 19390	Testing
Peter Weber Atlantic Radon Systems, Inc.	6 Boors Cove Lane West Grove, PA 19390	Mitigation
Anthony Wilhelm	3051 Fishing Creek Valley Road Harrisburg, PA 17112	Testing

**Proposed State Water Quality Certification  
Required by Section 401 of the Clean Water Act for  
the H-125 Uprate Project**

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

**WQ05-013, Equitrans, L.P.** (Applicant), 555 Southpointe Blvd., Suite 200, Canonsburg, PA 15317. H-125 Uprate Project (Project), in Jefferson Hills Borough, **Allegheny County**, and in Somerset, Union, Fallowfield and Nottingham Townships, **Washington County**, U.S. Army Corps of Engineers, Pittsburgh District. The proposed project starts at Applicant's existing Greenlee Station in Somerset Township, Washington County (Hackett, PA USGS Topographic Quadrangle N: 40°, 8', 39.0336"; W: -80°, 0', 25.2864"), and ends at Applicant's existing Tepe Meter and Regulation (M&R) Station in Jefferson Hills Borough, Allegheny County (Glassport, PA USGS Topographic Quadrangle N: 40°, 16', 52.4244"; W: -79°, 55', 2.3586").

On October 13, 2016, Applicant filed an application with the Federal Energy Regulatory Commission (FERC), under the prior notice provisions set forth in 18 C.F.R. Section 157.210 and under Applicant's blanket certificate (FERC Docket No. CP96-532-000). The FERC Environmental Assessment for the Project, which was issued on February 17, 2017, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP17-1-000).

On September 7, 2016, Applicant requested a State water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Applicant operates and maintains approximately 12.1 miles of an existing 20-inch-diameter, natural gas pipeline, referred to as the H-125 Pipeline, from Applicant's existing Greenlee Station in Somerset Township, Washington County (Hackett, PA USGS Topographic Quadrangle N: 40°, 8', 39.0336"; W: -80°, 0', 25.2864"), to Applicant's existing Tepe Meter and Regulation (M&R) Station in Jefferson Hills Borough, Allegheny County (Glassport, PA USGS Topographic Quadrangle N: 40°, 16', 52.4244"; W: -79°, 55', 2.3586"). The Applicant is proposing to hydrostatically test two (2) sections of the existing, H-125 Pipeline, (approximately 2.72 miles in total), for the purpose of increasing the maximum allowable operating pressure of the line to 546 pounds per square inch gauge (psig) from 328 psig, to allow more flexibility for Equitrans' customers, to better serve the Pittsburgh and surrounding markets. The first segment consists of approximately 0.5 mile (MP 3.7 to MP 4.2), and the second segment consists of approximately 2.12 miles (MP 6.3 to MP 8.4). The Project, as proposed, will also include the removal or replacement of twenty-two (22) existing farm taps in Allegheny County and thirteen (13) existing farm taps in Washington County; installation of one aboveground valve set within the existing graveled facility in Allegheny County; construction of an interconnect to supply gas to Equitrans' existing M-78 pipeline in Washington County; pipe modifications to remove connections between the existing H-125 pipeline and various

foreign pipelines in Washington County due to the increase in pipeline pressure; relocation of three existing meters in Washington County; and the venting of gas and siphoning of air at the Greenlee Station (MP 0), Courtney Gates Station (MP 5.7), Meredith Gates Station (MP 8.4), and Tepe Station (MP 12) in Washington County. The Project, as proposed, will require approximately 19 acres of earth disturbance, and impacts to 42 linear feet of Lobbs Run (WWF) and Dry Run (WWF), 0.46 acre of floodway, 0.04 acre of temporary PEM wetland impacts, and 0.03 acre of PSS permanent impacts.

PADEP is proposing to issue a State water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the 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.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Attn: Michael Forbeck, Acting Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

11. *Severability*—The provisions of this State Water Quality 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.

Prior to issuance of the final State water quality certification, PADEP will consider all relevant and timely comments, suggestions or objections submitted to PADEP within 30 days of this notice. Comments should be directed to Mr. Michael Forbeck, Acting Waterways & Wetlands Program Manager, at the above address, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

[Pa.B. Doc. No. 17-820. Filed for public inspection May 12, 2017, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board Revised 2017 Meeting Schedule

Due to the cancellation of the March 15, 2017, Cleanup Standards Scientific Advisory Board (Board) meeting because of inclement weather, the schedule of remaining Board meetings for 2017 has been changed. The revised meeting dates are as follows:

June 28, 2017  
September 7, 2017  
December 13, 2017

The meetings will be held at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street,

Harrisburg, PA. The meeting previously scheduled for November 9, 2017, is cancelled.

Questions should be directed to Troy Conrad at (717) 783-9480 or tconrad@pa.gov. The agenda and meeting materials for the next Board meeting will be available on the Board webpage on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (search "Cleanup Standards Scientific Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-3429 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-821. Filed for public inspection May 12, 2017, 9:00 a.m.]

### Conditional State Water Quality Certification under Section 401 of the Clean Water Act for the United States Army Corps of Engineers Nationwide Permits

The Department of Environmental Protection (Department) issues, on behalf of the Commonwealth, State Water Quality Certification for the United States Army Corps of Engineers (Corps) reissuance of 50 existing Nationwide permits (NWP) and issuance of 2 new NWPs under section 404 of the Clean Water Act (act) (33 U.S.C.A. § 1344) and section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C.A. § 403) at 82 FR 1860 (January 6, 2017). The final NWPs are listed as follows and are effective for 5 years beginning on March 19, 2017, and expiring on March 18, 2022. On January 18, 2017, the Corps Baltimore District requested State Water Quality Certification (SWQC) on behalf of the Baltimore, Philadelphia and Pittsburgh Districts under section 401 of the act (33 U.S.C.A. § 1341) from the Department for discharges of dredged and fill material into waters of the Commonwealth authorized by the final NWPs.

The Department published a notice at 47 Pa.B. 1233 (February 25, 2017) to accept comments on the proposed SWQC for the Corps NWPs during a 30-day public comment period that concluded on March 27, 2017. No comments were received.

Consistent with section 401 of the act, the Department certifies that activities authorized by the Corps under the final NWPs will comply with the applicable provisions of sections 301—303, 306 and 307 of the act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), provided the project applicant complies with the following SWQC conditions and constructs, operates and maintains the project in compliance with the terms and conditions of State law permits obtained to meet these SWQC conditions:

1. Prior to beginning any activity authorized by the Corps under a NWP, the applicant shall obtain from the Department all necessary environmental permits or approvals, and submit to the Department environmental assessments and other information necessary to obtain the permits and approvals, as required under State law, including The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), the Surface Mining Conservation



and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326), The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305), the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908), 58 Pa.C.S. §§ 3201—3274 (related to development) and the regulations promulgated thereunder, including 25 Pa. Code Chapters 77, 78, 78a, 86—91, 92a, 93, 95, 96, 102, 105 and 260a—299.

2. Fill material may not contain any wastes as defined in the Solid Waste Management Act.

3. Applicants and projects eligible for these NWP's must obtain all State permits or approvals, or both, necessary to ensure that the project meets the state's applicable water quality standards, including a project specific SWQC.

The Department has determined that these SWQC conditions are necessary to achieve the Commonwealth's water quality standards, which have been approved by the United States Environmental Protection Agency as compliant with the act. The SWQC conditions achieve these standards through compliance with existing environmental programs administered by the Department under State laws and regulations.

This SWQC is subject to the Department's determination that the final NWP's are consistent with the Coastal Zone Management Act (16 U.S.C.A. §§ 1451—1466).

This SWQC is only available for projects that do not require any Federal authorization other than authorization from the Corps under section 404 of the act or section 10 of the Rivers and Harbors Act of 1899. Applicants seeking authorization for activities not eligible for coverage under the NWP's, or for activities that require another Federal authorization (such as an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project requiring authorization by another Federal agency), must submit a request to the Department for a project-specific SWQC.

Notice of the Corps NWP's published at 82 FR 1860 can be viewed at [http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017\\_final\\_rule\\_FR\\_06jan2017.pdf?ver=2017-01-06-092409-457](http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_final_rule_FR_06jan2017.pdf?ver=2017-01-06-092409-457) or copies may be obtained by contacting Amy Elliott, United States Army Corps of Engineers, Baltimore District, State College Field Office, 1631 South Atherton Street, State College, PA 16801 or (814) 235-0570.

The NWP's reissued are:

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys

11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water from Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharge in Ditches
47. [Reserved]
48. Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities
51. Land-Based Renewable Energy Generation Facilities



### 52. Water-Based Renewable Energy Generation Pilot Projects

The new NWP's issued are:

- A. Removal of Low-Head Dams
- B. Living Shorelines

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-822. Filed for public inspection May 12, 2017, 9:00 a.m.]

### Environmental Justice Listening Sessions; Updated Locations

The Department of Environmental Protection (Department) and the Office of Environmental Justice updated the Chester and Philadelphia locations of the Environmental Justice listening sessions to be held on May 23, 2017, and May 25, 2017, respectively. Individuals providing verbal testimony at the listening sessions will be limited to 5 minutes for each witness and will be recorded by a court stenographer. Witnesses are asked to submit one written copy of their verbal testimony. Organizations are asked to designate one witness to present testimony on their behalf at each listening session.

Specifically, the Department is soliciting input on the following questions:

- What environmental justice concerns are most pressing in your community?
- Do you feel that the current definition of an environmental justice community (20% poverty or 30% minority, or both) properly represents the needs of your community and the Commonwealth at large?
- Do you feel the Department is engaged with marginalized communities to ensure that they have a voice in the decision-making process? How can the Department be more engaged with these communities?
- What tools have you used to find out information on the Department permitting/enforcement actions?
- What ways can the Department be more effective at sharing information with the public?
- How can the Department be more effective at receiving public input?
- What resource is your community lacking that the Department can provide that would assist in efforts to ensure environmental equity?
- What additional steps can be taken by the Department to effectively reach out to these vulnerable communities to ensure that their concerns are taken into consideration?

The revised listening session locations are as follows:

May 23, 2017 5 p.m.—7 p.m.	Chester County Council Chambers Chester City Hall 1 Fourth Street Chester, PA 19013
May 25, 2017 4 p.m.—6 p.m.	Philadelphia County Fairmount Water Works 640 Water Works Drive Philadelphia, PA 19130

### Contact

Questions concerning the comment period and listening sessions can be directed to the Department's Office of Environmental Justice at (484) 250-5942. For more information about Environmental Justice in this Commonwealth or the listening sessions, visit the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (Keyword: Environmental Justice).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (484) 250-5818, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-823. Filed for public inspection May 12, 2017, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Exempt Machinery and Equipment Steel Products

The following is an updated list of exempt machinery and equipment steel products authorized under section 4(b) of the Steel Products Procurement Act (73 P.S. § 1884(b)). There is a 30-day comment period beginning on the date of this publication during which the public may submit comments in writing as to the domestic availability of a steel product on the list. Comments should be submitted to the Deputy Secretary for Public Works, Department of General Services, 18th and Herr Streets, Harrisburg, PA 17125, [ra-steel@pa.gov](mailto:ra-steel@pa.gov). The comments must be supported with a mill certification indicating that the steel was melted in the United States or an executed Steel Origin Certification form (found on the Department of General Services' web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us)) indicating the disputed product is produced domestically. See 4 Pa. Code Chapter 67a (relating to steel products procurement—statement of policy). Any "(new)" after a listing indicates a steel product that was not produced in the United States in sufficient quantities to meet the requirements of the contract during 2016.

#### *Exempt Machinery and Equipment Steel Products*

Air Conditioning Units  
Air Duct Housing with Sample Tubes  
Air Handling Units  
Anchor Bolt  
Audio RA Station  
Annunciator Panel  
AV Rack Kit  
Back Box  
Backflow Preventer  
Battery Cabinet  
Blank Filler Plate for Fiber  
Blank Metal Door  
Blank Plate for Outer Door  
Bottom Dead Front Panel  
Bridge for Cameras  
Butterfly Valves  
Cabinet  
Cardcage  
Cast Steel Gate Valve

CCTV Power Supply	Manual Pull Station
Ceiling Flange	Med. Enclosure
Central Control Unit	Middle Dead Front
Centrifugal Pumps	Mini-Interface Module
Channel Video	Monitor Mount
Circulating Pump	Monitor Wall Brk
Closers	Mounting Plate
Color Monitor	Network Fiber Switch
Combination Round Head Steel Zinc-Plated Toggle Bolts	Overhead Door
Conduit Fittings	Overhead Stops
Control Module Plate	Patient Wandering Alarm
Control Panel	Pipe Clamps
Control Valve	Pivots
Data Converter Unit	Power Supply
Deck Inserts	Pull Station Box
Deck and Rub Rail Fasteners	RA Annunciator Pnl
Digital Communicators	Rack Mount Card Cage
Digital Record	Rack Mount Kit
Door Protection	Radiant Panels
Door Trim/Handles	Reader Interface
Drinking Fountain	Relay Module
Drop-In Anchors	Remote Chiller
Dry Tape Transformer	Round Head Machine Screw
Drywall Screws	Safety Relief Valve
Dual Interface Module	Sampling Tube
Duct Detector with Relay	Security Panel
Duct Housing	Security Unit
Ductless Split System	Security/CCTV Camera Housing
DVR Rack	Self-Turn/Self Tapping Screw
Electric Traction Elevators	Shower/Eye Washers
Electric Water Cooler	Signal Extender Module
Elevator Controllor	Single Blank
Elevator Hoistway	Smoke Detector Wire
Encl. for Annunciator	Speaker
Exit Devices	Speaker/Strobe
Exp Cage	Split HVAC System
Fence System Nuts and Bolts	Split Ring Hangers
Fire Alarm NAC Extender	Split Rings
Fire Alarm Peripherals	Split System Air Conditioning
Fixed Door Station	SSD-C Remote Display with Control
Flexible Drops	SSD-C-REM Rem Display
Full Blank Plate	Stainless Flat Bars
Galvanized Carriage Bolts	Stainless Steel Cable
Garage Door Tracking	Strobe
Gas Furnace (new)	Submersible Pump
Gas Piping Butt Weld Tees	Sump Pump
Generator	Surface Mount Speaker
Globe Valve (Steam)	Surface Station Box
Hand Dryer	Surge Arrester
Hanger Mounting Plates	Surge Protector
Hangermates	T8 Light Troffer
Hangers Supports	Tamper Proof Screws and Nuts
Horn/Strobe	Threaded Rod Hanger
Inclined Platform Wheelchair Lifts	Tie Wire 21 Gauge
Inner and Outer Door	Tie Wire Anchor
Inner Door Blank Plate	Toggle Wing
Interface Module	Transformer
Lag Bolts	Turbine Pumps
Large Remote Cab	Uninterruptible Power Supply
Lighting Fixtures, Interior/Recessed	VRV Fan Coils/Cond. Units
Lighting Fixtures, Surface Wrap (new)	Wall Mounted Fountain
Lighting Fixtures, Track Head (new)	Water Coolers
Lock Cylinders	Water Fountain Mounting Frame
Locknuts	Water Heater
Locksets	Wing Toggle
Low Temp. Detection Thermostats	
Lubrication Unit	
Machine Screws	
Main Control Board	
Metal Lockers	

CURTIS M. TOPPER,  
Secretary

[Pa.B. Doc. No. 17-824. Filed for public inspection May 12, 2017, 9:00 a.m.]

# DEPARTMENT OF HEALTH

## Abortion Facilities; Requests for Exceptions

The following abortion facility (ABF) has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to regulate ABFs under 18 Pa.C.S. §§ 3201—3220 (relating to Abortion Control Act). The following request for exception relates to regulations governing ambulatory gynecological surgery in hospitals and clinics in 28 Pa. Code Chapter 29, Subchapter D (relating to ambulatory gynecological surgery in hospitals and clinics).

<i>Facility Name</i>	<i>Regulation</i>
Hillcrest Women's Medical Center	28 Pa. Code § 29.33(6) (relating to requirements for abortion)

The previously listed request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-825. Filed for public inspection May 12, 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.

<i>Facility Name</i>	<i>Regulation</i>
UPMC Horizon	28 Pa. Code § 103.31 (relating to the chief executive officer)
UPMC Jameson	28 Pa. Code § 103.31

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>
Conemaugh Miners Medical Center, LLC	2.2-2.6.2.6(1)	Toilet rooms or human waste disposal rooms	2014
Geisinger Medical Center	2.2-3.2.2.2(1)	Area (space requirements)	2014
	2.2-3.2.2.2(2)(b)	Clearances (space requirements)	2014
Milton S. Hershey Medical Center	2.2-3.4.2.1(1)	CT scanner rooms	2014
	2.2-3.4.2.1(2)	CT scanner rooms	2014
	2.2-3.4.2.1(3)	CT scanner rooms	2014
UMPC Presbyterian Shadyside	2.2-3.4.5.4(1)	Area (ultrasound facilities)	2014
	2.2-3.4.5.4(2)	Clearances (ultrasound facilities)	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).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-826. Filed for public inspection May 12, 2017, 9:00 a.m.]

### Medical Marijuana Program; Electronic Tracking System

Notice is hereby given, under 28 Pa. Code § 1151.39 (relating to electronic tracking system), that the Department of Health (Department) is prescribing the use of MJ Freeway's electronic tracking system. Therefore, a grower/processor must implement and utilize MJ Freeway's electronic tracking system.

Notice is hereby given, under 28 Pa. Code § 1161.39 (relating to electronic tracking system), that the Department is prescribing the use of MJ Freeway's electronic tracking system. Therefore, a dispensary must implement and utilize MJ Freeway's electronic tracking system.

Interested persons are invited to submit written comments, suggestions or objections regarding this notice to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 787-4366, RA-DHMedMarijuana@pa.gov.

Persons with a disability who wish to submit comments, suggestions or objections regarding this notice or who require an alternative format of this notice (for example, large print, audiotape or Braille) may do so by using the previous contact information or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 17-827. Filed for public inspection May 12, 2017, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Medical Assistance Quality Strategy for Pennsylvania

The Department of Human Services (Department) is making available for public review and comment the Medical Assistance Quality Strategy for Pennsylvania.

#### *Background*

The Centers for Medicare and Medicaid Services (CMS) requires states to draft and implement a written quality strategy for assessing and improving the quality of health care and services furnished by managed care organizations that have a contract with the Department (see 42 CFR 438.340 (relating to managed care State quality strategy)). As a result, the Department has developed the Medical Assistance Quality Strategy for Pennsylvania, which discusses the various quality improvement initiatives the Department has implemented to increase the

quality of care for individuals receiving services through its managed care programs. The Medical Assistance Quality Strategy for Pennsylvania is not intended to comprehensively describe all the activities that the Department undertakes to assure the quality of care rendered to individuals who are receiving services through managed care programs.

The Department is required by 42 CFR 438.340(c)(2) to update its managed care quality strategy as needed. The Department has eliminated all references to the Healthy Pennsylvania demonstration from the Medical Assistance Quality Strategy for Pennsylvania because it was terminated on September 30, 2015. In addition, the Department has added quality initiatives for the Children's Health Insurance Program (CHIP) and the Office of Long-Term Living's Community HealthChoices Program to the Medical Assistance Quality Strategy for Pennsylvania.

References in the Medical Assistance Quality Strategy for Pennsylvania are to the prior version of the Medicaid managed care regulations. States are not required to comply with the current regulations on the managed care final rule until July 1, 2018, and will not be held to be out of compliance with the current version of the Medicaid managed care regulations as long as the state is complying with the prior version of the regulations. (See 81 FR 27498, 27499 (May 6, 2016).)

#### *Discussion*

The Department's quality strategy will be used to assure that the contractors that are implementing the Department's managed care programs are in compliance with the terms of their agreements with the Department and have committed resources to meet the following: to perform monitoring and ongoing quality improvement; to contribute to the improvement of health for the populations they serve; and to incorporate new programmatic changes to assure that the individuals they serve have timely access to high-quality care.

The Office of Medical Assistance Programs, Bureau of Managed Care Operations' key initiatives are centered around value-based purchasing, and include reducing preventable hospital admissions and readmissions, increasing preventive dental services for children, improving coordination and integration between physical health and behavioral health managed care programs, rewarding managed care organizations and providers through the use of pay for performance programs and encouraging expanded use of community-based care management teams.

The Office of Mental Health and Substance Abuse Services' key quality improvement initiatives include implementation of telepsychiatry services, use of mobile mental health treatment services for individuals who are not mobile, expanding mental health and substance use screening strategies within Person-Centered Medical Homes (PCMH), and establishing PCMH options for individuals with serious mental illness and substance use disorders.

The Office of Long-Term Living will be implementing Community HealthChoices, a Statewide mandatory managed care program. Eligible individuals include: (i) adults that are eligible for Medical Assistance and need long-term services and supports; and (ii) individuals who are dually eligible for Medical Assistance and Medicare. This initiative is intended to improve care coordination, service delivery and quality outcomes for seniors and individuals living with physical disabilities in this Commonwealth.

CHIP will be making changes in its policies and procedures to comply with the CMS Managed Care Final Rule published at 81 FR 27498. These changes will allow CHIP to align more with the procedures and resources of Medical Assistance, while also allowing individuals to easily transition between the CHIP and Medical Assistance Programs.

Finally, key quality initiatives for the Adult Community Autism Program (ACAP) include increasing the number of community-based services available for individuals who receive services through ACAP, improving coordination across multiple systems that provide support for adults with autism and improving the service delivery system to address the diversity of needs of individuals who are diagnosed with autism.

The Medical Assistance Quality Strategy for Pennsylvania can be viewed at <http://www.healthchoicespa.com/>.

#### *Public Comment*

Interested persons are invited to submit comments regarding the Medical Assistance Quality Strategy for Pennsylvania to the Department at RA-PWQualityStrategy@pa.gov. Comments received within 30 days must be reviewed and considered before the Quality Strategy is submitted to CMS for review (see 42 CFR 438.340(c)(1)).

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1134. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-828. Filed for public inspection May 12, 2017, 9:00 a.m.]

### Trauma Disproportionate Share Hospital Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2016-2017 trauma disproportionate share hospital payments to Medical Assistance enrolled acute care general hospitals qualifying as trauma centers. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 7770 (December 10, 2016). The Department received no public comments during the 30-day comment period and will implement the change as described in its notice of intent.

#### *Fiscal Impact*

The FY 2016-2017 impact as a result of the funding allocation for these payments is \$17.952 million (\$8.656 million in State general funds and \$9.296 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-1132. (1) General Fund; (2) Implementing Year 2016-17 is \$8,656,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$8,656,000; 2014-15 Program—\$8,656,000; 2013-14 Program—\$8,656,000; (7) Trauma Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-829. Filed for public inspection May 12, 2017, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$100 or \$1,000 Instant Lottery Game 1281

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Acting Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$100 or \$1,000 (hereinafter “\$100 or \$1,000”). The game number is PA-1281.

2. *Price:* The price of a \$100 or \$1,000 instant lottery game ticket is \$10.

3. *Play Symbols:* Each \$100 or \$1,000 instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area, a “FAST \$100” area and a “FAST \$1,000” area. The “FAST \$100” and “FAST \$1,000” play areas are played separately. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), \$100 Burst (WIN100) symbol and a \$1,000 Burst (WIN1K) symbol. The play symbols and their captions located in the “FAST \$100” area are: Gold Bar (TRY AGAIN) symbol, Bell (NO BONUS) symbol, Stack of Coins (TRY AGAIN) symbol, Star (NO BONUS) symbol, Horseshoe (TRY AGAIN) symbol, Crown (NO BONUS) symbol, and a \$100 Burst (WIN100) symbol. The play symbols and their captions located in the “FAST \$1,000”

area are: Gold Bar (TRY AGAIN) symbol, Bell (NO BONUS) symbol, Stack of Coins (TRY AGAIN) symbol, Star (NO BONUS) symbol, Horseshoe (TRY AGAIN) symbol, Crown (NO BONUS) symbol, and a \$1,000 Burst (WIN1K) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO), \$2,000 (TWO THO), \$20,000 (TWY THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$40, \$50, \$100, \$200, \$1,000, \$2,000, \$20,000 and \$300,000. The prize that can be won in the “FAST \$100” area is \$100. The prize that can be won in the “FAST \$1,000” area is \$1,000. A player can win up to 16 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the \$100 or \$1,000 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20,000 (TWY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$2,000 (TWO THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$1,000 Burst (WIN1K) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that \$1,000 Burst (WIN1K) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a \$1,000 Burst (WIN1K) symbol in the “FAST \$1,000” area, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$100 Burst (WIN100) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that \$100 Burst (WIN100) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a \$100 Burst (WIN100) symbol in the “FAST \$100” area, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Fast \$100 And Fast \$1,000</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$10		\$10	6.32	1,140,000
\$15		\$15	20	360,000
\$10 x 2		\$20	60	120,000



When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

	Fast \$100 And Fast \$1,000	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets
\$20		\$20	60	120,000
\$10 × 5		\$50	600	12,000
\$50		\$50	600	12,000
\$10 × 10		\$100	600	12,000
\$20 × 5		\$100	600	12,000
\$50 × 2		\$100	600	12,000
	\$100 w/ FAST \$100	\$100	300	24,000
\$100 w/ \$100 BURST		\$100	150	48,000
\$100		\$100	600	12,000
\$20 × 10		\$200	120,000	60
\$100 w/ \$100 BURST	\$100 w/ FAST \$100	\$200	24,000	300
(\$100 w/ \$100 BURST) × 2		\$200	24,000	300
\$200		\$200	120,000	60
\$100 × 10		\$1,000	12,000	600
(\$100 × 5) + (\$40 × 10)	\$100 w/ FAST \$100	\$1,000	2,400	3,000
(\$100 w/ \$100 BURST) × 9	\$100 w/ FAST \$100	\$1,000	1,714	4,200
	\$1,000 w/ FAST \$1,000	\$1,000	2,400	3,000
\$1,000 w/ \$1,000 BURST		\$1,000	1,600	4,500
\$1,000		\$1,000	12,000	600
\$200 × 5	\$1,000 w/ FAST \$1,000	\$2,000	1,440,000	5
\$1,000 w/ \$1,000 BURST	\$1,000 w/ FAST \$1,000	\$2,000	1,440,000	5
\$2,000		\$2,000	1,440,000	5
\$2,000 × 10		\$20,000	1,440,000	5
\$20,000		\$20,000	1,440,000	5
\$300,000		\$300,000	1,440,000	5

Reveal a “\$100 BURST” (WIN100) symbol, win \$100 instantly.

Reveal a “\$1,000 BURST” (WIN1K) symbol, win \$1,000 instantly.

FAST \$100: Reveal a “\$100 BURST” (WIN100) symbol, win \$100 instantly!

FAST \$1,000: Reveal a “\$1,000 BURST” (WIN1K) symbol, win \$1,000 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$100 or \$1,000 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of \$100 or \$1,000, prize money from winning \$100 or \$1,000 instant lottery game tickets will be retained by the Acting Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$100 or \$1,000 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Acting Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$100 or \$1,000 or through normal communications methods.

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-830. Filed for public inspection May 12, 2017, 9:00 a.m.]



## Pennsylvania Emerald 8s Instant Lottery Game 1285

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Acting Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Emerald 8s (hereinafter “Emerald 8s”). The game number is PA-1285.

2. *Price:* The price of an Emerald 8s instant lottery game ticket is \$1.

3. *Play Symbols:* Each Emerald 8s instant lottery game ticket will contain one play area featuring five play symbols and their captions. The play symbols are their captions printed in black ink and located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 19 (NINTN), 20 (TWENT) and an 8 (EIGHT) symbol. The play symbols and their captions printed in green ink and located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 19 (NINTN), 20 (TWENT) and an Emerald (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$80<sup>00</sup> (EGTY), \$400 (FOR HUN), \$800 (EGT HUN) and \$8,000 (EGT THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$8, \$10, \$15, \$20, \$30, \$40, \$50, \$80, \$400, \$800 and \$8,000. The player can win up to 5 times on the ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 10,800,000 tickets will be printed for the Emerald 8s instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$8,000 (EGT THO) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$8,000.

(b) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$800 (EGT HUN) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$800.

(c) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$80<sup>00</sup> (EGTY) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black

ink, and a prize symbol of \$80<sup>00</sup> (EGTY) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$80.

(f) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in four of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$80.

(g) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the “prize” areas and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$8<sup>00</sup> (EGT DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$30.

(m) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$30.

(n) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in three of the “prize” areas, a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in one of the “prize” areas and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the

“prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$15.

(q) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in three of the “prize” areas, a prize symbol of \$8<sup>00</sup> (EGT DOL) appears in one of the “prize” areas and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$15.

(r) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$8<sup>00</sup> (EGT DOL) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$8.

(u) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets with an Emerald (WINALL) symbol in the play area, with the symbol and caption printed in green ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$4.

(x) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of \$1.

(z) Holders of tickets with an 8 (EIGHT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of FREE (TICKET) appears in the “prize” area under that 8 (EIGHT) symbol, on a single ticket, shall be entitled to a prize of one Emerald 8s instant lottery game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal An “8” (EIGHT) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
FREE	FREE \$1 TICKET	9.68	1,116,000
\$1	\$1	150	72,000
\$1 × 2	\$2	23.08	468,000
\$2	\$2	42.86	252,000
EMERALD w/ (\$1 × 5)	\$5	200	54,000
\$1 × 5	\$5	600	18,000
\$5	\$5	750	14,400
\$2 × 4	\$8	150	72,000
(\$1 × 3) + \$5	\$8	300	36,000
\$8	\$8	100	108,000
EMERALD w/ (\$2 × 5)	\$10	600	18,000
\$2 × 5	\$10	1,500	7,200
\$5 × 2	\$10	1,500	7,200
\$10	\$10	3,000	3,600
EMERALD w/ ((\$2 × 3) + \$8 + \$1)	\$15	3,000	3,600
\$5 × 3	\$15	1,500	7,200
\$15	\$15	3,000	3,600
EMERALD w/ ((\$5 × 3) + \$4 + \$1)	\$20	1,500	7,200
\$5 × 4	\$20	1,500	7,200
\$10 × 2	\$20	1,500	7,200
\$20	\$20	1,500	7,200
EMERALD w/ ((\$5 × 4) + \$10)	\$30	1,846	5,850
\$10 × 3	\$30	24,000	450
\$15 × 2	\$30	24,000	450
\$30	\$30	24,000	450
EMERALD w/ (\$8 × 5)	\$40	2,400	4,500
\$10 × 4	\$40	24,000	450
\$20 × 2	\$40	24,000	450
\$40	\$40	24,000	450

Reveal An "8" (EIGHT) Symbol,  
Win Prize Shown Under That  
Symbol.

Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets
EMERALD w/ (\$10 × 5)	\$50	6,000	1,800
EMERALD w/ ((\$5 × 4) + \$30)	\$50	24,000	450
\$10 × 5	\$50	24,000	450
\$50	\$50	24,000	450
EMERALD w/ ((\$15 × 4) + \$20)	\$80	4,800	2,250
\$20 × 4	\$80	24,000	450
\$40 × 2	\$80	24,000	450
\$80	\$80	24,000	450
EMERALD w/ (\$80 × 5)	\$400	240,000	45
\$400	\$400	240,000	45
\$400 × 2	\$800	240,000	45
\$800	\$800	240,000	45
\$8,000	\$8,000	1,080,000	10

Reveal an "EMERALD" (WINALL) symbol, win all 5 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Emerald 8s instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Emerald 8s, prize money from winning Emerald 8s instant lottery game tickets will be retained by the Acting Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Emerald 8s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Acting Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Emerald 8s or through normal communications methods.

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-831. Filed for public inspection May 12, 2017, 9:00 a.m.]

### Pennsylvania Money Multiplier Instant Lottery Game 1284

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Acting Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money Multiplier (hereinafter "Money Multiplier"). The game number is PA-1284.

2. *Price:* The price of a Money Multiplier instant lottery game ticket is \$2.

3. *Play Symbols:* Each Money Multiplier instant lottery game ticket will contain one play area featuring "ROW 1" and "ROW 2." Each "ROW" will contain a "YOUR NUMBERS" area and a "Multiplier" area. Each ticket will also contain a "WINNING NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE), 30 (THIRTY), 31 (THIRTYONE), 32 (THIRTYTWO), 33 (THIRTYTHREE), 34 (THIRTYFOUR), 35 (THIRTYFIVE), 36 (THIRTYSIX), 37 (THIRTYSEVEN), 38 (THIRTYEIGHT), 39 (THIRTYNINE), and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 4 (FOUR), 6 (SIX), 7



(SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORTY). The play symbols and their captions located in the "Multiplier" area are: 1X (NOMLTPY) symbol, 2X (2TIMES) symbol, 3X (3TIMES), 5X (5TIMES) symbol, 10X (10TIMES) symbol and 20X (20TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$1,000 and \$50,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Money Multiplier instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMLTPY) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMLTPY) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 20X (20TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMLTPY) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 2X

(2TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 10X (10TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 20X (20TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 3X (3TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMLTPY) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 5X (5TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 10X (10TIMES) symbol appears in the "Multiplier" area in the





matching "YOUR NUMBERS" play symbol and a 20X (20TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 3X (3TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMLTPY) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 5X (5TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 10X (10TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(gg) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 3X (3TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(hh) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 1X

(NOMLTPY) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(ii) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(jj) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 5X (5TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(kk) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMLTPY) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(ll) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMLTPY) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(mm) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 2X (2TIMES) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(nn) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol and a 1X (NOMLTPY) symbol appears in the "Multiplier" area in the same "ROW" containing the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match  
Any Winning Number, Win Prize  
Shown Under The Matching  
Number.

Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,000,000 Tickets
\$2	\$2	9.68	620,000
\$2 × 2	\$4	150	40,000
\$2 w/ 2X	\$4	25	240,000
\$4	\$4	150	40,000
\$5	\$5	37.5	160,000
\$2 × 5	\$10	500	12,000
\$5 × 2	\$10	500	12,000
(\$4 × 2) + \$2	\$10	500	12,000
\$2 w/ 5X	\$10	250	24,000
\$5 w/ 2X	\$10	250	24,000
\$10	\$10	750	8,000
\$2 × 10	\$20	1,500	4,000
\$4 × 5	\$20	1,500	4,000
\$5 × 4	\$20	1,500	4,000
\$10 × 2	\$20	1,500	4,000
(\$5 w/ 2X) + (\$2 w/ 5X)	\$20	187.5	32,000
\$2 w/ 10X	\$20	750	8,000
\$10 w/ 2X	\$20	750	8,000
\$20	\$20	1,500	4,000
\$4 × 10	\$40	4,000	1,500
\$10 × 4	\$40	4,000	1,500
(\$4 w/ 5X) × 2	\$40	6,000	1,000
(\$5 w/ 3X) × 2 + (\$5 × 2)	\$40	4,000	1,500
(\$10 w/ 3X) + (\$2 w/ 5X)	\$40	6,000	1,000
(\$5 w/ 2X) × 4	\$40	6,000	1,000
\$2 w/ 20X	\$40	4,000	1,500
\$4 w/ 10X	\$40	6,000	1,000
\$20 w/ 2X	\$40	6,000	1,000
\$40	\$40	6,000	1,000
\$5 × 10	\$50	4,800	1,250
\$10 × 5	\$50	4,800	1,250
(\$2 w/ 20X) + (\$2 × 5)	\$50	6,000	1,000
(\$10 w/ 3X) + (\$2 w/ 10X)	\$50	6,000	1,000
\$5 w/ 10X	\$50	6,000	1,000
\$10 w/ 5X	\$50	6,000	1,000
\$50	\$50	6,000	1,000
\$10 × 10	\$100	12,000	500
(\$10 w/ 3X) × 2 + (\$2 w/ 20X)	\$100	12,000	500
(\$20 w/ 3X) + (\$5 × 4) + \$20	\$100	12,000	500
(\$20 w/ 2X) + ((\$4 w/ 5X) × 3)	\$100	12,000	500
\$5 w/ 20X	\$100	12,000	500
\$10 w/ 10X	\$100	6,000	1,000
\$50 w/ 2X	\$100	6,000	1,000
\$100	\$100	12,000	500
\$20 × 10	\$200	24,000	250
\$50 × 4	\$200	24,000	250
(\$50 w/ 3X) + \$50	\$200	24,000	250
\$10 w/ 20X	\$200	24,000	250
\$20 w/ 10X	\$200	24,000	250
\$40 w/ 5X	\$200	24,000	250
\$100 w/ 2X	\$200	24,000	250
\$200	\$200	24,000	250
\$40 × 10	\$400	600,000	10
(\$100 w/ 3X) + (\$20 w/ 5X)	\$400	600,000	10
\$20 w/ 20X	\$400	600,000	10
\$40 w/ 10X	\$400	600,000	10
\$200 w/ 2X	\$400	600,000	10
\$400	\$400	600,000	10
\$100 × 10	\$1,000	600,000	10
(\$10 w/ 10X) × 10	\$1,000	600,000	10
\$50 w/ 20X	\$1,000	600,000	10



When Any Of Your Numbers Match  
Any Winning Number, Win Prize  
Shown Under The Matching  
Number.

Win With:

\$1,000  
\$50,000

Win:

\$1,000  
\$50,000

Approximate  
Odds Are 1 In:

600,000  
600,000

Approximate No.  
Of Winners Per  
6,000,000  
Tickets

10  
10

Multiply any prize won by the Multiplier shown for that ROW.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Money Multiplier instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Money Multiplier, prize money from winning Money Multiplier instant lottery game tickets will be retained by the Acting Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Money Multiplier instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Acting Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Money Multiplier or through normal communications methods.

C. DANIEL HASSELL,  
Acting Secretary

[Pa.B. Doc. No. 17-832. Filed for public inspection May 12, 2017, 9:00 a.m.]

**Pennsylvania Pay Me Instant Lottery Game 1283**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Acting Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Pay Me (hereinafter “Pay Me”). The game number is PA-1283.

2. *Price:* The price of a Pay Me instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pay Me instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Cash (CASH) symbol, Wallet (WIN50) symbol, and a PAY ME (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and \$100,000. The player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pay Me instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a PAY ME (WINALL) symbol and a prize symbol of \$100 (ONE HUN) appears in eight of the "prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a PAY ME (WINALL) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "prize" areas and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a PAY ME (WINALL) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH)

symbol and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a PAY ME (WINALL) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the "prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the "prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a PAY ME (WINALL) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the "prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wallet (WIN50) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area under that Wallet (WIN50) symbol, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$15.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under

the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
\$5 w/ CASH	\$5	17.14	560,000
\$5	\$5	17.14	560,000
\$5 x 2	\$10	60	160,000
(\$5 w/ CASH) + \$5	\$10	60	160,000
(\$5 w/ CASH) x 2	\$10	120	80,000
\$10 w/ CASH	\$10	120	80,000
\$10	\$10	100	96,000
\$5 x 3	\$15	300	32,000
((\$5 w/ CASH) x 2) + \$5	\$15	600	16,000
(\$10 w/ CASH) + (\$5 w/ CASH)	\$15	600	16,000
\$15 w/ CASH	\$15	150	64,000
\$15	\$15	300	32,000
\$5 x 4	\$20	600	16,000
\$10 x 2	\$20	600	16,000
((\$5 w/ CASH) x 2) + (\$5 x 2)	\$20	300	32,000
\$20 w/ CASH	\$20	300	32,000
\$20	\$20	600	16,000
\$5 x 10	\$50	600	16,000
\$10 x 5	\$50	600	16,000
\$50 w/ WALLET	\$50	50	192,000
\$50 w/ CASH	\$50	600	16,000
\$50	\$50	600	16,000
PAY ME w/ ((\$10 x 8) + (\$5 x 4))	\$100	1,714	5,600
PAY ME w/ ((\$20 x 2) + (\$10 x 2) + (\$5 x 8))	\$100	1,714	5,600
\$10 x 10	\$100	12,000	800
\$20 x 5	\$100	12,000	800
(\$50 w/ WALLET) + (\$5 x 10)	\$100	6,000	1,600
(\$50 w/ WALLET) + (\$50 w/ CASH)	\$100	12,000	800
(\$50 w/ WALLET) x 2	\$100	4,000	2,400
\$100 w/ CASH	\$100	12,000	800
\$100	\$100	12,000	800
PAY ME w/ ((\$50 x 2) + (\$10 x 10))	\$200	6,000	1,600
\$20 x 10	\$200	12,000	800
\$100 x 2	\$200	12,000	800
(\$50 w/ WALLET) x 4	\$200	6,000	1,600
\$200 w/ CASH	\$200	12,000	800
\$200	\$200	12,000	800
PAY ME w/ ((\$50 x 2) + (\$40 x 10))	\$500	24,000	400
\$100 x 5	\$500	60,000	160
(\$200 x 2) + (\$50 x 2)	\$500	60,000	160
(((\$50 w/ WALLET) x 6) + ((\$50 w/ CASH) x 2) + (\$50 x 2))	\$500	24,000	400
(\$50 w/ WALLET) x 10	\$500	24,000	400
\$500 w/ CASH	\$500	120,000	80
\$500	\$500	120,000	80
PAY ME w/ ((\$100 x 8) + (\$50 x 4))	\$1,000	960,000	10
\$100 x 10	\$1,000	960,000	10
\$1,000 w/ CASH	\$1,000	960,000	10
\$1,000	\$1,000	960,000	10
\$1,000 x 10	\$10,000	960,000	10



When Any Of Your Numbers Match Any  
Winning Number, Win Prize Shown Under  
The Matching Number.  
Win With:

\$10,000  
\$100,000

Win:	Approximate Odds Are 1 In:
\$10,000	960,000
\$100,000	960,000

Approximate No.  
Of Winners Per  
9,600,000  
Tickets

10  
10

Reveal a "CASH" (CASH) symbol, win prize shown under that symbol automatically.

Reveal a "WALLET" (WIN50) symbol, win \$50 instantly.

Reveal a "PAY ME" (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pay Me instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pay Me, prize money from winning Pay Me instant lottery game tickets will be retained by the Acting Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pay Me instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Acting Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pay Me or through normal communications methods.

C. DANIEL HASSELL,  
Acting Secretary

[Pa.B. Doc. No. 17-833. Filed for public inspection May 12, 2017, 9:00 a.m.]

## Pennsylvania Spicy Hot Crossword Instant Lottery Game 1282

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Acting Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Spicy Hot Crossword (hereinafter "Spicy Hot Crossword"). The game number is PA-1282.

2. *Price:* The price of a Spicy Hot Crossword instant lottery game ticket is \$5.

3. *Play Symbols:* Each Spicy Hot Crossword instant lottery game ticket will feature a "YOUR LETTERS" area and two crossword puzzle play grids known as "GRID 1" and "GRID 2" respectively, and a "BONUS" area. "GRID 1" and "GRID 2" are played separately. The "BONUS" area is also played separately.

(a) The play symbols located in the "YOUR LETTERS" area are: the letters A through and including Z. The play symbols located in "GRID 1" and "GRID 2" are: the letters A through and including Z; and a Flame symbol. The player shall scratch each Flame symbol that appears in "GRID 1" and "GRID 2." Each Flame symbol is a Free Spot. When a Flame symbol appears in any winning combination of words, the player shall win double the corresponding prize found in the prize key.

(b) *"BONUS" Area.* The play symbols and their captions located in the "BONUS" area and printed in black ink are: Bank (TRY AGAIN) symbol, Stack of Coins (NO BONUS) symbol, Piggy Bank (TRY AGAIN) symbol, Wallet (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, Safe (NO BONUS) symbol, Stack of Cash (TRY AGAIN) symbol, Book (NO BONUS) symbol, Glasses (TRY AGAIN) symbol, Newspaper (NO BONUS) symbol, and a Black Pepper (WIN10) symbol. The play symbols and their captions located in the "BONUS" area and printed in green ink are: Bank (TRY AGAIN) symbol, Stack of Coins (NO BONUS) symbol, Piggy Bank (TRY AGAIN) symbol, Wallet (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, Safe (NO BONUS) symbol, Stack of Cash (TRY AGAIN) symbol, Book (NO BONUS) symbol, Glasses (TRY AGAIN) symbol, Newspaper (NO BONUS) symbol, and a Green Pepper (WIN50) symbol. The play symbols and their captions located in the "BONUS" area and printed in red ink are: Bank (TRY AGAIN) symbol, Stack of Coins (NO BONUS) symbol, Piggy Bank (TRY AGAIN) symbol, Wallet (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, Safe (NO BONUS) symbol, Stack of Cash (TRY AGAIN) symbol, Book (NO BONUS) symbol, Glasses (TRY AGAIN) symbol, Newspaper (NO BONUS) symbol, and a Red Pepper (WIN100) symbol.

4. *Prizes:* The prizes that can be won in "GRID 1" are: \$5, \$10, \$20, \$40, \$100, \$200, \$400, \$1,000 and \$10,000. The prizes that can be won in "GRID 2" are: \$5, \$10, \$25, \$50, \$100, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in the "BONUS" area are: \$10, \$50 and \$100. A player can win up to 7 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 15,600,000 tickets will be printed for the Spicy Hot Crossword instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets where the player completely matches ten words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets where the player completely matches ten words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets where the player completely matches nine words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets where the player completely matches nine words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets where the player completely matches eight words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets where the player completely matches seven words in "GRID 2," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets where the player completely matches eight words in "GRID 1," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$800.

(h) Holders of tickets where the player completely matches seven words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets where the player completely matches eight words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets where the player completely matches seven words in "GRID 1," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets where the player completely matches seven words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets where the player completely matches six words in "GRID 1" or "GRID 2," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets where the player completely matches six words in "GRID 1" or "GRID 2," using only

the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets where the player completely matches five words in "GRID 2," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets with a Red Pepper (WIN100) symbol in the "BONUS" area, with the symbol and caption printed in red ink, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets where the player completely matches five words in "GRID 1," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$80.

(q) Holders of tickets where the player completely matches five words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets where the player completely matches four words in "GRID 2," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets with a Green Pepper (WIN50) symbol in the "BONUS" area, with the symbol and caption printed in green ink, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets where the player completely matches five words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$40.

(u) Holders of tickets where the player completely matches four words in "GRID 1," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets where the player completely matches four words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$25.

(w) Holders of tickets where the player completely matches four words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(x) Holders of tickets where the player completely matches three words in "GRID 1" or "GRID 2," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets where the player completely matches three words in "GRID 1" or "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets where the player completely matches two words in "GRID 1" or "GRID 2," in which the winning combination contains a Flame symbol, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(aa) Holders of tickets with a Black Pepper (WIN10) symbol in the "BONUS" area, with the symbol and caption printed in black ink, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets where the player completely matches two words in "GRID 1" or "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

7. *Game Play Instructions for the Spicy Hot Crossword Game are:*

(a) The player shall scratch the "YOUR LETTERS" area to reveal 18 letters. For each of the 18 letters revealed in the "YOUR LETTERS" area, the player shall rub the same letter each time it is found in "GRID 1" and "GRID 2."

(b) When a player reveals two or more entire words in "GRID 1" or "GRID 2" the player is entitled to win a prize as described in Section 6.

(c) Only the highest prize won in each "GRID" will be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Every single letter square of a word must be matched and letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in "GRID 1" and "GRID 2." There will only be one word in an unbroken horizontal or vertical string of letters.

(f) Every single letter in the unbroken string must be revealed in the "YOUR LETTERS" area and must be included to form a word.

(g) The possible complete words for each ticket in the game are shown on the "GRID 1" and "GRID 2" play areas. The player must match all of the letters in a possible complete word in order to complete the word.

(h) After the player has scratched "GRID 1" and "GRID 2," the player shall scratch the "BONUS" area. If the player reveals a Black Pepper (WIN10) symbol, a Green Pepper (WIN50) symbol, or a Red Pepper (WIN100) symbol in the "BONUS" area, the player is entitled to win a prize as described in Section 6.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>GRID 1 Win With:</i>	<i>GRID 2 Win With:</i>	<i>BONUS Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 15,600,000 Tickets:</i>
2 WORDS	2 WORDS		\$5	15	1,040,000
			\$5	15	1,040,000
		\$10 w/BLACK PEPPER	\$10	120	130,000
2 WORDS	2 WORDS		\$10	40	390,000
	2 WORDS w/ FLAME		\$10	120	130,000
2 WORDS w/ FLAME			\$10	120	130,000
	3 WORDS		\$10	66.67	234,000
3 WORDS			\$10	120	130,000
3 WORDS		\$10 w/ BLACK PEPPER	\$20	300	52,000
	3 WORDS	\$10 w/ BLACK PEPPER	\$20	60	260,000
3 WORDS	3 WORDS		\$20	300	52,000
	3 WORDS w/ FLAME		\$20	300	52,000
3 WORDS w/ FLAME			\$20	300	52,000
4 WORDS			\$20	300	52,000
2 WORDS		(\$10 w/ BLACK PEPPER) × 2	\$25	600	26,000
2 WORDS	3 WORDS	\$10 w/ BLACK PEPPER	\$25	600	26,000
4 WORDS	2 WORDS		\$25	300	52,000
2 WORDS	3 WORDS w/ FLAME		\$25	600	26,000
	4 WORDS		\$25	600	26,000
3 WORDS	3 WORDS	(\$10 w/ BLACK PEPPER) × 2	\$40	600	26,000
3 WORDS w/ FLAME	3 WORDS w/ FLAME		\$40	600	26,000
4 WORDS w/ FLAME			\$40	600	26,000
5 WORDS			\$40	600	26,000



<i>GRID 1</i> <i>Win With:</i>	<i>GRID 2</i> <i>Win With:</i>	<i>BONUS</i> <i>Win With:</i>	<i>Win:</i>	<i>Approximate</i> <i>Odds Are 1 In:</i>	<i>Approximate No.</i> <i>Of Winners Per</i> <i>15,600,000</i> <i>Tickets:</i>
		\$50 w/ GREEN PEPPER	\$50	600	26,000
5 WORDS	3 WORDS		\$50	600	26,000
4 WORDS	3 WORDS w/ FLAME	\$10 w/ BLACK PEPPER	\$50	600	26,000
	5 WORDS		\$50	600	26,000
		\$100 w/ RED PEPPER	\$100	6,000	2,600
5 WORDS	3 WORDS	\$50 w/ GREEN PEPPER	\$100	1,333	11,700
	5 WORDS	\$50 w/ GREEN PEPPER	\$100	1,333	11,700
	4 WORDS w/ FLAME	\$50 w/ GREEN PEPPER	\$100	2,000	7,800
5 WORDS w/ FLAME	3 WORDS	\$10 w/ BLACK PEPPER	\$100	3,000	5,200
	5 WORDS w/ FLAME		\$100	2,400	6,500
	6 WORDS		\$100	2,400	6,500
6 WORDS		\$100 w/ RED PEPPER	\$100	3,000	5,200
6 WORDS		\$100 w/ RED PEPPER	\$200	24,000	650
	6 WORDS	\$100 w/ RED PEPPER	\$200	40,000	390
6 WORDS	6 WORDS		\$200	40,000	390
	5 WORDS w/ FLAME	(\$50 w/ GREEN PEPPER) × 2	\$200	60,000	260
	6 WORDS w/ FLAME		\$200	60,000	260
6 WORDS w/ FLAME			\$200	60,000	260
7 WORDS			\$200	60,000	260
6 WORDS	5 WORDS	(\$50 w/ GREEN PEPPER) × 5	\$400	24,000	650
7 WORDS	6 WORDS	\$100 w/ RED PEPPER	\$400	60,000	260
7 WORDS	5 WORDS w/ FLAME	\$100 w/ RED PEPPER	\$400	60,000	260
6 WORDS w/ FLAME	6 WORDS w/ FLAME		\$400	60,000	260
7 WORDS w/ FLAME			\$400	60,000	260
8 WORDS			\$400	60,000	260
7 WORDS		(\$100 w/ RED PEPPER) × 3	\$500	40,000	390
7 WORDS	6 WORDS w/ FLAME	\$100 w/ RED PEPPER	\$500	40,000	390
7 WORDS w/ FLAME		(\$50 w/ GREEN PEPPER) × 2	\$500	40,000	390
8 WORDS	7 WORDS		\$500	40,000	390
	6 WORDS	(\$100 w/ RED PEPPER) × 5	\$1,000	120,000	130
	7 WORDS	(\$100 w/ RED PEPPER) × 5	\$1,000	120,000	130
8 WORDS	7 WORDS	\$100 w/ RED PEPPER	\$1,000	120,000	130
8 WORDS w/ FLAME		(\$100 w/ RED PEPPER) × 2	\$1,000	120,000	130
	7 WORDS w/ FLAME		\$1,000	120,000	130

<i>GRID 1</i> Win With:	<i>GRID 2</i> Win With:	<i>BONUS</i> Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 15,600,000 Tickets:
	8 WORDS		\$1,000	120,000	130
9 WORDS			\$1,000	120,000	130
	9 WORDS		\$10,000	1,560,000	10
10 WORDS			\$10,000	1,560,000	10
	10 WORDS		\$100,000	1,560,000	10

BONUS: Reveal a BLACK “PEPPER” (WIN10) symbol, win \$10 instantly. Reveal a GREEN “PEPPER” (WIN 50) symbol, win \$50 instantly. Reveal a RED “PEPPER” (WIN100) symbol, win \$100 instantly. BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Spicy Hot Crossword instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Spicy Hot Crossword, prize money from winning Spicy Hot Crossword instant lottery game tickets will be retained by the Acting Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Spicy Hot Crossword instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Acting Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or

promote Spicy Hot Crossword or through normal communications methods.

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 17-834. Filed for public inspection May 12, 2017, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Merck Sharp & Dohme Corp. v. Department of Environmental Protection; EHB Doc. No. 2015-011-L Consolidated with EHB Doc. No. 2015-123-L

The Department of Environmental Protection (Department) and Merck Sharp & Dohme Corp. (Merck) have agreed to a settlement of the previously-referenced matter. In this appeal, Merck challenged certain provisions of NPDES Permit No. PA0053538 (Permit) and an accompanying certified letter issued by the Department to Merck on January 20, 2015. The Permit authorizes Merck to discharge industrial stormwater from Merck’s facility in West Point, Montgomery County.

More specifically, Merck challenged, inter alia, provisions in the Permit requiring Merck to sample for acrylamide and chemical additives, and the removal of authorization for specific nonstormwater discharges. Merck also contested the Department’s handling of a proposed amendment to Merck’s Environmental Emergency Response Plan with respect to spill reporting.

The settlement provides for the Department’s issuance of Amendment No. 2 to the Permit to remove monitoring requirements for acrylamide and chemical additives, to increase monitoring frequency for phosphorus, and to authorize certain nonstormwater discharges. The settlement preserves the parties’ respective positions regarding the interpretation of the spill notification requirements of 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution). The Department provided public notice of this proposed permitting action at 46 Pa.B. 2562 (May 21, 2016). The Department will provide public notice of the issuance of the final Permit Amendment No. 2 in accordance with 25 Pa. Code § 92a.86 (relating to notice of issuance or final action on a permit).

Copies of the full stipulation of settlement agreement are held by William H. Gelles, Esquire, Supervisory Counsel, Office of Chief Counsel, 2 East Main Street, Norristown, PA 19401, (484) 250-5930; and Kenneth J.

Warren, Esquire, Warren Environmental Counsel, LLC, 975 Mill Road, Millridge Manor House, Suite A, Bryn Mawr, PA 19010, (484) 383-4830.

Copies are also available at the offices of the Environmental Hearing Board (Board) and may be reviewed by any interested person on request during normal business hours. The settlement is also available at the Board's website at <http://ehb.courtapps.com>. Using the Docket Search page, enter case number 2015011 to view the docket sheet for this case.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 17-835. Filed for public inspection May 12, 2017, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 10 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.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Red Maples Lake Golf Course	Red Maples Lake N 41° 30' 59.13" W -75° 24' 44.41"	Lake Ariel South Canaan Township Wayne County	7-acre lake discharges to St. Tikhon's Russian Monastery Lake to the Middle Creek Basin	<i>Filamentous and Planktonic Algae; other submerged aquatic plants</i>

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 17-836. Filed for public inspection May 12, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Insurance Coverages or Risks Eligible for Export by the Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

#### Export List

##### Amusements

- Amusement Parks and their Devices
- Animal Rides
- Recreational and Sporting Events
- Special Short Term Events
- Theatrical Presentations

##### Aviation

- Fixed Base Operations
- Bridge and Tunnel Contractors (liability only)
- Chemical Spray and/or Drift
- Crane and Rigging Contractors (liability and physical damage only)
- Crop Dusters (aircraft liability and aircraft hull coverage only)
- Day Care Centers, including Sexual Abuse Coverage
- Demolition Contractors Liability
- Dog Bite Liability (monoline)
- Firework Sales/Manufacturing
- Flood Insurance
- Fuel and Explosive Haulers (excess auto liability and auto physical damage only)
- Guides and Outfitters (liability only)
- Hazardous Waste Haulers (excess auto liability and auto physical damage only)
- Hazardous Waste Storage and Disposal (liability only)
- Homeshare Business Multi-Peril Insurance (on-demand short-term)
- Hunting Clubs
- Kidnapping, Ransom and Extortion Insurance
- Liquor Liability (monoline)
- Medical Malpractice Liability with or without related General Liability Coverages



Miscellaneous Errors and Omissions or Professional Liability except architects and engineers, medical malpractice, lawyers, personnel agencies, travel agents, real estate brokers and insurance agents and brokers  
 Nightclubs  
 Nursing Home Liability with or without other Affiliated Elder Care Services  
 Paint and Coating Manufacturers—Liability  
 Pest Control (Exterminators) Liability  
 Pollution Liability and/or Environmental Impairment Coverage  
 Products Liability (monoline) for the Manufacturing of:  
 Aircraft and Component Parts  
 Automotive and Component Parts  
 Farm and Industrial Equipment  
 Firearms  
 Medical Equipment  
 Petrochemicals  
 Pharmaceuticals  
 Products Recall (monoline) for the Manufacturing of:  
 Aircraft and Component Parts  
 Automotive and Component Parts  
 Farm and Industrial Equipment  
 Firearms  
 Medical Equipment  
 Petrochemicals  
 Pharmaceuticals  
 Railroad, including Consultants, Contractors and Suppliers  
 Real-Estate Environmental Impairment Coverage  
 Scrap Metal Dealers/Recycling Centers with Off-Site Disassembling (general liability only)  
 Security/Detective/Patrol Agencies  
 Tattoo Parlors  
 Taxicab Liability  
 Title Insurance Agents Errors and Omissions  
 Vacant Properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 45 Pa.B. 2563 (May 23, 2015), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the export list may be directed to Cressinda E. Bybee, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, cbybee@pa.gov.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 17-837. Filed for public inspection May 12, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Hamilton Relay Inc. Petition for Waiver of Equal Access and Billing Option Requirements for Telephone Relay Services; Doc. No. P-2017-2596198; Hamilton Telephone Co. Petition for Waiver of Equal Access and Billing Option Requirements for Captioned Telephone Voice-Carry-Over Relay Service; Doc. No. P-2017-2596108**

Petitions have been filed on behalf of the certificated Telephone Relay Service (TRS) provider and the contrac-

tual Captioned Telephone Relay Service provider requesting waivers of certain provisions of their service obligations relating to long distance calls.

The petitions were served on the Office of the Consumer Advocate and the Office of the Small Business Advocate. Notice of the petitions has been provided to the Pennsylvania Public Utility Commission's (Commission) Bureau of Investigation and Enforcement, counsel for the TRS Board and the Pennsylvania Telephone Association.

Copies of the petitions may be viewed and copied at the Commission's Office of the Secretary, Commonwealth Keystone Building, 400 North Street, 2nd Floor File Room, Harrisburg, PA 17120. Copies of the petitions may be viewed and downloaded for free from the Commission's web site at [http://www.puc.pa.gov/about\\_puc/search\\_results.aspx?advanced=true](http://www.puc.pa.gov/about_puc/search_results.aspx?advanced=true).

Answers to the petitions are due no later than 10 days after this notice is published in the *Pennsylvania Bulletin*. Answers may be filed electronically or in hard copy.<sup>1</sup> Questions may be directed to Louise Fink Smith, Esq. at [finksmith@pa.gov](mailto:finksmith@pa.gov).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-838. Filed for public inspection May 12, 2017, 9:00 a.m.]

### Natural Gas Service

**A-2017-2602062, A-2017-2602161, A-2017-2602164, G-2017-2602165, G-2017-2602166 and G-2017-2602167. Riemer Natural Gas, LLC, Herman Riemer Gas Company and the Estate of Anna Pearl Riemer.** Joint application of Riemer Natural Gas, LLC, Herman Riemer Gas Company and the Estate of Anna Pearl Riemer for: 1) approval of the transfer by sale of tangible and intangible assets of Herman Riemer Gas Company from the Estate of Anna Pearl Riemer to Riemer Natural Gas, LLC; 2) approval of the abandonment of Herman Riemer Gas Company of providing natural gas services in this Commonwealth; 3) approval for Riemer Natural Gas, LLC to begin to provide natural gas service to the public in this Commonwealth; and 4) approval of certain affiliated interest agreements.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 30, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Riemer Natural Gas, LLC; Herman Riemer Gas Company; Estate of Anna Pearl Riemer

*Through and By Counsel:* Whitney E. Snyder, Esquire, Hawke, McKeon & Sniscak, LLP, Harrisburg Energy Center, 100 North Tenth Street, Harrisburg, PA 17101;

<sup>1</sup> To file documents electronically, an individual must have an eFiling user account, which can be created at any time by the individual account link (<https://www.puc.pa.gov/efiling/NewUser.aspx?>) or the corporate account link (<https://www.puc.pa.gov/efiling/NewUser.aspx?AccountType=Corporate>). See the E-filing User Guide ([http://www.puc.pa.gov/Documentation/EFiling\\_Guide.pdf](http://www.puc.pa.gov/Documentation/EFiling_Guide.pdf)). Paper documents are to be filed with the Secretary of the Commission, P.O. Box 3265, Harrisburg, PA 17105. See 52 Pa. Code Chapter 1 (relating to rules of administrative practice and procedure).

and Tricia S. Baldrige, Esquire, Tucker Arensberg, PC,  
1500 One PPG Place, Pittsburgh, PA 15222

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-839. Filed for public inspection May 12, 2017, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 29, 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-2017-2599946. Charles Miller, t/a VIP Van** (1227 Washington Avenue, Carnegie, Allegheny County, PA 15106) a corporation of the Commonwealth of Pennsylvania—in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Allegheny County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2017-2600623. Frank Martz Coach Company** (239 Old River Road, Wilkes-Barre, Luzerne County, PA 18702) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the City of Wilkes-Barre, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2017-2600726. Private Sedan Service, LLC** (1425 West Rush Street, Philadelphia, PA 19132) persons in limousine service, from points in Montgomery County, to points in Pennsylvania, and return, excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2017-2601736. Allentown Transportation, Inc.** (1544 Hamilton Street, Suite 207, Allentown, Lehigh County, PA 18102) in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Lehigh, Northampton, Berks, Luzerne and Carbon, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Debra L. Roscioli, 700 East Gate Drive, Suite 101, Mt. Laurel, NJ 08054.

**Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.***

**A-2016-2578372. Philadelphia Movers, LLC** (600 Red Lion Road, Apartment 65, Philadelphia, PA 19115) household goods in use, between points in Pennsylvania.

#### Applications of the following for approval to *begin operating as contract carriers for transportation of persons as described under each application.*

**A-2017-2598335. B-More Transportation, LLC** (607 Forrest Street, Harrisburg, Dauphin County, PA 17110) for the right to transport as a contract carrier, by motor vehicle, persons for @Work Personnel Services, from points in the Counties of Cumberland, Dauphin, Lancaster and York, to points in Pennsylvania, and return.

**A-2017-2600946. NEADC Transportation, Inc.** (11048 Rennard Street, Philadelphia, PA 19116) for Northeast Adult Day Care, Inc., between points in the Counties of Bucks and Montgomery, and the City and County of Philadelphia.

#### Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

**A-2017-2600782. Corporate Cars of Lehigh Valley, LLC** (15 Port Carbon Avenue, Pottsville, Schuylkill County, PA 17901) for the discontinuance of service and cancellation of their certificate, at A-6411716, as a common carrier, by motor vehicle, authorizing the transportation of persons, in limousine service, between points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2017-2601867. Settlement Center, LLC** (324 East High Street, Philadelphia, Philadelphia County, PA 19144) for the discontinuance of service and cancellation of its certificate, at A-6418030, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service, from points in the City and County of Philadelphia, to all correctional facilities in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-840. Filed for public inspection May 12, 2017, 9:00 a.m.]

### Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due May 29, 2017, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

#### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. NXT Generation Trucking, LLC; Docket No. C-2017-2535564

##### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That NXT Generation Trucking, LLC, Respondent, maintains its principal place of business at 518 Franklin Street, Pittsburgh, PA 15512.

2. That Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property on March 18, 2016, at Application Docket No. A-2016-2534008.

3. That a satisfactory safety fitness rating must be achieved by Respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania. PUC Motor Carrier Enforcement Officer Andrew Rosenberger attempted to contact Respondent by telephone and left a voicemail message on two separate occasions for Respondent to return his call to schedule a Safety Fitness Review. Respondent did not contact Officer Rosenberger. On July 6, 2016, a certified letter was sent to Respondent with a request to contact the Pittsburgh office within ten days. The certified letter was returned as undeliverable.

4. That Respondent, by failing to achieve a satisfactory evaluation on their safety fitness review, violated 66 Pa.C.S. § 501(c) and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501. The penalty for this violation is revocation of the Certificate of Public Convenience.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience at A-2016-2534008.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4/11/2017

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal

arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. DCP Express, LLC; Docket No. C-2017-2592340**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-



tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to DCP Express, LLC, (respondent) is under suspension effective February 20, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 363 Baker Avenue, Clairton, PA 15025.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 04, 2016, at A-8919299.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8919299 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/22/17

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in

your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
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Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Brian P. Degler;  
Docket No. C-2017-2594742**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Brian P. Degler, (respondent) is under suspension effective March 01, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 209 Mountain Top Rd, Reinholds, PA 17569.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 24, 2015, at A-8917836.

4. That respondent has failed to maintain evidence of Cargo and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8917836 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state

that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/29/17

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

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B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

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D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Barnes  
Professional Limousine Service, LLC; Docket No.  
C-2017-2595145**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Barnes Professional Limousine Service, LLC, (respondent) is under suspension effective March 14, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3850 Walker Boulevard, Erie, PA 16509.
3. That respondent was issued a Certificate of Public Convenience by this Commission on March 27, 2009, at A-6410832.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation

and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6410832 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/29/17

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

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P.O. Box 3265  
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ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-841. Filed for public inspection May 12, 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 May 29, 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 at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants.

**Doc. No. A-17-04-01. Sunsheen Cab Co.** (17 Berbro Avenue, 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-17-05-02. Kler Taxi, Inc.** (7450 Miller Avenue, 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.

**Doc. No. A-17-05-03. Arshad Co.** (7517 Parkview 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.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 17-842. Filed for public inspection May 12, 2017, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Angel L. Case, LPN; File No. 13-51-09932; Doc. No. 2273-51-15

On February 14, 2017, Angel L. Case, LPN, Pennsylvania license No. PN152698L, last known of Waveland and Bogue Chitto, MS, was indefinitely suspended based on disciplinary action taken by another state.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-843. Filed for public inspection May 12, 2017, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Tammy L. Conley, LPN, a/k/a Tammy Lou Lucchesi; File No. 15-51-14880; Doc. No. 1163-51-16**

On March 24, 2017, Tammy L. Conley, LPN, a/k/a Tammy Lou Lucchesi, license No. PN280756, last known of Carnegie, Allegheny County, had her practical nurse license revoked based on her guilty plea to a misdemeanor crime of moral turpitude related to the practice of her profession, failing to report same to the State Board of Nursing (Board) and having committed fraud in securing the biennial renewal of her license.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-844. Filed for public inspection May 12, 2017, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Herbert N. Hewlett, II, RN; File No. 13-51-09023; Doc. No. 0986-51-14**

On March 28, 2017, Herbert N. Hewlett, II, RN, license No. RN354906L, last known of Hampstead, MD, was revoked based on disciplinary action taken by another state and failure to report same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-845. Filed for public inspection May 12, 2017, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v. Dorothea A. Gunderman; Doc. No. 0853-56-16; File No. 16-56-04185**

On February 8, 2017, the State Real Estate Commission (Commission) assessed a \$3,000 civil penalty and revoked the license of Dorothea A. Gunderman, license No. RS293300, last known of Montague, NJ, for being convicted of a misdemeanor and felonies, failing to notify the Commission of said convictions, and knowingly failed to provide accurate and truthful information in connection with an application for examination, licensure, registration or approval.

Individuals may obtain a copy of the Order by writing to the Prothonotary, Department of State, P.O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. McGETTIGAN,  
*Chairperson*

[Pa.B. Doc. No. 17-846. Filed for public inspection May 12, 2017, 9:00 a.m.]





