

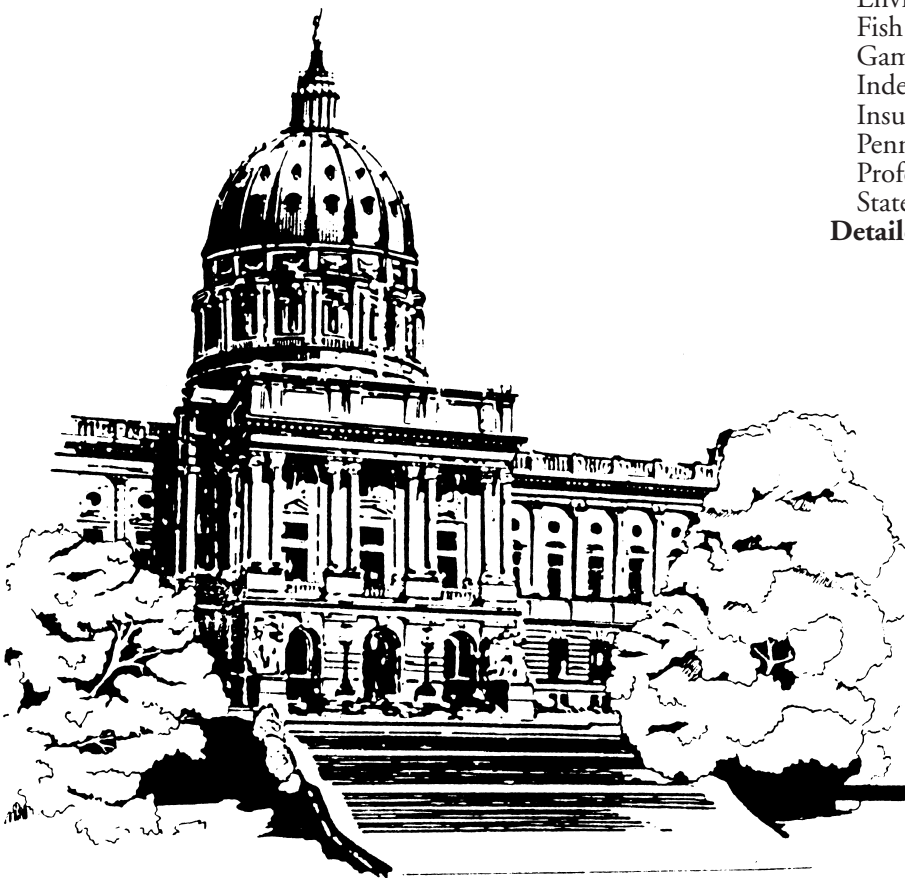
# PENNSYLVANIA BULLETIN

Volume 47  
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Pages 4973—5132

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Department of Banking and Securities  
Department of Environmental Protection  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 513, August 2017**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Ralph A. Gonzalez having been suspended from the practice of law in the State of New Jersey for a period of three months by Order of the Supreme Court of New Jersey dated May 24, 2017, the Supreme Court of Pennsylvania issued an Order dated August 16, 2017 suspending Ralph A. Gonzalez from the practice of law in this Commonwealth for a period of three months, effective September 15, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 17-1406. Filed for public inspection August 25, 2017, 9:00 a.m.]

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### Notice of Suspension

Notice is hereby given that Stephen Harold Lankenau, a/k/a S. Harold Lankenau, (# 162055), having been suspended from the practice of law in the state of Delaware, the Supreme Court of Pennsylvania issued an Order on August 16, 2017, granting the Joint Petition to Extend Term of Reciprocal Suspension of Stephen Harold Lankenau, a/k/a S. Harold Lankenau for a period of six months. In accordance with Rule 217(f), Pa.R.D.E. since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 17-1407. Filed for public inspection August 25, 2017, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[ 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 June 26, 2017, meeting, amended §§ 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 amendments will allow the Commission and public greater access to electronic sources and methods of application. The Commission also amended § 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 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. 2774 (May 13, 2017).

#### 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 amends §§ 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 amendments will allow the Commission and public greater access to electronic sources and methods of application. The Commission also amends §§ 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 amendments allow for greater flexibility, consistency and clarity in the regulations.

Section 721(a) of the code (relating to control of property) provides that "[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 adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking amends §§ 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 final-form rulemaking also amends §§ 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 final-form rulemaking. Persons wishing to hunt or take antlerless deer in this Commonwealth may also 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 Chapters 135 and 143, are amended by amending §§ 135.103, 135.104 and 143.42 to read as set forth at 47 Pa.B. 2774.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 2774 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 48-416 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 17-1408. Filed for public inspection August 25, 2017, 9:00 a.m.]

**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, amended § 141.15 (relating 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 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. 2774 (May 13, 2017).

*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. 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 amends § 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 adopted under this authority.

*2. Regulatory Requirements*

This final-form rulemaking amends § 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 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 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 Chapter 141, are amended by amending § 141.15 to read as set forth at 47 Pa.B. 2774.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 2774 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 48-417 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 17-1409. Filed for public inspection August 25, 2017, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 26, 2017, meeting, amended §§ 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*) in this Commonwealth to also include general class and nonresident falconry permit holders.

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. 2777 (May 13, 2017).

#### 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 amended §§ 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 that "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 adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking amends §§ 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 final-form rulemaking.

#### 4. Comment and Response Summary

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

#### 5. Cost and Paperwork Requirements

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

#### 6. Effective Date

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

#### 7. Contact Person

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

#### Findings

The Commission finds that:

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

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

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.106a and 147.111b to read as set forth at 47 Pa.B. 2777.

(b) The Executive Director of the Commission shall certify this order and 47 Pa.B. 2777 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 48-419 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 17-1410. Filed for public inspection August 25, 2017, 9:00 a.m.]

## GAME COMMISSION

### [ 58 PA. CODE CH. 147 ]

#### Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 26, 2017, meeting, rescinded § 147.687 to eliminate the sunset clause and establish the continued effectiveness of the deer attractant permit program (program).

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. 2776 (May 13, 2017).

#### 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 §§ 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 former § 147.687,

the regulatory authorization for the program expired on June 30, 2017. The Commission rescinds § 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 that “the commission may, as deemed necessary to properly manage the game or wild-life 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 adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking rescinds § 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 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 rule-making, 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 amendment 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 amendment 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 deleting § 147.687 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 48-418 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION  
PART III. GAME COMMISSION  
CHAPTER 147. SPECIAL PERMITS  
Subchapter R. DEER CONTROL  
DEER ATTRACTANT PERMIT**

**§ 147.687. (Reserved).**

[Pa.B. Doc. No. 17-1411. Filed for public inspection August 25, 2017, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Rulemaking Petition for Study

On August 15, 2017, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by the Delaware Riverkeeper Network, requests the amendment of 25 Pa. Code Chapter 109 (relating to safe drinking water) to establish a maximum contaminant level for Perfluorooctanoic Acid not to exceed six parts per trillion.

Under the Board's acceptance of the petition, the Department of Environmental Protection (Department) will prepare a report evaluating the petition. This report will include a recommendation on whether the Board should proceed with a proposed rulemaking and, if so, the process that the Department would need to undertake to develop a proposed rulemaking.

The previously-referenced petition is available to the public by contacting the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, and is accessible on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board (EQB)," then "2017 Meetings," under "Meeting Agendas/Minutes/Handouts," see "August 15, 2017").

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 17-1412. Filed for public inspection August 25, 2017, 9:00 a.m.]

### [ 25 PA. CODE CH. 109 ]

#### Safe Drinking Water; General Update and Fees

The Environmental Quality Board (Board) proposes to amend Chapter 109 (relating to safe drinking water) to read as set forth in Annex A. This proposed rulemaking includes three components:

- Incorporate the remaining general update provisions that were separated from the proposed Revised Total Coliform Rule (RTCR) as directed by the Board on April 21, 2015, including amendments to treatment technique requirements for pathogens, clarifications to permitting requirements, and new requirements for alarms, shut-down capabilities and auxiliary power.
- Amend existing permit fees and add new annual fees to supplement Commonwealth costs and fill the funding gap (\$7.5 million).
- Establish the regulatory basis for issuing general permits, clarify that noncommunity water systems (NCWS) require a permit or approval from the Depart-

ment of Environmental Protection (Department) prior to construction and operation, and address concerns regarding gaps in the monitoring, reporting and tracking of back-up sources of supply.

Collectively, this proposed rulemaking will provide for the increased protection of public health by every public water system (PWS) in this Commonwealth, and ensure that the Department has adequate funding to enforce the applicable drinking water laws, meet State and Federal minimum program elements, and retain primacy (primary enforcement authority).

Safe drinking water is vital to maintaining healthy and sustainable communities. Proactively avoiding incidents such as waterborne disease outbreaks can prevent loss of life, reduce the incidents of illness and reduce health care costs. Proper investment in PWS infrastructure and operations helps ensure a continuous supply of safe drinking water, enables communities to plan and build future capacity for economic growth, and ensures their long-term sustainability.

One or more of these proposed amendments will apply to all 8,521 PWSs in this Commonwealth.

This proposed rulemaking was adopted by the Board at its meeting of May 17, 2017.

#### A. *Effective Date*

This proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*. Several provisions are deferred for up to 3 years following promulgation to allow time for operational changes, budgeting or capital improvements.

#### B. *Contact Persons*

For further information, contact Lisa D. Daniels, Director, Bureau of Safe Drinking Water, P.O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 787-9633; or William Cumings, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section I of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board (EQB)").

#### C. *Statutory Authority*

This proposed rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (SDWA) (35 P.S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public, and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to promulgate rules and regulations necessary for the performance of the work of the Department.

#### D. Background and Purpose

The General Assembly found in section 2 of the SDWA (35 P.S. § 721.2) that it is “in the public interest for the Commonwealth to assume primary enforcement responsibility under the Federal Safe Drinking Water Act.” When the SDWA was passed, the purpose was to create a drinking water program to allow the Commonwealth to obtain legal primacy over the Federal program in this Commonwealth.

Under section 5(a) of the SDWA (35 P.S. § 721.5(a)), the Department is the agency delegated authority to implement the Safe Drinking Water Program, including the program elements necessary for the Commonwealth to assume and maintain primary (that is, lead) administration and enforcement authority under the Federal Safe Drinking Water Act (42 U.S.C.A. §§ 300f–300j-27). The Department, through the Bureau of Safe Drinking Water, provides services to over 8,500 PWSs serving over 10 million citizens to ensure compliance with the SDWA and the Federal Safe Drinking Water Act. The Board is proposing amendments governing the provision of drinking water to the public to continue to implement critical program activities in accordance with applicable Federal and State law requirements.

#### Part I—General update provisions

This proposed rulemaking incorporates the remaining general update provisions that the Board previously determined should be proposed in a separate rulemaking. These general updates are intended to:

- Clarify the source water assessment, source water protection area and source water protection program elements and requirements.
- Amend the treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts by adding specific turbidity performance requirements for membrane filtration.
- Amend the disinfection profiling and benchmarking requirements to clarify that all PWSs using filtered surface water or groundwater under the direct influence of surface water (GUDI) shall consult with the Department prior to making significant changes to disinfection practices to ensure adequate *Giardia* inactivation is maintained.
- Amend and clarify the monitoring, calibration, recording and reporting requirements for the measurement of turbidity.
- Amend the permit requirements to clarify the components that must be included in a permit application for a new source, including a source water assessment, predrilling plan, evaluation of water quantity, and quality and hydrogeologic report.
- Amend the design and construction standards to require PWSs using surface water or GUDI sources to be equipped with alarm and shutdown capabilities. These provisions would be required for plants that are not staffed continuously while the plant is in operation.
- Clarify that treatment technologies shall be certified for efficacy through an approved third party.
- Update the system management requirements for community water systems (CWS) to strengthen system service and resiliency by requiring auxiliary power or an alternate provision such as finished water storage or interconnections.

- Clarify system management responsibilities relating to source water assessments and sanitary surveys.
- Amend the corrective action time frames in response to a significant deficiency for PWSs using groundwater and surface water sources to be consistent.
- Delete the provision that allows a PWS to avoid the requirement for a corrective action by collecting five additional source water samples after an *E. coli*-positive triggered source water sample.

#### *Proposed amendments to source water assessment and protection program*

The proposed source water assessment and protection amendments will not only protect public health, but should also help to maintain, reduce or avoid drinking water treatment costs. Source water protection represents the first barrier to drinking water contamination. A vulnerable drinking water source puts a water utility and the community it serves at risk and at a disadvantage in planning and building future capacity for economic growth. Contamination of a CWS source is costly for the water supplier and the public. For example, it is estimated that the total cost of the Walkerton, Ontario, *E. coli* contamination incident was \$64.5 million. Livernois, J. (2001), “The Economic Costs of the Walkerton Water Crisis.” In addition to increased monitoring and treatment costs for the water system, a contaminated source may result in costs associated with containment or remediation, legal proceedings, adverse public health and environmental effects, reduced consumer confidence, diminished property values and costs to replace the contaminated source.

A Texas A&M study (1997) showed that water suppliers in source water areas with chemical contaminants paid \$25 more per million gallons to treat drinking water than suppliers in areas without chemical contaminant detections. The study also showed that for every 4% increase in source water turbidity (an indicator of water quality degradation from sediment, algae and microbial pathogens), treatment costs increase by 1% (Trust for Public Land, 2002). A study by the Legislative Budget and Finance Committee (2013) stated that “reducing pollution inputs from pipes and land-based sources can reduce locality costs to treat drinking water sources to safe standards.” Similarly, a study by the Brookings Institute suggested that a 1% decrease in sediment loading will lead to a 0.05% reduction in water treatment costs. Source water assessments can support and enhance emergency response, improve land use planning and municipal decisions, complement sustainable infrastructure initiatives, and help prioritize and coordinate actions by Federal and State agencies to better protect public health and safety.

The need to understand and update potential threats to public drinking water sources, as well as ways to minimize those threats, was underscored by the January 2014 chemical spill in West Virginia that impacted the drinking water for 300,000 people. Currently, of the 10.6 million people served by CWSs in this Commonwealth, 7.7 million people are covered by local source water protection programs that have been substantially implemented. “Substantial implementation” is a term referenced in the United States Environmental Protection Agency (EPA) work plans that indicates a measure of progress relative to source water protection efforts. This proposed rulemaking will help ensure that the remaining nearly 3 million people also benefit from local source water protection efforts.

*Proposed amendments to surface water treatment requirements*

The proposed amendments to surface water treatment requirements will benefit more than 8 million Pennsylvanians who are supplied with water by PWSs utilizing filtration technologies. The proposed amendments to the filtration requirements ensure identification and correction of problems at the plant before a turbidity exceedance occurs or escalates. The EPA describes turbidity as “. . . a measure of the cloudiness of water. It is used to indicate water quality and filtration effectiveness (such as whether disease-causing organisms are present). Higher turbidity levels are often associated with higher levels of disease-causing microorganisms such as viruses, parasites and some bacteria. These organisms can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.” National Primary Drinking Water Regulations (EPA 816-F-09-004, May 2009). This proposed rulemaking will ensure that PWSs consistently produce water that meets turbidity standards to help ensure the delivery of safe and potable water to all users.

This proposed rulemaking is intended to reduce the public health risks regarding waterborne pathogens and waterborne disease outbreaks. Costs regarding waterborne disease outbreaks are extremely high. For example, the total medical costs and productivity losses associated with the 1993 waterborne outbreak of cryptosporidiosis in Milwaukee, WI, was \$96.2 million: \$31.7 million in medical costs and \$64.6 million in productivity losses. The average total cost per person with mild, moderate, and severe illness was \$116, \$475 and \$7,808, respectively. Corso, P.S., et al. (2003), “Cost of Illness in the 1993 Waterborne *Cryptosporidium* Outbreak, Milwaukee, Wisconsin,” *Emerging Infectious Diseases*, 9(4), 426–431.

When problems such as rapid changes in source water quality, treatment upsets requiring a filter backwash or other unforeseen circumstances occur at filter plants, an immediate response from water plant operators is needed. This proposed rulemaking will ensure that operators are promptly alerted to major treatment problems or, if an operator is unable to respond, that the plant will automatically shutdown when producing inadequately treated water. Therefore, this proposed rulemaking will prevent violations that pose an imminent threat to consumers, reduce PWS costs regarding issuing public notice, reduce costs to the community and maintain consumer confidence.

*Proposed amendments to system service and auxiliary power requirements*

The proposed amendments to system service and auxiliary power requirements will strengthen system resiliency and ensure that safe and potable water is continuously supplied to consumers and businesses. A continuous and adequate supply of safe drinking water is vital to maintaining healthy and sustainable communities.

PWS sources and treatment facilities in this Commonwealth are susceptible to emergency situations resulting from natural and manmade disasters. Examples of emergencies from recent years include tropical storms, flooding, high winds, ice, snow, industrial chemical plant runoff, pipeline ruptures and transportation corridor

spills. These emergencies have resulted in significant impacts to consumers and businesses due to inadequate water quantity or quality, and required water supply warnings and advisories. For example, in 2011, Hurricane Irene and Tropical Storm Lee caused flooding, water line ruptures and power outages resulting in mandatory water restrictions and boil water advisories (BWA) at 32 PWSs in this Commonwealth. In 2012, Hurricane Sandy caused similar problems at 85 CWSs. Most of the impacted systems were small systems where redundancy and back-up systems were lacking. By comparison, systems with redundancy and adequate planning maintained operations until the power was restored with little negative impact to their customers. Countless incidents at individual CWSs have occurred due to localized emergencies with interruptions in potable drinking water service that could have been prevented if adequate preparation and equipment were available.

In addition, numerous wastewater treatment plants were forced to send untreated sewage to waterways in this Commonwealth during these major weather events. PWSs that use these waterways as a source of supply were at an increased risk due to extremely elevated turbidity levels and pathogen loading. Effectively treating drinking water during and after emergencies requires increased vigilance and operational control.

Water outages caused by power failures or other emergencies can cause additional adverse effects including:

- Lack of water for basic sanitary purposes, such as hand-washing and flushing toilets.
- Increased risk to public health when water systems experience a sharp reduction in supply, which can result in low or no pressure situations within the distribution system. Low pressure can allow intrusion of contaminants into distribution system piping from leaks, and backflow from cross connections.
- Dewatering of the distribution system can result in physical damage to pipes when the system is re-pressurized. This situation is exacerbated due to the Nationwide problem with aging infrastructure.

This proposed rulemaking improves the reliability of service provided to all consumers by requiring the development of a feasible plan to consistently supply an adequate quantity of safe and potable water during emergency situations. More specifically, water suppliers will need to provide onsite auxiliary power sources (that is, generators) or connection to at least two independent power feeds from separate substations, or develop a plan for alternate provisions, such as interconnections with neighboring water systems or finished water storage capacity. Ideally, water systems will implement a combination of options to improve their redundancy and resiliency.

*Part II—New annual fees and proposed amendments to permit fees*

*Funding necessary to provide services*

The Department is required to adopt and implement a public water supply program under section 5(a) of the SDWA that includes maximum contaminant levels (MCL) or treatment technique requirements establishing drinking water quality standards, monitoring, reporting, recordkeeping and analytical requirements, requirements



for public notification, standards for construction, operation and modification to PWSs, emergency procedures, standards for laboratory certification, and compliance and enforcement procedures. These functions and services are required to have an approvable program and maintain primacy from the EPA. Services provided by the Department to maintain compliance with section 5(b) of the SDWA, as well as regulations in Chapter 109 and permits issued, include: monitoring and inspection; maintaining an inventory of PWSs in this Commonwealth; conducting systematic sanitary surveys of public water supply systems; assuring the availability of laboratories certified to analyze drinking water for all contaminants specified in the drinking water standards; reviewing and approving plans and specifications for the design and construction of new or substantially modified PWSs to deliver water that complies with drinking water standards with sufficient volume and pressure to users of the systems; and issuing orders and taking other actions necessary and appropriate for enforcement of drinking water standards.

The proposed fees in this proposed rulemaking are necessary to ensure adequate funding for the Department to carry out its responsibilities under the SDWA and the Federal Safe Drinking Water Act. This Commonwealth is ranked third in the United States, with 8,521 PWSs across this Commonwealth. The Department is responsible for regulating all PWSs and ensuring that safe and potable drinking water is continuously supplied to the 10.7 million customers they serve.

The Department's appropriations from the General Fund have decreased in recent years while the cost of staff salaries and benefits, as well as other operation costs, have increased. The result has been an overall decrease in staffing for the Safe Drinking Water Program of 25% since 2009. As discussed in more detail as follows, these staff reductions have led to a steady decline in the Department's performance of services necessary to ensure compliance with SDWA requirements. Based on the current funding level of \$19.7 million, approximately \$7.5 million in additional funding is necessary to increase staffing to provide necessary services.

The minimum critical services that the Safe Drinking Water Program must provide to administer the SDWA and its regulations include:

- Conducting surveillance activities, such as sanitary surveys and other inspections.
- Collecting and analyzing drinking water samples.

- Determining compliance with regulations, a permit or order.
- Taking appropriate enforcement actions to compel compliance.
- Reviewing applications, plans, reports, feasibility studies and special studies.
- Issuing permits.
- Conducting evaluations, such as filter plant performance evaluations (FPPE) and other site surveys.
- Tracking, updating and maintaining water supply inventory, sample file and enforcement data in various data management systems.
- Meeting and assuring compliance with all Commonwealth and Federal recordkeeping and reporting requirements.
- Conducting training.
- Providing technical assistance.
- Responding to water supply emergencies.

Failure to provide these fundamental services may result in an increased risk to public health as well as the loss of approval from the EPA for the Department to serve as the primary enforcement agency for the administration of the Safe Drinking Water Program in this Commonwealth under Federal law.

The Board has the authority under section 4 of the SDWA to establish fees for services that bear a reasonable relationship to the actual cost of providing the services. The Board must also consider the impacts of the proposed fees on small businesses as part of the regulatory analysis required under section 5 of the Regulatory Review Act (71 P.S. § 745.5). Sixty-eight percent of the water systems in this Commonwealth are considered small businesses.

The fees in this proposed rulemaking will provide the Department with funding necessary to properly administer the SDWA consistent with the actual cost of services provided in a manner that minimizes the adverse impact on water systems with fewer customers to bear the cost.

*Recent decline in Department staff and services*

The number of sanitary surveys (full inspections) conducted by the Department has steadily declined since 2009. The Federally-mandated inspection frequency is every 3 years for CWSs and every 5 years for NCWSs.

| <i>SDW Measure</i>         | <i>FY 09-10</i> | <i>FY 10-11</i> | <i>FY 11-12</i> | <i>FY 12-13</i> | <i>FY 13-14</i> | <i>FY 14-15</i> | <i>FY 15-16</i> |
|----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Number of sanitary surveys | 3,177           | 2,271           | 2,553           | 2,310           | 2,181           | 2,415           | 1,847           |

(Source: Governor's Office Performance Measures; data source: Environment Facility Application Compliance Tracking System (eFACTS))

The number of overdue inspections has ranged from 448 to 703 in the last 6 years. Failure to conduct routine and timely inspections may mean that serious violations are not being identified. In 2015, all six Department regions had overdue inspections. The range of overdue inspections was 2.4% to 11.5%. The total number of systems with overdue inspections was 542. The Federal Public Water System Supervision (PWSS) Grant and primacy measure for inspection frequency has not been met.

| <i>SDW Measure</i>            | <i>FY 10-11</i> | <i>FY 11-12</i> | <i>FY 12-13</i> | <i>FY 13-14</i> | <i>FY 14-15</i> | <i>FY 15-16</i> |
|-------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Number of overdue inspections | 703             | 551             | 458             | 448             | 492             | 542             |

(Source: eFACTS and Pennsylvania Drinking Water Information System (PADWIS))

The reduction in staffing levels and inability to conduct routine and timely inspections because of funding shortfalls may be contributing to the overall declining trend in PWS compliance rates. For the last 4 years, the percentage of CWSs that met health-based drinking water standards fell short of the goal of 95%.

| <i>SDW Measure</i>   | <i>FY 09-10</i> | <i>FY 10-11</i> | <i>FY 11-12</i> | <i>FY 12-13</i> | <i>FY 13-14</i> | <i>FY 14-15</i> | <i>FY 15-16</i> |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Percentage of CWSs that meet health-based drinking water standards | 97%             | 97%             | 97%             | 91%             | 92%             | 92%             | 91%             |

(Source: Governor’s Office Performance Measures; data source: PADWIS)

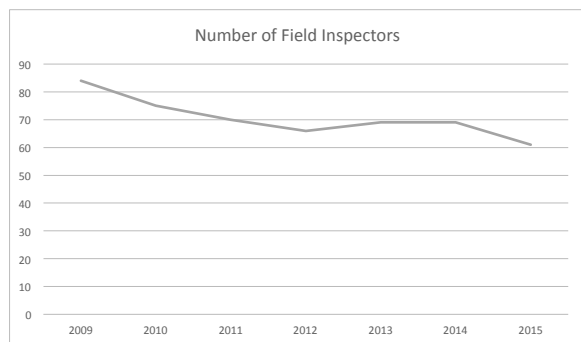
Per the Department’s Annual Compliance Report for 2015, PWSs continue to exceed health-based MCL, maximum residual disinfectant levels (MRDL) and treatment technique requirements for arsenic, radionuclides, volatile organic chemicals, disinfection byproducts, nitrate/nitrite and pathogens, and for failure to adequately treat drinking water for contaminants such as lead.

The number of unaddressed violations has also continued to increase. In 2015, 3 of 6 Department regions had more than 500 violations that had not been returned to compliance within 180 days or addressed through formal enforcement. Unaddressed violations are tracked over a 5-year period because it generally takes several years to return MCL violations to compliance.

| <i>SDW Measure</i>               | <i>FY 05-10</i> | <i>FY 06-11</i> | <i>FY 07-12</i> | <i>FY 08-13</i> | <i>FY 09-14</i> | <i>FY 10-15</i> |
|----------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Number of unaddressed violations | 4,298           | 4,746           | 5,536           | 6,849           | 6,353           | 7,922           |

(Source: PADWIS)

Performance is directly tied to the mandated workload and available resources for the Safe Drinking Water Program. Overall, staffing levels are down by 25% since 2009.



Therefore, the Department’s workload has steadily increased since 2009. Per a workload analysis, the recommended number of PWSs/sanitarian was determined to be 100—125 to ensure completion of mandated inspections, review of PWS self-monitoring data, compliance and enforcement determinations, maintenance of PADWIS and eFACTS, review of monitoring plans, emergency response plans, assessments and waivers. In 2009, the Department’s average workload was within the recommended range at 118 PWSs/sanitarian. In 2015, five of six Department regions exceeded the recommended workload. The recommended workload has been exceeded in at least four of six Department regions for the last 3 years. Per a 2012 Association of State Drinking Water Administrators (ASDWA) survey, the National range and average of PWSs/inspector is 45—140 and 67, respectively. All Department regions far exceed the National average.

| Region | Number of PWSs |       |       | Number of Sanitarians |      |      | Sanitarian Workload<br>(Number of PWSs/Sanitarians) |                |                |
|--------|----------------|-------|-------|-----------------------|------|------|---|----------------|----------------|
|        | 2009           | 2014  | 2015  | 2009                  | 2014 | 2015 | 2009  | 2014           | 2015           |
| 1—SERO | 1,062          | 911   | 911   | 9                     | 7    | 6    | 118   | 130            | 152            |
| 2—NERO | 2,973          | 2,555 | 2,559 | 23                    | 20   | 19   | 129   | 128            | 135            |
| 3—SCRO | 2,596          | 2,400 | 2,408 | 21                    | 14   | 13   | 124   | 171            | 185            |
| 4—NCRO | 1,115          | 937   | 941   | 10                    | 7    | 6    | 112   | 134            | 157            |
| 5—SWRO | 879            | 680   | 694   | 10                    | 8    | 6    | 88  | 78             | 105            |
| 6—NWRO | 1,302          | 1,211 | 1,205 | 11                    | 9    | 7    | 118   | 117            | 158            |
| Totals | 9,927          | 8,694 | 8,718 | 84                    | 65   | 57   | 118<br>average                                      | 134<br>average | 153<br>average |

Final numbers for Fiscal Year 2016-2017 will be finalized by the end of August 2017. Currently, the number of sanitarian positions is 61. This workforce includes 43 sanitarians, 11 trainees and 7 vacancies. Due to the ever-increasing complexity of the drinking water program, trainees are not considered adequately trained until they have at least 2 years of experience. In addition, due to a Department-wide complement reduction, it is unclear if or when the drinking water program will receive approval to fill the seven vacancies. Therefore, the actual available workforce is 54 sanitarians with a workload of 158 PWSs/sanitarian. Of those 54 sanitarians, 26 have 4 years or less of experience.

Performance issues and concerns have been well documented by the EPA since 2009:

- EPA Region III PWSS Program Review for Department Bureau of Water Standards and Facility Regulation (July 2009)—identified the impacts of a 2008 hiring freeze that prevented the filling of vacancies to reach the full additional complement and led to inadequate training of field staff. These problems continue today.

- EPA Region III Review of the Bureau of Safe Drinking Water (December 2012)—identified that the Department was unsuccessful at retaining all allocated drinking water full-time employees as of June 2009 due to budget cuts and increasing costs. Further, the report documented that the number of field inspectors was down by 20% since June 2009. The report also found that because of staffing cuts, the Department had a backlog of required sanitary surveys (full inspections) and a backlog of PADWIS programming modifications and reports.

- Program performance is currently under review by EPA Region III. An EPA letter dated December 30, 2016, further documents the Department's poor performance. Per the letter, the EPA's concerns include the following:

- o Programmatic requirements are not being met in a complete and timely manner. Minimum program requirements must be met for the Commonwealth to maintain primacy for the Safe Drinking Water Program.

- o The Department's average of 149 PWSs/sanitarian is more than double the ASDWA National average. The EPA cautions the Department that this kind of excessive workload is not sustainable and program performance will continue to suffer.

- o The Department failed to meet the Federal requirement for sanitary surveys, which can have serious public health implications as major violations could be going unidentified.

- o In November 2016, the EPA conducted a file review of the Commonwealth's Lead and Copper Rule. The EPA

is currently reviewing the information collected. The EPA intends to highlight insufficient program personnel in its findings and recommendations.

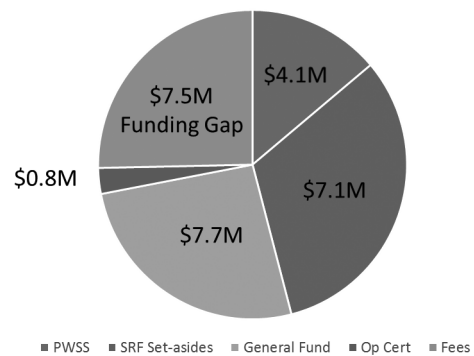
- o The EPA is encouraged by the Department's proposed rulemaking to increase program funding and is hopeful that the Drinking Water Program will receive the necessary resources to improve program performance and reduce personnel shortfalls.

- o A written action plan was due to the EPA within 60 days of the letter (by February 28, 2017). The Department sent a response to the EPA on February 24, 2017. Failure to meet minimum program elements may jeopardize the EPA's approval of the Department's authority to enforce the Federal law.

*Current Safe Drinking Water Program funding*

The current funding available to administer the Safe Drinking Water Program from State and Federal sources is \$19.7 million. The proposed fees are expected to generate approximately \$7.5 million, which would allow the Safe Drinking Water Program to restore staffing levels and reverse the decline in services that has occurred since 2009. The proposed fees would provide nearly 50% of the Commonwealth's share of funding for the Safe Drinking Water Program. The remaining portion of the Commonwealth's share (\$7.7 million) would be provided through annual General Fund appropriations. If General Funds do not keep pace with program costs, a funding gap could remain even with this proposed rulemaking.

SDW Program Costs and Funding



Federal sources currently provide approximately \$11.2 million to fund the Safe Drinking Water Program, including:

- PWSS (\$4.1 million)—used for personnel costs, lab costs and staff training

- State Revolving Fund set-asides (\$7.1 million)—used for personnel costs, capability enhancement programs (training, technical assistance and optimization programs), source water assessment and protection, PADWIS and assistance grants/contracts

The Commonwealth currently provides approximately \$8.5 million to fund the Safe Drinking Water Program through the following sources:

- General Fund appropriations (~\$7.7 million)—used for personnel costs

- Operator Certification fees (\$0.8 million)—used for Operator Certification Program implementation costs

With the addition of the \$7.5 million expected to be generated from this proposed rulemaking, the funds available for the Safe Drinking Water Program would total \$27.2 million.

*Proposed annual fees and permit fee increases*

The proposed fees apply to all 8,521 PWSs, which include 1,952 CWSs, 6,397 NCWSs and 172 bottled, vended, retail and bulk water hauling systems (BVRB). The proposed annual fees range from \$250 to \$40,000 for CWSs, \$50 to \$1,000 for NCWSs and \$1,000 to \$2,500 for BVRBs. If passed on to their customers, these annual fees

would result in an increase in cost ranging from \$0.35 to \$10 per year, depending on the water system size. Further explanation of the proposed annual fees is provided in the Summary of Regulatory Requirements section of this preamble regarding § 109.1402 (relating to annual fees). The proposed increased permit fees range from \$100 to \$10,000 depending on the population served and whether the permit is for major or minor construction. The current permit fees range from \$125 to \$1,750. This proposed rulemaking provides for a review of the fee structure every 3 years to ensure that the fees continue to adequately supplement the cost of maintaining the Safe Drinking Water Program.

As provided in section 14 of the SDWA (35 P.S. § 721.14), all fees would be paid into the State Treasury into a special restricted revenue account in the General Fund known as the Safe Drinking Water Account administered by the Department. The funds may only be used for purposes as authorized under the SDWA.

*Comparison to annual fees in other states*

At least 26 states charge annual fees to augment the cost of their drinking water programs. Some states charge a flat fee based on the PWS type and size. Other states charge a fee based on population served or the number of service connections. Annual fees for these 26 states range from \$25 to \$160,000 and are summarized as follows.

| <i>Summary of PWS Fees Levied by Other States as of January 2017</i> |   |
|--|---|
| <i>State</i>   | <i>Fee</i>  |
| Alaska   | 18 AAC § 80.1910<br>Type: Fee for service<br>Examples: Sanitary survey—\$398 to \$585 for 1st source + \$117 for each additional source, other inspections—\$64/hour  |
| Arkansas*  | AC § 20-28-104(a)<br>Type: Annual fee<br>CWSs and Nontransient NCWSs: Based on number of connections—\$0.30/connection/month, minimum fee = \$250<br>Transient NCWSs: \$125   |
| California   | 22 CCR, Division 4, Chapter 14.5, § 64305<br>Type: Annual fee<br>CWSs: minimum \$250 or \$6/connection (fee per connection on declining tiered scale from \$6 to \$1.35)<br>Nontransient NCWSs: Minimum \$456 or \$2/person<br>Transient NCWSs: \$800 |
| Colorado   | CRS § 25-1.5-209<br>Type: Annual fee<br>CWSs: Based on population<br>Surface Water: Ranges from \$75—\$21,630<br>Ground Water: Ranges from \$75—\$4,450<br>Nontransient NCWSs: Ranges from \$75—\$4,450<br>Transient CWSs: Ranges from \$75—\$3,960   |
| Delaware*  | 16 Del. Code § 135(b)(1)<br>Type: Annual fee<br>CWSs: Based on number of service connections, ranges from \$50—\$3,000<br>Nontransient NCWSs: \$50<br>Transient NCWSs: \$25   |
| Florida  | FAC § 62-4.053<br>Type: Annual fee<br>CWSs: Based on permitted design capacity, ranges from \$100—\$6,000<br>Nontransient NCWSs: \$100<br>Transient NCWSs: \$50   |

| <i>Summary of PWS Fees Levied by Other States as of January 2017</i> |  |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
|--|--|---------|---------------|-----|--------|------|-------|-------------|-------|-------|---------------|-------|---------|---------|---------|---------|
| <i>State</i>   | <i>Fee</i>   |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Idaho  | IAC § 58.01.08-010<br>Type: Annual fee<br>CWSs and Nontransient NCWSs: Based on number of connections—<br>1—20: \$100<br>21—184: \$5/connection, maximum \$735<br>185—3,663: \$4/connection, maximum \$10,988<br>>3,664: \$3/connection<br>Transient NCWSs: \$25   |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Indiana  | IC § 13-18-20.5-2<br>Type: Annual fee<br>CWSs: Based on number of connections—<br>< 400 connections: \$350<br>≥ 400 connections: \$0.95/connection<br>Nontransient NCWSs: Based on population—ranges from \$150—\$300<br>Transient NCWSs: Based on source water type—ranges from \$100—\$200   |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Kansas   | K.A.R. 28-15-12<br>Type: Annual fee<br>CWSs: Capped at \$0.002 per 1,000 gallons of water sold   |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Louisiana*   | Act 605 of 2016<br>Type: Annual fee<br>CWSs: Based on number of connections—\$12/connection  |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Maine  | § 10-144, CMR Chapter 231, § 1-A<br>Type: Annual fee<br>Base Fee (\$75) + (\$0.45 (per capita rate) × (pop))<br>Cap = \$30,000   |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Massachusetts  | MGL, Chapter 21A, Section 18A<br>Type: Annual fee<br>PWSs:<br>Metered—minimum \$20, \$8.50/million gallons used<br>Unmetered—\$50—\$250 based on population  |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Michigan   | MI SDWA, 1976, PA 399<br>Type: Annual fee<br>CWSs: Based on population, ranges from \$400—\$134,000<br>Nontransient NCWSs: \$575<br>Transient NCWSs: \$135   |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Minnesota*   | Minnesota Statutes 2009, § 144.3831<br>Type: Annual fee<br>CWSs: Based on number of connections—\$6.36/connection  |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Mississippi*   | MS ST § 41-26-23<br>Type: Annual fee<br>CWSs: Based on number of connections—\$3/connection, cap = \$40,000  |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Missouri*  | RSMO § 640.100.8<br>Type: Annual fee<br>CWSs only: Based on number of connections, whether connections are metered and the size of the meters; \$1.08—\$3.24/connection  |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| Montana  | ARM § 17.38.248<br>Type: Annual fee<br>CWSs: Based on number of connections—\$2/connection, minimum fee is \$100<br>Nontransient NCWSs: \$100<br>Transient NCWSs: \$50   |         |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| New Jersey   | NJAC § 7:10-15<br>Type: Annual fee<br>CWSs only: Based on population and whether system has treatment—<br><table border="0" style="margin-left: 40px;"> <tr> <td></td> <td style="text-align: center;">w/o treatment</td> <td style="text-align: center;">w/t</td> </tr> <tr> <td>25—999</td> <td style="text-align: center;">\$60</td> <td style="text-align: center;">\$120</td> </tr> <tr> <td>1,000—9,999</td> <td style="text-align: center;">\$360</td> <td style="text-align: center;">\$720</td> </tr> <tr> <td>10,000—49,999</td> <td style="text-align: center;">\$790</td> <td style="text-align: center;">\$1,580</td> </tr> <tr> <td>&gt;50,000</td> <td style="text-align: center;">\$1,640</td> <td style="text-align: center;">\$3,280</td> </tr> </table> |         | w/o treatment | w/t | 25—999 | \$60 | \$120 | 1,000—9,999 | \$360 | \$720 | 10,000—49,999 | \$790 | \$1,580 | >50,000 | \$1,640 | \$3,280 |
|  | w/o treatment  | w/t     |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| 25—999   | \$60   | \$120   |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| 1,000—9,999  | \$360  | \$720   |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| 10,000—49,999  | \$790  | \$1,580 |               |     |        |      |       |             |       |       |               |       |         |         |         |         |
| >50,000  | \$1,640  | \$3,280 |               |     |        |      |       |             |       |       |               |       |         |         |         |         |

| <i>Summary of PWS Fees Levied by Other States as of January 2017</i> |   |               |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
|--|---|---------------|------------------------|-----------|---------------|--------------------|---------|-------------------|----------------------|---------|---------------------|-----------------------|----------|----------------------|-----------------------|----------|
| <i>State</i>   | <i>Fee</i>  |               |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| North Carolina   | NC ST § 130A-328<br>Type: Annual fee<br>CWSs: Based on population, fee ranges from \$255—\$5,950<br>Nontransient NCWSs: \$150   |               |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| Ohio   | R.C. § 3745.11<br>Type: Annual fee<br>CWSs: Based on sliding scale of number of connections, minimum \$112; for 100 or more connections, fee ranges from \$0.76—\$1.92/connection<br>Number of connections<br>278 (pop=750) \$534<br>1,222 (pop=3,300) \$2,346<br>3,704 (pop=10,000) \$5,482<br>18,518 (pop=50,000) \$20,370<br>92,592 (pop=250,000) \$85,185<br>Nontransient NCWSs: Ranges from \$112—\$16,820<br>Transient NCWSs: Ranges from \$112—\$792   |               |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| Oklahoma   | OAC § 631-3-21<br>Type: Annual fee<br>All PWSs:<br>Flat fee for inspections + flat fee for SDWA activities + lab costs<br>Groundwater \$100 + \$1,600 +<br>Surface water \$200 + \$6,800 +  |               |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| Rhode Island   | R46-13-DWQ<br>Type: Annual License Fee<br>CWSs: Based on number of connections—\$1.50 per connection, ranges from \$330—\$32,500<br>Nontransient NCWSs: \$330<br>Transient NCWSs: \$200   |               |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| South Carolina   | S.C. Code of Regulations R. 61-30.G(2)<br>Type: Annual fee<br>CWSs and Nontransient NCWSs:<br>Three components: Administration + Distribution Monitoring + Source Monitoring<br>Costs for admin only:<br><table border="0"> <thead> <tr> <th># Connections</th> <th>Base amount + rate/tap</th> <th>Total Fee</th> </tr> </thead> <tbody> <tr> <td>278 (pop=750)</td> <td>\$769 + \$3.85/tap</td> <td>\$1,839</td> </tr> <tr> <td>1,222 (pop=3,300)</td> <td>\$3,749 + \$1.96/tap</td> <td>\$6,144</td> </tr> <tr> <td>18,518 (pop=50,000)</td> <td>\$23,389 + \$0.46/tap</td> <td>\$31,907</td> </tr> <tr> <td>92,592 (pop=250,000)</td> <td>\$35,239 + \$0.17/tap</td> <td>\$50,979</td> </tr> </tbody> </table> Transient NCWSs: \$275 | # Connections | Base amount + rate/tap | Total Fee | 278 (pop=750) | \$769 + \$3.85/tap | \$1,839 | 1,222 (pop=3,300) | \$3,749 + \$1.96/tap | \$6,144 | 18,518 (pop=50,000) | \$23,389 + \$0.46/tap | \$31,907 | 92,592 (pop=250,000) | \$35,239 + \$0.17/tap | \$50,979 |
| # Connections  | Base amount + rate/tap  | Total Fee     |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| 278 (pop=750)  | \$769 + \$3.85/tap  | \$1,839       |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| 1,222 (pop=3,300)  | \$3,749 + \$1.96/tap  | \$6,144       |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| 18,518 (pop=50,000)  | \$23,389 + \$0.46/tap   | \$31,907      |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| 92,592 (pop=250,000)   | \$35,239 + \$0.17/tap   | \$50,979      |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| Texas  | 30 The TAC § 290.51<br>Type: Annual fee<br>CWSs and NTNCWSs: Based on number of connections—<br><25 \$200<br>25—160 \$300<br>≥161 \$4/connection<br>Transient NCWSs: \$100  |               |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| Virginia   | 12VAC5-600-50 to 110<br>Type: Annual fee<br>CWSs: Based on number of connections—\$3/connection, cap = \$160,000<br># Connections<br>278 (pop=750) \$834<br>1,222 (pop=3,300) \$3,666<br>18,518 (pop=50,000) \$55,554<br>92,592 (pop=250,000) \$160,000<br>Nontransient NCWSs: \$90   |               |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |
| Washington   | WAC 246-290-070<br>Type: Annual fee<br>Based on number of connections—cap = \$100,000<br>Base fee + per connection fee<br>\$100 + \$1.05 to \$1.30  |               |                        |           |               |                    |         |                   |                      |         |                     |                       |          |                      |                       |          |

\* Indicates a state where a portion of the annual fee goes towards monitoring costs in addition to administrative costs to run the drinking water program.

*Part III: Additional amendments*

This proposed rulemaking will amend other sections of Chapter 109 to:

- Establish the regulatory basis for the issuance of general permits for high volume, low risk modifications or activities to streamline the permitting process.
- Clarify that NCWSs that are not required to obtain a permit shall still obtain Department approval of the facilities prior to construction and operation.
- Address concerns regarding gaps in the monitoring, reporting and tracking of back-up water sources and entry points. Per State and Federal regulations, all sources and entry points shall be included in routine compliance monitoring to ensure water quality meets safe drinking water standards. Sources and entry points that do not provide water continuously are required to be monitored when used. However, monitoring requirements for back-up sources are not currently tracked, which means verifiable controls are not in place to ensure that all sources and entry points meet safe drinking water standards. Some of these sources have not been used in at least 5 years and, therefore, the Department does not know the water quality for these sources. In addition, the treatment facilities and other appurtenances associated with these sources may have gone unused and may no longer be in good working order. This proposed rulemaking will ensure that all sources and entry points are monitored at least annually. PWSs will also be required to document in a comprehensive monitoring plan how routine compliance monitoring will include all sources and entry points.

This proposed rulemaking was presented to the Technical Assistance Center for Small Drinking Water Systems (TAC) on November 14, 2016. The TAC met on January 5, 2017, to continue its review and provide comments. Final comments were received on January 23, 2017. The TAC made several recommendations, some of which were incorporated into this proposed rulemaking. Other recommendations were incorporated into this preamble as a means to solicit further public comment. Refer to Section E for more information about the TAC's comments and recommendations.

*E. Summary of Regulatory Requirements*

*§ 109.1. Definitions*

Definitions are proposed to be added for "PDWEP," "source water assessment," "source water protection area," "source water protection program," "surface water intake protection area" and "surface water intake protection program." Amendments are proposed to the existing definitions of "wellhead protection area" and "wellhead protection program." Except for "PDWEP," these terms are necessary to clarify source water protection requirements in the Federal Safe Drinking Water Act.

Regarding the definition of "surface water intake protection area," the TAC recommended that the Department take measures to protect the confidentiality of source water and intake locations consistent with the Public Utility Confidential Security Information Disclosure Protection Act (35 P.S. §§ 2141.1—2141.6) and the Right-to-Know Law (65 P.S. §§ 67.101—67.3104). The Department avers that source locational information is protected consistent with these laws.

*§ 109.5. Organization of chapter*

This section is proposed to be amended to add a cross-reference to proposed Subchapter N (relating to drinking water fees).

*§ 109.202. State MCLs, MRDLs and treatment technique requirements*

Subsection (c)(1)(i)(A)(V) is proposed to be added to require PWSs to achieve, within 1 year of the effective date of adoption of the final-form rulemaking, filtered water turbidity of less than or equal to 0.30 Nephelometric Turbidity Unit (NTU) in at least 95% of the measurements taken each month under § 109.301(1) (relating to general monitoring requirements), and less than or equal to 1.0 NTU at all times measured under § 109.301(1).

The TAC commented that "the federal turbidity requirement is 0.3 NTU, not 0.30 NTU." The TAC claimed that "adding a zero to the MCL is not based on science (see Standard Methods methodology regarding significant figures). The same issue applies to establishing the turbidity limit of 1.0 NTU." The TAC asserted "it should be 1 NTU per the EPA limit." The TAC further referenced "the formal public comment regarding significant figures by Jeanne VanBriesen, Professor, Carnegie Mellon University," which was "provided to DEP on the proposed Disinfection Requirements Rule."

The Department avers that the proposed amendments to the turbidity standard are warranted. Turbidity is a surrogate measurement for pathogen breakthrough, primarily for the acute pathogen *Cryptosporidium*. As turbidity increases, particle (and pathogen) breakthrough increases. This relationship is well established and accepted by the industry. In addition, industry expert research indicates that as filter effluent turbidity increases from baseline levels, the risk of *Cryptosporidium* breakthrough also increases. For example, several peer reviewed studies have specifically documented significant reduction in *Cryptosporidium* removal during breakthrough filtration as compared to stable operation. Huck, P.M., et al. (2002), "Effects of Filter Operation on *Cryptosporidium* Removal," *Journal—American Water Works Association*, 94(6), 97—111. Emelko, M.B., Huck, P.M. and Douglas, I.P. (2003) "*Cryptosporidium* and Microsphere Removal During Late In-Cycle Filtration," *Journal—American Water Works Association*, 95(5), 173—182.

Per Department records, the large majority of filter plants in this Commonwealth typically produce water that is less than 0.10 NTU. Water suppliers may be most challenged at meeting the lower turbidity standard when they are experiencing significant increases in turbidity. The intent of the proposed amendments is that water suppliers will be able to take the necessary corrective actions (for example, remove filter from service) earlier if they are experiencing significant treatment issues. When water suppliers take timely corrective actions, higher turbidity water is prevented from reaching consumers, and violations are avoided.

Additionally, the Department asserts that it is appropriate to "add zeros" for some drinking water standards where the level of sensitivity is warranted by the analytical method. In fact, several Federal drinking water standards end with a zero, including fluoride (4.0 mg/L), arsenic (0.010 mg/L), total trihalomethanes (0.080 mg/L), haloacetic acids (0.060 mg/L), bromate (0.010 mg/L), chlorite (1.0 mg/L), chlorine (4.0 mg/L) and chloramine (4.0 mg/L). Per EPA Water Supply Guidance 20 (1981), the EPA states that all MCLs are expressed in the number of significant digits permitted by the precision and accuracy of the specified analytical procedures. The EPA considers all digits within the MCL to be significant for purposes of determining compliance. For example, the

EPA issued very clear guidance for the arsenic rule regarding how to determine compliance with the MCL of 0.010 mg/L. Results that are equal to or greater than 0.0105 mg/L are rounded to the nearest 0.001 mg/L and constitute a violation of the MCL. Regarding turbidity monitoring and recording devices, the instrumentation and method can produce precise and accurate results to the thousandths decimal (for example, 0.000) as evidenced by the manufacturer's specifications. Therefore, the improved sensitivity is warranted, and the proposed amendments will improve public health protection.

Subsection (c)(1)(i)(C) is proposed to be added to include specific treatment technique requirements for membrane filtration. These standards are consistent with the results of pilot testing conducted throughout this Commonwealth, recommendations by the EPA in the Membrane Filtration Guidance Manual (EPA 815-R-06-009, November 2005), as well as recommendations made by equipment manufacturers. These standards were previously applied through special permit conditions. Certified operators have consistently maintained the proposed levels of performance at membrane filter plants throughout this Commonwealth. When deviations from this performance have occurred, follow-up investigations revealed the need for repairs to this treatment barrier.

#### § 109.204. *Disinfection profiling and benchmarking*

Subsection (b) is proposed to be amended and subsections (d) and (e) are proposed to be added to clarify the disinfection benchmark requirements for PWSs using surface water or GUDI sources. These proposed amendments and additions reflect 40 CFR 141.172 and 141.709 (relating to disinfection profiling and benchmarking; and developing the disinfection profile and benchmark). The proposed amendments also ensure that simultaneous compliance issues are assessed and addressed before making any changes to treatment.

The TAC recommended that proposed subsection (d) reflect the Federal regulations regarding disinfection benchmarking and profiling and that proposed subsection (e) include a requirement for the submittal of certain information to the Department. The Department agreed with these recommendations and made modifications accordingly.

#### § 109.301. *General monitoring requirements*

Paragraph (1)(i) is proposed to be amended to delete a cross-reference to paragraph (1)(iii). Paragraph (1)(i)(A) and (B) is proposed to be amended to sunset to 1 year after the effective date of adoption of the final-form rulemaking. Existing paragraph (1)(i)(C) and (D) is proposed to be renumbered as paragraph (1)(i)(D) and (E), respectively.

Proposed paragraph (1)(i)(C) requires continuous monitoring and recording of the combined filter effluent (CFE) beginning 1 year after the effective date of adoption of the final-form rulemaking. This is consistent with existing individual filter effluent (IFE) turbidity monitoring and recording requirements. Health effects associated with microbial contaminants tend to be due to short-term, single dose exposure rather than long-term exposure. The proposed amendments are part of a multibarrier approach to ensure treatment is adequate to provide safe and potable water to all users.

The TAC commented that many filter plants do not have the capability to sample CFE; therefore, an alternative methodology and locations should be available to meet the regulation. The TAC stated that the Department

should allow averaging of the IFE or, in some instances, allow the plant effluent to be utilized.

The Department has historically considered, and will continue to consider, on a case-by-case basis, alternative methodologies to comply. More specifically, if it is physically impossible for a system to obtain a representative sample (by sample line) from the actual CFE monitoring location, the Department will allow for instantaneous averaging of the IFE turbidity results to be reported for CFE compliance. In these instances, the water supplier would be required to make reasonable efforts to address the lack of CFE sampling during any future plant modifications. Sole reliance on an instantaneous average of IFE turbidity makes the water supplier more vulnerable to reporting violations, in the long term, should the system experience a breakdown in IFE monitoring equipment. Therefore, it is to the water supplier's advantage to develop a true CFE monitoring location if at all feasible.

Existing paragraph (1)(ii) is proposed to be deleted.

Existing paragraph (1)(iii) is proposed to be renumbered as paragraph (1)(ii) and sunset 1 year after the effective date of adoption of the final-form rulemaking.

Existing paragraph (1)(iv) is proposed to be renumbered as paragraph (1)(iii) and amended to require continuous monitoring and recording of the IFE turbidity for filtration technologies other than conventional and direct beginning 1 year after the effective date of adoption of the final-form rulemaking. This proposed amendment ensures consistency among all filtration technologies.

Existing paragraph (1)(iv)(A) is proposed to be deleted and added as § 109.304(e) (relating to analytical requirements).

Existing paragraph (1)(iv)(B)—(D) is proposed to be deleted.

Paragraph (1)(iv) is proposed to be added to clarify that all failures of continuous turbidity and residual disinfectant monitoring and recording equipment require grab sampling and manual recording not to exceed 5 working days and that it applies to all PWSs. This proposed amendment is based on existing language in paragraph (1) and ensures consistency among all PWSs.

The TAC recommended that if continuous monitoring equipment cannot be repaired or replaced within the 5 working days, the PWS should not be in violation of paragraph (1) if it notifies the Department.

The Department asserts that the monitoring equipment that water suppliers use to measure and record compliance every 15 minutes is necessary to protect public health. Water suppliers shall take actions necessary to resume continuous monitoring and recording as soon as possible, but no later than within 5 working days, because for each day that 4-hour grab sampling is used, water suppliers will have very limited data (6 grab sample data points) to assess water quality and make operational changes (instead of 96 monitoring data points when continuous monitoring equipment is in use). Significant volumes of water are produced between each 4-hour grab sampling event and no verifiable controls will be in place to ensure that the water continuously meets safe drinking water standards. However, in response to the TAC's comment, proposed language clarifies that the Department will consider case-by-case extensions of the time frame if the water supplier provides sufficient written documentation that it is unable to repair or replace malfunctioning equipment within 5 working days due to circumstances beyond its control. If extensions are not preapproved in writing by the Department, then a violation will occur.



Paragraph (2)(i)(B) and (C) is proposed to be amended to sunset 1 year after the effective date of adoption of the final-form rulemaking.

Proposed paragraph (2)(i)(D) requires continuous monitoring and recording of the source water turbidity and clarifies grab sample monitoring requirements. This paragraph is proposed to be added to be consistent with filtration monitoring and recording requirements because health effects associated with microbial contaminants tend to be due to short-term, single dose exposure rather than long-term exposure.

Existing paragraph (2)(i)(D) and (E) is proposed to be renumbered as paragraph (2)(i)(E) and (F), respectively.

Paragraph (2)(ii) and (iii) is proposed to be amended to sunset 1 year after the effective date of adoption of the final-form rulemaking.

Paragraph (11) is proposed to be amended to clarify the monitoring requirements for entry points that do not provide water continuously. At a minimum, all entry points shall provide water to the public on at least an annual basis to ensure all sources and entry points are included in routine compliance monitoring.

This proposed amendment is intended to address concerns regarding gaps in the monitoring, reporting and

tracking of back-up water sources and entry points. Per State and Federal regulations, all sources and entry points must be included in routine compliance monitoring to ensure water quality meets safe drinking water standards. Currently, sources and entry points that do not provide water continuously are required to be monitored when used. However, monitoring requirements for back-up sources are not currently tracked, which means no verifiable controls are in place to ensure that all sources and entry points meet safe drinking water standards.

These concerns were most recently highlighted by the EPA's Office of Inspector General in the 2010 report "EPA Lacks Internal Controls to Prevent Misuse of Emergency Drinking Water Facilities" (Report No. 11-P-0001). The term "emergency" is often used to describe sources other than permanent sources. In this Commonwealth, some of these back-up sources have not been used in at least 5 years and, therefore, the Department does not know the water quality for these sources.

To better understand the scope of the problem in this Commonwealth, the following data was retrieved from PADWIS.

| <i>Entry Points</i> |                                     |   |  |  |
|---------------------|-------------------------------------|---|--|--|
| <i>PWS Type</i>     | <i>Total Number of Entry Points</i> | <i>Number of Permanent Entry Points</i> | <i>Number of Nonpermanent Entry Points</i> | <i>Percentage of Nonpermanent Entry Points</i> |
| CWSs                | 3,330                               | 3,003                                   | 327  | 10%  |
| Others              | 7,880                               | 7,760                                   | 120  | 2%   |
| <i>Total</i>        | 11,210                              | 10,763                                  | 447  | 4%   |

An entry point is the place at which finished water representative of each source enters the distribution system. Routine compliance monitoring is not tracked at nonpermanent entry points. Nonpermanent entry points include seasonal, interim, reserve and emergency entry points.

Based on the data, CWSs provide finished water to consumers through a total of 3,330 entry points, 327 (or 10%) of which are nonpermanent. Therefore, as many as 10% of all entry points may not be conducting all required monitoring prior to serving water to consumers.

The numbers are even higher at the individual source level.

| <i>Water Supply Sources (Wells, Springs, Surface Water Intakes, and the Like)</i> |                                |                                    |                                       |   |
|---|--------------------------------|------------------------------------|---------------------------------------|---|
| <i>PWS Type</i>   | <i>Total Number of Sources</i> | <i>Number of Permanent Sources</i> | <i>Number of Nonpermanent Sources</i> | <i>Percentage of Nonpermanent Sources</i> |
| CWSs  | 5,252                          | 4,634                              | 618                                   | 12%                                       |
| Others  | 8,604                          | 8,297                              | 307                                   | 4%  |
| <i>Total</i>  | 13,856                         | 12,931                             | 925                                   | 7%  |

For CWSs, as many as 12% of all sources may not be included in routine compliance monitoring, yet these sources can be used at any time.

The Department also reviewed the monitoring history of the 447 nonpermanent entry points previously mentioned.

| <i>Nonpermanent Entry Points</i> |                               |   |   |
|----------------------------------|-------------------------------|---|---|
| <i>PWS Type</i>                  | <i>Number of Entry Points</i> | <i>Number and Percentage of Entry Points with No Monitoring Data (Since 1992)</i> | <i>Number of Entry Points with Some Monitoring Data</i>   |
| CWSs                             | 327                           | 143 (44%)   | 184 (of these entry points, 47 were sampled in 2016, 37 were sampled during the 2012—2015 monitoring period and the remaining 101 were sampled prior to 2012) |
| Others                           | 120                           | 7 (6%)  | 113 (55 entry points have recent data (2016))   |
| <i>Total</i>                     | 447                           | 150 (34%)   |   |

For CWSs, 143 (or 44%) of all nonpermanent entry points have no monitoring data since 1992. Of the 184 entry points with some data, most of the data are 5 to 10 years old.

The use of unmonitored sources and entry points could adversely impact basic water quality, including pH, alkalinity, turbidity, corrosivity and lead solubility, dissolved inorganic carbon and natural organic matter. Water suppliers may have limited information about how these sources or entry points will impact treatment efficacy and distribution system water quality. In addition, back-up or emergency sources may have poor water quality or MCL exceedances. The use of these sources without proper monitoring and verifiable controls could lead to an increased risk to public health.

Finally, treatment facilities and other appurtenances associated with these sources may no longer be in good working order. Back-up sources and entry points with unknown water quality or that are no longer in good working order provide a false sense of security in terms of system resiliency and emergency response. While the Department understands that many facilities are not used on a 24/7 basis, these proposed amendments ensure that all permitted sources and entry points are monitored at least annually.

The TAC requested that the Department provide more details about how this provision would be applied to interconnections, or instances when the use of a source is limited by some other entity or permit/approval. The TAC also recommended that this proposed amendment have an effective date of 1 year after the effective date of adoption of the final-form rulemaking.

The Department anticipates that select purchased interconnections will be able to retain the "emergency" designation if the following criteria are met. As previously noted, "emergency" is often used to describe sources other than permanent sources.

- Using the last 3 years of historical water use data, the water supplier can demonstrate that the purchased interconnection has only been used for emergency purposes.
- Emergency use has not occurred more than 14 days per year, excluding use under State or Federal emergency declarations.
- The Department has conducted an annual compliance check using reported water use data.

On a case-by-case basis, the Department also anticipates that select sources may be able to be retained in the permit, without conducting routine annual compliance monitoring, if documentation is provided to the Department that the use of the source is limited by some other entity or permit or approval. Select sources that meet these criteria will be covered by a special condition in the permit that requires Department notification and completion of compliance monitoring prior to use.

The Board is seeking comment on this proposed amendment, the inclusion of the additional information previously provided regarding retention of the emergency designation of interconnections and whether deferred implementation is needed. The Board will consider other options that address these concerns while providing the same level of public health protection.

#### § 109.302. *Special monitoring requirements*

Subsection (a) is proposed to be amended to allow the Department to require special monitoring if the Depart-

ment has reason to believe that a system is not in compliance with an action level for lead or copper.

#### § 109.303. *Sampling requirements*

Subsection (a) is proposed to be amended to ensure that all samples taken for compliance purposes are collected at the required locations.

Subsection (a)(4) is proposed to be amended to be consistent with 40 CFR 141.61, 141.62 and 141.66 (relating to maximum contaminant levels for organic contaminants; maximum contaminant levels for inorganic contaminants; and maximum contaminant levels for radionuclides). Water suppliers are required to monitor at each entry point representative of each source after all treatment. Proposed amendments clarify the monitoring requirements when sources are blended or alternated prior to the entry point. In some cases, additional samples may need to be collected to ensure that the samples are representative of all sources.

The TAC recommended that the Department provide additional discussion and examples to clarify this proposed amendment. The TAC expressed concern that too many real-world scenarios may exist to be covered by a blanket requirement. The TAC also recommended that the provision be addressed in the facility permit.

The Department avers that the system-specific scenarios will be able to be addressed in the system's comprehensive monitoring plan required under proposed § 109.717 (relating to comprehensive monitoring plan). However, the Board is seeking comment on whether additional regulatory language is needed for clarity.

Subsection (i) is proposed to be added to clarify that samples taken to determine compliance shall be taken in accordance with a written comprehensive monitoring plan as specified in proposed § 109.717. These plans are subject to Department review and revision.

#### § 109.304. *Analytical requirements*

Subsection (c)(2) is proposed to be amended to clarify that an individual conducting analysis using a standard operating procedure shall do so following not only the Water and Wastewater Systems Operators' Certification Act (63 P.S. §§ 1001—1015.1), but also the regulations promulgated under that act.

Proposed subsection (e) contains existing language that was moved from § 109.301(1)(iv)(A) and amended to clarify turbidimeter requirements.

The TAC recommended that "the calibration schedule should remain at the current quarterly frequency for consistency and ease of enforcement [see § 109.301(1)(i)(B)]." The reasoning for this recommendation is a concern that "every 90 days is more difficult to track and is not the same as quarterly."

The Department avers that this proposed amendment relates to critical monitoring equipment that is needed to ensure acute pathogens such as *Cryptosporidium* and *Giardia* are not present in the drinking water supplied to customers. Therefore, a routine calibration frequency is critical to ensure ongoing data integrity. The Department's experiences during inspections and FPPEs indicate the opposite of the TAC's comment that "quarterly" is more difficult to track than "every 90 days." Based on Department review of calibration records during FPPEs, filter plants with standard operating procedures for calibration every 90 days had much better overall routine calibration of critical equipment than systems with standard operating procedures for calibration on a quarterly

basis. In one case, a water supplier met the quarterly calibration frequency by calibrating the instrument during the first quarter on January 2, 2016, and then again on June 30, 2016, to meet the second quarterly requirement. This system was technically in compliance. However, 178 days lapsed between calibrations, making the validity of the data questionable. The quarterly calibration frequency is far less consistent and protective of data integrity than calibration every 90 days. In addition, references from the largest manufacturer of turbidimeters (HACH Company) include the following language: “calibrate once every 90 days, when used for compliance.” This proposed amendment is a necessary clarification consistent with leading industry manufacturer expectations, and serves as a basis for protecting public health by insuring accuracy of turbidity data (the surrogate measurement for pathogens). In response to concerns raised by the TAC about violations for missing the 90-day maximum frequency by just a few days, the Department modified the language to allow it to “extend this 90-day calibration frequency if the calibration due date coincides with a holiday or weekend, or during a water system emergency which prevents timely calibration.” This proposed amendment will help reduce the likelihood of inadvertent violations while still maintaining a routine frequency to insure instrument accuracy.

#### § 109.305. Fees

This section is proposed to be rescinded. Data management fees were a one-time fee and are proposed to be deleted. Monitoring waiver fees are being relocated to proposed Subchapter N.

#### § 109.416. CCR requirements

Paragraph (4)(i) is proposed to be amended and paragraph (4)(ii) is proposed to be added to require a PWS to mail a paper copy of the annual Consumer Confidence Report (CCR) to the Department rather than the other direct delivery options (including electronic delivery) currently provided in paragraph (4)(i). The Department requires a paper copy for its files. Existing paragraph (4)(ii)—(vii) are proposed to be renumbered accordingly.

The TAC recommended that electronic submission of CCRs to the Department be allowed as an environmentally prudent option.

The Department continues to investigate options for water suppliers to submit reports electronically. However, resource considerations (including creating a secure computer application accessible to water suppliers, creating and maintaining a CCR format, legal verification of electronic data submittal, server space and retrieval of records) will affect when and how electronic reporting to the Department occurs. CCRs are documents that must be easily available to the public upon request. Electronic submission of a CCR may still require the Department to print a paper copy for the public records file, which adds additional Department costs to print CCRs for the nearly 2,000 regulated CWSs. Additionally, water suppliers are required to maintain a sufficient number of paper copies to fulfill the good-faith delivery provisions to consumers that do not receive water bills, such as customers that rent, and to provide to the public upon request. Thus, one additional paper copy for the Department is not burdensome to a CWS.

#### § 109.503. Public water system construction permits

Subsection (a) is proposed to be amended to correct the name and mailing address of Department’s Drinking Water Bureau.

Subsection (a)(1)(iii) is proposed to be amended to add the requirement to submit a source water assessment and predrilling plan as part of a new source permit application. In addition, the clauses under this subparagraph are proposed to be reorganized to clarify the order in which key actions are taken during the process of permitting a new source. The proposed amendments help ensure that PWSs obtain the highest source water quality available, and that the proper level of treatment for the source is identified and installed in a timely manner. Overall, these proposed amendments will not only protect public health but also help to maintain, reduce or avoid drinking water treatment costs. These proposed amendments are consistent with existing Department guidance and are based on a significant amount of experience permitting new drinking water sources throughout this Commonwealth.

The TAC recommended that the Department provide confidentiality of the source and intake identification and location per the Public Utility Confidential Security Information Disclosure Protection Act and the Right-to-Know Law. Per long-standing policy, the Department protects source locational information consistent with these laws.

Subsection (c) is proposed to be amended to require an application fee in the amount required under proposed Subchapter N.

#### § 109.505. Requirements for noncommunity water systems

Subsection (a)(2)(i) and (ii) is proposed to be amended to clarify the specifications and conditions that NCWSs shall meet to avoid obtaining a permit from the Department. The proposed amendments also clarify that Department approval is needed prior to construction or operation.

Subsection (a)(3)(ii) is proposed to be amended to correct a cross-reference to § 109.503(a)(1)(iii) (relating to public water system construction permits).

#### § 109.511. General permits

This proposed section establishes the regulatory basis for the issuance of general permits. General permits are intended for high volume, low risk modifications or activities, and can streamline the permitting process.

The TAC recommended that the entity submitting the first general permit application should not incur all the cost for submitting the general permit application because the general permit would benefit all future users and the Department. The cost to the first entity seeking coverage under a general permit issued by the Department would be the same for all entities seeking coverage. To provide certainty to the regulated community, reasonable fees (not to exceed \$500) will be established in each general permit for anyone seeking coverage from the Department under a general permit. Draft general permits are noticed in the *Pennsylvania Bulletin* for public comment. The public will be able to provide comments on the fees in addition to the technical aspects of the general permit.

The Board is seeking comment on the types of modifications or activities that may be appropriate for a general permit.

#### § 109.602. Acceptable design

Subsection (a) is proposed to be amended to include a cross-reference to Subchapter K (relating to lead and copper) to clarify that a PWS shall be designed to be able to comply with standards established in that subchapter.

Subsection (e) is proposed to be amended to clarify that point-of-use devices are not acceptable treatment to comply with an MRDL. The proposed addition of MRDL is to remain consistent with Subchapter F (relating to design and construction standards).

Proposed subsections (f)—(i) define new requirements for alarm and shutdown capabilities. Alarm and shutdown capabilities are intended to prevent unsafe water from reaching customers.

The TAC recommended that the Department should provide accurate cost estimates for compliance with these provisions and evaluate whether 12 months is adequate time for systems to comply given the costs associated overall with the regulatory package and the addition of fees. The TAC expressed concerns that proposed subsection (i)(2)(iv), regarding other operational parameters that the Department may determine necessary for compliance, may be too far reaching and cost prohibitive.

To address the TAC's concerns about costs, the Department conducted additional cost estimate research. The Department estimates that 10% of the 353 filter plants in this Commonwealth will need to install an auto-dialer. The Department estimates that the cost to achieve the proposed automatic alarm and shutdown capabilities ranges from \$8,860 to \$11,980 per treatment plant, depending on the options chosen, with annual maintenance costs of \$600. A detailed discussion of these estimated costs are included in Section F of this preamble.

The Department notes that the proposed alarm and shutdown amendments will be cost-effective in comparison to staffing costs incurred by systems that maintain physical staffing of the facility. Several states have regulations that do not allow unattended operation of surface water filtration plants. The proposed amendments provide a reasonable alternative to mandating the presence of a certified operator at all times in all water systems in this Commonwealth.

#### § 109.606. *Chemicals, materials and equipment*

Subsection (a) is proposed to be amended to clarify that equipment which may come into contact with water or affect the quality of the water may not be used unless the equipment is acceptable to the Department.

Subsection (c) is proposed to be amended to clarify that equipment, including mechanical devices and drinking water treatment equipment, which are certified for conformance with American National Standards Institute/NSF International (NSF) Standard 61 are deemed acceptable to the Department.

Proposed subsection (d) clarifies that drinking water treatment equipment shall be certified for inactivation, reduction or removal performance, and to allow equipment which is certified for conformance with the NSF Guidelines for Public Drinking Water Equipment Performance (PDWEP) to be acceptable for use in PWS construction or modification.

Existing subsection (d) is proposed to be renumbered as subsection (e) and amended to add a cross-reference to proposed subsection (d) and PDWEP.

Subsection (e)(2) and (3)(iv), existing subsection (d)(2) and (3)(iv) are proposed to be amended to add references to PDWEP.

The TAC commented that water suppliers have encountered product suppliers that have certified products to conform to either Standard 60 or 61 or PDWEP and do

not mark individual product containers. For example, bulk deliveries typically are provided with a certification document and not product markings. In these cases, it has been the Department's practice to require the water supplier to provide documentation that the bulk delivery was NSF certified. In this case, the chemical supplier must also be NSF certified for repackaging.

Proposed subsection (e)(3)(v) requires American National Standards Institute equivalent accreditation for the quality assurance/quality control of equipment claimed to remove or reduce a contaminant.

Existing subsection (e) is proposed to be renumbered as subsection (f).

#### § 109.612. *POE devices*

Subsection (b) is proposed to be amended to update the cross-reference to renumbered § 109.606(e) (relating to chemicals, materials and equipment).

Subsection (b) is proposed to be amended in response to the TAC's recommendation that the Department should add "components" to point-of-entry devices used by public water suppliers.

#### § 109.701. *Reporting and recordkeeping*

Subsection (a)(2)(i)(A) is proposed to be amended to clarify that it pertains to CFE turbidity.

Subsection (a)(2)(i)(A)(VIII) and (IX) is proposed to be added to reflect proposed amendments to § 109.202(c)(1)(i) (relating to State MCLs, MRDLs and treatment technique requirements).

Subsection (a)(2)(ii)(A) is proposed to be amended to clarify the turbidity reporting requirements for systems using unfiltered surface water sources and to reflect proposed amendments to § 109.301(2)(i).

Subsection (a)(3)(iii)(B) and (C) is proposed to be amended to clarify what situations would require 1-hour reporting to the Department.

In addition to the reporting requirements in subsection (a)(1), proposed subsection (a)(10) requires water systems to report individual constituents for trihalomethanes and haloacetic acids. These data are already measured and determined by laboratories and have been voluntarily reported since 2011. These data are necessary for PWSs to identify trends in disinfection byproduct formation and better manage their disinfection practices. Reporting of individual constituent data are consistent with Federal reporting requirements.

Existing subsection (a)(10) is proposed to be renumbered as subsection (a)(11).

Subsection (e)(2) is proposed to be amended to add a citation to clarify which systems are required to report individual filter turbidity monitoring.

The trigger levels specified in subsection (e)(2)(i)—(iv) are proposed to be replaced by lower trigger levels for IFE reporting requirements for all filtration technologies as specified in proposed subsection (e)(2)(v)—(viii). These turbidity reporting requirements are being strengthened because health effects associated with microbial contaminants tend to be due to short-term, single dose exposure rather than long-term exposure. These proposed amendments are part of a multibarrier approach to ensure treatment is adequate to provide safe and potable water to all users.

The TAC commented that this provision is "more stringent than Federal IFE turbidity standards" and that the "provision also reduces IFE turbidity standards significantly as well." The TAC referred to "the requirements

of the Interim Enhanced Surface Water Treatment Rule and Long Term 1 Enhanced Surface Water Treatment Rule per EPA Fact Sheets and EPA Compilation of Quick Reference Guides from 2011.” The TAC noted that the proposed amendments would require reporting in the following circumstances:

- IFE turbidity in two consecutive 15-minute readings at end of 4 hours of operation or after filter is offline exceeds 0.30 NTU rather than 0.5 NTU.
- IFE turbidity maximum in two consecutive 15-minute readings exceeds 0.30 NTU rather than 1.0 NTU.
- IFE turbidity in two consecutive 15-minute readings for 3 consecutive months exceeds 0.30 NTU rather than 1.0 NTU.
- IFE turbidity in two consecutive 15-minute readings for 2 consecutive months exceeds 1.0 NTU rather than 2.0 NTU.

The TAC asserted that the “ramifications of these turbidity reductions include additional reporting, self-assessments and comprehensive performance evaluations, as well as possible public notifications.” The TAC recommended that “the Department” should provide rationale, science and methodology, cost vs. benefits, public health benefit, etc. and data to support the proposed changes.”

These comments mirror previous comments regarding significant figures and reducing IFE turbidity standards significantly.

In response to the TAC’s comments, the Department offers the following. IFE is a primary compliance monitoring location. As with CFE, IFE turbidity is the surrogate measurement for pathogen breakthrough, primarily the acute pathogen *Cryptosporidium*. Turbidity breakthrough on individual filters often provides an indication of water quality problems before CFE turbidity is significantly impacted. As IFE turbidity increases, risk of particle breakthrough on that particular filter increases; this is very simple science supported by existing regulations and industry experts. The vast majority of filter plants in this Commonwealth typically produce IFE water quality <0.10 NTU. Therefore, exceedances of the proposed lower turbidity levels will occur only when water systems are experiencing significant increases in turbidity from an individual filter. Multiple peer reviewed research papers indicate that as turbidity significantly increases from the baseline levels, the risk of pathogen breakthrough increases. The real-world impact to operational practices at filter plants in this Commonwealth under the proposed amendments would be that water suppliers take important corrective actions sooner (for example, remove the filter from service, consult with the Department and notify customers). This will enable suppliers to identify physical integrity issues within an individual filter before CFE water quality is impacted, or before problems within one filter occur in other filters. The Department has documented breakdowns in treatment and the presence of pathogens (for example, *Giardia* or *Cryptosporidium*) in the IFE of water treatment plants in this Commonwealth that complied with the current IFE turbidity standards. This has been documented both with continuous turbidity monitoring and Microscopic Particulate Analysis cartridges. Therefore, the current IFE turbidity standards do not provide an adequate level of protection. Additionally, several peer reviewed studies have specifically documented significant reduction in *Cryptosporidium* removal during breakthrough filtration as compared to stable operation. Huck, P.M., et al. (2002); and Emelko, M.B., Huck, P.M. and Douglas, I.P. (2003). Therefore, failure to

adopt the proposed amendments increases the risk of exposure to pathogens whenever significant operational problems occur with individual filters. This interim step is necessary to protect public health now. This small step will also better position water systems for future, more significant reductions in turbidity requirements in Federal regulations.

In addition, for the reasons previously discussed under § 109.202, the Department believes that it is appropriate to add zeros for some drinking water standards when the level of sensitivity is warranted by the analytical method.

#### § 109.702. Operation and maintenance plan

Subsection (a) is proposed to be amended to clarify that a water system shall have an operation and maintenance plan that follows guidelines in the *Public Water Supply Manual* and includes the information in subsection (a)(1)—(14).

Subsection (a)(13) is proposed to be amended to require that the operation and maintenance plan also include an exercise and testing program for alarm and shutdown and auxiliary power equipment. This requirement is proposed to be added because testing of all critical water system components is consistent with § 109.4(3) and (4) (relating to general requirements).

#### § 109.703. Facilities operation

Subsection (b)(1)—(3) is proposed to be amended to delete implementation dates that have already passed.

Subsection (b)(1) is proposed to be amended to strengthen filter-to-waste requirements. Filters are most likely to shed turbidity, particles and microbial organisms at the beginning of a filter run when the filter is first placed into service following filter backwashing or maintenance, or both. For systems with filter-to-waste capabilities, an adequate filter-to-waste protocol following filter backwashing or maintenance, or both, and prior to placing a filter into service will reduce the likelihood of pathogens passing through filters and into the finished drinking water.

The TAC commented that one full filter volume may be excessive and unnecessarily wasting water. The TAC also commented that facilities may not be able to hold that volume of filter waste. Further, the TAC asserted that many facilities do not have filter-to-waste capability because it is prohibitively expensive to provide. The TAC reiterated its concern that achieving turbidity of less than 0.30 NTU is more stringent than EPA regulation and again raised the concern with the additional significant figure. The TAC stated that the Department needs to allow new filter backwash technologies such as sub-fluidization or resting a filter after backwash before putting a filter back in service. The TAC suggested requiring filter-to-waste for one full filter volume or until the filter bed effluent turbidity is less than 0.3 NTU at the normal production flow rate or unless a filter plant can demonstrate that an alternate methodology provides turbidity compliance.

The Department notes that these proposed amendments only apply to operation of existing filter-to-waste capabilities and do not require installation of filter-to-waste. The proposed amendment makes this clarification. The Department believes that filtering to waste for one full filter bed volume is critical for public health protection. For effective operation, one full filter bed volume of water is necessary for a water supplier to determine how the filter will perform relative to the first slug of applied (settled) water. A shorter duration of filter-to-waste can

lead to a secondary turbidity spike after the filter has been placed into service. Regarding the TAC's comment about storage capacity, the Department is unaware of facilities that lack the waste holding capacity necessary to filter-to-waste one full filter bed volume. The Department agrees with the TAC regarding its comment to include an alternate methodology.

In addition, for the reasons previously discussed under § 109.202, the Department believes that it is appropriate to add zeros for some drinking water standards when the level of sensitivity is warranted by the analytical method.

Subsection (b)(5) is proposed to be amended to clarify the requirements of the filter bed evaluation program and to ensure that all plants are evaluating their filters. A filter bed evaluation program assesses the overall health of each filter to identify and correct problems before a turbidity exceedance occurs. The TAC recommended that the language regarding a filter bed evaluation program be amended to further clarify this requirement, which the Department has done.

The TAC recommended that the Department should not be requiring best management practices unless a facility is not meeting turbidity requirements or not meeting filter plant performance objectives. The Department notes that this proposed requirement is not a best management practice. Rather, it is a minimum requirement to verify the critical filtration barrier is physically intact. Filter components are in constant use and as such are constantly aging. Operators routinely (for example, on average once per shift) walk through the filter plant to visually verify operational integrity of critical filter plant components. However, assessment of the physical integrity of one of the most critical components—the filter itself—is difficult, or often impossible, for operators to evaluate during walk-throughs. Most of the filter's components are below the water line or buried within the filter media. Physical inspection of filter components once per year constitutes a minimum preventative measure and not a best management practice. If a water system waits until a filter plant is no longer meeting performance objectives before investigating the integrity of the filter components, significant deterioration may have occurred and public health may have been compromised. In addition, the amount of time necessary to repair compromised filter components can be excessive. During times of filter repair, loading ratings are increased on adjacent filters or production is limited. Proactive annual investigations should be more cost effective in the long run because it increases the chances of identifying and fixing small problems before they become larger and more widespread.

Proposed subsection (c) requires a water supplier to test alarm and shutdown capabilities at the filter plant and to outline the procedures to be followed in the event of a failure of alarm or shutdown equipment. This subsection is proposed to be added because testing of all critical water system components is consistent with § 109.4(3) and (4). The TAC recommended that during quarterly tests of plant shutdown capabilities, the Department should allow for simulation of a shutdown. The Department agrees and has proposed that simulated testing of shutdown capabilities would be acceptable.

#### § 109.704. Operator certification

Subsection (a) is proposed to be amended to clarify that CWSs and nontransient noncommunity water systems (NTNCWS) shall have personnel certified to operate and maintain a PWS under the Water and Wastewater Systems Operators' Certification Act and the regulations promulgated under that act.

#### § 109.705. System evaluations and assessments

Subsection (a)(1) is proposed to be amended by separating existing language into subparagraphs (i) and (ii) and adding subparagraph (iii). The first sentence of subsection (a)(1) is proposed to be amended to replace "drainage area or wellhead protection area" with "source water protection area."

Proposed subsection (a)(1)(i) is proposed to be amended to replace "drainage area or wellhead protection area" with "source water protection area."

Proposed subsection (a)(1)(iii) requires revisions to the source water assessment if a system evaluation identified any changes to actual or potential sources of contamination. This addition was made to fulfill the EPA's expectation that source water assessments are routinely updated.

Subsection (a)(2) is proposed to be amended to delete the requirement for an evaluation of "source protection" since a CWS will be required to inspect portions of a source water protection area as part of an evaluation conducted under subsection (a)(1).

Subsection (a)(6) is proposed to be added to require the system evaluation be documented and made available to the Department upon request instead of requiring the water system to submit the evaluation.

Subsections (c) and (d) are proposed to be deleted and significant deficiency language is incorporated in proposed § 109.716 (relating to significant deficiencies).

#### § 109.706. System map

The heading of this section is proposed to be amended to "system map" to be consistent with proposed amendments to the map requirements in the section.

Subsection (a) is proposed to be amended to require all PWSs to prepare and maintain a system map. This proposed amendment ensures that public water suppliers provide and effectively operate and maintain PWS facilities to be consistent with § 109.4(3).

Subsections (b) and (c) are proposed to be amended to clarify system map requirements.

The TAC commented that medium to large facilities will not be able to capture all of the minimum requirements on one system map. Systems should be able to develop maps or schematics of their systems, or both, as appropriate for that system. Direction of flow is not predictable or known under all circumstances depending on system conditions. Flow may go in different directions dependent on system demands. The TAC claimed that the Department's request for one system map is overly simplified and not realistic for how systems operate. Distribution systems are dynamic and not static. Therefore, larger systems will not be able to meet this requirement. Further, the TAC stated that this information should be protected under the Public Utility Confidential Security Information Disclosure Protection Act and the Right-to-Know Law.

Multiple maps are acceptable. Map scale would be the determining factor regarding the overall number of maps. Maps should be of sufficient scale and detail to be interpreted during onsite review by Department staff. The Department is not requesting submittal of these maps. Rather, they should be kept on file at the facility for onsite review during inspection and submittal upon request. Regarding direction of flow, the Department recognizes the TAC's comment that direction of flow can change with time. The Department's expectation is that the maps will contain adequate detail so water system

staff can explain to Department staff the expected direction of flow under a specific circumstance (for example, tanks filling and tanks drawing). The direction of flow requirement is proposed to be deleted. If a system's distribution system is so complex that staff are unable to use a map to determine expected direction of flow under specific circumstances, a calibrated hydraulic model should be developed and maintained. Subsection (c) is proposed to be amended to provide that systems "may meet this requirement by maintaining a calibrated hydraulic model instead of paper maps."

§ 109.708. *System service and auxiliary power*

This section is proposed to be amended to describe new requirements for system resiliency. The section heading is proposed to be amended to "system service and auxiliary power."

This Commonwealth is susceptible to natural disasters, such as ice storms, tropical storms and hurricanes, which can lead to massive and extended flooding or power outages, or both. As previously noted, all of this Commonwealth's drinking water sources and treatment facilities are susceptible to emergency situations resulting from natural and manmade disasters. Therefore, all CWSs shall have effective options to provide consistent system service during these emergencies. Despite long-standing efforts to encourage water systems to develop feasible plans for the continuous provision of adequate and safe water quantity and quality during emergency circumstances, many water suppliers are still inadequately prepared. In fact, the Department estimates that more than 400 CWSs do not have up-to-date emergency response plans. This has resulted in significant impacts to consumers in the form of inadequate water quantity or quality, or both, and the resulting consumption advisories.

Flooding events caused by localized heavy rains, hurricanes and tropical storms result in elevated public health risks. Source water turbidity and pathogen loading can increase dramatically during these events. Additionally, when power outages cause interruptions in water system operations, water systems can experience a sharp reduction in supply, which results in low or no pressure within the distribution system. This results in increased risk to public health, because low pressure can allow intrusion of contaminants into distribution system piping from backflow and cross connections. Some customers may also experience inadequate supply of water for basic sanitary purposes, flushing toilets and potable uses.

Several other Mid-Atlantic and Northeastern states are considering or have already promulgated regulations for auxiliary power. New Jersey and New York have existing design standards for auxiliary power. New York requires standby power through incorporation of standards recommended by the Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers (known as the 10 States Standards). New Jersey's requirements are in N.J.S.A. 58:12A-4(c) and N.J.A.C. 7:10-11.6(i). New Jersey recently evaluated its regulations and issued additional guidance and best management practices regarding auxiliary power, available at <http://www.nj.gov/dep/watersupply/pdf/guidance-ap.pdf>. Connecticut is in the process of updating its regulations to incorporate generator and emergency contingency and response plan requirements, available at [http://www.ct.gov/dph/lib/dph/public\\_health\\_code/pending\\_regulations/proposed\\_regulation--generators.pdf](http://www.ct.gov/dph/lib/dph/public_health_code/pending_regulations/proposed_regulation--generators.pdf).

The Board is seeking comment on the following:

- What actual costs have been incurred by water systems that have already installed an auxiliary power supply or other resiliency measures?
- Which facilities should be considered a primary component of a water system, meaning the facilities are indispensable to the effective operation of the water system?
- Costs vary considerably for portable versus fixed generators. The type of fuel supply also impacts costs. What are the pros and cons of these various options?
- Do additional alternatives exist to meet the system service requirements of subsection (a)?

The TAC commented that the Department should not be prescribing the methods by which a public water supplier obtains auxiliary power. The TAC further claimed that: the Department has not sufficiently evaluated the cost of providing auxiliary power; secondary power feeds may not be attainable in rural areas or may be extremely cost prohibitive; and the Department has not properly evaluated the total cost for implementing generator power. Also, the TAC stated that systems may avail themselves of the resources from PaWARN to meet auxiliary power demands. The TAC recommended that this provision be addressed in emergency response plans and not in regulation.

This proposed rulemaking does not prescribe the specific method by which a system shall comply. Rather, this proposed rulemaking requires that a feasible plan be in place to ensure safe and potable water is continuously supplied to users. The water supplier will determine which option or combination of options it will use to comply. Ideally, suppliers will implement a combination of options to improve their redundancy and resiliency.

This information should be incorporated into emergency response plans, as the TAC suggests. However, despite long-standing efforts to encourage water systems to develop feasible plans for the continuous provision of adequate and safe water quantity and quality during emergency circumstances, many water suppliers are still inadequately prepared. In fact, the Department estimates that more than 400 CWSs do not have up-to-date emergency response plans.

Regarding the TAC's comment that systems can use the services of PaWARN to comply, PaWARN has limited resources. Those resources will be quickly overwhelmed during any large scale event. Additionally, as of December 2016, PaWARN had approximately 100 members and approximately 89 of those members manage CWSs throughout this Commonwealth. This is a small subset of the 1,952 CWSs in this Commonwealth.

Therefore, the Department believes that these proposed amendments are necessary. Wastewater treatment plants have been required to have back-up power supplies for many years. These proposed amendments would provide consistency within the drinking water and wastewater industry. It is not feasible to develop these plans under an emergency. Rather, plans must be in place before emergencies occur. It is only a matter of time before another natural or manmade disaster significantly impacts water systems in this Commonwealth. If proposed amendments are not adopted, it is anticipated that a large number of CWSs will not be able to provide a consistent supply of safe and potable water.

§ 109.713. *Source water protection program*

The heading of this section is proposed to be amended to “source water protection program” to be consistent with the proposed definition of “source water protection program” in § 109.1 (relating to definitions).

Subsection (a)(1) and (2) is proposed to be amended to change “wellhead” to “source water” to remain consistent with the proposed definition of “source water protection program,” which encompasses a surface water intake protection program and a wellhead protection program.

Subsection (a)(3) and (4) is proposed to be rewritten to remain consistent with the proposed definitions of “source water protection area” and “source water assessment.”

Subsection (a)(5) is proposed to be amended to change references to “wellhead” to “source water” to remain consistent with the proposed definition of “source water protection program,” which encompasses a surface water intake protection program and a wellhead protection program.

Subsection (a)(6) is proposed to be amended to make the contingency planning for the provision of alternate water supplies relate to all sources, not just groundwater. This proposed amendment is consistent with the proposed definition of “source water protection program,” which encompasses surface and groundwater sources.

Subsection (a)(7) is proposed to be amended to make the provisions for protection of new source sites applicable to all source types. This proposed amendment is consistent with the proposed definition of “source water protection program,” which encompasses surface and ground water sources.

Proposed subsection (b) requires water suppliers with an approved source water protection program to conduct an annual review of the program. This proposed addition is made to clarify an existing program requirement that fulfills the EPA’s expectation that source water assessments are routinely updated.

The TAC commented that this provision mandates that a public water supplier is responsible for ensuring protection of their sources, when the source water protection program does not provide legal access or the authority for the water supplier to inspect or enforce up-gradient facilities that pose a potential source water contamination. The Department notes that this proposed amendment was not intended to mandate water supplier inspection or enforcement of up-gradient facilities. However, the proposed amendment has been revised to address the TAC’s concerns.

§ 109.716. *Significant deficiencies*

This proposed section is compiled from existing §§ 109.705 and 109.1302 (relating to system evaluations and assessments; and treatment technique requirements) to provide implementation consistency in identifying and responding to significant deficiencies by systems using surface and ground water sources. This proposed section will ensure that all Federal requirements are met.

§ 109.717. *Comprehensive monitoring plan*

This proposed section ensures that all sources and entry points are included in routine compliance monitoring at the entry point and within the distribution system. The plan must be specific to the system and include details about the various sources and entry points, and how the facilities are operated. The operation of each source and entry point dictates how compliance monitor-

ing is conducted to ensure that all sources and entry points are included in routine compliance monitoring.

Subsection (a) contains the basic components of the plan.

Subsection (b) clarifies that the monitoring plans required under other sections shall be added to the system’s comprehensive monitoring plan. In other words, all monitoring plans must be stored in the same comprehensive plan.

Subsection (c) contains the requirements for an annual PWS review and update of the plan. The date of each update shall be recorded on the plan.

Subsection (d) contains the requirements for submission of the plan to the Department. The plans are subject to Department review and revision.

§ 109.810. *Reporting and notification requirements*

Subsection (b) is proposed to be amended to clarify laboratory reporting and notification requirements.

§ 109.1003. *Monitoring requirements*

Subsection (b)(3) is proposed to be amended to clarify sampling and analysis requirements to be consistent with § 109.304(a) and is necessary to maintain primacy in response to EPA comments.

§ 109.1005. *Permit requirements*

Subsection (c)(5)(ii) is proposed to be amended to correct a cross-reference to § 109.606.

Subsection (e) is proposed to be amended to correct the name of the Department’s Drinking Water Bureau.

Subsection (i) is proposed to be amended to clarify that the permit fees have been moved to proposed Subchapter N.

§ 109.1105. *Permit requirements*

Subsection (b)(1) and (2) is proposed to be amended to clarify that CWSs and NTNCWSs should follow the requirements specified only until the effective date of adoption of the final-form rulemaking. After that time, they should follow the requirements specified in proposed paragraph (3).

Proposed subsection (b)(3) requires all CWSs and NTNCWSs to obtain a construction and operations permit for new corrosion control treatment beginning on the effective date of adoption of the final-form rulemaking. This paragraph is proposed to be added to be consistent with permitting requirements in Subchapter E (relating to permit requirements).

§ 109.1107. *System management responsibilities*

Subsection (a)(2)(i) is proposed to be amended to delete the reporting requirements under the Lead and Copper Rule that required accredited labs to calculate and submit the 90th percentile values. The Department now calculates the 90th percentile compliance values so labs are only required to report the individual lead and copper results. In addition, the requirements that information regarding the number of lead and copper samples required and the number of samples taken and whether a lead and copper action level has been exceeded are proposed to be deleted.

§ 109.1108. *Fees*

Fees for activities under the Lead and Copper Rule are proposed to be relocated to proposed Subchapter N.



§ 109.1202. *Monitoring requirements.*

Subsection (l) is proposed to be amended to clarify the heading.

The heading of subsection (n) is proposed to be amended to clarify that it applies to source water sample locations for plants with bank filtration. This proposed amendment is consistent with the headings of subsections (k) and (m).

The heading of subsection (o) is proposed to be amended to clarify that it applies to source water sample locations for plants with multiple sources. This proposed amendment is consistent with the headings of subsections (k) and (m).

§ 109.1203. *Bin classification and treatment technique requirements*

Subsection (f)(2) is proposed to be amended to clarify a citation regarding requirements for microbial toolbox components.

Subsection (g) is proposed to be amended to clarify a citation regarding requirements for microbial toolbox components.

§ 109.1204. *Requirements for microbial toolbox components*

Subsection (h) is proposed to be amended to clarify a citation regarding general monitoring requirements.

§ 109.1206. *Reporting and recordkeeping requirements*

Subsection (e)(1) is proposed to be amended to clarify a citation to account for the addition of a subparagraph.

Proposed subsection (e)(1)(viii) requires a system to report the concentration of oocysts per liter when reporting the results of each *Cryptosporidium* analysis.

Existing subsection (e)(1)(viii)—(x) is proposed to be renumbered to account for proposed subsection (e)(1)(viii).

§ 109.1302. *Treatment technique requirements*

The heading of subsection (c) is proposed to be amended to improve readability.

Subsection (c)(1) is proposed to be amended to delete significant deficiency language that is proposed to be incorporated in § 109.716.

Subsection (c)(2)(iii) is proposed to be deleted to remove a provision providing that a groundwater system with an *E. coli*-positive groundwater source sample will receive direction from the Department that it needs correction. This clarifies that all *E. coli*-positive source water samples require corrective action under § 109.716.

Subsection (c)(1) is proposed to be amended to delete significant deficiency language.

Subsection (c)(3) is proposed to be moved to § 109.716 with minor amendments. Proposed amendments to this paragraph include a cross-reference directing the PWS to § 109.716.

Subsection (c)(4) is proposed to be deleted.

§ 109.1303. *Triggered monitoring requirements for ground-water sources*

The corrective action provisions in subsection (h)(1) and (2) are proposed to be deleted. Paragraph (3) is proposed to be deleted and the Tier 1 notification provision is proposed to be added to subsection (h).

§ 109.1305. *Compliance monitoring*

Subsection (a)(1)(iii) is proposed to be amended to clarify grab sample and manual recording and reporting requirements in the case of a failure of continuous monitoring equipment. The proposed amendments are consistent with proposed amendments to § 109.301.

Subsection (a)(2)(i) is proposed to be amended to clarify that a groundwater system shall record the results of the follow up samples which are required under paragraph (2).

§ 109.1306. *Information describing 4-log treatment and compliance monitoring*

Subsection (b)(3) is proposed to be amended to correct the name of the Department's Drinking Water Bureau.

§ 109.1307. *System management responsibilities*

Subsection (a)(1)(ii) is proposed to be amended to further clarify the time period which constitutes a breakdown in treatment.

§ 109.1401. *General*

This proposed section contains the general requirements for fees being collected under the SDWA.

§ 109.1402. *Annual fees*

Proposed subsection (a) requires PWSs to pay an annual fee to support the cost of Department services provided under the SDWA. As described in Part II of this preamble, the Department has had a reduction in Safe Drinking Water Program staff of 25% since 2009. These proposed annual fees, as well as the proposed increases in permit fees in § 109.1404 (relating to community and noncommunity water system permitting fees), are expected to generate the \$7.5 million necessary to restore staffing levels and to provide services required under the SDWA to the 8,521 PWSs in this Commonwealth and the 10.7 million customers they serve.

The following table summarizes the proposed annual fees for CWSs, which are based on population and range from \$250 to \$40,000. The per-person costs range from \$0.35 to \$10 per person per year.

| <i>Proposed CWS Annual Fees (Based on Population)</i> |                   |                         |
|---|-------------------|-------------------------|
| <i>Population Served</i>                              | <i>Annual Fee</i> | <i>Cost/Person/Year</i> |
| 25—100  | \$250             | \$2.50—\$10.00          |
| 101—500   | \$500             | \$1.00—\$4.95           |
| 501—1,000   | \$1,000           | \$1.00—\$2.00           |
| 1,001—2,000   | \$2,000           | \$1.00—\$2.00           |
| 2,001—3,300   | \$4,000           | \$1.21—\$2.00           |
| 3,301—5,000   | \$6,500           | \$1.30—\$1.97           |
| 5,001—10,000  | \$10,000          | \$1.00—\$2.00           |

| <i>Proposed CWS Annual Fees (Based on Population)</i> |                   |                         |
|---|-------------------|-------------------------|
| <i>Population Served</i>                              | <i>Annual Fee</i> | <i>Cost/Person/Year</i> |
| 10,001—25,000   | \$20,000          | \$0.80—\$2.00           |
| 25,001—50,000   | \$25,000          | \$0.50—\$1.00           |
| 50,001—75,000   | \$30,000          | \$0.40—\$0.60           |
| 75,001—100,000  | \$35,000          | \$0.35—\$0.47           |
| 100,001 or more                                       | \$40,000          | ≤ \$0.40                |

The Department analyzed the cost of providing services to administer the SDWA and its regulations. The cost of some services can be reasonably estimated, while the cost of other services depends on the specific circumstances and will vary widely. The following table summarizes the Department's costs of providing those services that can be reasonably estimated for CWSs serving various populations. The hourly rate was provided by the Department's fiscal office and includes salary, benefits and in-direct costs (supplies, and the like).

| <i>Cost of Services that can be Estimated</i> |  |                  |                     |                   |
|---|--|------------------|---------------------|-------------------|
| <i>Activity</i>                               | <i>Hours/Activity/Year for CWSs Serving the Following Population</i> |                  |                     |                   |
|   | <i>&lt;750</i>   | <i>750—5,000</i> | <i>5,000—50,000</i> | <i>&gt;50,000</i> |
| Conduct sanitary surveys                      | 7.5  | 10               | 25                  | 37.5              |
| Conduct other inspections                     | 2.5  | 3.3              | 5                   | 10                |
| Determine compliance                          | 12   | 12               | 15                  | 15                |
| Maintain PADWIS/eFACTS                        | 7.5  | 7.5              | 10                  | 10                |
| Review plans/reports                          | 7.5  | 10               | 15                  | 15                |
| Provide technical assistance/training         | 7.5  | 7.5              | 10                  | 10                |
| <i>Total Hours</i>                            | 44.5   | 50.3             | 80                  | 97.5              |
| <i>at \$49/Hour =</i>                         | \$2,180  | \$2,465          | \$3,920             | \$4,778           |

Examples of other services and costs that involve variable circumstances and preclude a single estimate for the services include the following:

*Sanitary surveys that take longer to conduct due to the complexity or size of the water system.* Examples of actual hours expended and costs to complete more complicated sanitary surveys at large water systems (that is, those serving populations > 50,000) are as follows:

System A (population = 57,000): 40.5 hours at a cost of \$1,984

System B (population = 66,500): 40 hours at a cost of \$1,960

System C (population = 87,000): 49 hours at a cost of \$2,401

System D (population = 105,000): 60 hours at a cost of \$2,940

System E (population = 120,000): 60 hours at a cost of \$2,940

System F (population = 747,500): 103 hours at a cost of \$5,047

System G (population = 1.6 million): 124 hours at a cost of \$6,076

*Additional follow-up actions taken by the Department in response to a violation.* When a drinking water standard is exceeded, Department staff are responsible for: consulting with and providing direction to the water system; ensuring that public notice is complete, timely and repeated as needed; tracking, reviewing and approving follow-up and corrective actions (such as collecting confirmation or additional samples, repairing/replacing/installing water treatment or taking contaminated sources offline); and determining when the system has returned to compliance.

For example, in 2016, monitoring results for a large water system in this Commonwealth indicated the 90th percentile lead value exceeded the action level established in the Lead and Copper Rule. This triggered lead service line replacement actions. Department staff spent at least 116 1/2 hours working to address this important issue. Services provided by the Department to achieve compliance included meetings, file reviews, drafting compliance documents, follow up action reviews and letters. The approximate cost for these services is \$5,708.

*Additional follow-up, corrective and emergency actions taken by the Department in response to a water supply emergency.* Water supply emergencies occur each year and require substantial resources from the Department. The following are examples of emergencies and associated costs for services provided by the Department.

In spring 2011, unexpected damage to a very large water main resulted in a major leak, loss of significant water quantity and pressure. The result was closure of multiple businesses and government agencies in a large city for 3 days due to lack of potable water supply. This emergency spanned approximately 5 consecutive days with approximately 66,500 customers impacted. The Department provided a variety of onsite support services at the site of the break and at the drinking water filtration plant. Department cost for services provided during this event equates to approximately 160 hours of staff time and a cost of \$7,840.

In summer 2012, significant construction delays in completing critical renovations and upgrades to a water filter plant threatened the ability to provide an adequate quantity of drinking water to approximately 210,000 customers. Department staff provided a variety of specialized engineering and operational support services over the course of several weeks. Total cost estimate of Depart-

ment services provided during this event includes 600 hours of staff time costing approximately \$29,400.

In summer 2015, runoff from a large fire at an industrial facility severely contaminated the intakes for two PWSs thereby rendering their normal source of surface water untreatable for almost 3 months. Together, the 2 public water suppliers impacted provided drinking water to approximately 43,000 customers. Several Department staff were involved in providing a wide variety of emergency support services, over the course of several months, to the water suppliers affected. Department cost estimates for this event include 515 staff hours (\$25,235) and emergency sampling costs (\$17,818). The total cost of Department services provided was approximately \$43,053.

In winter 2016, an equipment failure resulted in flooding at a surface water filtration plant which provides water to approximately 20,000 customers. This immobilized treatment and pumping capabilities for 6 consecutive days. The filter plant did not resume normal operations for approximately 2 weeks. Without combined efforts by the water system, the Department and neighboring water systems, 20,000 customers could have endured consecutive days without an adequate supply of water. Department services included coordination with neighboring water systems to identify alternate sources of water, emergency permit considerations, site assessments, engineering and operational support. Additionally, the Department loaned the PWS critical water quality monitoring equipment (valued at approximately \$24,000) for approximately 10 weeks to help verify that safe water was consistently provided. The total cost estimate of Department services provided during this event also includes 300 hours of staff time, which cost approximately \$14,700.

*Cost of samples collected by the Department during inspections and FPPEs, in response to complaint investigations, and to assess water quality and protect public health during water supply emergencies.* These sampling costs range from \$30 for inorganic analyses to \$400 for pesticides to \$1,200 for analysis of *Cryptosporidium* and *Giardia* to \$2,968 for a complete emergency sampling suite. Total Department lab costs average approximately \$680,000 per year.

*Costs associated with additional training when new regulations are promulgated.* One example is the numerous training sessions that were developed and delivered in 2015-2016 to roll-out implementation of the RTCR adopted to conform to Federal requirements. This train-

ing included 8 different training courses, workshops and webinars that were presented 160 times across this Commonwealth for a total of 482 hours of training. The cost to deliver 482 hours of training was \$23,618.

*Costs associated with specific follow-up actions established in new regulations.* The Federal RTCR became effective on April 1, 2016, and the Department and the EPA shared enforcement of the Federal rule until the Commonwealth's regulations were adopted at 46 Pa.B. 6005 (September 24, 2016). As part of the Department's enforcement responsibilities during this interim period, staff conducted Level 2 assessments at PWSs. A Level 2 assessment is triggered when a public water supply has an *E. coli* MCL violation or when two total coliform triggers occur during a 12-month period. During this interim period, Department staff completed 94 Level 2 Assessments at more than 85 regulated PWSs. These assessments identified over 400 defects that have been or are being corrected, thereby improving public health protection. Estimated costs for services provided by the Department were approximately \$3,000 per assessment for a total cost of \$282,000.

The additional costs described in the previous four paragraphs, as noted by italicized headings, are more evident in medium and large water systems due to their size, age, complexity and number of customers at risk. Because these additional costs are variable (that is, the costs are not incurred every year for every water system), it is not possible to establish an average cost for these services. However, these additional costs were considered when determining the annual fees for the medium and large water systems.

The proposed annual fees could have been based solely on the costs for the services that could be estimated. However, that approach would have resulted in a disproportionate impact on the smallest CWSs and would have failed to account for the additional costs incurred by the Department to provide services that cannot be readily estimated, such as those previously described, which result in substantially higher costs for medium and large water systems. Thus, the proposed annual fees were developed, to the extent possible, to bear a reasonable relationship to the actual costs of the services provided while achieving a reasonable cost to the 10.7 million customers served. The following table shows the per person costs associated with the proposed annual fees as compared to the per person costs associated with annual fees based solely on the cost of services that can be estimated.

| <i>Annual Fees vs. Cost Per Person Per Year</i> |                            |                                 |                                   |                                 |
|---|----------------------------|---------------------------------|-----------------------------------|---------------------------------|
| <i>Population Served</i>                        | <i>Proposed Annual Fee</i> | <i>Cost Per Person Per Year</i> | <i>Estimated Cost of Services</i> | <i>Cost Per Person Per Year</i> |
| 25—100  | \$250                      | \$2.50—\$10.00                  | \$2,180                           | \$21.80—\$87.20                 |
| 101—500   | \$500                      | \$1.00—\$4.95                   | \$2,180                           | \$4.36—\$21.58                  |
| 501—1,000                                       | \$1,000                    | \$1.00—\$2.00                   | \$2,180                           | \$2.18—\$4.35                   |
| 1,001—2,000                                     | \$2,000                    | \$1.00—\$2.00                   | \$2,465                           | \$1.23—\$2.46                   |
| 2,001—3,300                                     | \$4,000                    | \$1.21—\$2.00                   | \$2,465                           | \$0.74—\$1.23                   |
| 3,301—5,000                                     | \$6,500                    | \$1.30—\$1.97                   | \$2,465                           | \$0.49—\$0.75                   |
| 5,001—10,000                                    | \$10,000                   | \$1.00—\$2.00                   | \$3,930                           | \$0.39—\$0.78                   |
| 10,001—25,000                                   | \$20,000                   | \$0.80—\$2.00                   | \$3,920                           | \$0.16—\$0.39                   |
| 25,001—50,000                                   | \$25,000                   | \$0.50—\$1.00                   | \$3,920                           | \$0.08—\$0.16                   |

| <i>Annual Fees vs. Cost Per Person Per Year</i> |                            |                                 |                                   |                                 |
|---|----------------------------|---------------------------------|-----------------------------------|---------------------------------|
| <i>Population Served</i>                        | <i>Proposed Annual Fee</i> | <i>Cost Per Person Per Year</i> | <i>Estimated Cost of Services</i> | <i>Cost Per Person Per Year</i> |
| 50,001—75,000                                   | \$30,000                   | \$0.40—\$0.60                   | \$3,920                           | \$0.05—\$0.08                   |
| 75,001—100,000                                  | \$35,000                   | \$0.35—\$0.47                   | \$4,778                           | \$0.05—\$0.06                   |
| 100,001 or more                                 | \$40,000                   | \$0.40 or less                  | \$4,778                           | \$0.05 or less                  |

The Board is seeking comment on the proposed annual fees and the approach previously discussed used to develop them.

*Other alternatives considered*

Another approach that was considered, based on how some other states have established annual fees, is establishing the fee based on the number of service connections associated with the CWS. Two options were considered:

*Option No. 1: annual fees based on flat rate per number of connections.* The Department does not currently have accurate data on the number of service connections in PWSs in this Commonwealth. This is not a required field in the Federal and Commonwealth databases. To estimate the number of service connections, the population served by the CWS was divided by 2.7 persons per household. The estimated number of connections associated with CWSs in this Commonwealth range from 9 to almost 600,000, with total connections estimated to exceed 4.4 million. To base an annual fee on the number of connections, the \$7.5 million needed was divided by the estimated number of total connections to derive a per connection fee of \$1.70. This per connection fee would equate to an estimated per person cost of \$0.63. When the per connection fee is multiplied by the estimated number of CWS connections, the total annual fee paid by CWSs would range from \$15.30 to over \$1 million. While this approach may achieve approximately the same cost per person, the annual fees would not bear a reasonable relationship to the actual cost of providing services to the CWSs. Therefore, this alternative approach to developing the proposed annual fee was not recommended.

| <i>Option No. 1: Annual Fees Based on Flat Rate/Connection vs. Cost of Providing Services</i> |                                      |                   |                                 |   |
|---|--------------------------------------|-------------------|---------------------------------|---|
| <i>Population Served</i>  | <i>Number of Service Connections</i> | <i>Annual Fee</i> | <i>Minimum Cost of Services</i> | <i>Percentage of Cost of Minimum Services</i> |
| 25  | 9                                    | \$15.30           | \$2,180                         | <1%   |
| 125   | 46                                   | \$78.20           | \$2,180                         | 4%  |
| 750   | 278                                  | \$472.60          | \$2,180                         | 22%   |
| 3,300   | 1,222                                | \$2,077.40        | \$2,465                         | 84%   |
| 10,000  | 3,704                                | \$6,296.80        | \$3,920                         | 160%  |
| 50,000  | 18,518                               | \$31,480.60       | \$3,920                         | 803%  |
| 100,000   | 37,037                               | \$62,962.90       | \$4,778                         | 1,318%  |
| 120,000   | 45,052                               | \$76,588.40       | \$4,778                         | 1,603%  |
| 160,000   | 59,259                               | \$100,740.30      | \$4,778                         | 2,108%  |
| 250,000   | 92,592                               | \$157,406.40      | \$4,778                         | 3,294%  |
| 660,000   | 244,444                              | \$415,554.80      | \$4,778                         | 8,697%  |
| 820,000   | 303,704                              | \$516,296.80      | \$4,778                         | 10,806%                                       |
| 1,600,000   | 592,593                              | \$1,007,408.10    | \$4,778                         | 21,084%                                       |

*Option No. 2: annual fees based on sliding rate with minimum fee.* A second per connection option considered was to use a sliding scale fee per connection. As illustrated in the following table, the annual fees generated using a sliding scale would not bear a reasonable relationship to the actual costs of the services provided. Therefore, this alternative approach to developing the proposed annual fees was not recommended.

| <i>Option No. 2: Annual Fees Based on Sliding Scale/Connection vs. Cost of Providing Services</i> |                                      |   |                   |                                 |   |
|---|--------------------------------------|---|-------------------|---------------------------------|---|
| <i>Population Served</i>  | <i>Number of Service Connections</i> | <i>Sliding Scale Fee Per Connection</i> | <i>Annual Fee</i> | <i>Minimum Cost of Services</i> | <i>Percentage of Cost of Minimum Services</i> |
| 25  | 9                                    | Flat fee                                | \$250.00          | \$2,180                         | 11%   |
| 125   | 46                                   | Flat fee                                | \$250.00          | \$2,180                         | 11%   |
| 750   | 278                                  | \$3.20                                  | \$889.60          | \$2,465                         | 36%   |
| 3,300   | 1,222                                | \$3.20                                  | \$3,910.40        | \$2,465                         | 150%  |
| 10,000  | 3,704                                | \$3.00                                  | \$11,112.00       | \$2,465                         | 450%  |
| 50,000  | 18,518                               | \$1.70                                  | \$31,480.60       | \$3,920                         | 803%  |
| 100,000   | 37,037                               | \$1.50                                  | \$55,555.50       | \$4,778                         | 1,163%  |
| 120,000   | 45,052                               | \$1.50                                  | \$67,578.00       | \$4,778                         | 1,414%  |

| <i>Option No. 2: Annual Fees Based on Sliding Scale/Connection vs. Cost of Providing Services</i> |                                      |   |                   |                                 |   |
|---|--------------------------------------|---|-------------------|---------------------------------|---|
| <i>Population Served</i>  | <i>Number of Service Connections</i> | <i>Sliding Scale Fee Per Connection</i> | <i>Annual Fee</i> | <i>Minimum Cost of Services</i> | <i>Percentage of Cost of Minimum Services</i> |
| 160,000   | 59,259                               | \$1.50                                  | \$88,888.50       | \$4,778                         | 1,860%  |
| 250,000   | 92,592                               | \$1.50                                  | \$138,888.00      | \$4,778                         | 2,907%  |
| 660,000   | 244,444                              | \$1.00                                  | \$244,444.00      | \$4,778                         | 5,116%  |
| 820,000   | 303,704                              | \$1.00                                  | \$303,704.00      | \$4,778                         | 6,356%  |
| 1,600,000   | 592,593                              | \$1.00                                  | \$592,593.00      | \$4,778                         | 12,402%                                       |

The TAC asserted that the public water supply community needs adequate time to review and evaluate the proposed fees. The TAC recommended that, prior to seeking fees from the regulated water suppliers, the Department should first request adequate funding from the General Assembly to maintain the Safe Drinking Water Program and its core functions, including upgraded information technology systems. Further, the TAC recommended that the Department should streamline operating costs and improve efficiencies before seeking fees. The TAC asserted that improving information technology systems would greatly improve the efficiency of the Department. Further, the TAC stated that the General Fund should subsidize the small systems, not the ratepayers of the medium and large systems.

The Department requested and will continue to request additional funding from the General Fund during the annual budget process to support the Safe Drinking Water Program. The decrease in funding has caused the need for the proposed annual fees. If funding becomes available, the Department will evaluate the continuing need for the proposed annual fees. As for the cost to customers of small versus medium and large CWSs, the proposed annual fees provide a reasonable relationship to the actual costs of the services provided by the Department when considering the minimum costs that can be estimated in advance and the cost of services that arise on a case-by-case basis previously discussed.

The Department has streamlined its operations in nearly all areas, except for e-Inspections. In response to many years of staffing and resource shortfalls, the program has been reduced to only those activities that are mandated by State and Federal laws, regulations and primacy requirements. Implementation of e-Inspections would streamline data management by eliminating the manual entry of inventory updates, inspection results, and the like, into PADWIS and eFACTS. However, the Department would need additional funding to purchase mobile devices and develop and maintain e-Inspection computer programs. If e-Inspections or other efficiencies are developed in the future, the ongoing 3-year review of fees will be updated accordingly. However, future efficiencies may also be offset by new regulations and mandates. All of these circumstances will be considered every 3 years. If overall Department costs go down due to improved efficiencies, the fees will be adjusted accordingly.

The TAC recommended that the Department also evaluate a surcharge rate factor based on gallons produced for each permitted facility to determine the annual fee for community, bottled, vended, retail and bulk hauling water systems. The TAC also claimed that bottled and vended water fees do not seem equitable in relationship to the cost of the product and asked why the fee is not based on the gallons produced. The Department does not currently have sufficient data to determine the gallons produced as this is not a required data field.

Regarding the other annual fees in subsection (a), proposed fees for NTNCWS range from \$100 to \$1,000, annual fees for transient noncommunity water systems (TNCWS) range from \$50 to \$500, annual fees for bottled water systems are \$2,500 and annual fees for vended, retail and bulk water systems are \$1,000.

These proposed fees were determined using the same criteria as previously discussed and are illustrated as follows. The total hours for services that can be estimated were as follows:

- For NTNCWSs, the total hours ranged from 16 to 22 hours.
- For TNCWSs, the total hours ranged from 8 to 13 hours.
- For BVRBs, the total hours ranged from 21 to 26 hours.

| <i>Annual Fees vs. Cost Per Person Per Year</i> |                            |                                 |                                   |                                 |
|---|----------------------------|---------------------------------|-----------------------------------|---------------------------------|
| <i>Population Served</i>                        | <i>Proposed Annual Fee</i> | <i>Cost Per Person Per Year</i> | <i>Estimated Cost of Services</i> | <i>Cost Per Person Per Year</i> |
| <i>NTNCWSs</i>                                  |                            |                                 |                                   |                                 |
| 25—100  | \$100                      | \$1.00—\$4.00                   | \$784                             | \$7.84—\$31.36                  |
| 101—500   | \$250                      | \$0.50—\$2.48                   | \$784                             | \$1.57—\$7.76                   |
| 501—1,000                                       | \$500                      | \$0.50—\$1.00                   | \$784                             | \$0.78—\$1.56                   |
| 1,001—3,300                                     | \$750                      | \$0.23—\$0.75                   | \$1,078                           | \$0.33—\$1.08                   |
| 3,301 or more                                   | \$1,000                    | \$0.30 or less                  | \$1,078                           | \$0.33 or less                  |

| <i>Annual Fees vs. Cost Per Person Per Year</i> |                            |                                 |                                   |                                 |
|---|----------------------------|---------------------------------|-----------------------------------|---------------------------------|
| <i>Population Served</i>                        | <i>Proposed Annual Fee</i> | <i>Cost Per Person Per Year</i> | <i>Estimated Cost of Services</i> | <i>Cost Per Person Per Year</i> |
| <i>TNCWSs</i>                                   |                            |                                 |                                   |                                 |
| 25—100  | \$50                       | \$0.50—\$2.00                   | \$392                             | \$3.92—\$15.68                  |
| 101—500   | \$100                      | \$0.20—\$0.99                   | \$392                             | \$0.78—\$3.88                   |
| 501—1,000                                       | \$200                      | \$0.20—\$0.40                   | \$392                             | \$0.39—\$0.78                   |
| 1,001 or more                                   | \$500                      | \$0.50 or less                  | \$392                             | \$0.39 or less                  |
| <i>BVRBs</i>                                    |                            |                                 |                                   |                                 |
| Bottled   | \$2,500                    | N/A                             | \$1,274                           | N/A                             |
| Vended  | \$1,000                    | N/A                             | \$1,029                           | N/A                             |
| Retail  | \$1,000                    | N/A                             | \$1,029                           | N/A                             |
| Bulk  | \$1,000                    | N/A                             | \$1,029                           | N/A                             |

Subsection (b) specifies that the number of customers served shall be based on the Department's PWS inventory, PADWIS, at the time of billing for annual fees.

Subsection (c) contains a schedule of payments for the annual fees. The Department will allow quarterly payments for fees of \$10,000 or more.

§ 109.1403. *Monitoring waiver fees*

Proposed subsection (a) adds the fees for waiving the monitoring requirements for volatile organic chemicals, synthetic organic chemicals and inorganic chemicals for systems with a single source of drinking water.

Proposed subsection (b) adds the fees for renewing a waiver from monitoring requirements for systems with a single source of drinking water.

Proposed subsection (c) adds the fees for waiving the monitoring requirements for systems with more than one source of drinking water.

§ 109.1404. *Community and noncommunity water system permitting fees*

The proposed permitting fees were determined using a workload analysis. Costs were assigned based on the relative complexity of the permit review. Permit fees have not been increased since originally adopted in 1984.

The Department used the following milestones or steps in the permit review process (with time ranges in hours) to calculate the proposed fees:

- Administrative completeness review (1 hour)
- Technical review (range of 1—153 hours, average of 32 hours)
- Preparation of the construction permit (2 hours)
- Pre-operational inspection (1—3 hours)
- Preparation of the operation permit (1 hour)

A figure of \$64 per hour was used for technical staff time.

| <i>Proposed Permit Fees</i>             |                    |                     |
|---|--------------------|---------------------|
| <i>Title</i>                            | <i>Current Fee</i> | <i>Proposed Fee</i> |
| <i>Permitting Fees (CWSs and NCWSs)</i> |                    |                     |
| Permit/major amendment                  | \$750              | \$300—\$10,000      |
| Minor amendment                         | \$0                | \$100—\$5,000       |
| Operations permit                       | \$0                | \$50                |
| Emergency permit                        | \$0                | \$100               |
| Change in legal status                  | \$0                | \$100               |
| <i>Additional NCWS Fees</i>             |                    |                     |
| Application for approval                | \$0                | \$50                |
| 4-log permit                            | \$0                | \$50                |
| <i>Feasibility Study Fees</i>           |                    |                     |
| Feasibility study                       | \$0                | \$300—\$10,000      |

Proposed subsection (a) adds the fee schedule for applications for construction permits or major construction permit amendments under § 109.503, except for an application for BVRB facilities under § 109.1005 (relating to permit requirements).

Proposed subsection (b) adds the fee schedule for requests for minor construction permit amendments under § 109.503, except for a change in legal status.

Proposed subsection (c) adds the fee for changes in legal status of the permit.

Proposed subsection (d) adds the fee for new or amended operations permits under § 109.504 (relating to public water system operating permits).

Proposed subsection (e) adds the fee for a request for an emergency permit.

The TAC recommended that permit fees should not be based on population. Rather, the TAC asserted that the fees should be based on the type, scope, size and complexity of the project. The TAC also commented that minor amendments should not require extensive review and should be substantially less than major amendments or new permits.

Based on a workload analysis and a review of historical permits, the Department determined that the assessment of permit fees by population generally takes into consideration the size and complexity of the project. Projects for larger systems are generally larger and more complex than projects for smaller systems. Larger systems generally have more complicated simultaneous compliance concerns, which add to the complexity of the project. The fees for minor amendments are lower than the fees for major amendments or new permits.

§ 109.1405. *Permitting fees for general permits*

This proposed section explains that fees for general permits will be established in the general permit and will not exceed \$500. The fee for each general permit will be based on a workload analysis prepared prior to issuance of a draft of the general permit for public comment and will reflect the Department’s estimated cost for providing services associated with the general permit, including reviewing and approving coverage or renewed coverage under the general permit and conducting inspections and providing other services to ensure compliance.

§ 109.1406. *Permitting fees for bottled water and vended water systems, retail water facilities, and bulk water hauling systems*

The Department used the following milestones or steps in the permit review process (with time ranges in hours) to calculate the proposed fees:

- Administrative completeness review (1 hour)
- Technical review (range of 1—153 hours, average of 32 hours)
- Preparation of the construction permit (2 hours)
- Pre-operational inspection (1—3 hours)
- Preparation of the operation permit (1 hour)

A figure of \$64 per hour was used for technical staff time.

| <i>Proposed Permit Fees</i>    |                    |                     |
|--------------------------------|--------------------|---------------------|
| <i>Title</i>                   | <i>Current Fee</i> | <i>Proposed Fee</i> |
| <i>Permitting Fees (BVRBs)</i> |                    |                     |
| Permit/major amendment         | \$750              | \$100—\$10,000      |
| Minor amendment                | \$0                | \$100—\$1,000       |
| Operations permit              | \$0                | \$50                |
| Change in legal status         | \$0                | \$100               |
| Out-of-State bottled water     | \$100              | \$1,000             |
| Emergency permit               | \$0                | \$100               |

Proposed subsection (a) adds the fees for construction permits or major construction permit amendments under § 109.1005, except an out-of-State facility or system using finished water as its sole source of water.

Proposed subsection (b) adds fees for a bottled water system, retail water facility or bulk water hauling system purchasing finished water as its sole source of water.

Proposed subsection (c) adds the fees for an out-of-State bottled water system submitting proof of out-of-State approval under § 109.1005.

Proposed subsection (d) adds the fees for minor construction permit amendments under § 109.1005, except for a change in legal status.

Proposed subsection (e) adds the fees for a change in legal status, such as a transfer of ownership, incorporation or merger.

Proposed subsection (f) adds the fees for a new or amended operations permit.

Proposed subsection (g) adds the fees for an emergency permit.

§ 109.1407. *Feasibility study*

This section adds the fees for feasibility study and pilot study review services from the Department. The average hours to review and approve a feasibility study or pilot study are 37 1/2 hours.

The TAC recommended that the fees should be based on the type, scope and complexity of the project, rather than the system population. The Department notes that system population takes into account the increasing complexity of water systems as population increases.

§ 109.1408. *Noncommunity water system application for approval*

This proposed section adds the fees for an application for approval for an NCWS that is released from the obligation to obtain a construction and an operation permit under § 109.505 (relating to requirements for noncommunity water systems).

§ 109.1409. *Noncommunity water system 4-log permit*

This proposed section adds the fees for NCWSs demonstrating 4-log treatment of viruses under Subchapter M (relating to additional requirements for groundwater sources).

§ 109.1410. *Payment of fees*

This proposed section adds requirements for paying the fees required under Subchapter N.

§ 109.1411. *Disposition of funds*

Per the SDWA, this proposed section requires that all fees be paid into the State Treasury into a special restricted revenue account in the General Fund known as the Safe Drinking Water Account, which is to be administered by the Department for use in protecting the public from the hazards of unsafe drinking water.

§ 109.1412. *Failure to remit fees*

As requested by the TAC, this proposed section adds provisions for the addition of 6% interest for systems that do not pay their annual fees in a timely manner.

The interest charges are extra costs associated with the collection of overdue fees. Section 4(c) of the SDWA provides that Department fees are to “. . . bear a reasonable relationship to the actual cost of providing a service.” The proposed interest charges relate to extra services necessary to collect overdue fees such as reminder notice mailings, NOV mailings, phone calls and e-mails to delinquent payers. The amount of interest actually charged will depend on how long it takes for the PWS to pay the overdue amount. The longer it takes to collect the fee, more services will be required of the Department to collect the overdue fee and the interest charges associated with that service.

This proposed section would also allow the Department to suspend technical services, such as issuing monitoring waivers, plan approvals or permits, for water systems with delinquent fees in excess of 180 days.

§ 109.1413. *Evaluation of fees*

This proposed section requires the Department to provide the Board with an evaluation of the fees in this chapter and recommend regulatory changes to the Board to address any disparity between the program income generated by the fees and the Department's cost of administering the program with the objective of ensuring fees meet program costs and programs are self-sustaining.

The TAC concurred with the 3-year cycle for evaluating fees.

F. *Benefits, Costs and Compliance*

*Benefits*

One or more of the proposed amendments affect all 8,521 PWSs serving approximately 12.7 million Pennsylvanians. The residents of this Commonwealth will benefit from: 1) the avoidance of a full range of health effects from the consumption of contaminated drinking water such as acute and chronic illness, endemic and epidemic disease, waterborne disease outbreaks and death; 2) the

continuity of a safe and adequate supply of potable water; and 3) the protection of public drinking water sources, which will result in maintaining the highest source water quality available, thereby minimizing drinking water treatment costs.

This proposed rulemaking will protect public health by providing increased protection from microbial pathogens and chemical contaminants in PWSs and strengthen system resiliency. Safe drinking water is vital to maintaining healthy and sustainable communities. Proactively avoiding incidents such as waterborne disease outbreaks can prevent loss of life, reduce the incidents of illness and reduce health care costs. Proper investment in PWS infrastructure and operations helps ensure a continuous supply of safe drinking water, enables communities to plan and build future capacity for economic growth, and ensures their long-term sustainability for years to come.

*Source water assessment, protection and permitting requirements.* The benefits of the source water assessment and protection program amendments are discussed in Section D of this preamble under “proposed amendments to source water assessment and protection program.”

In addition to those benefits, the proposed amendments regarding new sources of supply in § 109.503 will more clearly define the existing requirements regarding the proper order of the permitting process for developing a new PWS source. These clarifications are needed to help insure that the proper level of treatment is designed and installed in a timely manner, thereby resulting in less delay for permitting a new source that may be needed to meet public health protection requirements, or provide redundancy in the event of contamination of existing sources. The proposed amendments should result in cost savings due to the avoidance of expensive permitting mistakes.

West Virginia and Virginia, also in EPA Region III, require source water assessments for new sources. In Virginia, the goal is to have a source water assessment completed by Virginia drinking water program staff before the operations permit is issued. Under West Virginia's new statute on source water protection, an assessment is included as part of a local source water protection plan and shall be completed by the water supplier prior to operation for a surface water source.

Regarding the development of local source water protection programs, Delaware and West Virginia have requirements for source water protection by statute. Under these proposed amendments, the development of a local source water protection program will remain voluntary in this Commonwealth.

*Turbidity and filtration requirements.* Proposed amendments to the monitoring, calibration, recording and reporting requirements for the measurement of turbidity are more stringent than Federal requirements. The proposed amendments benefit more than 8 million Pennsylvanians that are supplied water by PWSs using filtration technologies. The proposed amendments are based on Department inspections and the evaluation of more than 1,250 filters through the Department's FPPE program. These evaluations have documented that existing requirements are not sufficient to prevent turbidity spikes or the shedding of particles and microbial pathogens into the finished water, which puts consumers at risk of exposure to microbial pathogens. Costs related to waterborne disease outbreaks are discussed in Section D of this preamble under “proposed amendments to surface water treatment requirements.”



Existing § 109.301(1)(i) requires turbidity monitoring of the CFE once every 4 hours. This period of intermittent sample review allows the production of significant volumes of water that are not monitored for compliance with the maximum allowable turbidity limit. The proposed amendments for CFE turbidity monitoring will require continuous monitoring and recording of the results every 15 minutes. This will also enable operators to identify problematic water quality trends and respond more quickly with necessary process control adjustments.

IFE monitoring ensures that filter deficiencies are identified and corrected before a CFE turbidity exceedance occurs. Existing regulations require continuous IFE turbidity monitoring at conventional and direct filtration plants. The proposed amendments for IFE monitoring include all filtration types. In recent years, the Department has documented breakdowns in treatment of individual filters at filter plants not classified as conventional or direct. The likelihood of a breakdown in treatment or physical integrity of an individual filter is a concern regardless of the specific type of filter technology utilized. Thus, an expansion of existing requirements is needed.

Health effects associated with microbial contaminants tend to be due to short-term, single dose exposure rather than long-term exposure. Therefore, if a short duration single turbidity exceedance of the existing maximum allowable turbidity limit occurs and goes unnoticed, consumers are at risk of exposure to microbial pathogens. By requiring continuous monitoring and recording of the results at least every 15 minutes at CFE and IFE locations for all filter plants, water suppliers will be better able to identify problems before an exceedance occurs and determine compliance with the maximum allowable turbidity limit at all times.

The proposed amendments lower IFE trigger levels to be consistent with CFE turbidity requirements. Exceeding an IFE trigger is not a violation; instead, it prompts the water supplier to investigate the cause of the problem and correct any deficiencies. If water suppliers are diligent, violations should not occur.

An additional proposed amendment will require all surface water filtration plants to implement a filter bed evaluation program that assesses the overall integrity of each filter to identify and correct problems before a turbidity exceedance or catastrophic filter failure occurs. Filters are the final barrier for removal of acute pathogens and are therefore critical to public health protection. For many systems in this Commonwealth and across the United States, this infrastructure is aging, and the proposed amendment to require a physical inspection once per year is a necessary minimum preventative action item.

All of the proposed filter plant performance provisions are part of a multibarrier approach to ensure treatment is adequate to provide safe and potable water to all users.

Thirty states responded to a survey conducted by ASDWA on behalf of the Commonwealth. Twenty states require continuous turbidity monitoring and recording of CFE and 14 states require continuous IFE monitoring and recording for all filtration types.

*Automatic alarms and shutdown capabilities.* Filter plants are complex and dynamic. In response to many circumstances, the water plant operator shall take an immediate action to protect public health, such as when source water quality changes, chemical feed pumps malfunction, filters require backwashing or other unforeseen

circumstances occur. Water plant operators are often required to perform other duties, which leave water plants unattended, and which limit operators' ability to respond immediately to treatment needs.

Automated alarms and shutdown capabilities play an important role in modern water treatment and public health protection. Many water suppliers have already taken advantage of readily available technology to reduce personnel costs while still providing safe water to their customers. The proposed amendments ensure that all surface water filtration plants have the minimum controls in place to ensure that operators are immediately alerted to major treatment problems. The proposed amendments also ensure that unmanned filter plants are automatically shutdown when the plant is producing water that is not safe to drink, which prevents contaminated water from being provided to customers for extended periods of time. These alarms and shutdown capabilities will allow operators at attended and unattended filtration plants to promptly respond to the water quality problems and treatment needs of the plant. The automated plant shutdown is intended to prevent poor quality water from reaching customers, which will protect public health, reduce PWS costs related to corrective actions and issuing public notice, reduce costs to the community and maintain consumer confidence.

Based on an ASDWA survey, 12 states responded that they require filter plants to be attended at all times while in operation. Of the 12 states that require attended operation, 7 states have regulations that establish standards for plant automation, alarms and shutdowns. The proposed amendments are less stringent than 12 other states since attended operation is not being required. In addition, the proposed amendments regarding plant automation, alarms and shutdown capabilities are less stringent than the 10 States Standards.

*Filter-to-waste requirements.* The Department's FPPE program has evaluated approximately 1,250 filters since 1999. The results of these evaluations show that filters are most likely to shed turbidity, particles and microbial organisms at the beginning of a filter run when the filter is first placed into service following filter backwash or maintenance, or both. The proposed amendments require all filter plants that have the ability to filter-to-waste to do so following filter backwash or maintenance, or both, and before placing the filter into service. Filtering to waste will reduce the likelihood of pathogens passing through filters and into the finished drinking water. The proposed amendments not require water suppliers without filter-to-waste capabilities or with undersized filter-to-waste capabilities to make a capital improvement.

All 30 states responding to an ASDWA survey require some of their filter plants to filter-to-waste. This proposed rulemaking is not expected to negatively affect the Commonwealth because implementation is not expected to require any capital improvements.

*Strengthen resiliency through auxiliary power or alternate provisions.* The proposed amendments to system service and auxiliary power requirements will strengthen system resiliency and ensure that safe and potable water is continuously supplied to consumers and businesses. A continuous and adequate supply of safe drinking water is vital to maintaining healthy and sustainable communities.

PWS sources and treatment facilities are susceptible to emergency situations resulting from natural and manmade disasters. Examples of emergencies from recent

years include tropical storms, flooding, high winds, ice, snow, industrial chemical plant runoff, pipeline ruptures and transportation corridor spills. These emergencies have resulted in significant impacts to consumers and businesses due to inadequate water quantity or quality, and in water supply warnings and advisories. Examples of emergencies that have occurred in this Commonwealth and demonstrate the benefit of these proposed amendments are provided in Section D of this preamble under “proposed amendments to system service and auxiliary power requirements.”

*New annual fees and amended permit fees.* To improve program performance, this proposed rulemaking is intended to supplement Commonwealth costs for administering the Safe Drinking Water Program by filling the funding gap. The proposed fees will total approximately \$7.5 million annually and will account for nearly 50% of the Safe Drinking Water Program’s Commonwealth funding. The fees will augment the Safe Drinking Water Program funding currently coming from the General Fund (\$7.7 million).

The proposed annual fees range from \$250 to \$40,000 for CWSs, \$50 to \$1,000 for NCWSs and \$1,000 to \$2,500 for BVRBs. The fees will most likely be passed on to the 10.7 million customers of these PWSs as a user fee. Per person costs are expected to range from \$0.35 to \$10 per year, depending on the water system size.

Refer to Sections D and E of this preamble for more information about the benefits and costs associated with the proposed fees.

*General permits.* The proposed amendments establish the regulatory basis for the issuance of general permits for high volume, low risk modifications or activities to streamline the permitting process. General permits provide a cost-effective method to regulate these activities.

*Requirements for NCWSs.* The proposed amendments clarify that NCWSs that are not required to obtain a permit shall still obtain Department approval of the facilities prior to construction and operation.

*Address gaps in monitoring, reporting and tracking back-up sources.* The proposed amendments address concerns regarding gaps in the monitoring, reporting and tracking of back-up water sources and entry points. Per State and Federal regulations, all sources and entry points must be included in routine compliance monitoring to ensure water quality meets safe drinking water standards. Sources and entry points that do not provide water continuously are required to be monitored when used. However, monitoring requirements for back-up sources are not currently tracked, which means that verifiable controls are not in place to ensure that all sources and entry points meet safe drinking water standards. Some of these sources have not been used in 5 to 10 years and, therefore, the Department does not know the water quality for these sources. These concerns were most recently highlighted by the EPA’s Office of Inspector General in the 2010 report “EPA Lacks Internal Controls to Prevent Misuse of Emergency Drinking Water Facilities” (Report No. 11-P-0001). The proposed amendments ensure that all sources and entry points are monitored at least annually. PWSs will also be required to document in a comprehensive monitoring plan how routine compliance monitoring will include all sources and entry points.

The use of unmonitored sources and entry points could adversely impact basic water quality, including pH, alkalinity, turbidity, corrosivity and lead solubility, dissolved inorganic carbon and natural organic matter. Water sup-

pliers may have limited information about how these sources or entry points will impact treatment efficacy and distribution system water quality. In addition, many sources may be offline due to poor water quality or MCL exceedances. The use of these back-up or emergency sources, without proper monitoring and verifiable controls, could lead to an increased risk to public health.

Treatment facilities and other appurtenances associated with these sources may also have gone unused and may no longer be in good working order. Back-up sources and entry points with unknown water quality or that are no longer in good working order provide a false sense of security in terms of system resiliency and emergency response. While the Department understands that many facilities are not used on a 24/7 basis, the proposed amendments ensure that all permitted sources and entry points are monitored at least annually.

#### *Compliance Costs*

The proposed general update provisions increase public health protection and system resiliency. Safe drinking water is vital to maintaining healthy and sustainable communities. Proactively avoiding incidents such as waterborne disease outbreaks can prevent loss of life, reduce the incidents of illness and reduce health care costs. For example, it is estimated that the total cost of an *E. coli* contamination incident in Walkerton, Ontario, was \$64.5 million. Costs related to the waterborne outbreak of cryptosporidiosis in Milwaukee, WI, were \$96.2 million. Waterborne disease outbreaks result in significant economic and health impacts and can have long-term impacts due to the loss of trust in PWSs.

Proper investment in PWS infrastructure and operations helps ensure a continuous supply of safe drinking water, enables communities to plan and build future capacity for economic growth, and ensures their long-term sustainability for years to come.

The proposed fees are necessary to improve program performance and fulfill the Department’s fiscal responsibility to cover most, if not all, of its Commonwealth program costs. Program costs are directly tied to the resources needed to meet Federal and State mandates for minimum program elements and for the administration of an effective State Drinking Water Program. Failure to meet minimum program elements may result in an increased risk to public health and the loss of primacy for the Safe Drinking Water Program and associated Federal funding.

*Source water protection and permitting requirements.* Per the Department’s records, approximately 30 new CWS sources are permitted each year. The Department estimates that an additional 8 hours of work completed by a professional geologist will be needed to comply with the new source permitting amendments. This extra time will amount to approximately \$1,176 per source permitted, based on current hourly rates charged by consulting firms.

*Revisions to turbidity monitoring, recording and reporting requirements.* Filter plants that need to install continuous monitoring and recording devices will need to spend about \$3,000 to \$4,000 per monitoring site (includes turbidimeter, controller and installation), with estimated annual costs for maintenance and calibration of \$500 per plant. It is estimated that 21 filter plants will need to install this equipment on individual filters and 52 filter plants will need to install this equipment at their CFE monitoring sites.

• *IFE and CFE monitoring costs.* Costs have been derived from vendors of HACH turbidimeters, the most commonly used turbidimeter in this Commonwealth. If the water supplier prefers a different brand of equipment, the cost may change. Some per instrument cost savings

may occur when multiple instruments are purchased. The following table, provided for illustrative purposes, shows costs related to installing and maintaining one HACH continuous monitoring and recording device:

| <i>White Light Turbidimeter (Analog) and Chart Recorder (Analog)</i> |   |  |   |
|--|---|--|---|
| <i>Items</i>   | <i>Initial Cost for First Turbidimeter and Recorder</i> | <i>Estimated Annual Calibration and Maintenance Cost</i> | <i>Additional Turbidimeter and Recorder</i> |
| HACH 1720E and SC200 (analog signal)                                 | \$2,881.00  |  | \$2,881.00                                  |
| Calibration cylinder   | \$89.00   |  |   |
| 20 NTU StablCal × (4) calibrations                                   |   | \$556.00   |   |
| Lamp assembly replacement  |   | \$62.00  |   |
| Chart recorder—duel pen  | \$1,657.00  |  | \$1,657.00                                  |
| Chart recorder paper   |   | \$60.00  |   |
| Chart recorder replacement pens                                      |   | \$79.00  |   |
| Installation   | \$1,000.00  |  |   |
| <i>Total (not including tax and shipping)</i>                        | \$5,627.00  | \$757.00   | \$4,538.00                                  |

| <i>Laser Turbidimeter (Digital) and Chart Recorder (Analog)</i>             |   |  |   |
|---|---|--|---|
| <i>Items</i>  | <i>Initial Cost for First Laser Turbidimeter and Recorder</i> | <i>Estimated Annual Calibration and Maintenance Cost</i>                         | <i>Additional Turbidimeter and Recorder</i> |
| HACH TU5400 laser turbidimeter (includes flow sensor RFID and system check) | \$6,142.00  |  | \$6,142.00                                  |
| HACH SC200 (includes flow sensor input, RFID and Modbus)                    | \$2,596.00  |  | \$2,596.00                                  |
| Maintenance/calibration kit (includes primary standards)                    |   | \$1,100.00 (\$349 to replace the primary standards that are included in the kit) |   |
| Replacement desiccant cartridge   |   | \$17.00  |   |
| Chart recorder—duel pen   | \$1,657.00  |  | \$1,657.00                                  |
| Chart recorder paper  |   | \$60.00  |   |
| Chart recorder replacement pens   |   | \$79.00  |   |
| Installation  | \$1,000.00  |  |   |
| <i>Total (not including tax and shipping)</i>                               | \$11,395.00   | \$1,256.00 (1st year)<br>\$505.00 (subsequent year)                              | \$10,395.00                                 |

• *IFE monitoring.* This Commonwealth has 353 filter plants, of which 263 are currently required to continuously monitor and record their IFE and already have instrumentation installed. The proposed amendments require the remaining 90 filter plants to comply with the IFE monitoring requirements of which 69 already have the needed instrumentation. Therefore, 21 filter plants will need to install 1 or more monitoring and recording devices. The majority of these 21 filter plants only have 2 filters. The estimated cost for a water supplier having two filters to install IFE monitoring and recording equipment is expected to be \$10,165 for white light turbidimeters or \$21,790 for laser turbidimeters. The annual maintenance cost for the monitoring and recording equipment on two filters is estimated to be \$757 for the white light turbidimeters or \$505 for laser turbidimeters. The cumu-

lative cost for the installation of the IFE monitoring and recording equipment at all 21 filter plants is estimated to be \$213,465 for white light turbidimeters or \$457,590 for laser turbidimeters. The cumulative cost for maintaining the monitoring and recording equipment at all 21 filter plants is estimated to be \$15,897 per year for white light turbidimeters and \$10,605 per year for laser turbidimeters.

• *CFE monitoring.* The majority of filter plants in this Commonwealth already continuously monitor and record their CFE. The exact number of filtration plants without this capability is not known, but based on a review of 90 filtration plants, it is estimated to be 15% of the 353 filter plants in this Commonwealth. The estimated cost to install CFE monitoring and recording equipment is \$5,627 per plant for white light turbidimeters and record-

ers or \$11,395 per plant for laser turbidimeters and recorders. The annual maintenance cost for the monitoring and recording equipment is estimated to be \$757 for the white light turbidimeters or \$505 for laser turbidimeters. The cumulative cost for an estimated 52 filter plants to install continuous monitoring and recording equipment is estimated to be \$292,604 for white light or \$592,540 for laser turbidimeters. The cumulative cost for maintaining the monitoring and recording equipment at all 52 filter plants is estimated to be \$39,364 per year for white light turbidimeters or \$26,260 per year for laser turbidimeters.

*Annual filter inspection program.* Significant additional costs are not expected to be associated with implementation of a filter inspection program.

*Filter-to-waste requirements.* No expected costs are associated with the proposed filtering to waste amendments.

*Automatic alarms/shutdown capabilities.* Depending on options chosen, systems may incur \$8,860 to \$11,980 per treatment plant with annual maintenance costs of \$600. It is estimated that 317 of the 353 filter plants already meet these provisions and therefore will not incur any additional costs.

The following information is provided as example cost estimates related to adding automated alarm and shutdown capabilities at a small surface/GUDI water filtration plant. The costs include the monitor, controller and alarm dial-out system. It is assumed that the existing filtration plant will already have the chlorine residual analyzer, turbidity analyzer and clear-well level transmitter. These instruments are required to maintain compliance with existing regulations. An estimated cost for the equipment installation is provided. However, systems could save costs if they install the equipment using in-house staff or a local contract electrician.

The controller and monitor will include adjustable alarm set-points with time delay for a relay output which can be wired to the plant for shutdown of the filter system upon the following conditions: high or low clear well level; high or low entry point chlorine residual; and high CFE turbidity.

The monitor and controller can be configured to send a pre-shutdown warning to allow operators the opportunity to go to the plant to try to resolve the problem before reaching the shutdown set-point. If the process value reaches the shutdown set-point, the filter plant shutdown command will occur and a shutdown alarm message will be sent to the plant operator by text message, e-mail or voice message.

If the facility already has an alarm dialer with capacity for three additional alarm inputs, the alarm dialer can be eliminated from the package. A deduction is shown for this on each equipment option. If the system is staffed continuously, then only alarm capabilities are necessary. This can be accomplished for a lower cost, or possibly no additional cost, depending on the capability of existing filter plant supervisory control and data acquisition equipment.

*Option A—Monitor/alarm system with standard dial-up phone line and alarm dialer*

1) One alarm control device with analog inputs for CFE chlorine residual, CFE turbidity and clear well level.

2) One eight-channel alarm auto-dialer with power supply and battery backup. Requires standard dial-up telephone line connected to alarm dialer. Provides voice message alarm only.

3) One system wiring diagram—custom wiring diagram for specific analyzer types in use at owner's site. Exact terminal numbers will be provided based on owner's equipment to allow installation by local electrical contractor.

4) Furnish onsite calibration, programming and alarm configuration for all equipment and provide full onsite testing for all equipment including alarm testing and dial-out for plant designated phone or pager numbers, or both.

5) Provide onsite operator training on maintenance and standardization of this equipment.

6) Four operation and maintenance manuals with complete instruction manuals for the system.

Total system price: \$8,860

Delivery: 2-3 weeks (standard delivery)

Estimated installation cost: \$2,000

Deduct for use of owner furnished alarm dialer: (\$1,400)

*Option B—Monitor/alarm system with standard dial-up phone line and alarm dialer*

1) One alarm control device with analog inputs for CFE chlorine residual, CFE turbidity and clear well level.

2) One eight-channel alarm auto-dialer with power supply and battery backup. Requires standard dial-up telephone line connected to alarm dialer. Provides voice message alarm only.

3) One system wiring diagram—custom wiring diagram for specific analyzer types in use at owner's site. Exact terminal numbers will be provided based on owner's equipment to allow installation by local electrical contractor.

4) Furnish onsite calibration, programming and alarm configuration for all equipment and provide full onsite testing for all equipment including alarm testing and dial-out for plant designated phone numbers or pager numbers, or both.

5) Provide onsite operator training on maintenance and standardization of this equipment.

6) Four operation and maintenance manuals with complete instruction manuals for the system.

Total system price: \$9,980

Delivery: 2-3 weeks (standard delivery)

Estimated installation cost: \$2,000

Deduct for use of owner furnished alarm dialer: (\$2,500)

*Option C—Monitor/alarm system with cellular alarm dialer*

1) One alarm control device with analog inputs for CFE chlorine residual, CFE turbidity and clear well level.

2) One cellular alarm notification system with eight-channel alarm input with power supply and battery backup. A dial-up telephone line is not required. Provides text and e-mail alarm notification.

3) One system wiring diagram—custom wiring diagram for specific analyzer types in use at owner's site. Exact terminal numbers will be provided based on owner's equipment to allow installation by local electrical contractor.

4) Furnish onsite calibration, programming and alarm configuration for all equipment and provide full onsite testing for all equipment including alarm testing and dial-out for plant designated phone or pager numbers, or both.

5) Provide onsite operator training on maintenance and standardization of this equipment.

6) Four operation and maintenance manuals with complete instruction manuals for the system.

Total system price: \$9,700

Delivery: 2-3 weeks (standard delivery)

Estimated installation cost: \$2,000

The Department estimates that 10% of the 353 filter plants in this Commonwealth will need to install a controller.

*Strengthened system resiliency through auxiliary power or alternate provisions.* All CWSs will be expected to review their existing emergency response plan and equipment to specifically develop a plan to provide a consistent supply of adequate quantity and quality of water during emergency situations. The Department estimates that 400 CWSs do not even have an updated emergency response plan. CWSs that do not have a functional generator or do not have existing capability to meet this requirement through the alternate provision options may need to purchase a generator. The generator should be adequately sized so that it can supply power to critical treatment components necessary to supply safe and potable water. Therefore, the cost of the generator will be proportional to the size of the system (for example, less expensive for small systems). It is difficult to predict system specific costs because of the various options to comply with the proposed amendments. Estimates for small systems are \$3,000 to \$4,000 for the installation of a transfer switch, generator and concrete pad. Costs for medium and large systems could range from \$50,000 to \$200,000 per treatment plant. Not all systems will require auxiliary power. Some systems may already meet reliability criteria through storage or interconnections. Several Mid-Atlantic states have already moved forward with mandatory requirements for auxiliary power supply, including New Jersey, New York and Connecticut.

An estimated 30% of small systems (<3,300) or 485 systems may need to install a back-up power supply. The cumulative cost is estimated to be \$1.94 million. The estimate for medium and large systems is that 20% or 65 systems may need to install a back-up power supply at a cumulative cost of \$8.125 million.

Cost savings of avoiding interruption of continuous supply of safe and potable water were evaluated using the Water Health and Economic Analysis Tool software developed by the EPA. The Department ran the model for a scenario of a water system serving 2,500 customers and experiencing a water outage for 2 days. The model outcomes regarding economic consequences are summarized as follows:

- The value of water sales that would have occurred if there wasn't a disruption in water service is estimated to be \$2,891.
- The value of additional operating costs incurred during the event, which may include bottled/replacement water, equipment, other remediation or miscellaneous costs, is estimated at \$24,775.
- Total economic impact on the water utility due to the 2-day outage (sum of the previous losses) is estimated at \$27,666.
- Regional economic consequences for this same event are estimated at \$926,486. This is the total value of economic activity lost among businesses directly affected by the water service disruption due to the contraction in business activity during the 2-day event.

If the water utility complies with the proposed amendments, the potential cost savings for this 2-day outage, offsetting the costs to install additional auxiliary power, emergency interconnections with neighboring water systems and/or finished water storage, are previously summarized. These costs would increase with each additional day that the water outage continues.

Additional costs savings to water systems and customers will be the prevention of dewatering of the distribution system piping and protection from damage to collapsed water lines (due to lack of ability to provide adequate quantity water to maintain positive pressure).

An estimated 250 BWAs occur each year and 25% or 63 BWAs are caused by water supply disruptions. The total annual cost savings to the regulated water systems is estimated at \$1,742,958. However, the regional economic cost savings to businesses is estimated at more than \$58 million. These cost savings will off-set the costs of improving system resiliency.

#### *Compliance Assistance Plan*

The Safe Drinking Water Program uses the Commonwealth's Pennsylvania Infrastructure Investment Authority Program to offer financial assistance to eligible PWS. This assistance is in the form of a low-interest loan, with some augmenting grant funds for hardship cases. Eligibility is based upon factors such as public health impact, compliance necessity and project/operational affordability.

The Safe Drinking Water Program has established a network of regional office and Central Office training staff that is responsive to identifiable training needs. The target audience in need of training may be either program staff or the regulated community.

In addition to this network of training staff, Bureau of Safe Drinking Water has staff dedicated to providing training and outreach support services to PWS operators. The Department web site also provides timely and useful information for treatment plant operators.

#### *Paperwork Requirements*

Paperwork requirements may include:

- Updating of a source water assessment report when a CWS's annual evaluation identifies changes to actual or probable sources of contamination.
- Additional reporting requirements for PWSs that exceed the lower IFE triggers.
- Reporting a failure of alarm or shutdown equipment.
- Development and maintenance of a distribution map for NCWSs.
- Development and maintenance of a comprehensive monitoring plan.
- CWSs will be required to update their existing emergency response plans to include specific information on how they will meet the requirements of this proposed rulemaking. To minimize the reporting burden and for maintaining security of sensitive documents, the system-specific plans for providing a continuous supply of safe and potable water (uninterrupted system service plan) will not be required to be reported to the Department. Rather, this information will be kept onsite for Department review during inspections or emergencies, or both. An uninterrupted system service plan template will be provided to water suppliers to help facilitate development of the plans.

### G. References

The following documents are referenced throughout this preamble:

Livernois, J. (2001), "The Economic Costs of the Walkerton Water Crisis."

Dearmont, D., McCarl, B.A. and Tolman, D.A. (1998), "Costs of Water Treatment Due to Diminished Water Quality: A Case Study in Texas," *Water Resources Research*, 34(4), 849—853.

The Trust for Public Land (2002), "The Cost of Not Protecting Source Waters."

Legislative Budget and Finance Committee (2013), "A Cost Effective Alternative Approach to Meeting Pennsylvania's Chesapeake Bay Nutrient Reduction Targets."

National Primary Drinking Water Regulations (EPA 816-F-09-004, May 2009).

Corso, P.S., et al. (2003), "Cost of Illness in the 1993 Waterborne *Cryptosporidium* Outbreak, Milwaukee, Wisconsin," *Emerging Infectious Diseases*, 9(4), 426—431.

Huck, P.M., et al. (2002), "Effects of Filter Operation on *Cryptosporidium* Removal," *Journal—American Water Works Association*, 94(6), 97—111.

Emelko, M.B., Huck, P.M. and Douglas, I.P. (2003) "Cryptosporidium and Microsphere Removal During Late In-Cycle Filtration," *Journal—American Water Works Association*, 95(5), 173—182.

EPA Water Supply Guidance 20 (1981) (<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100NEI3.txt>).

EPA Membrane Filtration Guidance (EPA 815-R-06-009, November 2005).

EPA, Office of Inspector General (2010), "EPA Lacks Internal Controls to Prevent Misuse of Emergency Drinking Water Facilities" (Report No. 11-P-0001).

### H. Sunset Review

Certain provisions in § 109.301(1) and (2) are proposed to sunset 1 year after the effective date of adoption of this proposed rulemaking. Otherwise, the Board is not establishing a sunset date for this proposed rulemaking since it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor the regulations for 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 August 9, 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

The Board is seeking comment on several amendments included in this proposed rulemaking. Comment is requested on specific proposed amendments as described in Section E of this preamble regarding §§ 109.301(11), 109.303, 109.511, 109.708 and 109.1402.

Interested persons are invited to submit written comments, suggestions, support or objections regarding this proposed rulemaking to the Board. Comments, suggestions, support or objections must be received by the Board by September 25, 2017.

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

Comments may be submitted to the Board by accessing eComment 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 this 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,  
*Chairperson*

**Fiscal Note:** 7-521. No fiscal impact; (8) recommends adoption.

### Annex A

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

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE II. WATER RESOURCES

#### CHAPTER 109. SAFE DRINKING WATER

#### Subchapter A. GENERAL PROVISIONS

#### § 109.1. Definitions.

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

\* \* \* \* \*

*Nontransient noncommunity water system*—A noncommunity water system that regularly serves at least 25 of the same persons over 6 months per year.

**PDWEP—Guidelines for Public Drinking Water Equipment Performance issued by NSF.**

*Person*—An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government. The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government.

\* \* \* \* \*

*Source*—The place from which water for a public water system originates or is derived, including, but not limited to, a well, spring, stream, reservoir, pond, lake or inter-connection.

*Source water assessment*—An evaluation documented in writing of the contamination potential of a drinking water source used by a public water system which includes identifying the contributing area to the water source, an inventory of potential contaminant sources and a determination of the susceptibility of the water source to contamination.

*Source water protection area*—A surface water intake protection area or a wellhead protection area, or both.

*Source water protection program*—A surface water intake protection program or a wellhead protection program, or both.

*Spent filter backwash water*—A stream containing particles dislodged from filter media when the filter is backwashed to clean the filter.

*Substantial modification*—A change in a public water system that may affect the quantity or quality of water served to the public or which may be prejudicial to the public health or safety and includes the addition of new sources; the expansion of existing facilities; changes in treatment processes; addition, removal, renovation or substitution of equipment or facilities; and interconnections.

*Surface water*—Water open to the atmosphere or subject to surface runoff. The term does not include finished water.

*Surface water intake protection area*—The surface and subsurface area surrounding a surface-water intake supplying a public water system through which contaminants are reasonably likely to move toward and reach the water source. A surface water intake protection area must consist of up to three zones:

- (i) *Zone A.* A 1/4-mile wide area inland from the edge of a waterway or surface water body and from an area 1/4-mile downstream of the intake to a 5-hour time-of-travel upstream.
- (ii) *Zone B.* A 2-mile wide area inland from the edge of a waterway or surface water body and extending upstream to the 25-hour time-of-travel.
- (iii) *Zone C.* For drainage basins greater than or equal to 100 square miles, the remainder of the upstream basin. Zone B and Zone C, if present, comprise the contributing area for the water source.

*Surface water intake protection program*—A comprehensive program designed to protect each surface water source used by a public water system from contamination.

*System*—

- (i) A group of facilities used to provide water for human consumption including facilities used for collection, treatment, storage and distribution. The facilities shall constitute a system if they are adjacent or geographically proximate to each other and meet at least one of the following criteria:

\* \* \* \* \*

*Wellhead protection area*—The surface and subsurface area surrounding a water well, well field, spring or

infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source. A wellhead protection area [ **shall consist of the following** ] **must consist of up to three zones:**

- (i) *Zone I.* The protective zone immediately surrounding a well, spring or infiltration gallery which shall be a 100-to-400-foot radius depending on site-specific source and aquifer characteristics.
- (ii) *Zone II.* The zone encompassing the portion of the aquifer through which water is diverted to a well or flows to a spring or infiltration gallery. Zone II shall be a [ **1/2 mile** ] 1/2-mile radius around the source unless a more detailed delineation is approved.
- (iii) *Zone III.* [ **The zone beyond Zone II that contributes surface water and groundwater to Zones I and II.** ] **As hydrogeologic conditions warrant, the zone beyond Zone II that provides groundwater recharge to Zones I and II. Zone II and Zone III, if present, comprise the contributing area for the water source.**

*Wellhead protection program*—A comprehensive program designed to protect [ **a** ] **each** well, spring or infiltration gallery used by a public water system from contamination.

*Wholesale system*—A public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more public water systems.

**§ 109.5. Organization of chapter.**

- (a) This subchapter and [ **Subchapter H** ] **Subchapters H and N** (relating to laboratory certification; and drinking water fees) apply to all public water systems.

\* \* \* \* \*

**Subchapter B. MCLs, MRDLs OR TREATMENT TECHNIQUE REQUIREMENTS**

**§ 109.202. State MCLs, MRDLs and treatment technique requirements.**

\* \* \* \* \*

- (c) *Treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts.* A public water system shall provide adequate treatment to reliably protect users from the adverse health effects of microbiological contaminants, including pathogenic bacteria, viruses and protozoan cysts. The number and type of treatment barriers and the efficacy of treatment provided shall be commensurate with the type, degree and likelihood of contamination in the source water.

- (1) A public water supplier shall provide, as a minimum, continuous filtration and disinfection for surface water and GUDI sources. The treatment technique must provide at least 99.9% removal and inactivation of *Giardia lamblia* cysts, and at least 99.99% removal and inactivation of enteric viruses. Beginning January 1, 2002, public water suppliers serving 10,000 or more people shall provide at least 99% removal of *Cryptosporidium* oocysts. Beginning January 1, 2005, public water suppliers serving fewer than 10,000 people shall provide at least 99% removal of *Cryptosporidium* oocysts. The Department, depending on source water

quality conditions, may require additional treatment as necessary to meet the requirements of this chapter and to protect the public health.

(i) The filtration process shall meet the following performance requirements:

(A) *Conventional or direct filtration.*

\* \* \* \* \*

(IV) Beginning January 1, 2005, for public water systems serving fewer than 10,000 persons, the filtered water turbidity shall meet the following criteria:

(-a-) Be less than or equal to 0.3 NTU in at least 95% of the measurements taken each month under § 109.301(1).

(-b-) Be less than or equal to 1 NTU at all times, measured under § 109.301(1).

**(V) Beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.), for all public water systems, the filtered water turbidity must meet the following criteria:**

**(-a-) Be less than or equal to 0.30 NTU in at least 95% of the measurements taken each month under § 109.301(1).**

**(-b-) Be less than or equal to 1.0 NTU at all times measured under § 109.301(1).**

(B) *Slow sand or diatomaceous earth filtration.*

(I) The filtered water turbidity shall be less than or equal to 1.0 NTU in 95% of the measurements taken each month under § 109.301(1).

(II) The filtered water turbidity shall be less than or equal to 2.0 NTU at all times, measured under § 109.301(1).

(C) *Membrane filtration.*

**(I) Beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.), for all public water systems, the filtered water turbidity must be less than or equal to 0.15 NTU in at least 95% of the measurements taken each month under § 109.301(1).**

**(II) Beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.), for all public water systems, the filtered water turbidity must be less than or equal to 1.0 NTU at all times, measured under § 109.301(1).**

[ (C) ] (D) *Other filtration technologies.* The same performance criteria as those given for conventional filtration and direct filtration in clause (A) shall be achieved unless the Department specifies more stringent performance criteria based upon onsite studies, including pilot plant studies, where appropriate.

(ii) The combined total effect of disinfection processes utilized in a filtration plant shall achieve at least a 90% inactivation of Giardia cysts and a 99.9% inactivation of viruses, as determined by CTs and measurement methods established by the EPA. The residual disinfectant concentration in the water delivered to the distribution system prior to the first customer may not be less than .2 mg/L for more than 4 hours, as demonstrated by measurement taken under § 109.301(1). Failure to maintain this level that extends beyond 4 hours constitutes a breakdown in treatment. A system that experiences a breakdown in

treatment shall, under § 109.701(a)(3) (relating to reporting and recordkeeping), notify the Department within 1 hour after the water system learns of the violation or the situation, and shall provide public notice in accordance with § 109.408 (relating to Tier 1 public notice—categories, timing and delivery of notice).

(iii) For an unfiltered surface water source permitted for use prior to March 25, 1989, the public water supplier shall:

\* \* \* \* \*

(B) Provide continuous filtration and disinfection in accordance with this paragraph according to the following schedule:

(I) By December 31, 1991, for a public water system that, prior to March 25, 1989, had a waterborne disease outbreak or Giardia contamination in its surface water source.

(II) Within 48 months after the discovery of one of the following conditions, or by December 31, 1995, whichever is earlier, for a public water system that experiences the condition after March 25, 1989:

(-a-) A waterborne disease outbreak.

(-b-) Giardia contamination in its surface water source.

(-c-) A violation of the microbiological MCL, the turbidity MCL or the monitoring or reporting requirements for the microbiological MCL.

(-d-) A violation of the source microbiological or turbidity monitoring requirements under [ § 109.301(2)(i)(A) and (B) ] § 109.301(2)(i) or the related reporting requirements.

\* \* \* \* \*

**§ 109.204. Disinfection profiling and benchmarking.**

(a) The disinfection profiling and benchmarking requirements, established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.172, 141.530—141.536, 141.540—141.544, 141.570(c) and (d) [ and ], 141.708[ — ] and 141.709 are incorporated by reference except as otherwise established by this chapter.

(b) Public water suppliers that did not conduct TTHM and HAA5 monitoring under this section because they served fewer than 10,000 persons when the monitoring was required, but serve 10,000 or more persons before January 1, 2005, shall comply with this section. These suppliers shall also establish a disinfection benchmark [ and consult with the Department for approval ]. [ A supplier that decides to make a significant change to its disinfection practice, as described in this section, shall consult with the Department before making such a change. ]

(c) The public water supplier shall conduct disinfection profiling in accordance with the procedures and methods in the most current edition of the *Disinfection Profiling and Benchmarking Guidance Manual* published by the EPA. The results of the disinfection profiling and the benchmark, including raw data and analysis, shall be retained indefinitely on the water system premises or at a convenient location near the premises. Public water suppliers serving 10,000 or more persons and required to conduct disinfection profiling shall submit the disinfection profiling data and the benchmark data to the Department by June 1, 2001, in a format acceptable to the Department. Public water suppliers serving 500 to 9,999 persons shall submit the disinfection profiling data and the



benchmark to the Department by October 1, 2004. Public water suppliers serving less than 500 persons shall submit the disinfection profiling data and the benchmark to the Department by April 1, 2005, in a format acceptable to the Department.

(d) A public water supplier that obtains a permit or permit modification for filtration treatment for a surface water or GUDI source after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), shall submit documentation with the permit application relative to operational parameters which will be used to maintain *Giardia lamblia* inactivation throughout the expected range of operating conditions.

(e) A public water supplier using surface water or GUDI sources shall consult with the Department before making a significant change to its disinfection practice or operating treatment processes in a manner that may result in an inactivation level that is lower than the level needed to meet the *Giardia lamblia* inactivation requirements specified in § 109.202(c)(1)(ii) (relating to State MCLs, MRDLs and treatment technique requirements). As part of the consultation, the water supplier shall submit the following information to the Department:

- (1) A completed disinfection profile and disinfection benchmark for *Giardia lamblia* and viruses.
- (2) A description of the proposed change.
- (3) An analysis of how the proposed change will affect the current level of disinfection.

**Subchapter C. MONITORING REQUIREMENTS**

**§ 109.301. General monitoring requirements.**

Public water suppliers shall monitor for compliance with MCLs, MRDLs and treatment technique requirements in accordance with the requirements established by the EPA under the National Primary Drinking Water Regulations, 40 CFR Part 141 (relating to National primary drinking water regulations), except as otherwise established by this chapter unless increased monitoring is required by the Department under § 109.302 (relating to special monitoring requirements). Alternative monitoring requirements may be established by the Department and may be implemented in lieu of monitoring requirements for a particular National Primary Drinking Water Regulation if the alternative monitoring requirements are in conformance with the Federal act and regulations. The monitoring requirements shall be applied as follows:

(1) *Performance monitoring for filtration and disinfection.* A public water supplier providing filtration and disinfection of surface water or GUDI sources shall conduct the performance monitoring requirements established by the EPA under the National Primary Drinking Water Regulations, unless increased monitoring is required by the Department under § 109.302.

(i) Except as provided under [ subparagraphs (ii) and (iii) ] subparagraph (ii), a public water supplier:

(A) Shall determine and record the turbidity level of representative samples of the system's filtered water as follows until \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*):

(I) For systems that operate continuously, at least once every 4 hours that the system is in operation, except as provided in clause (B).

(II) For systems that do not operate continuously, at start-up, at least once every 4 hours that the system is in operation, and also prior to shutting down the plant, except as provided in clause (B).

(B) May substitute continuous turbidity monitoring and recording for grab sample monitoring and manual recording until \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*), if it validates the continuous measurement for accuracy on a regular basis using a procedure specified by the manufacturer. At a minimum, calibration with an EPA-approved primary standard shall be conducted at least quarterly. For systems using slow sand filtration or filtration treatment other than conventional filtration, direct filtration or diatomaceous earth filtration, the Department may reduce the sampling frequency to once per day.

(C) Shall continuously monitor the turbidity level of the combined filter effluent beginning \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*), using an analytical method specified in 40 CFR 141.74(a) (relating to analytical and monitoring requirements) and record the results at least every 15 minutes while the plant is operating. For systems that do not operate continuously, the turbidity level shall also be measured and recorded at start-up and immediately prior to shutting down the plant.

[ (C) ] (D) Shall continuously monitor and record the residual disinfectant concentration of the water being supplied to the distribution system and record both the lowest value for each day and the number of periods each day when the value is less than .2 mg/L for more than 4 hours. If a public water system's continuous monitoring or recording equipment fails, the public water supplier may, upon notification of the Department under § 109.701(a)(3) (relating to reporting and recordkeeping), substitute grab sampling or manual recording every 4 hours in lieu of continuous monitoring. Grab sampling or manual recording may not be substituted for continuous monitoring or recording for longer than 5 days after the equipment fails.

[ (D) ] (E) Shall measure and record the residual disinfectant concentration at representative points in the distribution system no less frequently than the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

[ (ii) For a public water supplier serving 3,300 or fewer people, the Department may reduce the residual disinfectant concentration monitoring for the water being supplied to the distribution system to a minimum of 2 hours between samples at the grab sampling frequencies prescribed as follows if the historical performance and operation of the system indicate the system can meet the residual disinfectant concentration at all times:

| <i>System Size (People)</i> | <i>Samples/Day</i> |
|-----------------------------|--------------------|
| <500                        | 1                  |
| 500—1,000                   | 2                  |
| 1,001—2,500                 | 3                  |
| 2,501—3,300                 | 4                  |

If the Department reduces the monitoring, the supplier shall nevertheless collect and analyze another residual disinfectant measurement as soon as possible, but no longer than 4 hours from any measurement which is less than .2 mg/L.

(iii) For ] (ii) Until \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*), for a public water supplier serving fewer than 500 people, the Department may reduce the filtered water turbidity monitoring to one grab sample per day, if the historical performance and operation of the system indicate effective turbidity removal is maintained under the range of conditions expected to occur in the system's source water.

[ (iv) ] (iii) A public water supplier providing conventional filtration treatment or direct filtration and serving 10,000 or more people and using surface water or GUDI sources shall, beginning January 1, 2002, conduct continuous monitoring of turbidity for each individual filter using an approved method under the EPA regulation in 40 CFR 141.74(a) [ **(relating to analytical and monitoring requirements)** ] and record the results at least every 15 minutes. Beginning January 1, 2005, public water suppliers providing conventional or direct filtration and serving fewer than 10,000 people and using surface water or GUDI sources shall conduct continuous monitoring of turbidity for each individual filter using an approved method under the EPA regulation in 40 CFR 141.74(a) and record the results at least every 15 minutes. **Beginning \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*), a public water supplier using surface water or GUDI sources and providing filtration treatment other than conventional or direct filtration shall conduct continuous monitoring of turbidity for each individual filter using an approved method under 40 CFR 141.74(a) and record the results at least every 15 minutes.**

[ (A) The water supplier shall calibrate turbidimeters using the procedure specified by the manufacturer. At a minimum, calibration with an EPA-approved primary standard shall be conducted at least quarterly.

(B) If there is failure in the continuous turbidity monitoring or recording equipment, or both, the system shall conduct grab sampling or manual recording, or both, every 4 hours in lieu of continuous monitoring or recording.

(C) A public water supplier serving 10,000 or more persons has a maximum of 5 working days following the failure of the equipment to repair or replace the equipment before a violation is incurred.

(D) A public water supplier serving fewer than 10,000 persons has a maximum of 14 days following the failure of the equipment to repair or replace the equipment before a violation is incurred. ]

(iv) In addition to the requirements of subparagraphs (i)—(iii), a public water supplier shall conduct grab sampling or manual recording, or both, every 4 hours in lieu of continuous monitoring or recording if there is a failure in the continuous monitoring or recording equipment, or both. The public water supplier shall notify the Department within 24 hours of the equipment failure. Grab sampling or manual recording may not be substituted for continuous monitoring for longer than 5 working days after the equipment fails. The Department will consider case-by-case extensions of the time frame to comply if the water supplier provides

written documentation that it was unable to repair or replace the malfunctioning equipment within 5 working days due to circumstances beyond its control.

(2) *Performance monitoring for unfiltered surface water and GUDI.* A public water supplier using unfiltered surface water or GUDI sources shall conduct the following source water and performance monitoring requirements on an interim basis until filtration is provided, unless increased monitoring is required by the Department under § 109.302:

(i) Except as provided under subparagraphs (ii) and (iii), a public water supplier:

(A) Shall perform fecal coliform or total coliform density determinations on samples of the source water immediately prior to disinfection. Regardless of source water turbidity, the minimum frequency of sampling for fecal or total coliform determination may be no less than the following:

| <i>System Size (People)</i> | <i>Samples/Week</i> |
|-----------------------------|---------------------|
| <500                        | 1                   |
| 500—3,299                   | 2                   |
| 3,300—10,000                | 3                   |
| 10,001—25,000               | 4                   |
| 25,001 or more              | 5                   |

(B) Shall measure the turbidity of a representative grab sample of the source water immediately prior to disinfection as follows **until \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*)**:

(I) For systems that operate continuously, at least once every 4 hours that the system is in operation, except as provided in clause (C).

(II) For systems that do not operate continuously, at start-up, at least once every 4 hours that the system is in operation, and also prior to shutting down the plant, except as provided in clause (C).

(C) May substitute continuous turbidity monitoring for grab sample monitoring **until \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*)**, if it validates the continuous measurement for accuracy on a regular basis using a procedure specified by the manufacturer. At a minimum, calibration with an EPA-approved primary standard shall be conducted at least quarterly.

(D) Shall continuously monitor and record the turbidity of the source water immediately prior to disinfection **beginning \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*)**, using an analytical method specified in 40 CFR 141.74(a) and record the results at least every 15 minutes while the source is operating. If there is a failure in the continuous turbidity monitoring or recording equipment, or both, the supplier shall conduct grab sampling or manual recording, or both, every 4 hours in lieu of continuous monitoring or recording. The public water supplier shall notify the Department within 24 hours of the equipment failure. Grab sampling or manual recording may not be substituted for continuous monitoring for longer than 5 working days after the equipment fails. The Department will consider case-by-case extensions of the time frame to comply if the water supplier provides written documentation that it was unable

**to repair or replace the malfunctioning equipment within 5 working days due to circumstances beyond its control.**

**[ (D) ] (E)** Shall continuously monitor and record the residual disinfectant concentration required under § 109.202(c)(1)(iii) (relating to State MCLs, MRDLs and treatment technique requirements) of the water being supplied to the distribution system and record the lowest value for each day. If a public water system's continuous monitoring or recording equipment fails, the public water supplier may, upon notification of the Department under § 109.701(a)(3), substitute grab sampling or manual recording, or both, every 4 hours in lieu of continuous monitoring. Grab sampling or manual recording may not be substituted for continuous monitoring for longer than 5 days after the equipment fails.

**[ (E) ] (F)** Shall measure the residual disinfectant concentration at representative points in the distribution system no less frequently than the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

**(ii) [ For ] Until \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.),** for a public water supplier serving 3,300 or fewer people, the Department may reduce the residual disinfectant concentration monitoring for the water being supplied to the distribution system to a minimum of 2 hours between samples at the grab sampling frequencies prescribed as follows if the historical performance and operation of the system indicate the system can meet the residual disinfectant concentration at all times:

| <i>System Size (People)</i> | <i>Samples / Day</i> |
|-----------------------------|----------------------|
| <500                        | 1                    |
| 500—1,000                   | 2                    |
| 1,001—2,500                 | 3                    |
| 2,501—3,300                 | 4                    |

If the Department reduces the monitoring, the supplier shall nevertheless collect and analyze another residual disinfectant measurement as soon as possible, but no longer than 4 hours from any measurement which is less than the residual disinfectant concentration approved under § 109.202(c)(1)(iii).

**(iii) [ For ] Until \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.),** for a public water supplier serving fewer than 500 people, the Department may reduce the source water turbidity monitoring to one grab sample per day, if the historical performance and operation of the system indicate effective disinfection is maintained under the range of conditions expected to occur in the system's source water.

\* \* \* \* \*

(11) *Monitoring requirements for entry points that do not provide water continuously.*

**(i)** Entry points from which water is not provided during every quarter of the year shall monitor in accordance with paragraphs (5)—(7) **and (14)**, except that monitoring is not required during a quarter when water is not provided to the public, unless special monitoring is required by the Department under § 109.302.

**(ii) At a minimum, all entry points shall provide water to the public on an annual basis to ensure all sources and entry points are included in routine**

**compliance monitoring.**

(12) *Monitoring requirements for disinfection byproducts and disinfection byproduct precursors.* Community water systems and nontransient noncommunity water systems that use a chemical disinfectant or oxidant shall monitor for disinfection byproducts and disinfection byproduct precursors in accordance with this paragraph. Community water systems and nontransient noncommunity water systems that obtain finished water from another public water system that uses a chemical disinfectant or oxidant to treat the finished water shall monitor for TTHM and HAA5 in accordance with this paragraph. Systems that use either surface water or GUDI sources and that serve at least 10,000 persons shall begin monitoring by January 1, 2002. Systems that use either surface water or GUDI sources and that serve fewer than 10,000 persons, or systems that use groundwater sources, shall begin monitoring by January 1, 2004. Systems monitoring for disinfection byproducts and disinfection byproduct precursors shall take all samples during normal operating conditions. Systems monitoring for disinfection byproducts and disinfection byproduct precursors shall use only data collected under this chapter to qualify for reduced monitoring. Compliance with the MCLs and monitoring requirements for TTHM, HAA5, chlorite (where applicable) and bromate (where applicable) shall be determined in accordance with 40 CFR 141.132 and 141.133 (relating to monitoring requirements; and compliance requirements) which are incorporated herein by reference.

\* \* \* \* \*

**§ 109.302. Special monitoring requirements.**

(a) The Department may require a public water supplier to conduct monitoring in addition to that required by § 109.301 (relating to general monitoring requirements) if the Department has reason to believe the public water system is not in compliance with the **action level, MCL, MRDL or treatment technique requirement** for the contaminant.

\* \* \* \* \*

**§ 109.303. Sampling requirements.**

(a) **[ The samples taken to determine a public water system's compliance with MCLs or MRDLs or to determine compliance with monitoring requirements shall be taken at the locations identified in §§ 109.301 and 109.302 (relating to general monitoring requirements; and special monitoring requirements), or as follows: ] The samples taken to determine a public water system's compliance with MCLs, MRDLs or treatment technique requirements or to determine compliance with monitoring requirements shall be taken at the locations identified in §§ 109.301, 109.302, 109.1003, 109.1103, 109.1202 and 109.1303 and as follows:**

\* \* \* \* \*

(4) Samples for determining compliance with MCLs for organic contaminants listed by the EPA under 40 CFR 141.61 (relating to maximum contaminant levels for organic contaminants) **[ and ],** inorganic contaminants listed by the EPA under 40 CFR 141.62 (relating to maximum contaminant levels (MCLs) for inorganic contaminants), **radionuclide contaminants listed by the EPA under 40 CFR 141.66 (relating to maximum contaminant levels for radionuclides)** and with the special monitoring requirements for unregulated contaminants under § 109.302(f) **(relating to special monitoring requirements)** shall be taken at each entry point to

the distribution system **which is representative of each source** after an application of treatment during periods of normal operating conditions. [ **If a system draws water from more than one source and the sources are combined prior to distribution, the system shall sample at the entry point where the water is representative of combined sources being used during normal operating conditions.** ] If a system draws water from more than one source and the sources are combined prior to distribution, the system shall sample at the entry point during periods of normal operating conditions when water is representative of all sources being used. If sources are blended at a consistent ratio prior to the entry point, a blended sample may be taken to determine compliance. If sources are not blended at a consistent ratio or if sources are alternated prior to the entry point, more than one sample shall be taken to ensure that the samples are representative of all sources.

\* \* \* \* \*

(h) Samples taken to determine compliance with beta particle and photon radioactivity under 40 CFR 141.66(d) may be composited as follows:

(1) Monitoring for gross beta-particle activity may be based on the analysis of a composite of 3 monthly samples.

(2) Monitoring for strontium-90 and tritium may be based on the analysis of a composite of 4 consecutive quarterly samples.

(i) **Samples taken to determine compliance with this chapter shall be taken in accordance with a written comprehensive monitoring plan as specified in § 109.717 (relating to comprehensive monitoring plan). These plans are subject to Department review and revision.**

**§ 109.304. Analytical requirements.**

\* \* \* \* \*

(c) For the purpose of determining compliance with the monitoring and analytical requirements established under this subchapter and Subchapters K, L and M (relating to lead and copper; long-term 2 enhanced surface water treatment rule; and additional requirements for groundwater sources), the Department will consider only samples analyzed by a laboratory accredited by the Department, except that measurements for turbidity, fluoridation operation, residual disinfectant concentration, temperature, pH, alkalinity, orthophosphates, silica, calcium, conductivity, daily chlorite[, ] and magnesium hardness may be performed by a person meeting one of the following requirements:

(1) A person meeting the requirements of § 109.704 (relating to operator certification).

(2) A person using a standard operating procedure as provided under authority of the Water and Wastewater Systems Operators' Certification Act (63 P.S. §§ 1001—1015.1) **and the regulations promulgated thereunder.**

(3) An environmental laboratory meeting the requirements of Chapter 252 (relating to environmental laboratory accreditation).

(d) A system shall have *Cryptosporidium* samples analyzed by a laboratory that is approved under the EPA's Laboratory Quality Assurance Evaluation Program for

Analysis of *Cryptosporidium* in Water or a laboratory that has been accredited for *Cryptosporidium* analysis by an equivalent Department laboratory accreditation program.

(e) **A water supplier shall calibrate all turbidimeters used for compliance monitoring using the procedure specified by the manufacturer. At a minimum, calibration with an EPA-approved primary standard shall be conducted at least every 90 days. The Department may extend this 90-day calibration frequency if the calibration due date coincides with a holiday or weekend, or during a water system emergency which prevents timely calibration.**

§ 109.305. [ Fees ] (Reserved).

[ (a) *Data management fees.* Community water systems shall submit the following data management fees to the Department by December 31, 1995:

| <i>System Size (population served)</i> | <i>Fee</i> |
|--|------------|
| <100                                   | \$ 120     |
| 100—1,000                              | \$ 120     |
| 1,001—3,300                            | \$ 240     |
| 3,301—10,000                           | \$ 360     |
| 10,001—50,000                          | \$ 600     |
| >50,000                                | \$1,200    |

(b) *Waivers.* A request for a waiver from the monitoring requirements in §§ 109.301 and 109.302 (relating to general monitoring requirements; and special monitoring requirements) shall be accompanied by the appropriate fee as follow:

| <i>System Size (population served)</i> | <i>Fee</i> |
|--|------------|
| <100                                   | \$ 100     |
| 100—1,000                              | \$ 200     |
| 1,001—3,300                            | \$ 400     |
| 3,301—10,000                           | \$ 500     |
| 10,001—50,000                          | \$1,000    |
| >50,000                                | \$2,000    |

Fees will be based on system size, taking into consideration the following conditions:

(1) For systems with one or more sources all in the same contribution area—for groundwater systems, the contribution area is the surface area overlying the portion of the aquifer through which water is diverted to a well or flows to a spring or infiltration gallery—the fee will be as indicated in this subsection.

(2) For systems with a single wellfield—one contribution area—the fee will be as indicated in this subsection.

(3) For systems with sources in two or more contribution areas, the fee will be as indicated in this subsection plus 1/2 of the system size fee as indicated in this subsection for each additional contribution area in which a source is located. ]

**Subchapter D. PUBLIC NOTIFICATION**

**§ 109.416. CCR requirements.**

This section applies only to community water systems and establishes the minimum requirements for the content of the annual CCR that each system [ **must** ] shall deliver to its customers. This report [ **shall** ] **must** contain information on the quality of the water delivered by the system and characterize the risks, if any, from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

\* \* \* \* \*

(4) [ *Report delivery and recordkeeping* ]. Each community water system shall do the following:

(i) Mail or otherwise directly deliver to each customer [ **and to the Department one copy of the annual CCR no later than the date the water system is required to distribute the CCR to its customers** ] **one copy of the annual CCR no later than the date specified in paragraph (2).**

(ii) **Mail a paper copy of the annual CCR to the Department no later than the date the water system is required to distribute the CCR to its customers.**

[ (ii) ] (iii) Make a good faith effort to reach consumers who do not get water bills. The Department will determine “good faith” based on those methods identified in 40 CFR 141.155(b) (relating to **report delivery [ requirements ] and recordkeeping**), which are incorporated by reference.

[ (iii) ] (iv) Submit in writing to the Department no later than 3 months after the delivery of the annual CCR:

(A) A certification that the annual CCR has been distributed to customers and that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the Department.

(B) A description of what was done to meet the good faith effort requirement described in subparagraph [ (ii) ] (iii).

[ (iv) ] (v) If another State agency or commission also regulates the community water system, submit a copy of the system’s annual CCR to the other agency or commission upon the specific request of that agency or commission no later than the date the water system is required to distribute the CCR to its customers. Each State agency or commission shall determine the way it requests a copy of the system’s CCR. Those agencies or commissions may include, but are not limited to, the following:

(A) The Pennsylvania Public Utility Commission and the Office of Consumer Advocate in the Office of the Attorney General, for water systems that are public utilities regulated under 66 Pa.C.S. (relating to Public Utility Code).

(B) The Department of [ **Public Welfare** ] **Human Services**, for self-contained community water systems serving personal care or other group housing facilities.

(C) The Department of Health, for self-contained community water systems serving skilled healthcare facilities.

[ (v) ] (vi) Make copies of its annual CCR available to the public on request.

[ (vi) ] (vii) If a community water system serves 100,000 or more people, post its current year’s report to a publicly accessible site on the Internet.

[ (vii) ] (viii) Retain copies of each annual CCR and the related information required in paragraph (3) on the premises of the system or at a convenient location near the premises for no less than 3 years after the date of its delivery to customers.

**Subchapter E. PERMIT REQUIREMENTS**

**§ 109.503. Public water system construction permits.**

(a) *Permit application requirements.* An application for a public water system construction permit shall be submitted in writing on forms provided by the Department and shall be accompanied by plans, specifications, engineer’s report, water quality analyses and other data, information or documentation reasonably necessary to enable the Department to determine compliance with the act and this chapter. The Department will make available to the applicant the *Public Water Supply Manual*, available from the Bureau of [ **Water Standards and Facility Regulation** ] **Safe Drinking Water**, Post Office Box [ **8774** ] **8467**, Harrisburg, Pennsylvania 17105 which contains acceptable design standards and technical guidance. Water quality analyses shall be conducted by a laboratory accredited under this chapter.

(1) *General requirements.* An application must include:

\* \* \* \* \*

(iii) *Information describing new sources.* **Information describing new sources must include the items specified in clauses (A)—(F). The information specified in clauses (C) and (D) may not be more than 2 years old from the date the permit application is submitted unless the Department approves the use of data more than 2 years old.** The Department may accept approval of an out-of-State source by the agency having jurisdiction over drinking water in that state if the supplier submits adequate proof of the approval and the agency’s standards are at least as stringent as this chapter. [ **Information describing sources must include:**

(A) **A comprehensive sanitary survey of the physical surroundings of each new source of raw water and its proximity to potential sources of contamination. For surface water, this information shall include a description of the watershed topography and land uses within the watershed. For systems using wells, springs or infiltration galleries, this information shall include a hydrogeological report prepared and signed by a professional geologist who has complied with the requirements of the Engineer, Land Surveyor and Geologist Registration Law (63 P.S. §§ 148—158.2) describing the geology of the area including the source aquifers, overlying formations, hydrogeologic boundaries, aquifer porosity estimates, water table contour or potentiometric surface maps depicting prepumping conditions and other information deemed necessary to evaluate the hydraulic characteristics of the aquifer and demonstrate the suitability of the proposed source. At the discretion of the Department, these requirements may be altered for a proposed well, wellfield, spring or infiltration gallery that will be pumping less than or yielding less than 100,000 gallons per day.**

(B) **An evaluation of the quality of the raw water from each new source. This clause does not apply when the new source is finished water obtained from an existing permitted community water system unless the Department provides written notice that an evaluation is required. The evaluation must include analysis of the following:**

(I) **VOCs for which MCLs have been established by the EPA under the National Primary Drinking**

Water Regulations in 40 CFR 141.61(a) (relating to maximum contaminant levels for organic contaminants). Vinyl chloride monitoring is required only if one or more of the two-carbon organic compounds specified under § 109.301(5)(i) (relating to general monitoring requirements) are detected. Samples for VOCs shall be collected in accordance with § 109.303(d) (relating to sampling requirements).

(II) Except for asbestos, IOCs for which MCLs have been established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.62 (relating to maximum contaminant levels for inorganic contaminants). The new source shall be monitored for asbestos if the Department has reason to believe the source water is vulnerable to asbestos contamination.

(III) Lead.

(IV) Copper.

(V) Total coliform concentration and, if total coliform-positive, analyze for the presence of *E. coli*.

(VI) SOCs.

(-a-) Except for SOCs that have been granted a Statewide waiver, SOCs for which MCLs have been established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.61(c).

(-b-) Dioxin where there is a source of dioxin contamination within 1,000 feet of a groundwater source or within 1 mile upstream of a surface water source.

(-c-) Polychlorinated biphenyls (PCBs) where there is a source of PCB contamination within 1,000 feet of a groundwater source or within 1 mile upstream of a surface water source.

(VII) Gross Alpha ( $\alpha$ ), radium-226, radium-228, uranium and Gross Beta ( $\beta$ ).

(VIII) Aluminum, chloride, color, foaming agents, iron, manganese, pH, silver, sulfate, total dissolved solids and zinc for which MCLs have been established by the EPA under the National Secondary Drinking Water Regulations in 40 CFR 143.3 (relating to secondary MCLs).

(IX) Alkalinity.

(X) Hardness.

(XI) Temperature.

(XII) For surface water or GUDI sources, *E. coli* or *Cryptosporidium*, or both, as specified in § 109.1202 (relating to monitoring requirements).

(XIII) Other contaminants that the Department determines necessary to evaluate the potability of the source. ]

(A) A source water assessment of each new raw water source.

(B) A pre-drilling plan for a new groundwater source prepared and signed by a professional geologist licensed to practice in this Commonwealth. The pre-drilling plan shall be submitted and approved by the Department prior to well construction and conducting an aquifer test. At a minimum, the pre-drilling plan must include preliminary results of the source water assessment, a hydrogeologic description, an aquifer test monitoring plan and the proposed well construction design.

(C) An evaluation of the quantity of the raw water from each new source. Flow data shall be submitted for springs, infiltration galleries or surface water sources. Aquifer test data, including drawdown and recovery data and the derivation of hydraulic conductivity, transmissivity and storage coefficient of the aquifer, shall be submitted for wells. At the discretion of the Department, these requirements may be altered for wells or wellfields pumping less than 100,000 gallons per day. The Department may require [ that other information be submitted ] additional information to evaluate the safe or sustainable yield of the source. The safe or sustainable yield is the amount of water that can be withdrawn from an aquifer without causing an undesired result, such as adverse dewatering of an aquifer, induced potential health threats or impacts upon stream uses.

(D) [ A Department approved delineation of the Zone I wellhead protection area for community water system wells, springs or infiltration galleries. ] An evaluation of the quality of the raw water from each new source. For groundwater sources, the evaluation shall be conducted at the conclusion of the constant rate aquifer test. This clause does not apply when the new source is finished water obtained from an existing permitted community water system unless the Department provides written notice that an evaluation is required. The evaluation must include analysis of all of the following:

(I) VOCs for which MCLs have been established by the EPA in 40 CFR 141.61(a) (relating to maximum contaminant levels for organic contaminants). Vinyl chloride monitoring is required only if one or more of the two-carbon organic compounds specified in § 109.301(5)(i) (relating to general monitoring requirements) are detected. Samples for VOCs shall be collected in accordance with § 109.303(d) (relating to sampling requirements).

(II) IOCs, including asbestos, for which MCLs have been established by the EPA in 40 CFR 141.62 (relating to maximum contaminant levels for inorganic contaminants).

(III) Lead.

(IV) Copper.

(V) Total coliform and *E. coli* concentration.

(VI) SOCs, including dioxin and PCBs, for which MCLs have been established by the EPA in 40 CFR 141.61(c).

(VII) Gross Alpha ( $\alpha$ ), radium-226, radium-228, uranium and Gross Beta ( $\beta$ ).

(VIII) Aluminum, chloride, color, foaming agents, iron, manganese, pH, silver, sulfate, total dissolved solids and zinc for which MCLs have been established by the EPA in 40 CFR 143.3 (relating to secondary maximum containment levels).

(IX) Alkalinity.

(X) Hardness.

(XI) Temperature.

(XII) For surface water or GUDI sources, *E. coli* or *Cryptosporidium*, or both, as specified in § 109.1202 (relating to monitoring requirements).

(XIII) Turbidity.

(XIV) For groundwater sources, the monitoring specified in § 109.302(f) (relating to special monitor-

ing requirements) if the Department determines that the source is susceptible to surface water influence.

(XV) Other contaminants that the Department determines necessary to evaluate the potability of the source.

(E) A hydrogeologic report for a new groundwater source. For wells, springs or infiltration galleries, this information must include a description of the geology of the area including the source aquifers, overlying formations, hydrogeologic boundaries, aquifer porosity estimates, water table contour or potentiometric surface maps depicting pre-pumping conditions and other information deemed necessary to evaluate the hydraulic characteristics of the aquifer and demonstrate the suitability of the proposed source and a Department approved delineation of the Zone I and Zone II wellhead protection areas. All information included in the source water assessment, in addition to the results of the water quantity and quality evaluations as specified in clauses (C) and (D), must be included in a hydrogeological report prepared and signed by a professional geologist licensed to practice in this Commonwealth.

(F) A description of the watershed topography and land uses within the watershed for a new surface water source.

(iv) Chapter 102 requirements. An erosion and sedimentation control plan which meets the requirements contained in Chapter 102 (relating to erosion and sediment control) when earth-moving activities are involved.

\* \* \* \* \*

(c) Permit fees. An application for a permit from the Department under this subchapter must be accompanied by a fee in the amount specified in Subchapter N (relating to drinking water fees).

[ (1) An application for a permit or a major permit amendment under subsection (a)(1), except for an application for construction or modification of corrosion control treatment facilities under § 109.1105 (relating to permit requirements), shall be accompanied by a check in the amount of \$750, payable to the "Commonwealth of Pennsylvania," except a fee is not required for an application submitted by a State regulatory agency, or an application submitted for a public water system serving 100 or fewer individuals. The fees for permitting and related services under § 109.1105 for corrosion control treatment facilities are established under § 109.1108 (relating to fees).

(2) A fee is not required for an application for an emergency permit under § 109.506 (relating to emergency permits) or an amendment under subsection (b)(2). ]

(d) Department's review.

\* \* \* \* \*

§ 109.505. Requirements for noncommunity water systems.

(a) A noncommunity water system shall obtain a construction permit under § 109.503 (relating to public water system construction permits) and an operation permit under § 109.504 (relating to public water system operation permits), unless the noncommunity water system satisfies paragraph (1) or (2). The Department retains the right to require a noncommunity water system

that meets the requirements of paragraph (1) or (2) to obtain a construction and an operation permit, if, in the judgment of the Department, the noncommunity water system cannot be adequately regulated through standardized specifications and conditions. A noncommunity water system which is released from the obligation to obtain a construction and an operation permit shall comply with the other requirements of this chapter, including design, construction and operation requirements described in Subchapters F and G (relating to design and construction standards; and system management responsibilities).

\* \* \* \* \*

(2) A noncommunity water system not covered under paragraph (1) is not required to obtain a construction and an operation permit if it satisfies the following specifications and conditions:

(i) The sources of supply for the system are groundwater sources requiring treatment no greater than [ disinfection to ] hypochlorite or ultraviolet light disinfection to reduce total coliform bacteria concentrations to undetectable levels in the finished water, and otherwise provide water of a quality that meets the primary MCLs established under Subchapter B (relating to MCLs, MRDLs or treatment technique requirements).

(ii) [ The water supplier files a brief description of the system, including raw source quality data, on forms acceptable to the Department. Amendments to the system description shall be filed when a substantial modification is made to the system. Descriptions of new systems or modifications shall be submitted and approved by the Department prior to construction. ] The water supplier submits a noncommunity water system application, including raw source water quality data, on forms acceptable to the Department, and receives Department approval of the facilities prior to construction or operation. The water supplier shall also submit a noncommunity water system application to the Department for proposed modifications to the system or a change of ownership, and receive Department approval prior to construction or operation.

(3) A noncommunity water system which satisfies the requirements of paragraphs (1) and (2) shall provide the Department with the following information describing new sources, including an evaluation of the quality of the raw water from each new source. Water quality analyses shall be conducted by a laboratory certified under this chapter. This paragraph does not apply when the new source is finished water obtained from an existing permitted community water system or an existing permitted or approved noncommunity water system unless the Department provides written notice that one or more of the provisions of this paragraph apply.

\* \* \* \* \*

(ii) For nontransient noncommunity water systems, the evaluation must include the information required under [ § 109.503(a)(1)(iii)(B) ] § 109.503(a)(1)(iii)(D).

\* \* \* \* \*

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

§ 109.511. General permits.

(a) The Department may issue a general permit, instead of issuing a construction and operation permit under this subchapter, for a specific category of modifications if all of the following conditions are met:

(1) The modifications in the category are the same or substantially similar in nature.

(2) The modifications in the category are not prejudicial to the public health and can be adequately regulated utilizing standardized specifications and conditions.

(3) The modifications in the category will comply with the design and construction standards under Subchapter F (relating to design and construction standards).

(b) The Department may suspend, revoke, modify, reissue or terminate coverage under a general permit issued under this chapter for noncompliance with a condition of the permit, or upon a finding of a condition prejudicial to the public health.

(c) Issuance of a general permit does not exempt a person from compliance with this chapter.

#### Subchapter F. DESIGN AND CONSTRUCTION STANDARDS

##### § 109.602. Acceptable design.

(a) A public water system shall be designed to provide an adequate and reliable quantity and quality of water to the public. The design must ensure that the system will, upon completion, be capable of providing water that complies with the primary and secondary MCLs, MRDLs and treatment techniques established in Subchapters B, K, L and M [ **(relating to MCLs, MRDLs or treatment technique requirements; long-term 2 enhanced surface water treatment rule; and additional requirements for groundwater sources)** ] except as further provided in this section.

\* \* \* \* \*

(e) Point-of-use devices which are treatment devices applied to a single tap are not an acceptable treatment method for complying with an MCL, MRDL or treatment technique requirement.

(f) A public water system that provides filtration of surface water or GUDI sources must be equipped with alarm capabilities that meet the requirements of subsection (i) by \_\_\_\_\_. (*Editor's Note: The blank refers to 12 months after the effective date of adoption of this proposed rulemaking.*)

(g) A public water system that provides filtration of surface water or GUDI sources and that is not staffed continuously while the plant is operating must be equipped with alarm and shutdown capabilities that meet the requirements of subsection (i) by \_\_\_\_\_. (*Editor's Note: The blank refers to 12 months after the effective date of adoption of this proposed rulemaking.*)

(h) In addition to public water systems covered under subsection (f) or (g), the Department may require a public water system to meet the requirements of subsection (i), according to a schedule set forth in a permit or order issued by the Department.

(i) Alarm and shutdown capabilities must conform to all of the following:

(1) Be set forth in the water system's operation and maintenance plan and set at a level no less stringent than the level needed for the facility to continuously maintain compliance with applicable MCLs, MRDLs and treatment technique requirements.

(2) Be established for the following parameters, at a minimum:

(i) Individual filter effluent turbidity and combined filter effluent turbidity for filter plants treating surface water or GUDI sources.

(ii) Entry point disinfectant residual.

(iii) Clearwell water levels.

(iv) Any other operational parameter determined by the Department as necessary for the system to maintain compliance.

(3) Be capable of notifying the available operator on duty of events triggering an alarm or plant shutdown.

##### § 109.606. Chemicals, materials and equipment.

(a) Chemicals [ or ], materials or equipment which may come in contact with the water or affect the quality of the water may not be used unless the chemicals [ or ], materials or equipment are acceptable to the Department.

(b) Chemicals used by a public water supplier which may come in contact with or affect the quality of the water and which are certified for conformance with ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals—Health Effects—National Sanitation Foundation) or meet the food grade standards of the *United States Pharmacopeia* are deemed acceptable to the Department.

(c) Materials or equipment used in the construction or modification of a public water system, including water-line extensions, mechanical devices and drinking water treatment equipment, which may come into contact with or affect the quality of the water and which are certified for conformance with ANSI/NSF Standard 61 (Drinking Water System Components—Health Effects—National Sanitation Foundation) are deemed acceptable to the Department.

(d) Drinking water treatment equipment used in the construction or modification of a public water system that may come into contact with or affects the quality of the water and that is certified for inactivation, reduction or removal performance in conformance with PDWEP is deemed acceptable to the Department.

[ (d) ] (e) Acceptable certification under subsection (b) [ or (c) ], (c) or (d) related to ANSI/NSF Standards 60 and 61 or PDWEP includes that performed by NSF International or other certification organization acceptable to the Department. To be acceptable to the Department, a certification organization shall be accredited by ANSI as a third party certification organization and meet the following requirements. The organization shall:

(1) Demonstrate it is independent of manufacturers using the certification organization's services.

(2) Require that a registered mark or seal be placed upon each product certified under ANSI/NSF Standard 60 or 61 or PDWEP, as applicable.

(3) Maintain an ongoing quality assurance and quality control program that includes, at a minimum, the following:

(i) Periodic announced and unannounced factory follow-ups and audits at sufficient frequency and in sufficient detail to assure the product evaluated is the same as the product being manufactured.



(ii) Maintenance of or accessibility to a laboratory certified by the Department meeting the minimum laboratory certification criteria for drinking water analysis.

(iii) Maintenance of staff toxicologists or accessibility to toxicologists to perform the toxicological review and evaluation portions of the product assessments.

(iv) Maintenance of procedures for notification and recall of the use of the registered mark or seal for previously certified products which do not meet the certification requirements of ANSI/NSF Standards 60 and 61 or PDWEP.

(v) For equipment that is claimed to remove or reduce a specific contaminant, the name of the organization that meets the accreditation standards of the American National Standards Institute and that has certified the device to verify its inactivation, reduction or removal performance for that contaminant, the name of the testing protocol or standard used to test the device, a statement from the testing laboratory giving the date of the test, a summary of the results and the date, if any, by which the device shall be retested for verification of the removal or reduction performance to remain effective.

(4) Require appropriate product reevaluation depending upon the results of the factory follow-ups and audits and changes in the standards themselves.

(5) Perform certification evaluations for any manufacturer or applicant.

(6) Evaluate and certify an appropriately broad range of products—additives, direct additives or indirect additives.

(7) Maintain and publish a listing of certified products and distribute the listing to State regulatory agencies and others, as appropriate, at least annually.

[ (e) ] (f) Facilities or equipment, including, but not limited to, pipes, pumping facilities and storage tanks, previously or currently used for the treatment, storage or transportation of wastewater, petroleum products or other nonfood products, except for facilities or equipment used to store or transport chemicals used in treating drinking water, may not be used for the treatment, transportation or storage of drinking water.

§ 109.612. POE devices.

\* \* \* \* \*

(b) POE devices and components used by a public water supplier shall be tested and certified by the NSF or other certification organization acceptable to the Department against ANSI/NSF standards established for drinking water treatment devices. To be acceptable to the Department a certification organization other than NSF shall have a program at least as stringent as the NSF program and meet the requirements under [ § 109.606(d) ] § 109.606(e) (relating to chemicals, materials and equipment) as applicable to ANSI/NSF standards for drinking water treatment devices.

\* \* \* \* \*

Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES

§ 109.701. Reporting and recordkeeping.

(a) Reporting requirements for public water systems. Public water systems shall comply with the following requirements:

\* \* \* \* \*

(2) Monthly reporting requirements for performance monitoring.

(i) The test results of performance monitoring required under § 109.301(1) (relating to general monitoring requirements) for public water suppliers providing filtration and disinfection of surface water or GUDI sources must include the following at a minimum:

(A) For the combined filter effluent turbidity performance monitoring:

\* \* \* \* \*

(VII) Instead of subclauses (III) and (IV), beginning January 1, 2002, for public water systems that serve 10,000 or more people and use other filtration technologies:

(-a-) The number of filtered water turbidity measurements that are less than or equal to 0.3 NTU or a more stringent turbidity performance level requirement that is based upon onsite studies and is specified by the Department.

(-b-) The date, time and values of any filtered water turbidity measurements exceeding 1 NTU or a more stringent turbidity performance level requirement that is based upon onsite studies and is specified by the Department.

(VIII) Instead of subclauses (III)—(VII), beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.), the number of filtered water turbidity measurements that are less than or equal to all of the following:

(-a-) 0.30 NTU for conventional or direct filtration technologies.

(-b-) 1.0 NTU for slow sand or diatomaceous earth filtration technologies.

(-c-) 0.15 NTU for membrane filtration technologies.

(-d-) 0.30 NTU for other filtration technologies unless a more stringent turbidity performance level requirement is specified by the Department.

(IX) Instead of subclauses (III)—(VII), beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.), the date, time and values of any filtered water turbidity measurements exceeding all of the following:

(-a-) 1.0 NTU for conventional, direct or membrane filtration technologies.

(-b-) 2.0 NTU for slow sand or diatomaceous earth filtration technologies.

(-c-) 1.0 NTU for other filtration technologies unless a more stringent turbidity performance level requirement is specified by the Department.

(B) For performance monitoring of the residual disinfectant concentration of the water being supplied to the distribution system:

\* \* \* \* \*

(ii) The test results of performance monitoring required under § 109.301(2) for public water suppliers using unfiltered surface water or GUDI sources [ shall ] must include the following, at a minimum:

(A) For turbidity performance monitoring:

(I) The date, time and value of each sample that exceeds 1.0 NTU.

(II) The date, time and highest turbidity value, if the turbidity does not exceed 1.0 NTU in a sample.

**(III) Instead of subclauses (I) and (II), beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.):**

**(-a-) The number of source water turbidity measurements taken each month.**

**(-b-) For measurements in which the source water turbidity is greater than 1.0 NTU, the date, time and value for each occurrence that the turbidity exceeds 1.0 NTU and the subsequent date, time and value that the turbidity is less than or equal to 1.0 NTU.**

**(-c-) The date, time and highest turbidity value for each day the source water turbidity remains less than or equal to 1.0 NTU.**

(B) For performance monitoring of the residual disinfectant concentration of the water being supplied to the distribution system:

\* \* \* \* \*

(3) *One-hour reporting requirements.* A public water supplier shall report the circumstances to the Department within 1 hour of discovery for the following violations or situations:

(i) A primary MCL or an MRDL has been exceeded or a treatment technique requirement has been violated under Subchapter B, K, L or M.

(ii) A sample result requires the collection of check samples under § 109.301.

(iii) Circumstances exist which may adversely affect the quality or quantity of drinking water including, but not limited to:

(A) The occurrence of a waterborne disease outbreak.

(B) A failure [ or ], significant interruption or **break-down** in key water treatment processes.

(C) A [ **natural** ] disaster that disrupts the water supply or distribution system.

\* \* \* \* \*

(9) *Level 1 and Level 2 assessments.* A public water supplier shall:

(i) Submit an assessment form completed in accordance with § 109.705(b) (relating to system evaluations and assessments) to the Department within 30 days after the system learns that it has exceeded a trigger under § 109.202(c)(4).

(ii) Submit a revised assessment form in accordance with § 109.705(b) within 30 days of notification from the Department that revisions are necessary.

**(10) Reporting requirements for disinfection byproducts.** In addition to the reporting requirements specified in paragraph (1), public water systems monitoring for disinfection byproducts under § 109.301(12) shall report the individual constituents for total trihalomethanes and haloacetic acids.

[ (10) ] (11) *Noncompliance report.* Except where a different reporting period is specified in this chapter, the water supplier shall report to the Department within 48

hours the failure to comply with any National Primary Drinking Water Regulation, including the failure to comply with any monitoring requirement set forth in this chapter.

\* \* \* \* \*

(e) *Reporting requirements for public water systems required to perform individual filter monitoring under § 109.301(1)(iv).*

(1) Public water systems required to perform individual filter monitoring shall report that they have conducted individual filter monitoring within 10 days following the end of each month that the system serves water to the public.

(2) Public water systems required to perform individual monitoring **under § 109.301(1)(iii)** shall report individual filter turbidity results if individual filter turbidity measurements demonstrate that one or more of the following conditions exist:

(i) An individual filter has a measured turbidity level greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart.

(ii) An individual filter has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first 4 hours of continuous filter operation after the filter has been backwashed or otherwise taken offline.

(iii) An individual filter has a measured turbidity level greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of 3-consecutive months.

(iv) An individual filter has a measured turbidity level greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of 2-consecutive months.

**(v) Instead of subparagraph (i), beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.), an individual filter has a measured turbidity level greater than 0.30 NTU for conventional, direct or other filtration technologies, 0.15 NTU for membrane filtration technologies or 1.0 NTU for slow sand or diatomaceous earth filtration technologies in two consecutive measurements taken 15 minutes apart.**

**(vi) Instead of subparagraph (ii), beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.), an individual filter has a measured turbidity level of greater than 0.30 NTU for conventional, direct or other filtration technologies, 0.15 NTU for membrane filtration technologies or 1.0 NTU for slow sand or diatomaceous earth filtration technologies in two consecutive measurements taken 15 minutes apart at the end of the first 4 hours of continuous filter operation after the filter has been backwashed or otherwise taken offline.**

**(vii) Instead of subparagraph (iii), beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.), an individual filter has a measured turbidity level greater than 0.30 NTU for conventional, direct or other filtration technologies, 0.15 NTU for membrane filtration technologies or 1.0 NTU for slow sand or diatomaceous earth**

filtration technologies in two consecutive measurements taken 15 minutes apart at any time in each of 3 consecutive months.

(viii) Instead of subparagraph (iv), beginning \_\_\_\_\_ (Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.), an individual filter has a measured turbidity level greater than 1.0 NTU for conventional, direct, membrane or other filtration technologies, or 2.0 NTU for slow sand or diatomaceous earth filtration technologies in two consecutive measurements taken 15 minutes apart at any time in each of 2 consecutive months.

(3) Individual filter turbidity monitoring reported as required under paragraph (2) [ shall ] must include the following at a minimum:

\* \* \* \* \*

§ 109.702. Operation and maintenance plan.

(a) A community water supplier shall develop an operation and maintenance plan for the community water system. The operation and maintenance plan must generally conform to the guidelines contained in the Department's Public Water Supply Manual and must contain at least the following information:

\* \* \* \* \*

(13) An interconnect, valve [ and blowoff ], blowoff, alarm and shutdown, and auxiliary power equipment exercise and testing program.

\* \* \* \* \*

§ 109.703. Facilities operation.

(a) Public water system facilities approved by written permit from the Department shall be operated in a manner consistent with the terms and conditions of the permit to achieve the level of treatment for which the facilities were designed.

(b) For surface water or GUDI sources, a public water supplier using filtration shall comply with the following requirements:

(1) [ By July 1, 1990, suppliers using conventional or direct filtration shall, after filter backwash, and before putting the backwashed filter back on line, filter-to-waste until the filter bed effluent turbidity is less than 0.5 NTU at the normal production flow rate. ] Water suppliers using conventional or direct filtration shall, prior to returning a filter to service, filter-to-waste for one full filter volume and until the filter bed effluent turbidity is less than 0.30 NTU at the normal production flow rate. Water suppliers may implement filter-to-waste for a period of time less than one full filter bed volume if an alternate operating technique is properly utilized to minimize the postbackwash turbidity spike to less than 0.15 NTU. Alternate techniques may include extended terminal subfluidization backwash, permitted addition of coagulant during the backwash or a post-backwash offline filter resting period. Water suppliers implementing alternate techniques shall keep records to document consistent and proper utilization of the technique.

(2) [ Beginning May 16, 1992, a ] A water supplier using slow sand filtration shall, following sanding, scraping or resanding of slow sand filters, filter-to-waste until one of the following occurs:

(i) The filter bed effluent turbidity is less than 1.0 NTU at the normal production flow rate.

(ii) A reduction in turbidity is achieved when the source water turbidity is less than 1.0 NTU.

(3) [ Beginning May 16, 1992, a ] A water supplier using diatomaceous earth filtration shall, following backwashing and recoating of diatomaceous earth filters, filter-to-waste until one of the following occurs:

(i) The filter bed effluent turbidity is less than 1.0 NTU at the normal production flow rate.

(ii) A reduction in turbidity is achieved when the source water turbidity is less than 1.0 NTU.

(4) For a conventional or direct filtration facility permitted prior to March 25, 1989, without filter-to-waste capability, the Department, upon the supplier's request, may allow the supplier to utilize other operating techniques which minimize the initial increased turbidity peak when a filter is initially placed back into service after backwashing. The technique, which may include filter settling periods, ramping open the effluent valve or use of a coagulant in the backwash water, shall be justified by a filter performance study approved by the Department.

(5) [ Except for public water systems covered under § 109.301(1)(iv) (relating to general monitoring requirements), a system with conventional or direct filtration facilities permitted prior to March 25, 1989, without individual filter bed turbidity monitoring capabilities shall conduct an annual filter bed evaluation program, acceptable to the Department, which includes an evaluation of filter media, valves, surface sweep and sampling of filter turbidities over one entire filter run; and shall submit to the Department, with the Annual Water Supply Report, a study that demonstrates that the water supplier's filter-to-waste or alternate approved operating procedures are meeting the operating conditions under paragraph (1) or (4). ] A system with filtration facilities shall implement a filter bed evaluation program, acceptable to the Department, which includes an evaluation of filter media, filter bed expansion, valves, surface sweep and sampling of filter turbidities over one entire filter run. The results of the evaluation shall be maintained on file and submitted to the Department upon request.

(c) A public water supplier required to install alarm or shutdown capabilities, or both, under § 109.602 (relating to acceptable design) shall comply with the following:

(1) Test the alarm and shutdown capabilities at least quarterly and document the results in the plant's operational log. To avoid unnecessary disruptions in treatment, simulated testing of shutdown capabilities is acceptable.

(2) For any failures of alarm or shutdown equipment:

(i) Ensure the plant is adequately staffed until the equipment is operational.

(ii) Notify the Department as soon as possible of any failure that cannot be corrected within 24 hours.

(iii) Restore the equipment to operation within 5 working days of the failure unless a longer period of time is approved by the Department.

**§ 109.704. Operator certification.**

(a) Community and nontransient noncommunity water systems shall have personnel certified under the Water and Wastewater Systems Operators' Certification Act (63 P.S. §§ 1001—1015.1) **and the regulations promulgated thereunder** to operate and maintain a public water system.

(b) Transient noncommunity water systems shall have competent personnel qualified to operate and maintain the system's facilities.

**§ 109.705. System evaluations and assessments.**

(a) A community water supplier shall conduct an evaluation of the water system at least annually. The evaluation shall include the following activities:

(1) [ **Watershed surveillance consisting of an** ] An inspection of portions of the [ **drainage area or well-head** ] **source water** protection area necessary to identify and evaluate actual and [ **probable** ] **potential** sources of contamination.

(i) An inspection of a [ **wellhead** ] **source water** protection area shall include a review of available information pertaining to possible sources of contamination such as underground storage tanks, onlot disposal systems and other activities that may have an adverse impact on water quality or quantity.

(ii) Specific hydrogeological studies of sources of contamination are not necessary unless required under § 109.4, § 109.602 or § 109.603 (relating to general requirements; acceptable design; and source quality and quantity) or other rules of the Department.

(iii) **Revisions to the source water assessment if the inspection identified changes to actual or potential sources of contamination.**

(2) Evaluation of [ **source protection,** ] intake structures and transmission facilities.

(3) Treatment facilities inspection consisting of an evaluation of the effectiveness of the operation and maintenance procedures and the condition and operability of permitted facilities.

(4) Evaluation of finished water storage facilities and the distribution system.

(5) Pressure surveys consisting of a measurement of pressures at representative points in the distribution system, which shall include new water line extensions. Surveys shall be made during periods of maximum and minimum usage. Records of these surveys shall show the date and time of the beginning and end of the test and the location at which the test was made.

**(6) The results of the annual system evaluation must be documented and made available to the Department upon request.**

(b) A public water system shall conduct Level 1 and 2 assessments required under § 109.202(c)(4) (relating to State MCLs, MRDLs and treatment technique requirements). The public water system shall also comply with any expedited actions or additional actions required by the Department in the case of an *E. coli* MCL violation.

\* \* \* \* \*

(9) At any time during the assessment or corrective action phase, either the public water system or the Department may request a consultation with the other party to determine the appropriate actions to be taken.

The public water system may consult with the Department on all relevant information that may impact its ability to comply with a requirement of this subsection.

[ (c) **The following apply to significant deficiencies identified at public water systems supplied by a surface water source and public water systems supplied by a groundwater source under the direct influence of surface water:**

(1) **For sanitary surveys performed by the Department, a system shall respond in writing to significant deficiencies identified in sanitary survey reports no later than 45 days after receipt of the report, indicating how and on what schedule the system will address significant deficiencies noted in the survey.**

(2) **A system shall correct significant deficiencies identified in sanitary survey reports according to the schedule approved by the Department, or if there is no approved schedule, according to the schedule reported under paragraph (1) if the deficiencies are within the control of the system.**

(d) **Significant deficiencies identified by the Department at public water systems using groundwater shall comply with § 109.1302(c) (relating to treatment technique requirements). ]**

§ 109.706. System [ **distribution** ] map.

(a) [ **The community** ] A public water supplier shall prepare and maintain on file a detailed map of the water [ **system's transmission and distribution facilities** ] system. A copy of the map shall be submitted to the Department upon request.

(b) [ **A noncommunity water supplier shall submit a detailed map of the water system's transmission and distribution facilities at the request of the Department.** ] At a minimum the map must include all of the following:

(1) **Source and treatment plant locations.**

(2) **Size and location of storage facilities.**

(3) **Pump station locations.**

(4) **Size, location and construction material of pipes.**

(5) **Pressure zones.**

(6) **Interconnections with other public water systems.**

(7) **Monitoring locations.**

(c) [ **The map shall include information sufficient to allow the Department to analyze the distribution system and determine quantity, pressure and direction of flow from the sources to the customers, and shall include the type and size of pipes within the distribution system. The map shall be updated at least annually.** ] The map shall be reviewed by the water supplier at least annually and updated as necessary. Water suppliers may meet this requirement by maintaining a calibrated hydraulic model instead of paper maps.

§ 109.708. [ **Planned service interruptions** ] System service and auxiliary power.

(a) **System service.** No later than the dates specified in paragraphs (1)—(3), a community water supplier shall ensure operation of the sources,

treatment and pumping facilities necessary to ensure that safe and potable water is continuously supplied to users in accordance with subsection (b) or (c), or both. A continuous supply of safe and potable water is one that meets all applicable MCLs, MRDLs and treatment techniques specified in § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements) and is sufficient to maintain system pressure specified in § 109.607 (relating to pressures) throughout the distribution system.

(1) By \_\_\_\_\_ (*Editor's Note: The blank refers to 12 months after the effective date of adoption of this proposed rulemaking.*), for systems serving 3,300 or fewer persons.

(2) By \_\_\_\_\_ (*Editor's Note: The blank refers to 24 months after the effective date of adoption of this proposed rulemaking.*), for systems serving 3,301–10,000 persons.

(3) By \_\_\_\_\_ (*Editor's Note: The blank refers to 36 months after the effective date of adoption of this proposed rulemaking.*), for systems serving greater than 10,000 persons.

(b) *Auxiliary power.* System service must be provided through one or more of the following methods:

(1) Connection to at least two independent power feeds from separate substations.

(i) The power feeds may not be located in the same conduit or supported from the same utility pole.

(ii) If overhead power feeds are used, the power feeds may not cross or be located in an area where a single plausible occurrence (for example, a fallen tree) could disrupt both power feeds.

(2) Onsite auxiliary power sources (that is, generators or engines).

(c) *Alternate provisions.* The Department may approve alternate provisions, such as finished water storage capacity or interconnections with another public water system, to meet the requirements of subsection (a).

(d) *Planned service interruptions.* The public water supplier shall give reasonable notice to the affected customers prior to a planned service interruption affecting quantity or quality of the water delivered to the customer. If the interruption is scheduled to exceed 8 hours and affect 15 or more service connections the water supplier shall also notify the Department.

§ 109.713. [ **Wellhead** ] **Source water** protection program.

(a) For water suppliers seeking to obtain Department approval for a [ **wellhead** ] **source water** protection program, the [ **wellhead** ] **source water** protection program shall, at a minimum, consist of all of the following elements:

(1) A steering committee composed of the necessary representatives, including, but not limited to, the water supplier, local government officials from the affected jurisdictions and potentially affected industry, to designate responsibilities for the planning and implementation of [ **wellhead** ] **source water** protection activities.

(2) Public participation and education activities to promote awareness and encourage local support of [ **wellhead** ] **source water** protection activities.

(3) [ **Zone II and Zone III wellhead protection area delineation performed in accordance with methodology provided by the Department. Methods applicable to that hydrogeologic setting shall be utilized and site-specific hydraulic and hydrogeologic information shall include, but is not limited to, pumping rate or yield, aquifer properties, water table or potentiometric surface configuration and hydrogeologic mapping.** ] A map depicting the source water protection areas that were delineated in accordance with the methodology provided by the Department.

(4) [ **Identification of existing and potential sources of contamination within each wellhead protection area.** ] A source water assessment for each source. If a source water assessment has not been previously conducted, identification of the source's susceptibility to potential and existing sources of contamination within each source's contributing area conducted in accordance with the methodology provided by the Department.

(5) Development and implementation of [ **wellhead** ] **source water** protection area management approaches to protect the water supply source from activities that may contaminate the source. These approaches may include, but are not limited to, one or more of the following actions:

(i) Purchase of the [ **wellhead** ] **source water** protection area by the water system.

(ii) Adoption of municipal ordinances or regulations controlling, limiting or prohibiting future potential sources of contamination within the [ **wellhead** ] **source water** protection area.

(iii) Adoption of municipal ordinances or regulations establishing design and performance standards for potential sources of contamination within the [ **wellhead** ] **source water** protection area.

(iv) Transfer of development rights within the [ **wellhead** ] **source water** protection area to land outside of the [ **wellhead** ] **source water** protection area.

(v) [ **A** ] **For groundwater sources, a groundwater monitoring network that serves as an early warning system.**

(vi) Public education programs.

(vii) Other methods approved by the Department which will ensure an adequate degree of protection for the source.

(6) Contingency planning for the provision of alternate water supplies in the event of contamination of a [ **well, spring or infiltration gallery** ] **source** and emergency responses to incidents that may impact water supply source quality.

(7) [ **New water supply source siting provisions to ensure the protection of new wells, springs or infiltration galleries.** ] **Provisions to ensure the protection of sites identified for development as new water sources.**

(b) **Water suppliers with an approved source water protection program shall review and update the program on an annual basis to ensure it is accurate and reflects current activities, and shall complete and submit the current version of the Department-provided annual update form.**

(Editor's Note: Sections 109.716 and 109.717 are proposed to be added and printed in regular type to enhance readability.)

§ 109.716. Significant deficiencies.

The following apply to significant deficiencies identified by the Department:

(1) Within 30 days of receiving written notification, the public water supplier shall consult with the Department regarding appropriate corrective actions unless the Department directs the system to implement a specific corrective action.

(2) The public water supplier shall respond in writing to significant deficiencies no later than 45 days after receipt of written notification from the Department, indicating how and on what schedule the system will address significant deficiencies.

(3) Corrective actions shall be completed in accordance with applicable Department plan review processes or other Department guidance or direction, if any, including Department-specified interim measures.

(4) The public water supplier shall correct significant deficiencies identified within 120 days of receiving written notification from the Department, or earlier if directed by the Department, or according to the schedule approved by the Department.

(5) If the Department specifies interim measures for protection of the public health pending Department approval of the corrective action plan and schedule or pending completion of the corrective action plan, the public water supplier shall comply with these interim measures as well as with any schedule specified by the Department.

(6) The public water supplier shall request and obtain approval, in writing, from the Department for any subsequent modifications to a Department-approved corrective action plan and schedule.

§ 109.717. Comprehensive monitoring plan.

(a) A community or nontransient noncommunity water supplier shall develop a comprehensive monitoring plan to assure that all sources and entry points are included in routine compliance monitoring at the entry points and within the distribution system. The plan must contain at least all of the following:

(1) A list of all sources and associated treatment plants and entry points. This list must also include purchased interconnections.

(2) A schematic of all sources and associated treatment plants and entry points, purchased interconnections and the relative locations of the points of entry into the distribution system.

(3) For each entry point, a description of system operations, including whether the entry point provides water continuously, whether each source provides water continuously, whether sources are alternated or blended and on what cycle or blending ratio, and whether the blending ratio is consistent.

(4) A description of how all sources and entry points are included in routine compliance monitoring.

(b) The plan must include the sample siting plans and monitoring plans required under other sections of this chapter, including the total coliform sample siting plan required under § 109.701(a)(5) (relating to reporting and recordkeeping), the monitoring plan for disinfectants, DBPs and DBP precursors required under § 109.701(g), the lead and copper sample site location plan required

under § 109.1107(a)(1) (relating to system management responsibilities) and the source water sampling plan required under § 109.1202(h) (relating to monitoring requirements).

(c) The water supplier shall review and update the plan at least annually and as necessary to reflect changes to facilities or operations. The date of each update must be recorded on the plan.

(d) The water supplier shall submit the initial plan. The water supplier shall review the plan annually and submit an updated plan to the Department, if revisions are made. These plans are subject to Department review and revision.

Subchapter H. LABORATORY CERTIFICATION

§ 109.810. Reporting and notification requirements.

\* \* \* \* \*

(b) A laboratory accredited under Chapter 252 shall whenever the results of test measurements or analyses performed by the laboratory under this chapter indicate an MCL, MRDL or a treatment technique performance requirement under § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements) is exceeded, or [ an action level under ] any individual tap sample result exceeds the action level value specified in § 109.1102(a) (relating to action levels and treatment technique requirements) [ is exceeded ], or a sample result requires the collection of check or confirmation samples under § 109.301 (relating to general monitoring requirements), or any check sample collected under § 109.301(3) is total coliform-positive, or a sample collected by a seasonal system as part of a Department-approved start-up procedure under § 109.301(3)(i)(c) is total coliform-positive, or a sample collected under Subchapter M (relating to additional requirements for groundwater sources) is *E. coli*-positive:

\* \* \* \* \*

Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS

§ 109.1003. Monitoring requirements.

\* \* \* \* \*

(b) Sampling requirements.

\* \* \* \* \*

(3) [ Public water suppliers shall assure that samples for laboratory analysis are properly collected and preserved, are collected in proper containers, do not exceed maximum holding times between collection and analysis and are handled in accordance with guidelines governing quality control which may be established by the Department. A public water supplier who utilizes a certified laboratory for sample collection as well as analysis satisfies the requirements of this subsection. ] Sampling and analysis shall be performed in accordance with analytical techniques adopted by the EPA under the Federal act or methods approved by the Department.

\* \* \* \* \*

§ 109.1005. Permit requirements.

\* \* \* \* \*

(c) Special permit by rule requirement for bottled water systems. A person owning or operating a bottled water system in this Commonwealth permitted under this chap-

ter shall obtain an amended permit before making substantial modifications to the processing and bottling facilities unless the bottled water system satisfies the conditions in paragraphs (1)—(5). The permit-by-rule does not apply to the collection facilities. The Department retains the right to require a bottled water system that meets the requirements of paragraphs (1)—(5) to obtain a permit, if, in the judgment of the Department, the bottled water system cannot be adequately regulated through the standardized specifications and conditions. A bottled water system which is released from the obligation to obtain a permit shall comply with the other requirements of this subchapter, including design, construction and operation requirements. The following are the conditions for a permit-by-rule:

\* \* \* \* \*

(5) A bottled water system operating under this subsection shall file descriptions of substantial modifications made to the system to the Department within 30 days of operation of the modification. The description [ shall ] **must** include documentation that the modification meets the following requirements as applicable:

(i) Compliance with the product water-contact materials and treatment chemical additives toxicological requirements of § 109.606 (relating to chemicals, materials and equipment) or alternatively, the Food and Drug Administration standards in 21 CFR Part 129.

(ii) Validated treatment technologies for the reduction of contaminants. Validated treatment technologies are those that have been permitted by the Department under this chapter at the bottled water system operating under the permit by rule or certified to an applicable ANSI/NSF standard by NSF or other certification organization acceptable to the Department or verified under the EPA Environmental Technology Verification Program. To be acceptable to the Department, a certification organization other than NSF shall be accredited by ANSI as a third-party certification organization and meet the requirements under [ § 109.606(d) ] § 109.606(e) as applicable to the appropriate ANSI/NSF standard for the treatment technology.

\* \* \* \* \*

(e) *Permit applications.* An application for a public water system permit for a bottled water or vended water system, retail water facility or bulk water hauling system shall be submitted in writing on forms provided by the Department and shall be accompanied by plans, specifications, engineer’s report, water quality analyses and other data, information or documentation reasonably necessary to enable the Department to determine compliance with the act and this chapter. The Department will make available to the applicant the *Public Water Supply Manual*, available from the Bureau of [ **Water Standards and Facility Regulation** ] **Safe Drinking Water**, Post Office Box 8467, Harrisburg, Pennsylvania 17105-8467 which contains acceptable design standards and technical guidance. Water quality analyses shall be conducted by a laboratory certified under this chapter. An application for a public water system permit for a bottled water or vended water system, retail water facility or bulk water hauling system [ shall ] **must** include:

\* \* \* \* \*

(i) *Permit fees.* **An application for a permit from the Department under this subchapter must be accompanied by a fee in the amount specified in Subchapter N (relating to drinking water fees).**

[ (1) **An application for a new permit or major permit amendment under subsection (f)(1) for a bottled water or vended water system, retail water facility or bulk water hauling system shall be accompanied by a check in the amount of \$750 payable to the “Commonwealth of Pennsylvania,” except that:**

(i) **An application from an out-of-State bottled water system submitting proof of out-of-State approval under subsection (e)(6) shall be accompanied by a fee of \$100.**

(ii) **An application from a bottled water system, retail water facility or bulk water hauling system purchasing finished water, as its sole source of water, from a public water system operating under a permit issued under this chapter, and a vended water system permitted by rule, shall submit a fee of \$300.**

(2) **A fee is not required for an emergency permit under subsection (g) or a minor permit amendment under subsection (f)(2).** ]

**Subchapter K. LEAD AND COPPER**

**§ 109.1105. Permit requirements.**

(a) *General permit requirements.* A person may not construct, substantially modify or operate corrosion control facilities to comply with this subchapter without having obtained the appropriate permit approvals under Subchapter E (relating to permit requirements) and this section.

(b) *Construction permits and permit amendments.* The water supplier shall submit an application for a public water system construction permit for a newly-created system or an amended construction permit for a currently-permitted system for corrosion control treatment facilities by the applicable deadline established in § 109.1102(b)(2) (relating to action levels and treatment technique requirements), unless the system complies with paragraph (1) or (2) or otherwise qualifies for a minor permit amendment under § 109.503(b) (relating to public water system construction permits). The permit application must comply with § 109.503 and contain the applicable information specified therein. The application must include recommended water quality parameter performance requirements for optimal corrosion control treatment as specified in § 109.1102(b)(5) and other data, information or documentation necessary to enable the Department to consider the application for a permit for construction of the facilities.

(1) *Community water system minor permit amendments.* [ **The** ] **Until** \_\_\_\_\_ (*Editor’s Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), a community water supplier may submit a written request for an amended construction permit to the Department if the system satisfies the conditions under subparagraphs (i)—(iv). A request for an amended construction permit under this paragraph [ shall ] **must** describe the proposed change in sufficient detail to allow the Department to adequately evaluate the proposal.

(i) The system is a small water system.

(ii) The sources of supply for the system are not surface water sources.

(iii) Except for corrosion control treatment, the sources require treatment no greater than disinfection to provide water of a quality that meets the MCLs and treatment

technique requirements established under Subchapter B (relating to MCLs, MRDLs or treatment technique requirements).

(iv) The proposed corrosion control treatment is limited to alkalinity or pH adjustment, or both.

(2) *Nontransient noncommunity water system permits.* [ The ] Until \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), a nontransient noncommunity water supplier is not required to obtain a construction permit or permit amendment under subsection (b) if the system satisfies the following specifications and conditions:

- (i) The system is a small water system.
- (ii) The sources of supply for the system are not surface water sources.
- (iii) Except for corrosion control treatment, the sources require treatment no greater than disinfection to provide water of a quality that meets the MCLs and treatment technique requirements established under Subchapter B.
- (iv) The proposed corrosion control treatment is limited to alkalinity or pH adjustment, or both.
- (v) The water supplier files a brief description of the proposed treatment, including recommended water quality parameter performance requirements for optimal corrosion control treatment as specified in § 109.1102(b)(5), on forms acceptable to the Department. Descriptions of modifications shall be submitted and approved by the Department prior to construction.

(3) **Beginning \_\_\_\_\_** (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), **community water systems and nontransient noncommunity water systems required to install optimal corrosion control treatment in accordance with § 109.1102(b) shall obtain a construction and operations permit.**

(c) *Operation permits.* Except for nontransient noncommunity water systems complying with subsection (b)(2), the water supplier shall obtain an operation permit or amended operation permit following completion of construction and prior to initiation of operation of corrosion control treatment facilities. The permit will be issued in accordance with § 109.504 (relating to public water system operation permits). The Department will not issue an operation permit under this subchapter unless the water system complies with the operation and maintenance plan requirements under § 109.1107(b) (relating to system management responsibilities) and the operator certification requirements under § 109.1107(c). The water supplier for a community water system or nontransient noncommunity water system shall submit a request for Department designation of optimal corrosion control treatment performance requirements in accordance with § 109.1102(b)(2) and the Department will issue an amended operation permit designating the performance requirements as specified in § 109.1102(b)(5).

**§ 109.1107. System management responsibilities.**

(a) *Reporting and recordkeeping.* Systems shall comply with the following requirements and otherwise comply with § 109.701 (relating to reporting and recordkeeping):

\* \* \* \* \*

(2) *Reporting of monitoring results.* The water supplier shall assure that the results of analyses conducted in accordance with § 109.1103 are reported to the Department

within the first 10 days following the end of each applicable monitoring period as stipulated by § 109.1103. Additional monitoring results beyond that required under § 109.1103 shall be kept on record by the water supplier and presented or submitted to the Department upon request.

(i) *Lead and copper tap monitoring results.* The following minimum information is required when reporting lead and copper tap monitoring results to the Department.

(A) The name, address and public water system identification number (PWSID) of the public water system from which the samples are taken.

- (B) The contaminant ID.
- (C) The parameter name.
- (D) The sample period.
- (E) The sample type.

[ (F) **The number of samples required and the number of samples taken.**

(G) ] (F) The analytical methods used.

[ (H) ] (G) The results of analyses conducted in accordance with this subchapter for lead and copper tap monitoring.

[ (I) ] (H) The sample location.

[ (J) **The 90th percentile result.**

(K) **Whether an action level has been exceeded.**

(L) ] (I) The name, address and identification number of the certified laboratory performing the analysis.

\* \* \* \* \*

**§ 109.1108. Fees.**

[ A system receiving permitting and related services from the Department under § 109.1105 (relating to permit requirements) for corrosion control treatment facilities shall pay the applicable fees in this section by a check in the amount specified in this section to the "Commonwealth of Pennsylvania."

(1) **An application for a construction permit or major permit amendment under § 109.1105(b) shall be accompanied by payment for the applicable fee as follows:**

| <i>System size</i> | <i>Fee</i>     |
|--------------------|----------------|
| <b>Small</b>       | <b>\$250</b>   |
| <b>Medium</b>      | <b>\$500</b>   |
| <b>Large</b>       | <b>\$1,750</b> |

(2) **A system not required to submit an application for a construction permit or major permit amendment under § 109.1105(b) shall submit payment for the applicable fee with its request for Department designation of optimal corrosion control treatment performance requirements in accordance with § 109.1102(b)(2) (relating to action levels and treatment technique requirements):**

| <i>System size</i> | <i>Fee</i>       |
|--------------------|------------------|
| <b>Small</b>       | <b>\$125</b>     |
| <b>Medium</b>      | <b>\$375</b>     |
| <b>Large</b>       | <b>\$1,250 ]</b> |

**An application for the review of a corrosion control treatment feasibility study under § 109.1102(b)(3) (relating to action levels and treat-**



ment technique requirements), a permit from the Department under this subchapter or a Department designation of optimal corrosion control treatment performance requirements in accordance with § 109.1102(b)(2)(ii) must be accompanied by a fee in the amount specified in Subchapter N (relating to drinking water fees).

**Subchapter L. LONG-TERM 2 ENHANCED SURFACE WATER TREATMENT RULE**

**§ 109.1202. Monitoring requirements.**

\* \* \* \* \*

(l) [ *Chemical treatment prior to sampling location.* ] *Source water sample locations for plants with chemical treatment.* Systems shall collect source water samples prior to chemical treatment, such as coagulants, oxidants and disinfectants.

\* \* \* \* \*

(n) [ *Bank filtration.* ] *Source water sample locations for systems with bank filtration.*

(1) Systems that receive *Cryptosporidium* treatment credit for bank filtration to meet existing treatment technique requirements of § 109.202(c) (relating to State MCLs, MRDLs and treatment technique requirements), as applicable, shall collect source water samples in the surface water prior to bank filtration.

\* \* \* \* \*

(o) [ *Multiple sources.* ] *Source water sample locations for systems with multiple sources.* Systems with plants that use multiple water sources, including multiple surface water sources and blended surface water and groundwater sources, shall collect samples as specified in paragraph (1) or (2). The use of multiple sources during monitoring [ **must** ] shall be consistent with routine operational practice. Sources not adequately evaluated during the monitoring period will be considered new sources and the requirements under subsection (f) will apply. Systems may begin monitoring a new source as soon as a sampling schedule and plan have been approved by the Department.

\* \* \* \* \*

**§ 109.1203. Bin classification and treatment technique requirements.**

\* \* \* \* \*

(f) *Treatment and management options for filtered systems, microbial toolbox.*

(1) Filtered systems shall use one or more of the treatment and management options listed in § 109.1204 (relating to requirements for microbial toolbox components), termed the microbial toolbox, to comply with the additional *Cryptosporidium* treatment required in subsection (e).

(2) Systems using sources classified in Bin 3 and Bin 4 shall achieve at least 1-log of the additional *Cryptosporidium* treatment required under § 109.1204(a) using either one or a combination of the following: bag filters, bank filtration, cartridge filters, chlorine dioxide, membranes, ozone or UV, as described in [ § 109.1204(b), (c) and (n)—(q) (relating to requirements for microbial toolbox components) ] § 109.1204.

(g) *Failure to meet treatment credit.* Failure by a system in any month to achieve treatment credit by meeting criteria in [ § 109.1204(b), (c) and (n)—(q) ]

§ 109.1204 for microbial toolbox options that is at least equal to the level of treatment required in subsection (e) is a violation of the treatment technique requirement.

\* \* \* \* \*

**§ 109.1204. Requirements for microbial toolbox components.**

\* \* \* \* \*

(h) *Individual filter performance.* Systems using conventional filtration treatment or direct filtration treatment will receive 0.5-log *Cryptosporidium* treatment credit, which can be in addition to the 0.5-log credit under subsection (g), during any month the system meets the criteria in this subsection. Compliance with these criteria must be based on individual filter turbidity monitoring as described in [ § 109.301(1)(iv) ] § 109.301(1)(ii) (relating to general monitoring requirements), as applicable.

\* \* \* \* \*

**§ 109.1206. Reporting and recordkeeping requirements.**

\* \* \* \* \*

(e) *Source water reporting data elements.* Systems shall report the applicable information in paragraphs (1) and (2) for the source water monitoring required under § 109.1202.

(1) *Cryptosporidium data elements.* Systems shall report data elements in subparagraphs (i)—[ (vii) ] (viii) for each *Cryptosporidium* analysis. Systems shall report, in a form acceptable to the Department, data elements in subparagraphs [ (viii)—(x) ] (ix)—(xi) as applicable.

\* \* \* \* \*

(vii) Number of oocysts occurred.

(viii) **The concentration of oocysts per liter.**

[ (viii) ] (ix) For matrix spike samples, systems shall also report the sample volume spiked and estimated number of oocysts spiked. These data are not required for field samples.

[ (ix) ] (x) For samples in which less than 10 L is filtered or less than 100% of the sample volume is examined, systems shall also report the number of filters used and the packed pellet volume.

[ (x) ] (xi) For samples in which less than 100% of sample volume is examined, systems shall also report the volume of resuspended concentrate and volume of this resuspension processed through immunomagnetic separation.

\* \* \* \* \*

**Subchapter M. ADDITIONAL REQUIREMENTS FOR GROUNDWATER SOURCES**

**§ 109.1302. Treatment technique requirements.**

\* \* \* \* \*

(c) *Groundwater systems with [ significant deficiencies or ] source water E. coli contamination or significant deficiencies.*

(1) A groundwater system with [ **a significant deficiency or** ] an *E. coli*-positive groundwater source sample collected under § 109.505(a)(3), § 109.1303(a) or § 109.1304(a) (relating to requirements for noncommunity water systems; triggered monitoring requirements for groundwater sources; and assessment source water

monitoring) [ shall correct all significant deficiencies and, if directed by the Department, ] shall implement one or more of the following corrective actions:

- (i) Provide an alternative source of water.
- (ii) Eliminate the source of contamination.
- (iii) Submit information required under § 109.1306 and provide treatment that reliably achieves at least 4-log treatment of viruses before the first customer for the groundwater source or sources and comply with compliance monitoring requirements under § 109.1305.

(2) A groundwater system with a significant deficiency or an *E. coli*-positive groundwater source sample collected under § 109.1303(a) or § 109.1304(a) will receive one of the following forms of notification:

- (i) Written notice from the Department of a significant deficiency.
- (ii) Notification from a laboratory under § 109.810(b) (relating to reporting and notification requirements) that a groundwater source sample collected under § 109.1303(a) or § 109.1304(a) was found to be *E. coli*-positive.

[ (iii) Direction from the Department that an *E. coli* positive sample collected under § 109.1303(a) requires corrective action. ]

(3) [ Within 30 days of receiving initial notification under paragraph (2), the groundwater system shall consult with the Department regarding the appropriate corrective action unless the Department directs the groundwater system to implement a specific corrective action. ] A groundwater system with a significant deficiency or an *E. coli*-positive source water sample collected under § 109.1303(a) or § 109.1304(a) shall comply with § 109.716 (relating to significant deficiencies).

[ (4) Within 120 days of receiving initial notification under paragraph (2), or earlier if directed by the Department, the groundwater system shall correct all significant deficiencies if applicable and shall either:

(i) Have completed corrective action in accordance with applicable Department plan review processes or other Department guidance or direction, if any, including Department-specified interim measures.

(ii) Be in compliance with a Department-approved corrective action plan and schedule subject to the following conditions:

(A) The groundwater system shall request and obtain approval from the Department for any subsequent modifications to a Department-approved corrective action plan and schedule.

(B) If the Department specifies interim measures for protection of the public health pending Department approval of the corrective action plan and schedule or pending completion of the corrective action plan, the system shall comply with these interim measures as well as with any schedule specified by the Department. ]

### § 109.1303. Triggered monitoring requirements for groundwater sources.

\* \* \* \* \*

(h) For an *E. coli*-positive source water sample collected under subsection (a) that is not invalidated under subsection (g)[ : ], the system shall comply with Tier 1 public notification requirements under § 109.408 (relating to Tier 1 public notice—categories, timing and delivery of notice).

[ (1) The Department may require a groundwater system to perform a corrective action as described under § 109.1302(c) (relating to treatment technique requirements).

(2) If the Department does not require corrective action under § 109.1302(c), the system shall collect five additional source water samples from the same source within 24 hours of being notified of the *E. coli*-positive sample. If one of the additional samples collected under this paragraph is *E. coli*-positive, the groundwater system shall perform a corrective action as described under § 109.1302(c).

(3) The system shall comply with Tier 1 public notification requirements under § 109.408 (relating to Tier 1 category, timing and delivery of notice). ]

(i) Systems providing water to another public water system receiving notification under subsection (e) shall comply with subsection (a).

### § 109.1305. Compliance monitoring.

(a) *Chemical disinfection.* Groundwater systems demonstrating at least 4-log treatment of viruses using chemical disinfection shall monitor for and maintain the Department-approved residual disinfection concentration every day the system serves the public from the groundwater source.

(1) A groundwater system serving greater than 3,300 people shall:

(i) Continuously monitor the residual disinfectant concentration at the entry point or other location approved by the Department and record the results at least every 15 minutes each day that water from the groundwater source is served to the public.

(ii) Maintain the Department-approved minimum residual disinfectant concentration every day the public water system serves water from the groundwater source to the public.

(iii) Conduct grab sampling every 4 hours until the continuous monitoring equipment is returned to service if there is a failure in the continuous monitoring equipment and notify the Department within 24 hours of the equipment failure that grab sampling is being conducted. [ The system shall resume continuous residual disinfectant monitoring within 14 days. ] Grab sampling or manual recording may not be substituted for continuous monitoring for longer than 5 working days after the equipment fails unless a longer period of time is approved by the Department.

(2) A groundwater system serving 3,300 or fewer people shall comply with one of the following subparagraphs:

(i) The groundwater system shall maintain the Department-approved minimum residual disinfectant concentration every day the public water system serves water from the groundwater source to the public. The

groundwater system shall take a daily grab sample at the entry point or other location approved by the Department during the hour of peak flow or at any other time specified by the Department. If any daily grab sample measurement falls below the Department-approved minimum residual disinfectant concentration, the groundwater system shall take follow up samples every 4 hours **and record the results** until the residual disinfectant concentration is restored to the Department-approved minimum level.

\* \* \* \* \*

**§ 109.1306. Information describing 4-log treatment and compliance monitoring.**

\* \* \* \* \*

(b) A noncommunity water system not covered under subsection (a) demonstrating at least 4-log treatment of viruses under § 109.1302 (relating to treatment technique requirements) shall:

\* \* \* \* \*

(3) Submit plans, specifications, engineer’s report, water quality analyses and other data, information or documentation reasonably necessary to enable the Department to determine compliance with the act and this chapter. The Department will make available to the applicant the *Public Water Supply Manual*, available from the Bureau of [ **Water Standards and Facility Regulation** ] **Safe Drinking Water**, Post Office Box [ **8774** ] **8467**, Harrisburg, Pennsylvania 17105 which contains acceptable design standards and technical guidance. Water quality analyses shall be conducted by a laboratory accredited under this chapter.

\* \* \* \* \*

**§ 109.1307. System management responsibilities.**

(a) *Reporting.* Groundwater systems shall comply with the following requirements and otherwise comply with § 109.701 (relating to reporting and recordkeeping):

(1) A groundwater system conducting compliance monitoring under § 109.1305 (relating to compliance monitoring):

\* \* \* \* \*

(ii) That experiences a breakdown in treatment shall notify the Department within 1 hour after the water system learns of the violation or the situation and provide public notice in accordance with § 109.408 (relating to Tier 1 public notice—categories, timing and delivery **of notice**). A breakdown in treatment occurs whenever the system fails to meet, for greater than 4 [ **continuous** ] hours **of operation**, any Department-specified requirements relating to:

\* \* \* \* \*

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

**Subchapter N. DRINKING WATER FEES**

- Sec.
- 109.1401. General.
- 109.1402. Annual fees.
- 109.1403. Monitoring waiver fees.
- 109.1404. Community and noncommunity water system permitting fees.
- 109.1405. Permitting fees for general permits.
- 109.1406. Permitting fees for bottled water and vended water systems, retail water facilities and bulk water hauling systems.
- 109.1407. Feasibility study.
- 109.1408. Noncommunity water system application for approval.
- 109.1409. Noncommunity water system 4-log permit.
- 109.1410. Payment of fees.

- 109.1411. Disposition of funds.
- 109.1412. Failure to remit fees.
- 109.1413. Evaluation of fees.

**§ 109.1401. General.**

(a) This subchapter establishes fees for each public water system for services provided by the Department to implement the act, retain primacy, and protect the public health and safety.

(b) This subchapter applies to each public water system.

**§ 109.1402. Annual fees.**

(a) *Annual fee.* Each public water system shall pay an annual fee as set forth in this section.

(1) For community water systems, the annual fees are as follows:

| <i>Population Served</i> | <i>Fee</i> |
|--------------------------|------------|
| 25—100                   | \$250      |
| 101—500                  | \$500      |
| 501—1,000                | \$1,000    |
| 1,001—2,000              | \$2,000    |
| 2,001—3,300              | \$4,000    |
| 3,301—5,000              | \$6,500    |
| 5,001—10,000             | \$10,000   |
| 10,001—25,000            | \$20,000   |
| 25,001—50,000            | \$25,000   |
| 50,001—75,000            | \$30,000   |
| 75,001—100,000           | \$35,000   |
| 100,001 or more          | \$40,000   |

(2) For nontransient noncommunity water systems, the annual fees are as follows:

| <i>Population Served</i> | <i>Fee</i> |
|--------------------------|------------|
| 25—100                   | \$100      |
| 101—500                  | \$250      |
| 501—1,000                | \$500      |
| 1,001—3,300              | \$750      |
| 3,301 or more            | \$1,000    |

(3) For transient noncommunity water systems, the annual fees are as follows:

| <i>Population Served</i> | <i>Fee</i> |
|--------------------------|------------|
| 25—100                   | \$50       |
| 101—500                  | \$100      |
| 501—1,000                | \$200      |
| 1,001 or more            | \$500      |

(4) For bottled water or vended water systems, retail water facilities or bulk water hauling systems, the annual fees are as follows:

| <i>Type</i>          | <i>Fee</i> |
|----------------------|------------|
| Bottled—in-State     | \$2,500    |
| Bottled—out-of-State | \$2,500    |
| Vended               | \$1,000    |
| Retail               | \$1,000    |
| Bulk                 | \$1,000    |

(b) *Basis for “population served.”* The “population served” shall be based on the Department’s public water system inventory at the time of billing.

(c) *Payment of fees.*

(1) All fees payable under this section are due according to the following schedule:

| <i>Population Served</i> | <i>Submit Annual Fee By</i> |
|--------------------------|-----------------------------|
| 25—100                   | September 30                |
| 101—500                  | December 31                 |

| <i>Population Served</i> | <i>Submit Annual Fee By</i> |
|--------------------------|-----------------------------|
| 501—3,300                | March 31                    |
| 3,301 or more            | June 30                     |

(2) New systems that begin operation after January 1 will not be assessed an annual fee for partial calendar year periods. Annual fees shall be payable on or before the date indicated in paragraph (1) of the next calendar year, and each year thereafter.

(3) For annual fees of \$10,000 or more, a public water system may request to divide its annual fee payment into equal quarterly installments by submitting a written request to the Department. Quarterly installments shall be due on March 31, June 30, September 30 and December 31.

#### § 109.1403. Monitoring waiver fees.

(a) *New waivers.* An application for a new waiver from the monitoring requirements in §§ 109.301 and 109.302 (relating to general monitoring requirements; and special monitoring requirements) for a single source must be accompanied by a fee as follows:

| <i>Waiver Type</i>        | <i>New Waiver Fee</i> |
|---------------------------|-----------------------|
| VOC use waiver            | \$100                 |
| SOC use waiver            | \$100                 |
| SOC susceptibility waiver | \$300                 |
| IOC waiver                | \$100                 |

(b) *Waiver renewals.* An application for a waiver renewal from the monitoring requirements in §§ 109.301 and 109.302 for a single source must be accompanied by the appropriate fee as follows:

(1) For renewal applications with no changes in land uses or potential sources of contamination, the fee is \$50.

(2) For renewal applications with changes in land uses or potential sources of contamination, the fee will be based on the type of waiver and the fee for that waiver set forth in subsection (a).

(c) *Waiver fees for systems with more than one source.*

(1) For systems with multiple sources all in the same contributing area, the fee will be as indicated in subsection (a) or (b), as applicable. For groundwater systems, the contributing area is the surface area overlying the portion of the aquifer through which water is diverted to a well or flows to a spring or infiltration gallery.

(2) For systems with sources in two or more contributing areas, the fee will be as indicated in subsection (a) or (b), as applicable, for the first source, plus 1/2 of the applicable fee for each additional contributing area in which a source is located.

#### § 109.1404. Community and noncommunity water system permitting fees.

(a) An application for a construction permit or a major construction permit amendment under § 109.503 (relating to public water system construction permits), except for an application for BVRB facilities under § 109.1005 (relating to permit requirements), must be accompanied by a fee as follows:

| <i>Population Served</i> | <i>Fee</i> |
|--------------------------|------------|
| 25—100                   | \$300      |
| 101—500                  | \$600      |
| 501—3,300                | \$1,000    |
| 3,301—10,000             | \$2,500    |
| 10,001—50,000            | \$5,000    |
| 50,001—100,000           | \$7,500    |

| <i>Population Served</i> | <i>Fee</i> |
|--------------------------|------------|
| 100,001 or more          | \$10,000   |

(b) A written request for a minor construction permit amendment under § 109.503, except for a change in legal status (relating to paragraph 3), must be accompanied by a fee as follows:

| <i>Population Served</i> | <i>Fee</i> |
|--------------------------|------------|
| 25—100                   | \$100      |
| 101—500                  | \$250      |
| 501—3,300                | \$500      |
| 3,301—10,000             | \$750      |
| 10,001—50,000            | \$1,000    |
| 50,001—100,000           | \$2,500    |
| 100,001 or more          | \$5,000    |

(c) A written request for a change in legal status, such as a transfer of ownership, incorporation or merger, must be accompanied by a fee of \$100.

(d) A written request for a new or amended operations permit under § 109.504 (relating to public water system operating permits) must be accompanied by a fee of \$50.

(e) A written request for an emergency permit must be accompanied by a fee of \$100.

#### § 109.1405. Permitting fees for general permits.

Fees for coverage under a general permit under § 109.511 (relating to general permits) will be established in the general permit. Fees may not exceed \$500. An eligible person shall submit to the Department the applicable fee before the Department approves coverage under the general permit for that person.

#### § 109.1406. Permitting fees for bottled water and vended water systems, retail water facilities and bulk water hauling systems.

(a) An application for a construction permit or a major construction permit amendment under § 109.1005 (relating to permit requirements), except an out-of-State facility or system using finished water as its sole source of water, must be accompanied by a fee as follows:

| <i>System Type</i>                       | <i>Fee</i> |
|--|------------|
| Bottled water system (population served) |            |
| 25—100                                   | \$500      |
| 101—500                                  | \$750      |
| 501—3,300                                | \$1,000    |
| 3,301—10,000                             | \$2,500    |
| 10,001—50,000                            | \$5,000    |
| 50,001—100,000                           | \$7,500    |
| 100,001 or more                          | \$10,000   |
| Vended water system                      | \$100      |
| Retail water facilities                  | \$250      |
| Bulk water hauling system                | \$500      |

(b) An application from a bottled water system, retail water facility or bulk water hauling system whose sole source of water is finished water purchased from another public water system must be accompanied by a fee as follows:

| <i>System Type</i>                       | <i>Fee</i> |
|--|------------|
| Bottled water system (population served) |            |
| 25—100                                   | \$100      |
| 101—500                                  | \$250      |
| 501—3,300                                | \$500      |
| 3,301—10,000                             | \$750      |

| <i>System Type</i>        | <i>Fee</i> |
|---------------------------|------------|
| 10,001—50,000             | \$1,000    |
| 50,001—100,000            | \$2,500    |
| 100,001 or more           | \$5,000    |
| Retail water facilities   | \$100      |
| Bulk water hauling system | \$100      |

(c) An application from an out-of-State bottled water system submitting proof of out-of-State approval under § 109.1005 must be accompanied by a fee of \$1,000.

(d) A written request for a minor construction permit amendment under § 109.1005, except for a change in legal status, must be accompanied by a fee as follows:

| <i>System Type</i>        | <i>Fee</i> |
|---------------------------|------------|
| Bottled water system      | \$1,000    |
| Vended water system       | \$100      |
| Retail water facilities   | \$100      |
| Bulk water hauling system | \$100      |

(e) A request for a change in legal status, such as a transfer of ownership, incorporation or merger, must be accompanied by a fee of \$100.

(f) A written request for a new or amended operations permit must be accompanied by a fee of \$50.

(g) A written request for an emergency permit must be accompanied by a fee of \$100.

**§ 109.1407. Feasibility study.**

An application for a review of a feasibility study or pilot study must be accompanied by a fee as follows:

| <i>Population Served</i> | <i>Fee</i> |
|--------------------------|------------|
| 25—100                   | \$300      |
| 101—500                  | \$600      |
| 501—3,300                | \$1,000    |
| 3,301—10,000             | \$2,500    |
| 10,001—50,000            | \$5,000    |
| 50,001—100,000           | \$7,500    |
| 100,001 or more          | \$10,000   |

**§ 109.1408. Noncommunity water system application for approval.**

For a noncommunity water system that is released from the obligation to obtain a construction and an operation permit under § 109.505 (relating to require-

ments for noncommunity water systems), the application for approval required under § 109.505(a)(2)(ii) must be accompanied by a fee of \$50.

**§ 109.1409. Noncommunity water system 4-log permit.**

For noncommunity water systems demonstrating 4-log treatment of viruses under Subchapter M (relating to additional requirements for groundwater sources), the permit application must be accompanied by a fee of \$50.

**§ 109.1410. Payment of fees.**

All fees under this subchapter shall be payable by a check to the “Commonwealth of Pennsylvania” or through a secure computer application provided by the Department.

**§ 109.1411. Disposition of funds.**

All fees shall be paid into the State Treasury into a special restricted revenue account in the General Fund known as the Safe Drinking Water Account administered by the Department for use in protecting the public from the hazards of unsafe drinking water and which funds are hereby appropriated to the Department for the purposes as are authorized in the act.

**§ 109.1412. Failure to remit fees.**

(a) If fees are not remitted as required under § 109.1402 (relating to annual fees), interest will accrue on the entire amount from the original date payment was due at a rate of 6% per annum until payment is remitted.

(b) For any system delinquent in payment of fees in excess of 180 days, the Department may suspend technical services provided by the Department until payment is remitted.

**§ 109.1413. Evaluation of fees.**

At least every 3 years, the Department will provide the EQB with an evaluation of the fees in this chapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department’s cost of administering the program with the objective of ensuring fees meet all program costs and programs are self-sustaining. The evaluation will include an assessment of program completion and workload.

[Pa.B. Doc. No. 17-1413. Filed for public inspection August 25, 2017, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fiscal Year 2015-2016 Annual Plan for Awarding Grants under the Pennsylvania Agricultural Fair Act

The Department of Agriculture (Department), under authority of section 8(a) of the Pennsylvania Agricultural Fair Act (act) (3 P.S. § 1508(a)), announces that the Secretary of Agriculture (Secretary), with the advice and assistance of the Agricultural Fair Advisory Committee (Committee) at its meeting of November 3, 2015, adopted the Fiscal Year 2015-2016 Annual Plan (Plan) on the awarding of grants to eligible organizations under the act.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, State-wide agricultural organizations which contribute to the development of agriculture and agribusiness, and to eligible agricultural youth groups for support of their programs. The Secretary, with the advice and assistance of the Committee created by the act, is to adopt an annual plan for awarding of grants subject to the limitations specified in section 5 of the act (3 P.S. § 1505).

The Plan, as adopted by the Secretary, provides for the award of grants to each eligible organization subject to the availability of funds on the following basis:

1. For operating expenses, the maximum payment allowed for each Class Fair under section 5(1)(i)(A) of the act will be paid.

2. For premium reimbursement, the maximum payment allowed under section 5(1)(i)(B) of the act will be paid.

3. For reimbursement to each eligible organization conducting harness horse racing at its annual fair, other than races for 2 and 3 year old colts and fillies, the maximum amount of reimbursement allowed under section 5(1)(iii) of the act will be paid.

4. For reimbursement to each eligible organization conducting races for 2 and 3 year old colts and fillies at its annual fair, the maximum amount of reimbursement allowed under section 5(1)(iv) of the act will be paid.

5. For a Statewide agricultural organization that conducts an agricultural fair and is otherwise eligible for grants under section 5(2) of the act, the Department shall reimburse up to \$2,000 of the operating expenses (including premium payments) on a dollar-for-dollar basis, and shall reimburse 50% of all additional premium costs that are not included in that initial dollar-for-dollar reimbursement, up to a maximum amount of \$10,000. The total maximum payment hereunder shall not exceed \$12,000.

6. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by 4-H youth groups, a payment which will be calculated according to the following formula:

*Tier 1:* \$2,000 for total enrollment of up to 1,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

*Tier 2:* \$2,500 for total enrollment of 1,001 to 2,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

*Tier 3:* \$3,000 for total enrollment of 2,001 to 3,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

*Tier 4:* \$3,500 for total enrollment of 3,001+ members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member, a maximum reimbursement of \$9,000.

7. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by Future Farmers of America (FFA) youth groups, a payment which will be calculated according to the following formula:

*Tier I:* County FFA organizations with 100 members or less will receive base funding of \$1,000 with an additional \$4 per member.

*Tier II:* County FFA organizations with 101 to 210 members inclusive will receive a \$2,000 base funding with an additional \$2 per member.

*Tier III:* County FFA organizations with 211 members or more will receive funding of \$2,000 with an additional \$4 per member for every member over 210.

8. Any funds remaining after the previous grants have been awarded shall be utilized for capital improvement as provided in section 5(1)(ii) of the act.

9. The Secretary will endeavor to disburse the previous payments at the earliest date practicable.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 17-1414. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Fiscal Year 2016-2017 Annual Plan for Awarding Grants under the Pennsylvania Agricultural Fair Act

The Department of Agriculture (Department), under authority of section 8(a) of the Pennsylvania Agricultural Fair Act (act) (3 P.S. § 1508(a)), announces that the Secretary of Agriculture (Secretary), with the advice and assistance of the Agricultural Fair Advisory Committee (Committee) at its meeting of November 9, 2016, adopted the Fiscal Year 2016-2017 Annual Plan (Plan) on the awarding of grants to eligible organizations under the act.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, State-wide agricultural organizations which contribute to the development of agriculture and agribusiness, and to eligible agricultural youth groups for support of their programs. The Secretary, with the advice and assistance of the Committee created by the act, is to adopt an annual plan for awarding of grants subject to the limitations specified in section 5 of the act (3 P.S. § 1505).

The Plan, as adopted by the Secretary, provides for the award of grants to each eligible organization subject to the availability of funds on the following basis:

1. For operating expenses, the maximum payment allowed for each Class Fair under section 5(1)(i)(A) of the act will be paid.

2. For premium reimbursement, the maximum payment allowed under section 5(1)(i)(B) of the act will be paid.

3. For reimbursement to each eligible organization conducting harness horse racing at its annual fair, other than races for colts and fillies 2 and 3 years of age, the maximum amount of reimbursement allowed under section 5(1)(iii) of the act will be paid.

4. For reimbursement to each eligible organization conducting races for colts and fillies 2 and 3 years of age at its annual fair, the maximum amount of reimbursement allowed under section 5(1)(iv) of the act will be paid.

5. For a Statewide agricultural organization that conducts an agricultural fair and is otherwise eligible for grants under section 5(2) of the act, the Department shall reimburse up to \$2,000 of the operating expenses (including premium payments) on a dollar-for-dollar basis, and shall reimburse 50% of all additional premium costs that are not included in that initial dollar-for-dollar reimbursement, up to a maximum amount of \$10,000. The total maximum payment hereunder shall not exceed \$12,000.

6. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by 4-H youth groups, a payment which will be calculated according to the following formula:

*Tier 1:* \$2,000 for total enrollment of up to 1,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

*Tier 2:* \$2,500 for total enrollment of 1,001 to 2,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

*Tier 3:* \$3,000 for total enrollment of 2,001 to 3,000 members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member.

*Tier 4:* \$3,500 for total enrollment of 3,001+ members plus \$1.50 for each traditional member and \$1 for each school enrichment/special interest member, a maximum reimbursement of \$9,000.

7. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by Future Farmers of America (FFA) youth groups, a payment which will be calculated according to the following formula:

*Tier I:* County FFA organizations with 100 members or less will receive base funding of \$1,000 with an additional \$4 per member.

*Tier II:* County FFA organizations with 101 to 210 members inclusive will receive a \$2,000 base funding with an additional \$2 per member.

*Tier III:* County FFA organizations with 211 members or more will receive funding of \$2,000 with an additional \$4 per member for every member over 210.

8. Any funds remaining after the previous grants have been awarded shall be utilized for capital improvement as provided in section 5(1)(ii) of the act.

9. The Secretary will endeavor to disburse the previous payments at the earliest date practicable.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 17-1415. Filed for public inspection August 25, 2017, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

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

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i>  | <i>Action</i> |
|-------------|--|---------------|
| 8-11-2017   | Bryn Mawr Bank Corporation<br>Bryn Mawr<br>Montgomery County   | Filed         |
|             | Application for approval to acquire more than 10% of the preferred stock of United Bancshares, Inc., Philadelphia. |               |

#### Branch Applications

##### De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i>       | <i>Location of Branch</i>                  | <i>Action</i> |
|-------------|---|--|---------------|
| 8-7-2017    | CBT Bank<br>Clearfield<br>Clearfield County | 3305 6th Avenue<br>Altoona<br>Blair County | Opened        |

| <i>Date</i> | <i>Name and Location of Applicant</i>            | <i>Location of Branch</i>                    | <i>Action</i> |
|-------------|--|--|---------------|
| 8-15-2017   | New Tripoli Bank<br>New Tripoli<br>Lehigh County | 4892 Buckeye Road<br>Emmaus<br>Lehigh County | Filed         |

**Mobile Branches**

| <i>Date</i> | <i>Name and Location of Applicant</i>                    | <i>Location of Branch</i>      | <i>Action</i> |
|-------------|--|--------------------------------|---------------|
| 8-9-2017    | Bank of Bird-in-Hand<br>Bird-in-Hand<br>Lancaster County | Lancaster and Chester Counties | Filed         |

**CREDIT UNIONS****Branch Relocations**

| <i>Date</i> | <i>Name and Location of Applicant</i>                      | <i>Location of Branch</i>   | <i>Action</i> |
|-------------|--|---|---------------|
| 8-10-2017   | Superior Credit Union<br>Collegeville<br>Montgomery County | <i>To:</i> 930 North Charlotte Street<br>Pottstown<br>Montgomery County<br><br><i>From:</i> 2020 Swamp Road<br>Gilbertsville<br>Montgomery County | Filed         |

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. 17-1416. Filed for public inspection August 25, 2017, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed



discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

### I. NPDES Renewal Applications

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                              | <i>County &amp;<br/>Municipality</i>          | <i>Stream Name<br/>(Watershed No.)</i>          | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|---|---|----------------------------|
| PA0034851<br>(Sewage)       | Parker City STP<br>PO Box 342<br>Parker, PA 16049-0342              | Armstrong County<br>Parker City               | Allegheny River<br>(17-C)                       | Yes                        |
| PA0218651<br>(Sewage)       | Armagh STP<br>602 Kolter Drive<br>Indiana, PA 15701                 | Indiana County<br>East Wheatfield<br>Township | Mardis Run<br>(18-D)                            | Yes                        |
| PA0252581<br>(Sewage)       | Distant STP<br>987 State Route 1025<br>New Bethlehem, PA 16242-7033 | Armstrong County<br>Mahoning Township         | Unnamed Tributary to<br>Redbank Creek<br>(17-C) | Yes                        |

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                      | <i>County &amp;<br/>Municipality</i>        | <i>Stream Name<br/>(Watershed No.)</i>                    | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|---|---|----------------------------|
| PA0050482<br>(Sewage)       | Freedoms Foundation STP<br>1601 Valley Forge Road<br>Valley Forge, PA 19482 | Chester County<br>Schuylkill Township       | Jug Hollow<br>(Tributary to Schuylkill<br>River)<br>(3-F) | Yes                        |
| PA0056511<br>(Sewage)       | Eves SRSTP<br>47 Bishop Road<br>Pottstown, PA 19465-8218                    | Chester County<br>East Coventry<br>Township | Unnamed Tributary to<br>Pigeon Creek<br>(3-D)             | Yes                        |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>         | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--|--|----------------------------|
| PA0070246<br>(Sewage)       | Kernsville Elementary School<br>1210 Springhouse Road<br>Allentown, PA 18104-2119 | Lehigh County<br>North Whitehall<br>Township | Jordan Creek<br>(2-C)                  | Yes                        |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|----------------------------|
| PA0221449<br>(Sewage)       | Buffalo Township Municipal<br>Authority STP<br>707 South Pike Road<br>Sarver, PA 16055-9201 | Butler County<br>Buffalo Township    | Buffalo Creek<br>(18-F)              | Yes                        |

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>      | <i>Stream Name<br/>(Watershed #)</i>                         | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|---|--|----------------------------|
| PA0032727<br>(Sewage)       | PA DOT Rest Area 21<br>Bureau of Design<br>PO Box 3060<br>Harrisburg, PA 17105           | Venango County<br>Irwin Township          | Unnamed Tributary to the<br>East Branch Wolf Creek<br>(20-C) | Yes                        |
| PA0032778<br>(Sewage)       | PA DOT Rest Area 22<br>Bureau of Project Delivery<br>PO Box 3060<br>Harrisburg, PA 17105 | Venango County<br>Irwin Township          | Unnamed Tributary to the<br>Scrubgrass Creek<br>(16-G)       | Yes                        |
| PA0222208<br>(Sewage)       | Chrzanowski & Gray & Bowers SFTF<br>3941 Knoyle Road<br>Erie, PA 16510-4926              | Erie County<br>Greene Township            | Fourmile Creek<br>(15-A)                                     | Yes                        |
| PA0221988<br>(Sewage)       | North Memorial Animal Hospital<br>143 State Route 18<br>New Wilmington, PA 16142-3713    | Lawrence County<br>Wilmington<br>Township | Unnamed Tributary of<br>Shenango River<br>(20-A)             | Yes                        |
| PA0222879<br>(Sewage)       | Hickory Creek Wilderness Ranch<br>PO Box 93 158 Main Street<br>Tidioute, PA 16351-0093   | Warren County<br>Limestone Township       | Camp Run<br>(16-F)   | Yes                        |
| PA0100048<br>(Sewage)       | API Tech Erie Division<br>8061 Avonia Road<br>Fairview, PA 16415-2829                    | Erie County<br>Fairview Township          | Unnamed Tributary to<br>Brandy Run<br>(15-A)                 | Yes                        |

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

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

**PA0110469**, Sewage, SIC Code 4952, **Patton Borough**, 800 4th Avenue, Patton, PA 16668-1211. Facility Name: Patton Borough STP. This existing facility is located in Elder Township, **Cambria County**.

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

The receiving stream(s), Chest Creek is in State Water Plan watershed 8-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.54 MGD.—Limits.

| <i>Parameters</i>  | <i>Mass Units (lbs/day)</i> |                           | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                           | <i>Instant.<br/>Maximum</i> |
|--|-----------------------------|---------------------------|----------------|------------------------------|---------------------------|-----------------------------|
|  | <i>Average<br/>Monthly</i>  | <i>Weekly<br/>Average</i> |                | <i>Average<br/>Monthly</i>   | <i>Weekly<br/>Average</i> |                             |
| Flow (MGD)   | Report                      | Report                    | XXX            | XXX                          | XXX                       | XXX                         |
| pH (S.U.)  | XXX                         | XXX                       | 6.0            | XXX                          | 9.0<br>Max                | XXX                         |
| Dissolved Oxygen   | XXX                         | XXX                       | 4.0            | XXX                          | XXX                       | XXX                         |
| Carbonaceous Biochemical<br>Oxygen Demand (CBOD <sub>5</sub> )<br>Nov 1 - Apr 30 | 112.7                       | 169.0                     | XXX            | 25                           | 37.5                      | 50                          |
| Carbonaceous Biochemical<br>Oxygen Demand (CBOD <sub>5</sub> )<br>May 1 - Oct 31 | 90.1                        | 135.2                     | XXX            | 20                           | 30                        | 40                          |
| Biochemical Oxygen Demand<br>(BOD <sub>5</sub> )<br>Raw Sewage Influent          | Report                      | Report                    | XXX            | Report                       | XXX                       | XXX                         |
| Total Suspended Solids   | 135.2                       | 202.8                     | XXX            | 30                           | 45                        | 60                          |
| Total Suspended Solids<br>Raw Sewage Influent                                    | Report                      | Report                    | XXX            | Report                       | XXX                       | XXX                         |
| Fecal Coliform (No./100 ml)  |                             |                           |                |                              |                           |                             |
| Oct 1 - Apr 30   | XXX                         | XXX                       | XXX            | 2,000<br>Geo Mean            | XXX                       | 10,000                      |
| May 1 - Sep 30   | XXX                         | XXX                       | XXX            | 200<br>Geo Mean              | XXX                       | 1,000                       |
| Ultraviolet light transmit-<br>tance (%)   | XXX                         | XXX                       | Report         | Report                       | XXX                       | XXX                         |

| <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> |                         |
| Nitrate-Nitrite as N                            | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Nitrate-Nitrite as N (Total Load, lbs) (lbs)    | Report                      | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Nitrogen (lbs)                            | Total Mo                    | 9,863                 | XXX            | Report                       | XXX                   | XXX                     |
| Total Nitrogen (Total Load, lbs) (lbs)          | Report                      | Total Annual          | XXX            | XXX                          | XXX                   | XXX                     |
| Total Nitrogen (Total Load, lbs) (lbs)          | Total Mo                    | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Effluent Net                                    | Report                      | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Ammonia-Nitrogen                                | Total Mo                    |                       |                |                              |                       |                         |
| Nov 1 - Mar 31                                  | Report                      | Report                | XXX            | Report                       | Report                | XXX                     |
| May 1 - Oct 31                                  | 54.1                        | 81.1                  | XXX            | 12.0                         | 18.0                  | 24                      |
| Ammonia-Nitrogen (Total Load, lbs) (lbs)        | Report                      | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Kjeldahl Nitrogen                         | Total Mo                    |                       |                |                              |                       |                         |
| Total Kjeldahl Nitrogen (Total Load, lbs) (lbs) | Report                      | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Phosphorus (lbs)                          | Report                      | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Phosphorus (Total Load, lbs) (lbs)        | Report                      | 1,315                 | XXX            | Report                       | XXX                   | XXX                     |
| Total Phosphorus (Total Load, lbs) (lbs)        | Total Mo                    | Total Annual          |                | Report                       | XXX                   | XXX                     |
| Effluent Net                                    | Report                      | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
|   | Total Mo                    |                       |                |                              |                       |                         |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.54 MGD.—Limits.

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

The EPA Waiver is not in effect.

**PA0026417**, Sewage, **Penn Hills Municipal Authority**, 12245 Frankstown Road, Pgh, PA 15235-3494. Facility Name: Plum Creek STP. This existing facility is located in Penn Hills Township, **Allegheny County**.

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

The receiving stream(s), Allegheny River, is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.9 MGD.—Limits.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Average Monthly</i> | <i>Concentrations (mg/L)</i> |                | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|------------------------|------------------------------|----------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Weekly Average</i> |                        | <i>Weekly Average</i>        | <i>Maximum</i> |                         |
| Flow  | 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                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 813.6                       | 1,220.5               | 25.0                   | 37.5                         | XXX            | 50                      |
| Biochemical Oxygen Demand (BOD <sub>5</sub> )               |                             |                       |                        |                              |                |                         |
| Raw Sewage Influent   | Report                      | Report                | Report                 | XXX                          | XXX            | XXX                     |
| Total Suspended Solids                                      |                             | Daily Max             |                        |                              |                |                         |
| Raw Sewage Influent   | Report                      | Report                | Report                 | XXX                          | XXX            | XXX                     |
| Total Suspended Solids                                      |                             | Daily Max             |                        |                              |                |                         |
| Fecal Coliform (No./100 ml)                                 | 976.4                       | 1,464.5               | 30.0                   | 45.0                         | XXX            | 60                      |
| Oct 1 - Apr 30  | XXX                         | XXX                   | XXX                    | 2,000                        | XXX            | 10,000                  |
| May 1 - Sep 30  | XXX                         | XXX                   | XXX                    | Geo Mean                     | XXX            | 1,000                   |
|   |                             |                       |                        | 200                          |                |                         |
|   |                             |                       |                        | Geo Mean                     |                |                         |

| Parameters                          | Mass Units (lbs/day) |                   | Average<br>Monthly | Concentrations (mg/L) |         | Instant.<br>Maximum |
|-------------------------------------|----------------------|-------------------|--------------------|-----------------------|---------|---------------------|
|                                     | Average<br>Monthly   | Weekly<br>Average |                    | Weekly<br>Average     | Maximum |                     |
| Ammonia-Nitrogen                    | Report               | XXX               | Report             | XXX                   | XXX     | XXX                 |
| Ultraviolet Light Transmittance (%) | XXX                  | XXX               | Report<br>Min      | XXX                   | XXX     | XXX                 |

The proposed effluent limits for Outfall 001 are based on a design flow of 3.9 MGD.—Limits.

| Parameters       | Mass Units (lbs/day) |                   | Average<br>Monthly | Concentrations (mg/L) |         | Instant.<br>Maximum |
|------------------|----------------------|-------------------|--------------------|-----------------------|---------|---------------------|
|                  | Average<br>Monthly   | Weekly<br>Average |                    | Weekly<br>Average     | Maximum |                     |
| Total Nitrogen   | XXX                  | XXX               | XXX                | Report<br>Daily Max   | XXX     | XXX                 |
| Total Phosphorus | XXX                  | XXX               | XXX                | Report<br>Daily Max   | XXX     | XXX                 |

The EPA Waiver is not in effect.

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

**PA0038733**, Sewage, SIC Code 4952, **East Providence Township Municipal Authority Bedford County**, 244 Municipal Road, Breezewood, PA 15533-0083. Facility Name: East Providence Township STP. This existing facility is located in East Providence Township, **Bedford County**.

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

The receiving stream(s), Unnamed Tributary to Tub Mill Run, is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.38 MGD.—Interim Limits.

| Parameters                    | Mass Units (lbs/day) |                   | Minimum | Concentrations (mg/L) |         | Instant.<br>Maximum |
|-------------------------------|----------------------|-------------------|---------|-----------------------|---------|---------------------|
|                               | Average<br>Monthly   | Average<br>Weekly |         | Average<br>Monthly    | Maximum |                     |
| Total Residual Chlorine (TRC) | XXX                  | XXX               | XXX     | 0.02                  | XXX     | 0.07                |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.38 MGD.—Final Limits.

| Parameters   | Mass Units (lbs/day) |                   | Minimum | Concentrations (mg/L) |         | Instant.<br>Maximum |
|--|----------------------|-------------------|---------|-----------------------|---------|---------------------|
|  | Average<br>Monthly   | Average<br>Weekly |         | Average<br>Monthly    | Maximum |                     |
| Total Dissolved Solids                                 | XXX                  | XXX               | XXX     | Report                | XXX     | XXX                 |
| Ultraviolet light intensity (mjoules/cm <sup>2</sup> ) | XXX                  | XXX               | Report  | XXX                   | XXX     | XXX                 |
| Copper, Total  | XXX                  | XXX               | XXX     | Report                | XXX     | XXX                 |
| Sulfate, Total   | XXX                  | XXX               | XXX     | Report                | XXX     | XXX                 |
| Zinc, Total  | XXX                  | XXX               | XXX     | Report                | XXX     | XXX                 |
| Chloride   | XXX                  | XXX               | XXX     | Report                | XXX     | XXX                 |
| Bromide  | XXX                  | XXX               | XXX     | Report                | XXX     | XXX                 |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.38 MGD.—Limits.

| Parameters   | Mass Units (lbs/day) |                     | Minimum | Concentrations (mg/L) |                   | Instant.<br>Maximum |
|--|----------------------|---------------------|---------|-----------------------|-------------------|---------------------|
|  | Average<br>Monthly   | Weekly<br>Average   |         | Average<br>Monthly    | Weekly<br>Average |                     |
| Flow (MGD)   | Report               | Report<br>Daily Max | XXX     | XXX                   | XXX               | XXX                 |
| pH (S.U.)  | XXX                  | XXX                 | 6.0     | XXX                   | 9.0<br>Max        | XXX                 |
| Dissolved Oxygen   | XXX                  | XXX                 | 5.0     | XXX                   | XXX               | XXX                 |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )          | 79                   | 127                 | XXX     | 25.0                  | 40.0              | 50                  |
| Biochemical Oxygen Demand (BOD <sub>5</sub> )<br>Raw Sewage Influent | Report               | Report<br>Daily Max | XXX     | Report                | XXX               | XXX                 |
| Total Suspended Solids<br>Raw Sewage Influent                        | Report               | Report<br>Daily Max | XXX     | Report                | XXX               | XXX                 |

| <i>Parameters</i>                               | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                       | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|-----------------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Weekly Average</i> |                | <i>Average Monthly</i>       | <i>Weekly Average</i> |                         |
| Total Suspended Solids                          | 95                          | 145                   | XXX            | 30.0                         | 45.0                  | 60                      |
| Fecal Coliform (CFU/100 ml)                     |                             |                       |                |                              |                       |                         |
| Oct 1 - Apr 30                                  | XXX                         | XXX                   | XXX            | 2,000<br>Geo Mean            | XXX                   | 10,000                  |
| May 1 - Sep 30                                  | XXX                         | XXX                   | XXX            | 200<br>Geo Mean              | XXX                   | 1,000                   |
| Nitrate-Nitrite as N                            | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Nitrate-Nitrite as N (Total Load, lbs) (lbs)    | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Nitrogen                                  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Nitrogen (Total Load, lbs) (lbs)          | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Nitrogen (Total Load, lbs) (lbs)          |                             |                       |                |                              |                       |                         |
| Effluent Net                                    | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Ammonia-Nitrogen                                |                             |                       |                |                              |                       |                         |
| Nov 1 - Apr 30                                  | 19                          | XXX                   | XXX            | 6.0                          | XXX                   | 12                      |
| May 1 - Oct 31                                  | 6.3                         | XXX                   | XXX            | 2.0                          | XXX                   | 4                       |
| Ammonia-Nitrogen (Total Load, lbs) (lbs)        | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Kjeldahl Nitrogen                         | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Kjeldahl Nitrogen (Total Load, lbs) (lbs) | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Phosphorus                                | 6.3                         | XXX                   | XXX            | 2.0                          | XXX                   | 4                       |
| Total Phosphorus (Total Load, lbs) (lbs)        |                             |                       |                |                              |                       |                         |
| Effluent Net                                    | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Phosphorus (Total Load, lbs) (lbs)        | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |

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.

**PA0266400**, Industrial, SIC Code 4941, **Newport Borough Water Authority Perry County**, 497 N. Front Street, Newport, PA 17074-1609. Facility Name: Newport Borough Wells # 10 & # 14. This proposed facility is located in Howe Township, **Perry County**.

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

The receiving stream(s), Unnamed Tributary to Juniata River, is located in State Water Plan watershed 12-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.—Limits.

| <i>Parameters</i>             | <i>Mass Units (lbs/day)</i> |                      | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                      | <i>Instant. Maximum</i> |
|-------------------------------|-----------------------------|----------------------|----------------|------------------------------|----------------------|-------------------------|
|                               | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| Flow (MGD)                    | Report                      | Report               | XXX            | XXX                          | XXX                  | XXX                     |
| pH (S.U.)                     | XXX                         | XXX                  | 5.0            | XXX                          | 9.0                  | XXX                     |
| Total Residual Chlorine (TRC) | XXX                         | XXX                  | XXX            | Report                       | XXX                  | Report                  |
| Total Suspended Solids        | Report                      | Report               | XXX            | 30                           | 60                   | 75                      |
| Aluminum, Total               | Report                      | Report               | XXX            | 4.0                          | 8.0                  | 9                       |
| Iron, Total                   | Report                      | Report               | XXX            | 2.0                          | 4.0                  | 5                       |
| Manganese, Total              | Report                      | Report               | XXX            | 1.0                          | 2.0                  | 2.5                     |

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.

**PA0080799**, Sewage, SIC Code 4952, **Newburg Hopewell Joint Authority**, PO Box 128, Newburg, PA 17240-0128. Facility Name: Newburg Hopewell Joint WWTP. This existing facility is located in Hopewell Township, **Cumberland County**.

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

The receiving stream(s), Newburg Run, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.072 MGD.—Limits.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                       | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|-----------------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Weekly Average</i> |                | <i>Average Monthly</i>       | <i>Weekly Average</i> |                         |
| Flow (MGD)  | Report                      | Report<br>Daily Max   | XXX            | XXX                          | XXX                   | XXX                     |
| pH (S.U.)   | XXX                         | XXX                   | 6.0            | XXX                          | 9.0<br>Max            | XXX                     |
| Dissolved Oxygen  | XXX                         | XXX                   | 5.0            | XXX                          | XXX                   | XXX                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 15                          | 24                    | XXX            | 25                           | 40                    | 50                      |
| Biochemical Oxygen Demand (BOD <sub>5</sub> )               |                             |                       |                |                              |                       |                         |
| Raw Sewage Influent   | Report                      | Report<br>Daily Max   | XXX            | Report                       | XXX                   | XXX                     |
| Total Suspended Solids                                      | 18                          | 27                    | XXX            | 30                           | 45                    | 60                      |
| Total Suspended Solids Raw Sewage Influent                  | Report                      | Report<br>Daily Max   | XXX            | Report                       | XXX                   | XXX                     |
| Fecal Coliform (No./100 ml)                                 |                             |                       |                |                              |                       |                         |
| Oct 1 - Apr 30  | XXX                         | XXX                   | XXX            | 2,000<br>Geo Mean            | XXX                   | 10,000                  |
| May 1 - Sep 30  | XXX                         | XXX                   | XXX            | 200<br>Geo Mean              | XXX                   | 1,000                   |
| Ultraviolet light intensity (µw/cm <sup>2</sup> )           | XXX                         | XXX                   | Report         | XXX                          | XXX                   | XXX                     |
| Ammonia-Nitrogen  |                             |                       |                |                              |                       |                         |
| Nov 1 - Apr 30  | 10.8                        | XXX                   | XXX            | 18.0                         | XXX                   | XXX                     |
| May 1 - Oct 31  | 3.6                         | XXX                   | XXX            | 6.0                          | XXX                   | 12                      |
| Total Phosphorus  | 0.9                         | XXX                   | XXX            | 2.0                          | XXX                   | 4                       |

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

| <i>Parameter</i>     | <i>Mass Units (lbs)</i> |               | <i>Effluent Limitations</i> |                                      |                         |
|----------------------|-------------------------|---------------|-----------------------------|--------------------------------------|-------------------------|
|                      | <i>Monthly</i>          | <i>Annual</i> | <i>Monthly Average</i>      | <i>Concentrations (mg/L) Maximum</i> | <i>Instant. Maximum</i> |
| Ammonia—N            | Report                  | Report        | Report                      | XXX                                  | XXX                     |
| Kjeldahl—N           | Report                  | XXX           | Report                      | XXX                                  | XXX                     |
| Nitrate-Nitrite as N | Report                  | XXX           | Report                      | XXX                                  | XXX                     |
| Total Nitrogen       | Report                  | Report        | Report                      | XXX                                  | XXX                     |
| Total Phosphorus     | Report                  | Report        | Report                      | XXX                                  | XXX                     |
| Net Total N          | Report                  | 3,380         | XXX                         | XXX                                  | XXX                     |
| Net Total P          | Report                  | 325           | XXX                         | XXX                                  | XXX                     |

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

- Stormwater prohibition
- Notification of the designation of responsible operation
- Hauled-in waste restriction

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

The EPA Waiver is not in effect.

**PA0083488**, Sewage, SIC Code 8361, **Stonebridge Health & Rehab Center**, 102 Chandra Drive, Duncannon, PA 17020-9745. Facility Name: Stonebridge Health & Rehab Center. This existing facility is located in Penn Township, **Perry County**.

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

The receiving stream(s), Unnamed Tributary to Sherman Creek, is located in State Water Plan watershed 7-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0082 MGD.—Limits.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                       | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|-----------------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Average Weekly</i> |                | <i>Average Monthly</i>       | <i>Weekly Average</i> |                         |
| Flow (MGD)  | Report                      | Report                | XXX            | XXX                          | XXX                   | XXX                     |
| pH (S.U.)   | XXX                         | Daily Max<br>XXX      | 6.0            | XXX                          | 9.0<br>Max            | XXX                     |
| Dissolved Oxygen  | XXX                         | XXX                   | 5.0            | XXX                          | XXX                   | XXX                     |
| Total Residual Chlorine (TRC)                               | XXX                         | XXX                   | XXX            | 0.35                         | XXX                   | 1.1                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | XXX                         | XXX                   | XXX            | 25.0                         | 40.0                  | 50                      |
| Total Suspended Solids                                      | XXX                         | XXX                   | XXX            | 30.0                         | 45.0                  | 60                      |
| Fecal Coliform (No./100 ml)                                 |                             |                       |                |                              |                       |                         |
| Oct 1 - Apr 30  | XXX                         | XXX                   | XXX            | 2,000<br>Geo Mean            | XXX                   | 10,000                  |
| May 1 - Sep 30  | XXX                         | XXX                   | XXX            | 200<br>Geo Mean              | XXX                   | 1,000                   |
| Nitrate-Nitrite as N  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Nitrate-Nitrite as N (Total Load, lbs) (lbs)                | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Nitrogen  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Nitrogen (Total Load, lbs) (lbs)                      | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Ammonia-Nitrogen  |                             |                       |                |                              |                       |                         |
| Nov 1 - Apr 30  | Report                      | XXX                   | XXX            | 9.0                          | XXX                   | 18                      |
| May 1 - Oct 31  | Report                      | XXX                   | XXX            | 3.0                          | XXX                   | 6                       |
| Ammonia-Nitrogen (Total Load, lbs) (lbs)                    | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Kjeldahl Nitrogen                                     | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)             | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Phosphorus  | Report                      | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Phosphorus (Total Load, lbs) (lbs)                    | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |

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.

**PA0087661**, Sewage, SIC Code 4952, **Chestnut Ridge Area Joint Authority**, 320 Lane Metal Road, New Paris, PA 15554-9238. Facility Name: Chestnut Ridge Area Joint Authority STP. This existing facility is located in East Saint Clair Township, **Bedford County**.

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

The receiving stream(s), Dunning Creek, is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.705 MGD.—Limits.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                       | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|-----------------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Weekly Average</i> |                | <i>Average Monthly</i>       | <i>Weekly Average</i> |                         |
| Flow (MGD)  | Report                      | Report                | XXX            | XXX                          | XXX                   | XXX                     |
| pH (S.U.)   | XXX                         | Daily Max<br>XXX      | 6.0            | XXX                          | 9.0<br>Max            | XXX                     |
| Dissolved Oxygen  | XXX                         | XXX                   | 5.0            | XXX                          | XXX                   | XXX                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 147                         | 235                   | XXX            | 25.0                         | 40.0                  | 50                      |
| Biochemical Oxygen Demand (BOD <sub>5</sub> )               |                             |                       |                |                              |                       |                         |
| Raw Sewage Influent   | Report                      | Report                | XXX            | Report                       | XXX                   | XXX                     |
| Total Suspended Solids                                      |                             | Daily Max             |                |                              |                       |                         |
| Total Suspended Solids Raw Sewage Influent                  | 176                         | 264                   | XXX            | 30.0                         | 45.0                  | 60                      |
| Total Suspended Solids Raw Sewage Influent                  | Report                      | Report                | XXX            | Report                       | XXX                   | XXX                     |
|   |                             | Daily Max             |                |                              |                       |                         |

| <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> |                         |
| Fecal Coliform (CFU/100 ml)                     |                             |                       |                |                              |                       |                         |
| May 1 - Sep 30                                  | XXX                         | XXX                   | XXX            | 200                          | XXX                   | 1,000                   |
| Oct 1 - Apr 30                                  | XXX                         | XXX                   | XXX            | Geo Mean<br>2,000            | XXX                   | 10,000                  |
| Nitrate-Nitrite as N                            | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Nitrate-Nitrite as N (Total Load, lbs) (lbs)    | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Nitrogen                                  | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Nitrogen (Total Load, lbs) (lbs)          |                             |                       |                |                              |                       |                         |
| Effluent Net                                    | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Nitrogen (Total Load, lbs) (lbs)          | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Ammonia-Nitrogen                                |                             |                       |                |                              |                       |                         |
| Nov 1 - Apr 30                                  | Report                      | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| May 1 - Oct 31                                  | 50                          | XXX                   | XXX            | 8.5                          | XXX                   | 17                      |
| Ammonia-Nitrogen (Total Load, lbs) (lbs)        | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Kjeldahl Nitrogen                         | XXX                         | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Kjeldahl Nitrogen (Total Load, lbs) (lbs) | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Phosphorus                                | Report                      | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| Total Phosphorus (Total Load, lbs) (lbs)        |                             |                       |                |                              |                       |                         |
| Effluent Net                                    | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |
| Total Phosphorus (Total Load, lbs) (lbs)        | Report<br>Total Mo          | XXX                   | XXX            | XXX                          | XXX                   | XXX                     |

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

The EPA Waiver is not in effect.

**PA0026077**, Sewage, SIC Code 4952, **Carlisle Borough**, 53 W South Street, Carlisle, PA 17013-3458. Facility Name: Carlisle Regional Water Pollution Control Facility. This existing facility is located in Middlesex Township, **Cumberland County**.

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

The receiving stream(s), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.0 MGD.—Limits.

| <i>Parameters</i>             | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                  | <i>Instant. Maximum</i> |
|-------------------------------|-----------------------------|-----------------------|----------------|------------------------------|------------------|-------------------------|
|                               | <i>Average Monthly</i>      | <i>Weekly Average</i> |                | <i>Average Monthly</i>       | <i>Maximum</i>   |                         |
| Flow (MGD)                    | Report                      | Report<br>Daily Max   | XXX            | XXX                          | XXX              | XXX                     |
| pH (S.U.)                     | XXX                         | XXX                   | 6.0            | XXX                          | XXX              | 9.0                     |
| Dissolved Oxygen              | XXX                         | XXX                   | 5.0            | XXX                          | XXX              | XXX                     |
| Total Residual Chlorine (TRC) | XXX                         | XXX                   | XXX            | 0.5                          | XXX              | 1.6                     |
| CBOD <sub>5</sub>             |                             |                       |                |                              |                  |                         |
| Nov 1 - Apr 30                | 1,459                       | 2,335                 | XXX            | 25.0                         | 40.0             | 70                      |
| May 1 - Oct 31                | 992                         | 1,576                 | XXX            | 17.0                         | Wkly Avg<br>27.0 | 47                      |
|                               |                             |                       |                |                              | Wkly Avg         |                         |
| BOD <sub>5</sub>              |                             |                       |                |                              |                  |                         |
| Raw Sewage Influent           | Report                      | Report<br>Daily Max   | XXX            | Report                       | XXX              | XXX                     |
| Total Suspended Solids        |                             |                       |                |                              |                  |                         |
| Raw Sewage Influent           | Report                      | Report<br>Daily Max   | XXX            | Report                       | XXX              | XXX                     |
| Total Suspended Solids        | 1,751                       | 2,627                 | XXX            | 30.0                         | 45.0<br>Wkly Avg | 85                      |



| <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>Maximum</i> |                         |
| 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<br>200<br>Geo Mean  | XXX            | 1,000                   |
| Ammonia-Nitrogen                        |                             |                       |                |                              |                |                         |
| Nov 1 - Apr 30                          | 577                         | XXX                   | XXX            | 9.9                          | XXX            | 27                      |
| May 1 - Oct 31                          | 192                         | XXX                   | XXX            | 3.3                          | XXX            | 9.2                     |
| Total Phosphorus                        | 58                          | XXX                   | XXX            | 1.0                          | XXX            | 2.8                     |
| Copper, Total                           | XXX                         | XXX                   | XXX            | Report                       | Report         | XXX                     |
| Hardness, Total (as CaCO <sub>3</sub> ) |                             |                       |                |                              |                |                         |
| Downstream Monitoring                   | XXX                         | XXX                   | XXX            | Report                       | Report         | XXX                     |
| Hardness, Total (as CaCO <sub>3</sub> ) | XXX                         | XXX                   | XXX            | Report                       | Report         | XXX                     |
| Hardness, Total (as CaCO <sub>3</sub> ) |                             |                       |                |                              |                |                         |
| Instream Monitoring                     | XXX                         | XXX                   | XXX            | Report                       | Report         | 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        | XXX            | Report                      | XXX            |
| Kjeldahl—N           | Report            | XXX           | XXX            | Report                      | XXX            |
| Nitrate-Nitrite as N | Report            | XXX           | XXX            | Report                      | XXX            |
| Total Nitrogen       | Report            | Report        | XXX            | Report                      | XXX            |
| Total Phosphorus     | Report            | Report        | XXX            | Report                      | XXX            |
| Net Total Nitrogen   | Report            | 127,852       | XXX            | XXX                         | XXX            |
| Net Total Phosphorus | Report            | 17,047        | XXX            | XXX                         | XXX            |

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

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

- Chesapeake Bay Nutrient Monitoring Requirement
- Whole Effluent Toxicity (WET) Testing Requirement
- Pretreatment Implementation Requirement
- Stormwater BMP Requirement

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

The EPA Waiver is not in effect.

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

**PA0232840**, Industrial, SIC Code 4911, **Renovo Energy Center LLC**, 12011 Sunset Hills Road, Suite 110, Reston, VA 20190-5919. Facility Name: Renovo Energy Center. This proposed facility is located in Renovo Borough, **Clinton County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 9-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.415 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>Daily Maximum</i> |                | <i>Average Monthly</i>       | <i>Daily Maximum</i> |                         |
| Flow (MGD)                    | Report                      | Report               | XXX            | XXX                          | XXX                  | XXX                     |
| pH (S.U.)                     | XXX                         | XXX                  | 6.0            | XXX                          | XXX                  | 9.0                     |
| Total Residual Chlorine (TRC) | XXX                         | XXX                  | XXX            | 0.2                          | XXX                  | 0.5                     |
| Temperature (deg F) (°F)      | XXX                         | XXX                  | XXX            | XXX                          | 110                  | XXX                     |

| <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> |                         |
| Total Suspended Solids | 100                         | 345                  | XXX            | 30.0                         | 100.0                | 125                     |
| Oil and Grease         | XXX                         | XXX                  | XXX            | 15.0                         | 20.0                 | 30                      |
| Aluminum, Total        | 19.34                       | 19.34                | XXX            | 5.59                         | 5.59                 | 5.59                    |
| Iron, Total            | 6.92                        | 13.84                | XXX            | 2.00                         | 4.00                 | 5.00                    |
| Copper, Total          | 0.10                        | 0.20                 | XXX            | 0.03                         | 0.06                 | 0.07                    |
| PCBs, Total (µg/L)     | XXX                         | XXX                  | XXX            | XXX                          | XXX                  | 1.75                    |

The proposed monitoring requirements for Outfall 002 are:

| <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> |                         |
| pH (S.U.)              | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Total Suspended Solids | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Oil and Grease         | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Aluminum, Total        | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Iron, Total            | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Manganese, Total       | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |

The proposed monitoring requirements for Outfall 003 are:

| <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> |                         |
| pH (S.U.)              | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Total Suspended Solids | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Oil and Grease         | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Aluminum, Total        | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Iron, Total            | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Manganese, Total       | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |

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

The EPA Waiver is not in effect.

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

**PA0265195**, Sewage, SIC Code 8800, **Elsie Miller**, 9690 Fillingier Road, Erie, PA 16410. Facility Name: Elsie Miller SRSTP. This proposed facility is located at 9661 West Law Road in North East Township, **Erie 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), Unnamed Tributary to Twelvemile Creek, is located in State Water Plan watershed 15-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| <i>Parameters</i>                             | <i>Mass Units (lbs/day)</i> |                       | <i>Average Monthly</i> | <i>Concentrations (mg/L)</i> |                | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|------------------------|------------------------------|----------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Average Weekly</i> |                        | <i>Average Monthly</i>       | <i>Maximum</i> |                         |
| Flow (GPD)                                    | Report                      | XXX                   | XXX                    | XXX                          | XXX            | XXX                     |
| pH (S.U.)                                     | XXX                         | XXX                   | 6.0<br>Min             | XXX                          | 9.0            | XXX                     |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | XXX                         | XXX                   | 10.0                   | XXX                          | XXX            | 20                      |
| Total Suspended Solids                        | XXX                         | XXX                   | 10.0                   | XXX                          | XXX            | 20                      |
| Fecal Coliform (No./100 ml)                   | XXX                         | XXX                   | 200                    | XXX                          | XXX            | XXX                     |

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

The EPA Waiver is in effect.

**PA0029114**, Sewage, SIC Code 4952, **Clintonville Borough Sewer & Water Authority Venango County**, PO Box 292, Clintonville, PA 16372. Facility Name: Clintonville Borough STP. This existing facility is located in Clintonville Borough, **Venango 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, an Unnamed Tributary to the Scrubgrass Creek, is located in State Water Plan watershed 16-G and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.065 MGD.—Limits.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                       | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|-----------------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>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                   | XXX            | 4.0                          | Max<br>XXX            | XXX                     |
| Total Residual Chlorine (TRC)                               | XXX                         | XXX                   | XXX            | 0.5                          | XXX                   | 1.6                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 13.5                        | 21.7                  | XXX            | 25.0                         | 40.0                  | 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                                      | 16.3                        | 24.4                  | XXX            | 30.0                         | 45.0                  | 60                      |
| Fecal Coliform (CFU/100 ml)                                 |                             |                       |                |                              |                       |                         |
| Oct 1 - Apr 30  | XXX                         | XXX                   | XXX            | 2,000<br>Geo Mean            | XXX                   | 10,000                  |
| May 1 - Sep 30  | XXX                         | XXX                   | XXX            | 200<br>Geo Mean              | XXX                   | 1,000                   |
| Total Nitrogen  | XXX                         | XXX                   | XXX            | Report<br>Avg Qrtly          | XXX                   | XXX                     |
| Ammonia-Nitrogen  |                             |                       |                |                              |                       |                         |
| Nov 1 - Apr 30  | Report                      | XXX                   | XXX            | Report                       | XXX                   | XXX                     |
| May 1 - Oct 31  | 6.0                         | XXX                   | XXX            | 11.0                         | XXX                   | 22                      |
| Total Phosphorus  | XXX                         | XXX                   | XXX            | Report<br>Avg Qrtly          | XXX                   | XXX                     |
| Total Aluminum  | XXX                         | XXX                   | XXX            | Report<br>Avg Qrtly          | XXX                   | XXX                     |
| Total Iron  | XXX                         | XXX                   | XXX            | Report<br>Avg Qrtly          | XXX                   | XXX                     |
| Total Manganese   | XXX                         | XXX                   | XXX            | Report<br>Avg Qrtly          | XXX                   | XXX                     |

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

- Solids Management

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.

**PA0104469 Amendment No. 1**, Sewage, SIC Code 3743, 3999, **Kasgro Rail Corporation**, 121 Rundle Road, New Castle, PA 16102-1913. Facility Name: Kasgro Rail Rundle Road Plant. This existing facility is located in Taylor Township, **Lawrence County**.

Description of Existing Activity: The application is for an amendment to an NPDES permit for an existing discharge of treated sewage and stormwater associated with industrial activity. Total nitrogen, total phosphorus, ammonia nitrogen, and dissolved oxygen effluent limits/monitoring requirements will be removed and monitoring frequencies for the remaining existing parameters are being relaxed at Outfall 001 as part of this permit amendment.

The receiving stream(s), Shenango River, is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The EPA Waiver is not in effect.

**PA0264873**, Sewage, SIC Code 8800, 4952, **William Cook**, 12619 Smedley Road, Waterford, PA 16441-3929. Facility Name: William Cook SRSTP. This proposed facility is located in Waterford Township, **Erie County**.

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

The receiving stream is an unnamed tributary to French Creek, located in State Water Plan watershed 16-A and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 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                   | 9.0     | XXX              |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | XXX                  | XXX            | XXX     | 10.0                  | XXX     | 20.0             |
| Total Suspended Solids                        | XXX                  | XXX            | XXX     | 10.0                  | XXX     | 20.0             |
| Fecal Coliform (CFU/100 ml)                   | XXX                  | XXX            | XXX     | 200<br>Geo Mean       | XXX     | 1,000            |

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 3217401**, Sewage, **Burrell Township Sewer Authority**, 49 Willow Street, Black Lick, PA 15716.

This proposed facility is located in Burrell Township, **Indiana County**.

Description of Proposed Action/Activity: Blacklick Wastewater Treatment Plant Replacement and Improvement Project. A new SBR Treatment Facility with Ultraviolet Disinfection will be constructed to replace the existing WWTP.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 2670202 A-3**, Industrial, **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672

This existing facility is located in Dunbar Township, **Fayette County**.

Description of Proposed Action/Activity: Installation of two, above-grade sludge transfer tanks and two Volute sludge dewatering presses (Model ES132).

**WQM Permit No. 6510402-A2**, Sewage, **Mon Valley Sewer Authority**, 20 S Washington Street, Donora, PA 15033.

This proposed facility is located in Carroll Township, **Washington County**.

Description of Proposed Action/Activity: Replace gaseous chlorine with calcium hypochlorite tablet feed system.

**WQM Permit No. 0208201 A-1**, Industrial, **Lafarge North America Inc.**, 4810 Buttermilk Hollow Road, West Mifflin, PA 15122.

This existing facility is located in West Mifflin Borough, **Allegheny County**.

Description of Proposed Action/Activity: Modifications to the existing passive wetland treatment system to include the addition of pH adjustment at the system headworks.

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

**WQM Permit No. 1317401**, Sewage, **Lloyd Otto, LLC**, 1620 Hamilton Street, Allentown, PA 18102.

This existing facility is located in Franklin Township, **Carbon County**.

Description of Proposed Action/Activity: The project is for the replacement of the cathodic protection system for the wastewater treatment plant. Six 17-pound magnesium anode packages will replace the six existing magnesium anodes.

**WQM Permit No. 4017402**, Sewage, **Greater Hazleton Joint Sewer Authority**, P.O. Box 651, Hazleton, PA 18201-0651.

This existing facility is located in West Hazleton Borough, **Luzerne County**.

Description of Proposed Action/Activity: The project is for the installation of a fluidized bed incinerator, air emissions equipment, ash handling vacuum filter, a new centrifuge for sludge dewatering, and other associated appurtenances at the wastewater treatment plant.

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

**WQM Permit No. 262948**, Sewerage, **Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526.

This proposed facility is located in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: Oxidation ditch center well fine screen.

**WQM Permit No. 2212403**, Sewerage, **Capital Region Water**, 212 Locust Street, Suite 500, Harrisburg, PA 17101-1510.

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

Description of Proposed Action/Activity: AWTF Primary Digester Facilities Rehabilitation.

**WQM Permit No. 6717406**, Sewerage, **Penn Township**, 20 Wayne Avenue, Hanover, PA 17331.

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

Description of Proposed Action/Activity: Northview Drive Pump Station Upgrade.

**WQM Permit No. 0117402**, Sewerage, **Lake Meade Municipal Authority**, 59 Curtis Drive, East Berlin, PA 17316.

This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Replacement of Pump Station 1.

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

**WQM Permit No. 6217410**, Sewage, **Deborah Young**, 155 Miller Hill Road, Warren, PA 16365.

This proposed facility is located in Conewango Township, **Warren County**.

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

**WQM Permit No. 6217411**, Sewage, **Cindy Schmoker**, 640 State Lot Road, Spartansburg, PA 16434-5628.

This proposed facility is located in Limestone Township, **Warren County**.

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

**WQM Permit No. 6217412**, Sewage, **Charles Meuser**, P.O. Box 6, Youngsville, PA 16371.

This proposed facility is located in Brokenstraw Township, **Warren County**.

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

**WQM Permit No. 1600407 A-2**, Sewage, **Aqua Pennsylvania Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3402.

This existing facility is located in Salem Township, **Clarion County**.

Description of Proposed Action/Activity: Installation of a shallow dosing trench lined with HDPE infiltration panels to increase flux into sand beds.

**WQM Permit No. 3397404 A-2**, Sewage, **Brookville Municipal Authority**, 18 Western Avenue, Brookville, PA 15825-1540.

This existing facility is located in Corsica Borough, **Jefferson County**.

Description of Proposed Action/Activity: Replacement of existing ultraviolet disinfection equipment at the Corsica Wastewater Treatment Facility.

**WQM Permit No. 4317407**, Sewage, **Patricia Jo Drescher-Porter**, 110 Carmona Road, Grove City, PA 16127.

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

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

**WQM Permit No. 3774402 A-4**, Sewage, **Neshannock Township Lawrence County**, 3131 Mercer Road, New Castle, PA 16105.

This existing facility is located in Neshannock Township, **Lawrence County**.

Description of Proposed Action/Activity: Amendment to install low pressure sewer systems in Highland Park and Blews Acres residential areas.

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

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*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>  |
|-------------------------|---|---------------|--------------------------|-----------------------------|
| PAD390036               | ARCO Murray<br>3110 Woodcreek Dr.<br>Downers Grove, IL 60515                                | Lehigh        | Upper Macungie Township  | Iron Run<br>(HQ-CWF, MF)    |
| PAD390009               | Brad Nesland, Dorney Park & Wildwater Kingdom<br>3830 Dorney Park Rd<br>Allentown, PA 18104 | Lehigh        | South Whitehall Township | Cedar Creek<br>(HQ-CWF, MF) |

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

| <i>Permit #</i> | <i>Applicant Name &amp; Address</i>                             | <i>County</i> | <i>Municipality</i>                | <i>Receiving Water/Use</i>        |
|-----------------|---|---------------|------------------------------------|-----------------------------------|
| PAD060006       | UGI Utilities, Inc.<br>225 Morgantown Road<br>Reading, PA 19612 | Berks County  | Lyons Borough<br>Richmond Township | UNT Moselem Creek<br>(HQ-CWF, MF) |

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

PAG-12      CAFOs

#### **MS4 Notices of Intent Received**

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Municipality/County</i>       | <i>Waiver Application Submitted (Y/N)</i> | <i>Pollutant Reduction Plan Submitted (Y/N)</i> |
|-------------------------|---|----------------------------------|---|---|
| PAG133719               | Straban Township Board of Supervisors<br>1745 Granite Station Road<br>Gettysburg, PA 17325    | Straban Township<br>Adams County | Y   | N   |
| PAG133718               | Union Township Board of Supervisors<br>255 Pine Grove Road<br>Hanover, PA 17331               | Union Township<br>Adams County   | Y   | N   |
| PAG133606               | Penn State Hershey Medical Center (PSHMC)<br>90 Hope Drive<br>Suite 3301<br>Hershey, PA 17033 | Derry Township<br>Dauphin County | Y   | N   |

*Northwest Regional Office: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. Phone: 814.332.6942.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Municipality, County</i>       | <i>Waiver Application Submitted (Y/N)</i> | <i>Pollutant Reduction Plan Submitted (Y/N)</i> |
|-------------------------|--|-----------------------------------|---|---|
| PAG138305               | Mercer County<br>503 Court House<br>Mercer, PA 16137-1232                        | Mercer County                     | Y   | N   |
| PAG138335               | Forward Township Butler County<br>207 Ash Stop Road<br>Evans City, PA 16033-7649 | Forward Township<br>Butler County | Y   | N   |

### **STATE CONSERVATION COMMISSION**

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

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

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

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should

include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN**

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

**Application No. PA0276006**, Concentrated Animal Feeding Operation (CAFO), **Koch Duane L (Kochs Turkey Farm Walker Township Schuylkill County)**, 416 Valley Road, Tamaqua, PA 18252-5115.

Koch Duane L has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Kochs Turkey Farm Walker Township Schuylkill County, located in Walker Township, **Schuylkill County**.

The CAFO is situated near Unnamed Tributary to Beaver Creek in Watershed 3-A, which is classified for Cold Water Fishes. The CAFO is designed to maintain an animal population of approximately 2,303 animal equivalent units (AEUs) consisting of 147,365 hens and 79,036 toms. Manure is handled as floor litter and removed between flocks. 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 25-year, 24-hour storm event.

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

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

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

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

**Application No. PA0266558**, Concentrated Animal Feeding Operation (CAFO), **Lapp Jonathan Z (Jonathan Lapp Farm CAFO)**, 274 Media Road, Oxford, PA 19363.

Jonathan Z. Lapp has submitted an application for an Individual NPDES permit for a new CAFO known as Jonathan Lapp Farm CAFO, located in East Nottingham Township, **Chester County**.

The CAFO is situated near Unnamed Tributary to Jordan Run in Watershed 7-K, which is classified for Exceptional Value Waters and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 166.67 animal equivalent units (AEUs) consisting of 170,000 pullets. Manure is collected stored in a stacking shed prior to export. 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 25 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 484-250-5910.

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

**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> |
|--|---------------|--------------------|--------------------------------|--------------------|---|---------------------|
| Hickory Lane Farms<br>23 Clarks Run Road<br>Blain, PA 17006        | Perry         | 411                | 1,328.250                      | Swine              | Shermans Creek HQ                                 | Renewal             |
| Monte Edgin<br>10368 Chester Furnace Rd.<br>Shirleysburg, PA 17260 | Huntingdon    | 257.6              | 517.79                         | Swine              | NA  | Renewal             |

| <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> |
|--|---------------|--------------------|--------------------------------|--------------------|---|----------------------|
| Evergreen Farms<br>Andy Harpster<br>3102 Evergreen Ln.<br>Spruce Creek, PA 16683     | Huntingdon    | 5,377.1            | 6,969.38                       | Dairy              | Spruce Creek, Halfmoon Creek, Reeds Run (HQ-CWF)  | Renewal              |
| Landis Hoover<br>1453 Diamond Station Road<br>Ephrata, PA 17522                      | Lancaster     | 37.2               | 314.03                         | Swine/Veal         | NA  | Renewal              |
| Leroy & Jay Daniel<br>Zimmerman<br>327 Stackstown Road<br>Marietta, PA 17547         | Lancaster     | 154.6              | 388.19                         | Swine/Steer        | NA  | Renewal              |
| Scattered Acres Inc.<br>Edward Hartman<br>900 Galen Hall Road<br>Reinholds, PA 17569 | Lancaster     | 82.4               | 1,526.5                        | Dairy              | NA  | Renewal              |
| Phillip Reisinger<br>647 Polecat Road<br>Landisburg, PA 17040                        | Perry         | 860.2              | 360                            | Poultry Layer      | NA  | Renewal              |
| Broc Troxell<br>190 Berkey Lane<br>New Columbia, PA 17856                            | Union         | 666.69             | 1,509.75                       | Swine and Beef     | NA  | Renewal              |
| Hummel Family Farm, LLC<br>3493 Middle Road<br>Middleburg, PA 17842                  | Snyder        | 138.59             | 726.90                         | Swine              | NA  | Renewal              |

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Permit No. 2216501, Public Water Supply.**

Applicant **Harrisburg Dairies, Inc.**  
 Municipality Harrisburg  
 County **Dauphin**  
 Responsible Official Miles Zehring, Plant Manager  
 2001 Herr Street  
 Harrisburg, PA 17103  
 Type of Facility Public Water Supply  
 Consulting Engineer R Edward Spayd III, P.E.  
 Herbert Rowland & Grubic Inc  
 369 East Park Drive  
 Harrisburg, PA 17111

Application Returned: 8/10/2017

Description of Action Installation of a new 1-gallon water bottling line.

**Permit No. 0617515, Public Water Supply.**

Applicant **Berks Properties, Inc.**  
 Municipality Longswamp Township  
 County **Berks**



Responsible Official David Rittenhouse, President  
2620 Egypt Road  
Norristown, PA 19403

Type of Facility Public Water Supply

Consulting Engineer John D. Brady, P.E.  
Entech Engineering Inc.  
201 Penn Street  
Reading, PA 19601

Application Received: 7/25/2017

Description of Action Berks Properties, Inc. has submitted a major permit application for the addition of a second groundwater well source, Well No. 2, to the Mountain Village Mobile Home Park system. Also included is the construction of a new well treatment building, transmission mains, finished water storage tank, and pressure reducing valve vaults.

**Permit No. 4417502**, Public Water Supply.

Applicant **The Municipal Authority of the Borough of Lewistown**

Municipality Armagh Township

County **Mifflin**

Responsible Official Craig Bubb, Superintendent  
70 Chestnut Street  
Lewistown, PA 17004-2216

Type of Facility Public Water Supply

Consulting Engineer John T. Mazich, P.E.  
Uni-Tec Consulting Engineers,  
Inc.  
2007 Cato Avenue  
State College, PA 16801

Application Received: 8/7/2017

Description of Action One of the two ozone generation trains and the associated injection system used for disinfection of raw surface water will be replaced with a new ozone generation system. The proposed system will have the capacity of both existing trains.

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

**Permit No. 3017508**, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
Jefferson, PA 15344

[Township or Borough] Whiteley Township

Responsible Official Timothy C. Faddis, Manager  
Southwestern Pennsylvania Water Authority  
1442 Jefferson Road  
Jefferson, PA 15344

Type of Facility Water system

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

Application Received Date August 8, 2017

Description of Action Installation of a mixing system and power vents at the Whiteley water storage tank.

**Permit No. 3017509**, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
Jefferson, PA 15344

[Township or Borough] Cumberland Township

Responsible Official Timothy C. Faddis, Manager  
Southwestern Pennsylvania Water Authority  
1442 Jefferson Road  
Jefferson, PA 15344

Type of Facility Water system

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

Application Received Date August 8, 2017

Description of Action Installation of a mixing system and power vents at the Nemaconlin water storage tank.

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

**Permit No. 4217502**, Public Water Supply.

Applicant **Borough of Smethport Authority**

Township or Borough Smethport Borough

County **McKean**

Responsible Official Bernard Ball

Type of Facility Water Treatment Plant

Consulting Engineer Gannett Fleming, Inc.

Application Received Date August 4, 2017

Description of Action Replace existing water treatment plant in kind

**WATER ALLOCATIONS**

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

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

**WA 10-647D**, Water Allocations. **Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066, Cranberry Township, **Butler County**. Water Allocation Permit application requesting the right to purchase 4.40 MGD from the Municipal Authority of the Borough of West View.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Septa Wayne Junction Rail Yard**, 4500 Germantown Avenue, City of Philadelphia, **Philadelphia County**. Robert Nicoloro, Stantec Consulting Services, Inc., 1060 Andrew Drive, West Chester, PA 19380-5602 on behalf of Richard Harris, Southeastern Pennsylvania Transportation Authority, 1234 Market Street, 6th Floor, Philadelphia 19107-3780 submitted a Notice of Intent to Remediate. Soil was contaminated with PCBs. The NIR is assigned to work to be conducted within the boundaries of the Wayne Junction Railroad. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on July 28, 2017.

**J&J Development Company II**, 1116 Horsham Road, Horsham Township **Montgomery County**. Phil Gray, Jr., Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 on behalf of John Pileggi, Jr., J&J Development Company, II, 3470 Limekiln Pike, Chalfont, PA 18914 submitted a Notice of Intent to Remediate. Concentrations of chlorinated solvents were detected in groundwater. The property will continue to be used for non-residential purposes. The Notice of Intent to Remediate was published in the *Montgomery News Digital* on July 30, 2017.

**Whitfield Residence**, 546 Jefferson Avenue, Pottstown Borough, **Montgomery County**. Carl Rinkevich II, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Elizabeth Roberts, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 submitted a Notice of Intent to Remediate. A release of no. 2 fuel oil occurred at the property and impacted onsite soils. The proposed future use of the property will be residential for the foreseeable future. The Notice of Intent to Remediate was published in the *Mercury* on June 7, 2017.

**Roberto Clemente Middle School**, 3921-3961 North 5th Street, City of Philadelphia, **Philadelphia County**. James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Natalie Griffith, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Walter Toliver, Esperanza, 4261 North 5th Street, Philadelphia, PA 19140 submitted a Notice of Intent to Remediate. A site investigation conducted as a part of a due diligence inquiry identified the presence of concentrations of benzo(a)pyrene and benzo(b)fluoranthene in soil sample and the presence of antimony in concentrations of groundwater. The site is developed with a six-story structure currently undergoing partial demolition and renovation for mixed use (commercial on the first floor and residential on the stories above). The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on July 3, 2017.

**Unique Auto Service**, 245 South Main Street, Sellersville Borough, **Bucks County**. Joseph E. LaPann, Keith Valley Environmental, Inc., P.O. Box 5376, Deptford, NJ 08096 on behalf of Joseph and Dawn Eberle, 520 Skunk Hollow Road, Chalfont, PA 18914-1039 submitted a Notice of Intent to Remediate. Site soil and groundwater was found to be impacted by gasoline-related compounds. The proposed future use of the property will continue to be as an automotive repair business or other non-residential use. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* and the *Intelligencer* on July 18, 2017.

**Quaker Car Wash**, 71 South West End Boulevard, Borough of Quakertown, **Bucks County**. Brenda MacPhail-Kellogg, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142 on behalf of James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142, Joshua Lee, Noah Bank, 2337 Lemoine Avenue, Second Floor, Fort Lee, NJ 07024 submitted a Notice of Intent to Remediate. Groundwater and soil investigations identified the presence of VOCs and lead. The site is expected to continue to function as a car wash. The Notice of Intent to Remediate was published in the *Intelligencer* on July 20, 2017.

**1331-1339 South Juniper Street**, 1331-1339 South Juniper Street, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Jason Cutaiar, Made Construction, 1701 Reed Street, Philadelphia, PA 19146 submitted a Notice of Intent to Remediate. Gasoline related compounds were detected in soil and groundwater at the site. The development of the property will be residential housing. The Notice of Intent to Remediate was published in the *Metro* on February 23, 2016.

**Saint John the Baptist Catholic Church**, 500-502 Ford Street, Bridgeport Borough, **Montgomery County**. Raymond J. Minarovic, T&M Associates, 74 West Broad Street, Suite 530, Bethlehem, PA 18018 on behalf of Friar David Ousley, Saint John the Baptist Church, 500-502 Ford Street, Bridgeport, PA19405 submitted a Notice of Intent to Remediate. The site has been found to be impacted by petroleum hydrocarbons which has contaminated soil on the site. The proposed future use of the property will be both residential and non-residential, as it will maintain its operation as a church. The Notice of Intent to Remediate was published in the *Times Herald* on June 26, 2107.

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

**VF Outlet Complex—Parcel 9**, 801 Hill Avenue, Wyomissing, PA 19610, Wyomissing Borough, **Berks County**. Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482, on behalf of Equus Capital Partners Ltd, 3200 Center Square West, 1500 Market Street, Philadelphia, PA 19102, and VF Corporation, VF Outlet, Inc., 801 Hill Avenue, Wyomissing, PA 19610 submitted a Notice of Intent to Remediate soil contaminated with metals and polycyclic aromatic hydrocarbons. The site will be remediated to the Nonresidential Statewide Health Standard. Future use of the site will remain Non-Residential. The Notice of Intent to Remediate was published in the *Reading Eagle* on July 27, 2017.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**JKLM Reese Hollow Pad 118 Release Cleanup**, Sweden 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 Notice of Intent to Remediate site groundwater contaminated with organics. The applicant proposes to remediate the site to meet the Statewide Health Standard.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101716. Pro Waste Services, Inc**, 2138 State Route 18, Wampum, PA 16157. This is a new municipal waste transfer station permit for the storage and transfer of municipal and residual waste. The application was received February 7, 2017, a LMIP meeting was conducted on April 12, 2017, and an Environmental Justice public meeting was conducted on May 3, 2017. The application was found to be administratively complete by the Northwest Regional Office on April 19, 2017.

Persons interested in commenting on the permit may contact Christina S. Wilhelm, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

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

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

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

**16-148C: Robert V. Burns Crematorium, Inc.** (638 Wood Street, Clarion, PA 16214), The Department of Environmental Protection intends to issue a plan approval to Robert V. Burns Crematorium for the installation of a second human crematory at their facility located in Clarion Borough, **Clarion County**. This is an existing non-Title V facility. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

This application proposes occasional opening of the crematory's door during operation. This crematory was not eligible for authorization under General Plan Approval 14 per the Department's instruction that those facilities which open their primary chamber's door during operation, could no longer use the general permit. Robert V. Burns Crematorium has elected to apply for a plan approval rather than discontinue the opening of their crematories' doors which they feel is necessary for economical and complete cremation cycles. Special conditions will be included in this plan approval which address door opening and its' impact on emissions and operation. The

crematory will be required to meet all emission and temperature requirements while the door is opened and will have additional recordkeeping and monitoring requirements.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Emissions from the proposed source are estimated to be: less than 1.25 tons per year (tpy) of particulate matter, less than 1.0 tpy (each) of SO<sub>x</sub>, NO<sub>x</sub>, CO, VOC, and HAP.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6940.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [16-148C: Robert V. Burns Crematorium] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region. Written comments or requests for a public hearing should be directed to Eric A. Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819.

**25-029E: Erie Coke Corporation** (925 East Bay Drive, Erie, PA 16512), for the proposed RACT II evaluation for the facility in Erie City, **Erie County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 25-029E is for the proposed RACT II NO<sub>x</sub> emission limits for Boiler 1 & 2 that combust coke oven gas (COG) with natural gas and for a NO<sub>x</sub> emission limit for the Coke Oven Battery Underfiring System that combusts COG since RACT II does not have a limit established for burning COG. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 031 & 032
  - When both boilers are operating, NO<sub>x</sub> emissions from each boiler shall not exceed:
    - 0.24 #/MMBtu
    - 11.4 #/hr
    - 49.82 tpy
  - When only one boiler is operating, NO<sub>x</sub> emissions shall not exceed:
    - 22.8 #/hr
  - Quarterly NO<sub>x</sub> emissions shall not exceed 24.9 tons for both boilers based on a 3-month consecutive period.
  - Installation, maintenance, and operation in accordance with manufacturer's specifications and with good operating practices.
  - Shall comply with 40 CFR 63 Subpart DDDDD.
  - All conditions from the facility operating permit revised on October 3, 2016, for this source remain in effect unless modified in this plan approval.
- Source 802 & 803
  - Installation, maintenance, and operation in accordance with manufacturer's specifications and with good operating practices.
  - Shall comply with 40 CFR 63 Subpart CCCCC
  - All conditions from the facility operating permit revised on October 3, 2016, for this source remain in effect unless modified in this plan approval.
- Source 805
  - NO<sub>x</sub> emissions shall not exceed:
    - 0.33 #/MMBtu
    - 19.9 #/hr
    - 87.16 tpy based on a 12-month consecutive period
    - 21.8 tons/quarter
  - Installation, maintenance, and operation in accordance with manufacturer's specifications and with good operating practices.
  - Shall comply with 40 CFR 63 Subpart CCCCC
  - All conditions from the facility operating permit revised on October 3, 2016, for this source remain in effect unless modified in this plan approval.
- C805A
  - The Thionizer process vessel shall not operate unless the fabricated steel top cover, which has three 12-inch ports and incorporates 4 bolted-on and sealed, removable, clean-out covers, is in place. The clean-out covers shall not be opened during Thionizer operation.
  - All conditions from plan approval 25-029D issued April 7, 2017, for this source remain in effect unless modified in this plan approval.
- RACT II for Sources 031, 032, 802, 803, 805, & C805A
  - Subject to 25 Pa. Code § 129.99
  - Subject to 25 Pa. Code § 129.100

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the

Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-029E] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for State only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

**43-319D: JMC Steel Group—Sharon Tube Division** (One Council Ave., Wheatland, PA 16161) for the increase in VOC emission limits from existing cold immersion dip tanks at their Church Street facility in Wheatland Borough, **Mercer County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the DEP intends to issue Plan Approval 43-319D to JMC Steel Group—Sharon Tube Division for the increase in VOC emission limits from existing cold immersion dip tanks at the company's facility located at 20 Church St., Wheatland Borough, Mercer County. The facility currently has a State Only Operating Permit No. 43-00182. The Plan Approval will subsequently be incorporated into the State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-319D is for the increase in VOC emission limits from existing cold immersion dip tanks (Source ID # 102) from 13.3 tons per year to a proposed 28.46 tons per year, based on material throughput. The Plan Approval will contain testing, monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m.

weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 43-319D and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

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

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

**AMS IP17-000086:** (Philadelphia Energy Solution, 3144 Passyunk Ave, Philadelphia, PA 19145). For modification of Plan Approval No. 03163, issued on 02/5/2004 for the reactivation of the 869 Alkylation units. The modification includes the following:

- Increase the 869 Alkylation Unit Daily Olefin feed rate from 7,500 barrels per day to 8,500 barrels per day. There will be no emission increase and the Olefin feed rate will still remain at 2,737,500 barrels per rolling twelve month period and specifies the calculation method for Volatile Organic Compound (VOC) from the unit.

The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

### OPERATING PERMITS

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

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

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

**65-00634 Dominion Transmission, Inc** (5000 Dominion Blvd, Glen Allen, VA 23060), In accordance with 25 Pa. Code §§ 127.441, 127.425, and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the continued operation of a natural gas compressor station, known as the JB Tonkin Compressor Station, located in Murrysville Township, **Westmoreland County**. The proposed renewed TVOP also incorporates a Minor Permit Modification to include the applicable requirements of RACT II in the permit.

The facility is a pipeline and storage natural gas compressor station. The main sources at this facility are one Cooper, SI, 2SLB, NG-fired, 6,000-bhp engine, powering a natural gas compressor, one Waukesha, SI, 2SLB, NG-fired, 400-bhp, emergency generator, and one Cleaver Brooks, NG-fired, 3.347 MMBtu/hr boiler.

Annual facility-wide potential emissions are 214 tons of NO<sub>x</sub>, 123 tons of CO, 40 tons of VOC, 12 tons of PM<sub>10</sub>, and 12 tons of PM<sub>2.5</sub>. There are also annual emissions of 9.3 tons of formaldehyde, 2.1 tons of glycol ethers, 1.8 ton of acrolein, 1.8 ton of acetaldehyde, 17.3 tons of the sum of all HAPs combined, and 35,746 tons of CO<sub>2e</sub>. Sources at the facility are subject to 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 25 Pa. Code Chapters 121—145. No equipment or emission changes are being approved by this action. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, work-practice, and reporting requirements for the facility.

Dominion Transmission, Inc's Title V Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality Title V Operating Permit for this project are available for review by any interested party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Title V Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality Title V Operating Permit for this project, a person may contact Thomas Kaminski at thkaminski@pa.gov or 412.442.4000.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit TVOP-65-00634) and a concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

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

**33-00140: Dominion Transmission, Inc. Punxsutawney Station** (88 Laska Road, Punxsutawney, PA), to renew a Title V Operating Permit for the natural gas transmission and distribution station located in Perry

Township, **Jefferson County**. The facility's major emission sources include: Boiler 1 (Ajax Wgfd-5500), Miscellaneous Combustion Units (<2.5 MMBtu/hr.), Compressor Engine 1 (4,200 HP), Compressor Engine 2 (4,200 HP), an Auxiliary Generator (550 HP Caterpillar), Miscellaneous Storage Tanks, Compressor Engine 3 (4,735 HP), a Compressor Turbine, and Facility Pumps, Valves, Flanges, etc. The potential emissions of the major pollutants from the facility are as follows: PM<sub>10</sub>: 4.36 TPY, NO<sub>x</sub>: 219.43 TPY, SO<sub>x</sub>: 1.68 TPY, CO: 126.65 TPY, VOC: 55.54 TPY, HAPs: 35.17 TPY, Formaldehyde: 23.39 TPY, and CO<sub>2</sub>: 77,489.62 TPY; thus, the facility is subject to Title V requirements for potential NO<sub>x</sub>, CO, VOC, HAPs, and CO<sub>2e</sub> emissions. Boiler 1 is subject to 40 CFR 63 Subpart DDDDD for industrial, commercial, and institutional boilers and process heaters located at major sources of HAP. The three compressor engines (1, 2, and 3) are exempted from 40 CFR Part 63, Subpart ZZZZ. The auxiliary emergency generator is also exempt from Subpart ZZZZ except for the requirements of 40 CFR 63.6640(f)(2). The boiler, compressor engines, auxiliary generator, compressor turbine, line heater, and fugitive sources (pumps, valves, flanges, etc.) are subject to the new presumptive RACT requirements of 25 Pa. Code § 129.97. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**15-00077: Hanson Aggregates PA, LLC** (499 Quarry Road, East Caln Township, PA 19335). This action is for the renewal of the State Only Operating Permit for a nonmetallic mineral processing plant located in East Caln Township, **Chester County**. The pollutant of concern is particulate matter. Dust collectors and wet suppression system are used on all sources for particulate matter control. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

**46-00224: Nationwide Mutual Insurance Company** (355 Maple Ave., Harleysville, PA 19438) for the renewal of a Synthetic Minor Operating Permit in Lower Salford Township, **Montgomery County**. Nationwide is a synthetic minor for Nitrogen Oxides (NO<sub>x</sub>) which limits yearly NO<sub>x</sub> emissions to less than 25 tons. The facility is comprised of numerous office buildings and operates two dual-fuel (natural gas and No. 2 oil) fired boilers (6.0 MMBtu/hr each), and two No. 2 oil-fired Emergency Generators (1,490 BHP each). The emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ. The permit contains monitoring, recordkeeping, reporting, and work practice standards 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.*

**36-05139: Advanced Food Products, LLC** (158 West Jackson Street, New Holland, PA 17557) to issue a State

Only Operating Permit for their food processing plant located in New Holland Borough, **Lancaster County**. In 2016 the facility had actual emissions of 23.3 tons of CO, 3.9 tons of NO<sub>x</sub>, 11.2 tons of SO<sub>2</sub>, 1.1 ton of PM<sub>10</sub> and 1.8 ton of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart Dc, 40 CFR 63 Subpart JJJJJ and 25 Pa. Code § 129.63.

**06-05077: Can Corporation of America, Inc.** (326 June Avenue, Blandon, PA 19510) to issue a State Only Operating Permit for the can manufacturing plant located in Maiden Creek Township, **Berks County**. The actual emissions from the facility in 2016 year are estimated at 5 tons of CO, 5 tons of NO<sub>x</sub> and 8 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart ZZZZ and 25 Pa. Code § 129.63.

**67-05075: York PA Hospital Co., LLC.** (325 South Belmont Street, York, PA 17405) to issue a State Only Operating Permit for operation of their medical facility in Spring Garden Township, **York County**. The facility actual emissions in 2016 were 1.25 ton of CO; 2.1 tons of NO<sub>x</sub>; 0.1 ton of PM; 0.02 ton of SO<sub>x</sub>, 0.09 ton of VOC; and 0.03 ton of HAP. 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.

**36-03095: New Enterprise Stone & Lime Co., Inc. dba Martin Limestone/Narvon Quarry** (1046 Narvon Road, Narvon, PA 17555) for the clay mining and processing facility in Caernarvon Township, **Lancaster County**. Potential emissions are estimated at 14.23 tpy of particulate matter and 18.92 tpy SO<sub>x</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.

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

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

**11-00434: Laurel Sand & Stone, Inc.** (P.O. Box 556, 210 E Main St., Ligonier, PA 15658) In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that DEP intends to issue an Air Quality State Only Operating Permit (SOOP) renewal to Laurel Sand & Stone, Inc. to authorize the operation of their Chickaree Quarry facility located in Jackson Township, **Cambria County**.

The Stone Processing Plant consists of truck loading/unloading, primary jaw crusher, 2-deck screen, cone crusher, 3-deck screen, impact crusher, sand auger wash plant and various conveyors and stockpiles. The facility wide potential emissions are based on an annual production rate of 1,890,000 tons which is based on 5,400 hours per year, 350 tons per hour, and AP-42 Emission Factors: 90.02 tons PM per year and 40.87 tons PM<sub>10</sub> per year.

The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements

of 25 Pa. Code Chapters 121—145, and 40 CFR Part 60, Subpart 000—Standard Performance for Nonmetallic Mineral Processing Plants.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (11-00434) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Laurel Sand & Stone State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Laurel Sand & Stone State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

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

**04-00112: Damascus Steel Casting Company** (P.O. Box 257, Block House Run Road Ext., New Brighton, PA 15066) In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that DEP intends to issue an Air Quality State Only Operating Permit (SOOP) renewal to Damascus Steel Casting Company to authorize the operation of their facility located in New Brighton Borough, **Beaver County**.

Damascus Steel primarily produces castings for the steel and mining industry. The facility consists of four electric induction furnaces, shot blast unit, grinders, annealing furnace, core ovens, shell sand molding machines, ladles, torches, space heaters sand reclamation and two baghouses. This is a small foundry melting scrap and clean plates, no automotive scrap is melted at this facility. Facility-wide estimated potential emissions are 9.82 tpy of PM<sub>10</sub>, 6.35 tpy of NO<sub>x</sub>, 1.24 tpy of VOCs, 0.05 tpy of SO<sub>x</sub>, 4.61 tpy of HAPs and 3.89 tpy of CO.

The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Chapters 121—145, and 40 CFR Part 63 Subpart ZZZZZ.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (04-00112) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Damascus Steel Casting State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested

party at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Damascus Steel Casting State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

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

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

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

**10-00298: ESM Group Inc.** (955 Saxonburg Blvd., Saxonburg, PA 16056-2317), the Department intends to issue the renewal of the Natural Minor Permit of a magnesium-lime powder manufacturing facility located in Saxonburg Borough, **Butler County**. Permitted sources at the facility include grinding, mixing, loading, and surface coating operations, an emergency generator, and degreasers. Starting with this renewal, the surface coating operation at the facility is subject to a VOC elective restriction of 2.7 tons per 12-month rolling period to escape 25 Pa. Code § 129.52d, which pertains to Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings. Three sources previously permitted are also removed from the operating permit.

**10-00333: Penn United Technologies Inc.**, Cabot Facility (799 North Pike Road, Cabot, PA 16023), the Department intends to issue the renewal of the Natural Minor Permit of a facility, located in Jefferson Township, **Butler County**, that performs precision metal stamping and reel-to-reel electroplating. In this renewal, two emergency generators are incorporated into the operating permit, with one subject to § 40 CFR 60 Subpart JJJJ pertaining to New Source Performance Standards for Stationary Spark Ignition Internal Combustion Engines. Also added is a coating unit subject to recordkeeping, reporting, and work practice requirements pursuant to 25 Pa. Code § 129.52d, which pertains to Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings. Other permitted sources at the facility include a batch vapor degreaser, cold cleaning degreasers, small boilers, and electroplating operation.

**20-00034: Northwest Hardwoods Incorporated** (10589 Campbell Road, Titusville, PA 16354) the Department intends to issue a renewal of the State Only Operating Permit for the sawmill and hardwood manufacturing facility located in Oil Creek Township, **Crawford County**. The sources at the facility include a wood fired boiler controlled by a multiclone, an 11.8 MMBtu/hr natural gas boiler, miscellaneous woodworking operations and sawdust off-loading controlled by a central dust collection system, wood drying kilns, miscellaneous natural gas combustion, road dust from paved surfaces, and a parts washer. The facility is a natural minor. The facility is an Area Source for MACT. The wood fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The actual PM<sub>10</sub>, SO<sub>x</sub>, NO<sub>x</sub>, CO, and VOC emissions are approximately 8.0 TPY,



0.2 TPY, 5.1 TPY, 5.1 TPY, and 4.8 TPY, respectively. The renewal permit contains the requirements of GP-1-20-034A, emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00558: Products Finishing, Inc.** (2002 Greengarden Road, Erie, PA 16502), to renew a State Only Operating Permit for the facility located in the City of Erie, **Erie County**. The facility is a Natural Minor. The primary sources at the facility include 2 natural gas boilers each rated at 325,000 Btu/hr, 11 Chrome electroplating tanks, and a hydrochloric acid stripping tank. The potential emissions from the facility are as follows: NO<sub>x</sub> less than 1 tpy; CO less than 1 tpy; PM<sub>10</sub> less than 1 tpy; SO<sub>x</sub> less than 1 tpy; VOC's less than 1 tpy; and Chromium Compounds less than 1 tpy. The facility is subject to 40 CFR Part 63 Subpart N, the NESHAP for Chromium Emissions from Hard Chromium Electroplating and Chromium Anodizing Tanks. 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.

**25-00924: Erie Forge & Steel, Inc.** (1341 W. 16th St., Erie, PA 16502), the Department intends to issue the renewal of the State-Only Operating Permit of a facility, located in the City of Erie, **Erie County**, that supplies propulsion components for aircraft carriers, destroyers, submarines, and support ships. Permitted air contaminant-emitting sources at the facility are heat treat furnaces, a paint booth, and cleaning/wiping operations. With overall PTEs of 67.04, 56.06, 12.39, 5.09, and 0.40 TPY for NO<sub>x</sub>, CO, VOC, PM, and SO<sub>x</sub>, respectively, the facility is Natural Minor for permitting purposes. In this renewal, requirements associated with the previous Title V status of the facility, which included 25 Pa. Code §§ 135.3, 135.4, 135.5 and 135.21 are removed from the permit. An elective VOC restriction is added for the paint booth to demonstrate its exemption from 25 Pa. Code § 129.52d, which pertains to Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings.

**25-00930: Donjon Shipbuilding & Repair LLC** (220 East Bayfront Parkway, Erie, PA 16507) for the modification and renewal of a State Only Operating Permit (SOOP) for the ship painting facility located in the City of Erie, **Erie County**. The modification is to include requirements from the Control Techniques Guidelines (CTG) for Shipbuilding and Ship Repair Operations (Surface Coating) in the existing State Only Operating Permit. The sources at the facility include a natural gas fueled pre-heat cabinet, 2 blasting operations, a paint booth, and ship painting operations. The facility is a Synthetic Minor. The potential emissions from the facility are as follows: VOCs, 49.5 tpy; any single HAP 9.5 tpy; and all combined HAPs 24.5 tpy.

The SOOP renewal modification contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

A person may oppose the proposed State Only Operating Permit modification by filing a written protest with the Department through Matthew M. Williams via mail to the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operat-

ing Permit (25-00930) and a concise statement of the objections to the Operating Permit modification and issuance and the relevant facts upon which the objections are based.

Donjon Shipbuilding's State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To request a review of the Donjon Shipbuilding's State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit Modification for this facility, a person may contact Matthew M. Williams at matwilliam@pa.gov (814) 332-6131.

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

## 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.*

**30831303 and NPDES No. PA0013511. Cumberland Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley and Wayne Townships, **Greene County** and related NPDES Permit to perform stream restoration to unnamed tributary to Tustin Run. No additional discharges. The application was considered administratively complete on August 8, 2017. Application received June 16, 2017.

**30831303 and NPDES No. PA0013511. Cumberland Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley and Wayne Townships, **Greene County** and related NPDES Permit for stream restoration in Tustin Run. No additional discharges. The application was considered administratively complete on August 9, 2017. Application received July 14, 2017.

**32051301 and NPDES No. PA0215228. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Barrett Deep Mine in

Buffington and Brush Valley Townships, **Indiana County** and related NPDES Permit to allow installation of two sludge disposal boreholes. Surface Acres Proposed 4.9. No additional discharges. The application was considered administratively complete on August 10, 2017. Application received July 10, 2017.

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

**17070103 and NPDES PA0256498. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Permit renewal for continued operation and restoration of a bituminous surface coal mine located in Girard Township, **Clearfield County** affecting 326.1 acres. Receiving stream(s): Unnamed Tributary to Little Deer Creek and Deer Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 28, 2017.

**17110106 and NPDES PA0257672. Black Cat Coal, LLC** (440 Wm. Cemetery Road, Curwensville, PA 16833). Permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Brady Township, **Clearfield County** affecting 119.0 acres. Receiving stream(s): Unnamed Tributary to East Branch Mahoning Creek and Stump Creek classified for the following use(s): HQ, CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 31, 2017.

*Noncoal Applications Received*

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

| Parameter                            | Table 2        |                                 |                       |
|--------------------------------------|----------------|---------------------------------|-----------------------|
|                                      | 30-day Average | Daily Maximum                   | Instantaneous Maximum |
| Suspended solids                     | 10 to 35 mg/l  | 20 to 70 mg/l                   | 25 to 90 mg/l         |
| Alkalinity exceeding acidity*<br>pH* |                | greater than 6.0; less than 9.0 |                       |

\* The parameter is applicable at all times.

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

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

**24070301 and NPDES Permit No. PA0258318. Advanced Disposal Services Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846), Transfer of an existing large industrial minerals surface mine from Marquise Mining Corporation in Fox Township, **Elk County** affecting 227.0 acres. Receiving streams: Unnamed tributaries of Bear Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 8, 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<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>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*

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

**NPDES No. PA0236012 (Mining Permit No. 32051601), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A renewal and revision to the NPDES and mining activity permit for the Crooked Creek Preparation Plant in Washington Township, **Indiana County** to add Outfall 004. Surface Acres Affected 27.5. Receiving stream: UNT 46761 to Crooked Creek, classified for the following use: CWF. Receiving stream: UNT to UNT 46761 to Crooked Creek, classified for the following use: CWF. Crooked Creek TMDL. The application was considered administratively complete on August 2, 2016. Application received February 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 coal mining activities.

*Outfall 001* discharges to: Unnamed Tributary 46761 to Crooked Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 39' 58.2" Long: 79° 14' 17.8") are:

| <i>Parameter</i>                              |        | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|---|--------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow  | (mgd)  | -              | -                         | Report                   | -                           |
| Iron  | (mg/l) | -              | 3.0                       | 6.0                      | 7.0                         |
| Manganese                                     | (mg/l) | -              | 2.0                       | 4.0                      | 5.0                         |
| pH  | (mg/l) | 6.0            | -                         | -                        | 9.0<br>(Max)                |
| Total Dissolved Solids                        | (mg/l) | -              | Report                    | Report                   | -                           |
| Alkalinity, Total (as CaCO <sub>3</sub> )     | (mg/l) | -              | Report                    | Report                   | -                           |
| Net Alkalinity, Total (as CaCO <sub>3</sub> ) | (mg/l) | 0              | -                         | -                        | -                           |
| Sulfate, Total                                | (mg/l) | -              | Report                    | Report                   | -                           |
| Acidity, Total (as CaCO <sub>3</sub> )        | (mg/l) | -              | Report                    | Report                   | -                           |
| Total Suspended Solids                        | (mg/l) | -              | 35                        | 70                       | 90                          |
| Aluminum                                      | (mg/l) | -              | Report                    | Report                   | -                           |

*Outfall 002* discharges to: Unnamed Tributary to Unnamed Tributary 46761 to Crooked Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 40' 03.5" Long: 79° 14' 02.2") are:

| <i>Parameter</i>                              |          | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|---|----------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow  | (mgd)    | -              | -                         | Report                   | -                           |
| Iron  | (mg/l)   | -              | 1.62                      | 3.24                     | 3.93                        |
| Manganese                                     | (mg/l)   | -              | 1.0                       | 2.0                      | 2.5                         |
| pH  | (mg/l)   | 6.0            | -                         | -                        | 9.0<br>(Max)                |
| Total Dissolved Solids                        | (mg/l)   | -              | Report                    | Report                   | -                           |
| Alkalinity, Total (as CaCO <sub>3</sub> )     | (mg/l)   | -              | Report                    | Report                   | -                           |
| Net Alkalinity, Total (as CaCO <sub>3</sub> ) | (mg/l)   | 0              | -                         | -                        | -                           |
| Sulfate, Total                                | (mg/l)   | -              | Report                    | Report                   | -                           |
| Acidity, Total (as CaCO <sub>3</sub> )        | (mg/l)   | -              | Report                    | Report                   | -                           |
| Total Suspended Solids                        | (mg/l)   | -              | 35                        | 70                       | 90                          |
| Aluminum                                      | (mg/l)   | -              | 0.75                      | 0.75                     | -                           |
| Osmotic Pressure                              | (mOs/kg) | -              | Report                    | Report                   | -                           |

*Outfall 003* discharges to: Unnamed Tributary 46761 to Crooked Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 39' 58.4" Long: 79° 13' 58.1") are:

| <i>Parameter</i>                              |          | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|---|----------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow  | (mgd)    | -              | -                         | Report                   | -                           |
| Iron  | (mg/l)   | -              | 1.5                       | 3.0                      | 3.75                        |
| Manganese                                     | (mg/l)   | -              | 1.0                       | 2.0                      | 2.5                         |
| pH  | (mg/l)   | 6.0            | -                         | -                        | 9.0<br>(Max)                |
| Total Dissolved Solids                        | (mg/l)   | -              | Report                    | Report                   | -                           |
| Alkalinity, Total (as CaCO <sub>3</sub> )     | (mg/l)   | -              | Report                    | Report                   | -                           |
| Net Alkalinity, Total (as CaCO <sub>3</sub> ) | (mg/l)   | 0              | -                         | -                        | -                           |
| Sulfate, Total                                | (mg/l)   | -              | Report                    | Report                   | -                           |
| Acidity, Total (as CaCO <sub>3</sub> )        | (mg/l)   | -              | Report                    | Report                   | -                           |
| Total Suspended Solids                        | (mg/l)   | -              | 35                        | 70                       | 90                          |
| Aluminum                                      | (mg/l)   | -              | 0.75                      | 0.75                     | -                           |
| Osmotic Pressure                              | (mOs/kg) | -              | 50                        | 100                      | -                           |
| Bromide, Total                                | (mg/l)   | -              | Report                    | Report                   | -                           |

*Outfall 004* discharges to: Unnamed Tributary to Unnamed Tributary 46761 to Crooked Creek

The proposed effluent limits for *Outfall 004* (Lat: 40° 40' 11.7" Long: 79° 14' 07.1") are:

| <i>Parameter</i>                              |        | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|---|--------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow  | (mgd)  | -              | -                         | Report                   | -                           |
| Iron  | (mg/l) | -              | 1.5                       | 3.0                      | 3.75                        |
| Manganese                                     | (mg/l) | -              | 1.0                       | 2.0                      | 2.5                         |
| pH  | (mg/l) | 6.0            | -                         | -                        | 9.0<br>(Max)                |
| Total Dissolved Solids                        | (mg/l) | -              | Report                    | Report                   | -                           |
| Alkalinity, Total (as CaCO <sub>3</sub> )     | (mg/l) | -              | Report                    | Report                   | -                           |
| Net Alkalinity, Total (as CaCO <sub>3</sub> ) | (mg/l) | 0              | -                         | -                        | -                           |

| Parameter                              |          | Minimum | 30-Day Average | Daily Maximum | Instant. Maximum |
|--|----------|---------|----------------|---------------|------------------|
| Sulfate, Total                         | (mg/l)   | -       | Report         | Report        | -                |
| Acidity, Total (as CaCO <sub>3</sub> ) | (mg/l)   | -       | Report         | Report        | -                |
| Total Suspended Solids                 | (mg/l)   | -       | 35             | 70            | 90               |
| Aluminum                               | (mg/l)   | -       | 0.75           | 0.75          | -                |
| Osmotic Pressure                       | (mOs/kg) | -       | Report         | Report        | -                |

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

**NPDES No. PA0279510 (Mining Permit No. 56160101), Berwind Coal Sales Company**, 509 15th Street Windber, PA 15963, new NPDES permit for discharge of water resulting from surface coal mining operations in Paint Township, **Somerset County**, affecting 159.2 acres. Receiving stream: Weaver Run, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: May 26, 2017.

The outfalls listed below discharge to Weaver Run:

| Outfall Nos.            | New Outfall (Y/N) |
|-------------------------|-------------------|
| 001 (Treatment Pond 1)  | Y                 |
| 002 (Treatment Pond 2)* | Y                 |
| 003 (Sediment Pond 1)   | Y                 |
| 004 (Sediment Pond 2)*  | Y                 |

\*Outfall 002 & 004 utilize nondischarge alternatives in the form of infiltration galleries

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

*Outfall: 001 (Discharge to receiving stream, All Weather*

| Parameter   | 30-Day Average | Daily Maximum | Instant. Maximum |
|---|----------------|---------------|------------------|
| Iron (mg/l)   | 1.5            | 3.0           | 3.7              |
| Manganese (mg/l)  | 1.0            | 2.0           | 2.5              |
| Aluminum (mg/l)   | 0.75           | 0.75          | 0.75             |
| 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.                        |                |               |                  |

*Outfall: 002 (Discharge to Infiltration Galleries, All Weather*

| Parameter   | 30-Day Average | Daily Maximum | Instant. Maximum |
|---|----------------|---------------|------------------|
| Iron (mg/l)   | N/A            | N/A           | 7.0              |
| Manganese (mg/l)  | N/A            | N/A           | 5.0              |
| Total Suspended Solids (mg/l)                                       | N/A            | N/A           | 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.                        |                |               |                  |

*Outfall: 003 (Discharge to receiving stream, All Weather*

| Parameter   | 30-Day Average | Daily Maximum | Instant. Maximum |
|---|----------------|---------------|------------------|
| Iron (mg/l)   | 1.5            | 3.0           | 3.7              |
| Manganese (mg/l)  | 1.0            | 2.0           | 2.5              |
| Aluminum (mg/l)   | 0.75           | 0.75          | 0.75             |
| 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.                        |                |               |                  |

*Outfall: 004 (Discharge to Infiltration Galleries, Precipitation less than a 10yr/24hr event)*

| Parameter   | 30-Day Average | Daily Maximum | Instant. Maximum |
|---|----------------|---------------|------------------|
| Iron (mg/l)   | N/A            | N/A           | 7.0              |
| Manganese (mg/l)  | N/A            | N/A           | 5.0              |
| Total Suspended Solids (mg/l)                                       | N/A            | N/A           | 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.                        |                |               |                  |

*Outfall: 004 (Discharge from Emergency Spillway in response to precipitation that exceeds a 10yr/24hr event)*

| Parameter   | 30-Day Average | Daily Maximum | Instant. Maximum |
|---|----------------|---------------|------------------|
| Total Suspended Solids (mg/l)                                       | N/A            | N/A           | 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.                        |                |               |                  |

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code Chapter 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load.

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

**NPDES No. PA0220558 (Mining permit no. 17970102), EnerCorp, Inc.**, 1310 Allport Cutoff, Morrisdale, PA 16858, renewal of an NPDES permit for surface coal mining with only passive treatment remaining in Graham Township, **Clearfield County**, affecting 58.9 acres. Receiving stream(s): Alder Run, classified for the following use(s): CWF. Alder Run Watershed Total Maximum Daily Load. Application received: June 6, 2017.

The outfall(s) listed below discharge to Alder Run

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| D29                | N                        |

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

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Iron (mg/l)                                  |                | 3.0                   | 6.0                  | 7.0                     |
| Manganese (mg/l)                             |                | 2.0                   | 4.0                  | 5.0                     |
| Aluminum* (mg/l)                             |                | 3.7                   | 3.7                  | 3.7                     |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Suspended Solids (mg/l)                |                | 35.0                  | 70.0                 | 90.0                    |

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| D31                | N                        |

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

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Iron (mg/l)                                  |                | 3.0                   | 6.0                  | 7.0                     |
| Manganese (mg/l)                             |                | 2.0                   | 4.0                  | 5.0                     |
| Aluminum* (mg/l)                             |                | 0.75                  | 0.75                 | 0.75                    |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Suspended Solids (mg/l)                |                | 35.0                  | 70.0                 | 90.0                    |

\*The aluminum effluent limits are based on the combined, median flow (when flowing only) for both treatment facilities and the apportionment of the "Allowable Load (lbs/day)" of 0.56 (lbs/day) to each outfall. If the concentration effluent limits are exceeded by either treatment facility, then the operator must calculate the combined load of both discharges and if equal to or less than 0.56 (lbs/day) then they would still be in compliance.

#### *Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0118443 on Surface Mining Permit No. 8074SM3. Harleysville Materials, LLC**, (P.O. Box 587, Berlin, NJ 08009), renewal of an NPDES Permit for an argillite quarry operation in Lower Salford Township, **Montgomery County**, affecting 43.4 acres. Receiving stream: East Branch Perkiomen Creek, classified for the following uses: trout stocking and migratory fishes. Application received: May 21, 2014.

The outfall listed below discharge to East Branch Perkiomen Creek.

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

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

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|-------------------------------|----------------|-----------------------|----------------------|------------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                       |                      | 9.0                          |
| Total Suspended Solids (mg/l) | 35.0           | 70.0                  | 90.0                 |                              |
| Discharge (MGD)               |                | 0.3                   |                      |                              |

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

**NPDES Permit No. PA0225240 on GP105 Permit No. 64122501. Tim Kohrs**, (1031 Bethany Turnpike, Honesdale, PA 18431), renewal of an NPDES Permit for a sandstone quarry operation in Texas Township, **Wayne County**, affecting 10.0 acres. Receiving stream: Indian Orchard Brook, classified for the following uses: HQ—Cold water and migratory fishes. Application received: June 6, 2017.

Non-discharge BMP's shall be in effect.

**NPDES Permit No. PA0595161 on Surface Mining Permit Nos. 7274SM1, 7273SM8, 54970301 and 54910301. Lehigh Asphalt Paving & Construction Co.**, (P.O. Box 549, Tamaqua, PA 18252), renewal of an NPDES Permit for a

sandstone quarry operation in West Penn Township, **Schuylkill County**, affecting 640.0 acres. Receiving stream: unnamed tributary to Lizard Creek, classified for the following use: trout stock fishes. Application received: May 15, 2013.

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

The outfalls listed below discharge to unnamed tributary to Lizard Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>              |
|--------------------|------------------------|--------------------------|
| 001                | No                     | MDT/Groundwater Pit Sump |
| 001A               | No                     | Stormwater E&S           |
| 002                | No                     | Stormwater E&S           |
| 003                | No                     | Stormwater E&S           |
| 004                | No                     | Stormwater E&S           |
| 005                | No                     | Stormwater E&S           |

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

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

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

**NPDES Permit No. 0595381 on Surface Mining Permit No. 8275SM5. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.**, (P.O. Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for a limestone quarry operation in East Cocalico Township, **Lancaster County**, affecting 150.0 acres. Receiving stream: Strong Run, classified for the following use: warm water fishes. Application received: May 1, 2017.

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

The outfall listed below discharge to Strong Run.

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

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

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

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

**NPDES Permit No. PA0593885 on Surface Mining Permit Nos. 8275SM2, 36970301, 36990301 & 36080302. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.**, (3580 Division Highway, East Earl, PA 17519), renewal of an NPDES Permit for a limestone quarry operation in Earl and Ephrata Townships, **Lancaster County**, affecting 261.0 acres. Receiving stream: Conestoga River, classified for the following use: warm water fishes. Application received: May 30, 2017.

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

The outfalls listed below discharge to Conestoga River.

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

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

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

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

**NPDES Permit No. PA0224600 on Surface Mining Permit No. 67070301. Glen-Gery Corp.**, (P.O. Box 7001, Reading, PA 19610), renewal of an NPDES Permit for a shale quarry operation in Dover Township, **York County**, affecting 70.6 acres. Receiving stream: unnamed tributary to Fox Run, classified for the following uses: trout stocking and migratory fishes. Application received: July 20, 2017.

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

The outfalls listed below discharge to unnamed tributary to Fox Run.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>            |
|--------------------|------------------------|------------------------|
| 001                | No                     | Stormwater/Groundwater |
| 002                | No                     | Stormwater/Groundwater |

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

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

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

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-886. APG The Valley, LP**, 606 Gordon Drive, Exton, PA 19341, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain an 8-inch sanitary sewer main extension utility line across UNT to Valley Creek (EV-MF) associated with the 43-lot single family subdivision.

The site is located at 99 Church Road (Malvern, PA USGS Quadrangle, Latitude: 40.049086; Longitude: -75.560822).

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

**E39-537A. Upper Macungie Township**, 8330 Schantz Road, Breinigsville, PA 18031, in Upper Macungie Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To amend Permit No. E39-537 to authorize an additional 25 linear feet of stream enclosure along an unnamed tributary to Cedar Creek (HQ-CWF, MF). This extension results in a 152-foot long overall structure, depressed 12 inches below streambed elevation. There are no changes proposed to the cross-section or waterway opening of the structure. E39-537 authorized removal of four existing pipe culverts and construction and maintenance of a stream enclosure and channel change along an unnamed tributary to Cedar Creek (HQ-CWF, MF) associated with the Laurel Fields Subdivision in Upper Macungie Township, Lehigh County. The stream enclosure consisted of a 127-foot long concrete box culvert with a span of 24 feet and an underclearance of 3 feet. The channel change consisted of approximately 215 linear feet of work, including removing sediment and re-shaping and lining the channel with erosion control matting. The project is located on Werley Road, approximately 500 feet southeast of its intersection with Dale Trail (Allentown West, PA Quadrangle, Latitude: 40°34'57.5"N; Longitude: -75°33'50.2"W).

**E48-438. Valley Industrial Properties, LLC c/o Mr. Steven J. Kolbe**, 21 East 10th Street, Northampton, PA 18067, in East Bangor Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill 0.42 acre of existing/abandoned shallow water-filled, slate quarry holes, 1.50 acre of PEM/PFO/PSS wetlands, and 278 linear feet of intermittent channels for the purpose of eliminating a safety hazard and preparing the site for potential future development. The project is located at 2 Capital Boulevard, approximately 0.4 mile northeast of the intersection of Capital Boulevard and State Route 512 (Stroudsburg, PA Quadrangle; Latitude: 40° 52' 55" N, Longitude: -75° 11' 20" W) in East Bangor Township, Northampton County. Offsite wetland mitigation is proposed along Mack Road in Plainfield Township, Northampton County. (Stroudsburg, PA Quadrangle, Latitude: 40°52'55"; Longitude: -75°11'20").



*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E01-322: Cambrian Hills, LP**, 160 Ram Drive, Hanover, Pennsylvania, 17331 in Berwick Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain the following:

Impact 2: 1) 92 lineal feet of 18 inch diameter, smooth-lined corrugated plastic pipe (SLCPP) with endwalls; relocating 72 lineal feet of stream and permanently filling 724 square feet of wetland, 2) 100 lineal feet of 8 inch diameter SDR35 sewer pipe with trench plugs, 3) 100 lineal feet of 8 inch diameter, ductile iron water pipe with trench plugs, 4) 100 lineal feet of electric line bundle encased in 8 inch diameter PVC pipe with trench plugs, 5) 100 lineal feet of 2 inch diameter gas line with trench plugs, 6) 100 lineal feet of cable TV line encased in 1 inch diameter PVC pipe with trench plugs, 7) 100 lineal feet of telephone cable encased in 1 inch diameter PVC pipe with trench plugs, and 8) 100 lineal feet of 6 inch diameter subgrade drain pipe. The impacts above are in the stream, in the floodway, or under an unnamed tributary to South Branch of Conewago Creek (WWF, MF) (Latitude: 39.8448°, Longitude: -77.0017°);

Impact 3: 1) 80 lineal feet of 4.1 foot tall by 9.75 foot wide, metal arch box, baffled, depressed 6 inches below natural stream bed, with endwalls; permanently filling 1,197 square feet of wetland, 2) 108 lineal feet of 8 inch diameter SDR35 sewer pipe with trench plugs, 3) 108 lineal feet of 8 inch diameter, ductile iron water pipe with trench plugs, 4) 108 lineal feet of electric line bundle encased in 8 inch diameter PVC pipe with trench plugs, 5) 108 lineal feet of 2 inch diameter gas line with trench plugs, 6) 108 lineal feet of cable TV line encased in 1 inch diameter PVC pipe with trench plugs, 7) 108 lineal feet of telephone cable encased in 1 inch diameter PVC pipe with trench plugs, 8) 108 lineal feet of 6 inch diameter subgrade drain pipe, and 9) 108 lineal feet of 24 inch diameter, reinforced concrete storm drain pipe with inlet boxes and trench plugs. The impacts above are in the stream, in the floodway, or under an unnamed tributary to South Branch of Conewago Creek (WWF, MF) (Latitude: 39.8436°, Longitude: -77.0003°);

Impact 4: 1) 67 lineal feet of 18 inch diameter, SLCPP with endwalls; permanently filling 2,988 square feet of wetland, 2) 27 lineal feet of 8 inch diameter, ductile iron water pipe with trench plugs, 3) 37 lineal feet of electric line bundle encased in 8 inch diameter PVC pipe with trench plugs, 4) 37 lineal feet of 2 inch diameter gas line with trench plugs, 5) 37 lineal feet of cable TV line encased in 1 inch diameter PVC pipe with trench plugs, 6) 37 lineal feet of telephone cable encased in 1 inch diameter PVC pipe with trench plugs, 7) 37 lineal feet of 6 inch diameter subgrade drain pipe, and 8) 37 lineal feet of 24 inch diameter, reinforced concrete storm drain pipe with trench plugs. The impacts above are in or under a PEM wetland (Latitude: 39.8426°, Longitude: -76.9984°);

Impact 5: 1) 75 lineal feet of 2.5 foot tall by 8.66 foot wide, metal arch box, baffled, with endwalls; permanently filling 9,125 square feet of wetland, 2) 112 lineal feet of 8 inch diameter, ductile iron water pipe with trench plugs, 3) 112 lineal feet of electric line bundle encased in 8 inch diameter PVC pipe with trench plugs, 4) 112 lineal feet of 2 inch diameter gas line with trench plugs, 5) 112 lineal feet of cable TV line encased in 1 inch diameter PVC pipe with trench plugs, 6) 112 lineal feet of telephone cable

encased in 1 inch diameter PVC pipe with trench plugs, The impacts above are in or under a wetland (Latitude: 39.8406°, Longitude: -76.9990°);

Impact 6: 1) 70 lineal feet of 3.25 foot tall by 9.2 foot wide, metal arch box, baffled, depressed 6 inches below natural stream bed, with endwalls; permanently filling 24 square feet of wetland, 2) 105 lineal feet of 8 inch diameter SDR35 sewer pipe with trench plugs, 3) 105 lineal feet of 12 inch diameter, ductile iron water pipe with trench plugs, 4) 105 lineal feet of electric line bundle encased in 8 inch diameter PVC pipe with trench plugs, 5) 105 lineal feet of 2 inch diameter gas line with trench plugs, 6) 105 lineal feet of cable TV line encased in 1 inch diameter PVC pipe with trench plugs, and 7) 105 lineal feet of telephone cable encased in 1 inch diameter PVC pipe with trench plugs. The impacts above are in the stream, in the floodway, or under an unnamed tributary to South Branch of Conewago Creek (WWF, MF) (Latitude: 39.8395°, Longitude: -77.0020°);

Impact 7: 1) 75 lineal feet of 5.2 foot tall by 12.66 foot wide, metal arch box, baffled, depressed 6 inches below natural stream bed, with endwalls; permanently filling 24 square feet of wetland, 2) 105 lineal feet of 8 inch diameter, ductile iron water pipe with trench plugs, 3) 105 lineal feet of electric line bundle encased in 8 inch diameter PVC pipe with trench plugs, 4) 105 lineal feet of 2 inch diameter gas line with trench plugs, 5) 105 lineal feet of cable TV line encased in 1 inch diameter PVC pipe with trench plugs, and 6) 105 lineal feet of telephone cable encased in 1 inch diameter PVC pipe with trench plugs. The impacts above are in the stream, in the floodway, or under an unnamed tributary to South Branch of Conewago Creek (WWF, MF) (Latitude: 39.8389°, Longitude: -77.0031°);

Impact 8: 1) 113 lineal feet of 8 inch diameter, SDR35 sewer pipe with trench plugs, 2) 113 lineal feet of 6 inch diameter, ductile iron sewer force main pipe with trench plugs. The impacts above are in the stream, in the floodway, or under an unnamed tributary to South Branch of Conewago Creek (WWF, MF) (Latitude: 39.8427°, Longitude: -77.0032°);

Impact 9: Remove fill, permanently impacting 1,241 square feet of wetland (Latitude: 39.8436°, Longitude: -76.9979°);

Impact 10: Fill 6,000 square feet of the floodway of an unnamed tributary to South Branch of Conewago Creek (WWF, MF) (Latitude: 39.8427°, Longitude: -77.0031°); and

Impact 11: 1) 970 lineal feet of 8 inch diameter, SDR35 sewer pipe, 2) 970 lineal feet of 6 inch diameter, ductile iron sewer force main pipe, and 3) fill in the floodway. The impacts above are in the floodway of an unnamed tributary to South Branch of Conewago Creek (WWF, MF) (Latitude: 39.8386°, Longitude: -77.0031°).

All impacts are associated with the Cambrian Hills development. Forested and emergent wetland mitigation in the amount of 0.34 acre is required.

**E22-638: Dauphin County Commissioners**, 2 South Second Street, 4th Floor, Harrisburg, PA 17101 in Susquehanna Township and Harrisburg City, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

Capital Area Greenbelt—Fort Hunter Connector. Installation and improvement of a 1.8-mile shared use path in the floodplain of the Susquehanna River (WWF, MF) along Front Street and Linglestown Road in Harrisburg,

PA (Latitude: 40°19'45.9", Longitude: -76°54'31.8") for the purpose of a recreational trail. No wetlands will be impacted by this project.

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

**E14-579. Pennsylvania Department of Transportation, Engineering District 2-0**, 70 PennDOT Drive, Clearfield, PA 16830. SR 0322, Section B06, Potters Mills Gap Safety Improvement in Potter Township, **Centre County**, ACOE Baltimore District (Spring Mills, PA Quadrangle; Latitude: 40° 46' 52"; Longitude -77° 37' 27").

PA DOT Engineering District 2-0 proposes a 3.75-Mile-long project along SR 0322 near Potters Mills. The project is designed to Improve Safety, Reduce Congestion, and Limit Access to SR 0322. The project is divided into three sections. The first two sections were for the construction of the Sand Mountain Rd Interchange, which is scheduled for completion soon. This project will include a new Four-Lane Highway and Local Road connections extending from the Sand Mountain Rd Interchange to the Centre/Mifflin County line.

The project includes the removal of the existing abandoned SR 0322 Bridge (Approximately 26 L.F.) over Potter Run. The project also includes the removal of the existing SR 0322 Arch Culvert (Approximately 185 L.F.) and replacement with Twin Three Span Concrete Bulb T-Beam Bridges on SR 0322 and a Single Span Concrete Bulb T-Beam Bridge on SR 2015. The project will include Roadway Fill (Approximately 1.6 Acre) in the Floodplain of Potter Run, which has been included in the Hydraulics and Hydrology Report. The project will temporarily Impact 0.33 Acre (0.012 Acre of PEM, 0.14 Acre of PSS, and 0.07 Acre of PFO) and Permanently Impact 0.37 Acre (0.23 Acre of PEM, 0.06 Acre of PSS, and 0.07 Acre of PFO) of Jurisdictional Wetlands. The Wetland Impacts will be Mitigated at the Penn Nursery Fire Pond Site. Potter Run is classified as a High Quality Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards and a Class A Wild Trout Stream by PA Fish and Boat Commission.

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

**E04-146-A1, Pittsburgh Intermodal Terminals, Inc.**, P.O. Box 29; Butler, PA 16003, Ambridge Borough, **Beaver County**, Pittsburgh ACOE District.

The applicant proposes to:

Amend the existing permit, E04-146 (which authorized the applicant to maintain docking facilities and perform maintenance dredging, as required, along the right downstream bank of the Ohio River at Mile Point 15.5 in the Borough of Ambridge, Beaver County), to:

1. Correctly identify the location of the dock, along the right downstream bank of the Ohio River at Mile Point 16.5 in the Borough of Ambridge, Beaver County, which will continue to be maintained as noted above;

2. Operate and maintain a second existing dock, three (3) concrete icebreakers, and a 460 ft long by 100 ft wide mooring area; and to perform maintenance dredging within the mooring area, along the right descending bank of the Ohio River at Mile Point 15.8 (Ambridge, PA USGS 7.5 minute Topographic Quadrangle N:14.6 inches; W:14.8

inches; Latitude: 40° 34' 50"; Longitude: -80° 13' 53"; Sub-basin 20G) in the Borough of Ambridge, Beaver County.

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

**E5929-073: HEP Tioga Gathering, LLC**, 16211 La Cantera Parkway, Suite 202, San Antonio, TX 78256, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats impacting 21 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35' 53"N, 77°10'58"W);

2) A 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline via horizontal directional bore impacting 540 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41°34'55"N, 77°10'53"W);

3) A 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline via horizontal directional bore impacting 141 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'56"N, 77°10'51"W);

4) A 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline via horizontal directional bore impacting 3 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°34'57"N, 77°10'49"W);

5) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 33 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'01"N, 77°10'16"W);

6) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 95 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'01"N, 77°10'10"W);

7) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 433 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and, 85 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'01"N, 77°10' 06"W);

8) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 570 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'01"N, 77°09'53"W);

9) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,422 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'05"N, 77°09'47"W);

10) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 51 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'04"N, 77°09'42"W);

11) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diam-

eter waterline impacting 5,845 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'11"N, 77°09'24"W);

12) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 52 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'11"N, 77°09'21"W);

13) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,161 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 53 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'11"N, 77°09'20"W);

14) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting and 51 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'11"N, 77°09'19"W);

15) A temporary road crossing using timber mats, 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 53 linear feet of an unnamed tributary to Zimmerman Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'15"N, 77°08'44"W).

The project will result in 497 linear feet of temporary stream impacts and 10,112 square feet (0.23 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County.

#### ENVIRONMENTAL ASSESSMENT

*Cambria District: Contact Person: Patrick M. Webb, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1009-020. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Venango Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill four dangerous highwalls that total 7,100 linear feet in length and vary from 25—50 feet high. It is proposed to drain three non-discharging trapped surface stormwater runoff areas and grade adjacent mine spoil material within the dangerous highwall areas. The three non-discharging trapped surface stormwater runoff areas total 0.83 acre. There are no associated wetlands on site due to mine spoil. (Eau Claire Quadrangle 41° 08' 32" N, 79° 51' 28" W).

**EA3209-003. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Young Township, **Indiana County**, Pittsburgh ACOE District.

The applicant proposes to backfill two dangerous highwalls that total 1,500 linear feet in length and vary from 30—60 feet high. It is proposed to drain one non-discharging trapped surface stormwater runoff area and grade adjacent mine spoil material within the dangerous highwall areas. The non-discharging trapped surface stormwater runoff area totals 0.95 acre. There are no associated wetlands on site due to mine spoil. (McIntyre Quadrangle 40° 36' 42" N, 79° 19' 55" W).

#### DAM SAFETY

*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.*

**D29-032. Pennsylvania Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. To modify Meadow Grounds Dam across Roaring Run (HQ-CWF, MF), impacting 0.05 acre of wetlands (PEM, PSS) and 148 feet of stream for the purpose of providing additional spillway capacity to comply with Department Regulations. (Meadow Grounds, PA Quadrangle N: 39.905°; W: 78.059°) in Ayr Township, **Fulton County**.

## 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

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                     | <i>County &amp;<br/>Municipality</i>                | <i>Stream Name<br/>(Watershed No.)</i>                       | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|---|--|----------------------------|
| PA0218774<br>(Sewage)       | Outdoor Odyssey STP<br>450 Boy Scout Road<br>Boswell, PA 15531-1952        | Somerset County<br>Jenner Township                  | South Fork Bens Creek<br>(18-E)                              | Yes                        |
| PA0095851<br>(Sewage)       | Roof Garden Acres MHP STP<br>PO Box 1180<br>Chambersburg, PA 17201-5180    | Somerset County<br>Somerset Township                | Unnamed Tributary to<br>East Branch Coxes<br>Creek<br>(19-F) | Yes                        |
| PA0218600<br>(Sewage)       | Leonard Sr STP<br>310 Spang Road<br>Baden, PA 15005-2540                   | Somerset County<br>Middlecreek Township             | Laurel Hill Creek<br>(19-E)                                  | Yes                        |
| PA0205681<br>(Sewage)       | SCI Somerset STP<br>PO Box 247<br>Somerset, PA 15501-0247                  | Somerset County<br>Black Township                   | Laurel Run<br>(19-F)   | Yes                        |
| PA0098558<br>(Sewage)       | Fox Den Acres Campground<br>390 Wilson Fox Road<br>New Stanton, PA 15672   | Westmoreland County<br>Hempfield Township           | Unnamed Tributary to<br>Sewickley Creek<br>(19-D)            | Yes                        |
| PA0030457<br>(Sewage)       | Thorn Run Rd STP<br>100 Forbes Trail Drive<br>Export, PA 15632-2000        | Westmoreland County<br>Salem Township               | Unnamed Tributary to<br>Thorn Run<br>(18-B)                  | Yes                        |
| PA0110922<br>(Sewage)       | Camp Allegheny STP<br>100 Camp Allegheny Drive<br>Stoystown, PA 15563-8823 | Somerset County<br>Stonycreek Township              | Calendars Run<br>(18-E)                                      | Yes                        |
| PA0252492<br>(Sewage)       | Shippingport Borough STP<br>PO Box 76<br>Shippingport, PA 15077-0076       | Beaver County<br>Shippingport Borough               | Ohio River<br>(20-B)   | Yes                        |
| PA0216089<br>(Sewage)       | I-70 Industrial Park STP<br>PO Box 730<br>Greensburg, PA 15601-0730        | Westmoreland County<br>South Huntingdon<br>Township | Youghiogheny River<br>(19-D)                                 | Yes                        |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                 | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0063461<br>(Sewage)       | Mehoopany Township WWTP<br>110 Adams Acres Lane<br>Mehoopany, PA 18629 | Wyoming County<br>Mehoopany Township | Little Mehoopany Creek<br>(4-G)        | Yes                        |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i>     | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|---|--|----------------------------|
| PA0028983<br>SEW            | McVeytown Borough Authority<br>10 N Queen St.<br>PO Box 321<br>McVeytown, PA 17051-0321 | McVeytown Borough,<br>Mifflin County    | Juniata River in<br>Watershed(s) 12-A    | Y                          |
| PA0081001<br>SEW            | St Thomas Township Mun Auth<br>175 Saint Thomas Edenville Rd<br>St Thomas, PA 17252     | St. Thomas Township,<br>Franklin County | Back Creek in<br>Watershed(s) 13-C       | N                          |
| PA0008303<br>IW             | Arcelormittal Steelton<br>215 S Front Street<br>Steelton, PA 17113-2594                 | Steelton Borough,<br>Dauphin County     | Susquehanna River in<br>Watershed(s) 7-C | N                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                              | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i>        | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--------------------------------------|---|----------------------------|
| PA0209996<br>(Sewage)       | Camp Allegheny<br>140 Jenkins Circle<br>Ellwood City, PA 26117-7068 | Lawrence County<br>Wayne Township    | Slippery Rock Creek<br>(20-C)               | Yes                        |
| PA0102580<br>(Sewage)       | Baxter MHP<br>457 Jamisonville Road<br>Butler, PA 16001-8144        | Butler County<br>Center Township     | Unnamed Tributary to<br>Stony Run<br>(20-C) | Yes                        |

## **II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

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

**NPDES Permit No. PA0275981**, Industrial, SIC Code 0782, **Harveys Lake Borough**, 4875 Memorial Highway, Suite 101, Harveys Lake, PA 18618.

This proposed facility is located in Harveys Lake Borough, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge associated with the application of pesticides in Harveys Lake in Harveys Lake Borough, Luzerne County.

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

**NPDES Permit No. PA0264971**, Sewage, SIC Code 4952, 8800, **Michael Kerr**, 9291 Palmer Road, North East, PA 16428-5533.

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

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

**NPDES Permit No. PA0265098**, Sewage, SIC Code 8800, **Cory Migliaccio & Jill Fuller**, PO Box 11222, Erie, PA 16514.

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

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

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

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

**WQM Permit No. 1117404**, Sewage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901.

This proposed facility is located in the City of Johnstown, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation project to replace existing defective sewers in the Kernville Area of the City of Johnstown.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 1117402**, Sewage, **Ebensburg Municipal Authority**, 300 West High Street, Ebensburg, PA 15931.

This proposed facility is located in Cambria Borough and Township, **Cambria County**.

Description of Proposed Action/Activity: Replace sanitary sewer lines and laterals throughout the Authority's collection system tributary to two permitted CSO's.

**WQM Permit No. 1117405**, Sewage, **Hastings Area Sewer Authority**, 207-1 Fifth Avenue, Hastings, PA 16646.

This proposed facility is located in Hastings Borough, **Cambria County**.

Description of Proposed Action/Activity: The applicant proposes to replace their existing sewer collection system, which consists of approximately 56,000 linear feet of sanitary sewers.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

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

**WQM Permit No. 3517402**, Sewage, SIC Code 4952, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

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

Description of Proposed Action/Activity:

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

**WQM Permit No. 4517401**, Sewage, SIC Code 4952, **White Oak Country Estates Property Owners Association, Inc.**, 4133 Crestview Drive, Stroudsburg, PA 18360.

This proposed facility is located in Hamilton Township, **Monroe County**.

Description of Proposed Action/Activity: This application is for the replacement of the Association's 0.0186 MGD wastewater treatment plant that has reached the end of its service life caused primarily by corrosion of the steel components. The proposed facility will be a precast concrete inground package wastewater treatment plant that will include an influent equalization tank, an anoxic tank, an aeration tank, a clarifier, an effluent dosing tank, a chemical feed system, a sludge holding tank and a control building. The existing three (3) elevated sand mounds will be restored to original design specifications and will remain in use for disposal of the treated effluent from the proposed treatment plant. The project is located on the east side of S.R. 2004 (Cherry Valley Road), approximately 0.5 mile south of its intersection with S.R. 2006 (Bossardsville Road).

**WQM Permit No. WQG02391702**, Sewage, SIC Code 4952, **Lehigh County Authority**, PO Box 3348, Allentown, PA 18106.

This proposed facility is located in Lower Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Operational upgrades to the Spring Creek Pump Station including adding actuators, comminutor, and electrical improvements.

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

**WQM Permit No. 4217401 A-4**, Sewage, **Bradford Sanitary Authority McKean County**, 28 Kennedy Street, Bradford, PA 16701-2006.

This existing facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: Wastewater treatment plant upgrades.

**WQM Permit No. 2517401**, Sewage, **Michael Kerr**, 9291 Palmer Road, North East, PA 16428.

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

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

**WQM Permit No. 2517404**, Sewage, **Cory Migliaccio & Jill Fuller**, PO Box 11222, Erie, PA 16514.

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

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

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

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

| Permit #                            | Applicant Name & Address                                   | County           | Municipality            | Receiving Water/Use           |
|-------------------------------------|--|------------------|-------------------------|-------------------------------|
| PAD360010<br>Issued August 14, 2017 | Robert Sensenig<br>276 Scott Road<br>Quarryville, PA 17566 | Lancaster County | Little Britain Township | UNT McCreary Run (HQ-TSF, MF) |

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

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

| NPDES Permit No. | Applicant Name & Address   | County | Municipality | Receiving Water/Use |
|------------------|--|--------|--------------|---------------------|
| PAD140010        | Duke Gastiger<br>600 W. Foster Avenue<br>State College, PA 16801 | Centre | Patton Twp   | Buffalo Run HQ-CWF  |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>                      | <i>Receiving Water/Use</i>   |
|-------------------------|--|---------------|--|--|
| PAI062516001            | ITC Lake Erie Connector LLC<br>27175 Energy Way<br>Novi, MI 48377              | Erie          | Conneaut, Girard & Springfield Townships | Crook Creek, Unnamed tributaries to Lake Erie & Lake Erie                          |
| PAI064216003            | Columbia Gas of PA<br>2021 West State Street<br>New Castle, PA 16101           | McKean        | Bradford Township                        | Watrous Run, East Branch Tunungwant Creek and UNTs to East Branch Tunungwant Creek |
| PAI063316001            | Brookville Municipal Authority<br>720 Water Plant Road<br>Brookville, PA 15825 | Jefferson     | Brookville Borough                       | Sandy Lick Creek, Redbank Creek, North Fork Redbank Creek, Clement Run TSF, HQ-CWF |
| PAD420001               | National Fuel Gas Distribution Corp<br>1100 State Street<br>Erie, PA 16501     | McKean        | Lafayette Township                       | 13 Unnamed tributaries to East Branch Tunungwant Creek, Orange Creek, Bear Run     |

### **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

|             |   |
|-------------|---|
| PAG-1       | General Permit for Discharges from Stripper Oil Well Facilities   |
| PAG-2       | General Permit for Discharges of Stormwater Associated With Construction Activities   |
| PAG-3       | General Permit for Discharges of Stormwater From Industrial Activities  |
| PAG-4       | General Permit for Discharges from Small Flow Treatment Facilities  |
| PAG-5       | General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems   |
| PAG-6       | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)  |
| PAG-7       | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application  |
| PAG-8       | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage   |
| PAG-9       | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site   |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage   |
| PAG-10      | General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines   |
| PAG-11      | General Permit for Discharges from Aquatic Animal Production Facilities   |
| PAG-12      | Concentrated Animal Feeding Operations (CAFOs)  |
| PAG-13      | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)   |
| PAG-14      | (To Be Announced)   |
| PAG-15      | General Permit for Discharges from the Application of Pesticides  |

*General Permit Type—PAG-02*

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

*Facility Location:*

| <i>Municipality &amp; County</i>          | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>                             | <i>Contact Office &amp; Phone No.</i>                   |
|---|-------------------|--|--|---|
| Borough of Moosic<br>Lackawanna<br>County | PAC350013         | Glenmaura Common Limited Partnership<br>2 Glenmaura National Blvd.<br>Moosic, PA 18507 | Unnamed Tributary to Covey Swamp<br>Creed<br>(CWF, MF) | Lackawanna County Conservation District<br>570-392-3086 |

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Weisenberg  
Township  
Lehigh County

PAC390005

Baidwan Holdings LLC  
2088 Katem Ct.  
Breinigsville, PA 18031

Mill Creek  
(TSF, MF)

Lehigh County  
Conservation District  
610-391-9583

Upper Saucon  
Township  
Lehigh County

PAC390017

Copperhead Grille  
5737 Route 378  
Bethlehem, PA 18015

Laurel Run  
(CWF, MF)

Lehigh County  
Conservation District  
610-391-9583

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

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Menallen Township  
Adams County  
Issued

PAC010033

Roger A. Bushey  
660 Mehrling Road  
Littlestown, PA 17340

Tributary 09109  
Opossum Creek  
(TSF)

Adams County  
Conservation District  
670 Old Harrisburg Road  
Suite 201  
Gettysburg, PA 17325  
717.334.0636

East Pennsboro  
Township  
Cumberland County  
Issued

PAC210039

Senate Plaza Bar, LP  
415 Fallowfield Road  
Suite 301  
Camp Hill, PA 17011

UNT Susquehanna  
River (WWF)

Cumberland County  
Conservation District  
310 Allen Road  
Suite 301  
Carlisle, PA 17013  
717.240.7812

Lower Swatara  
Township  
Dauphin County  
Issued

PAC220029

SYB Property Group, LLC  
1401 Airport Drive # 200  
Middletown, PA 17057

UNT Laurel Run  
(WWF)

Dauphin County  
Conservation District  
1451 Peters Mountain  
Road  
Dauphin, PA 17018  
717.921.8100

Fermanagh  
Township  
Juniata County  
Issued

PAC340008

Chad Holderman  
Lot 1, Cedar Springs  
Road & Industrial Park  
Road  
Mifflintown, PA 17059

UNT Juniata River  
(WWF, MF)

Juniata County  
Conservation District  
146 Stoney Creek Drive  
Suite 4  
Mifflintown, PA 17059  
717.436.8953 x5

Upper Leacock  
Township  
Lancaster County  
Issued

PAC360117

E & J Family LP  
112 Peters Road  
New Holland, PA 17557

UNT Mill Creek  
(WWF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

Manheim Township  
Lancaster County  
Issued

PAC360114

Frank Nolt  
5260 Main Street  
East Petersburg, PA  
17520

Little Conestoga  
Creek  
(TSF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

Lancaster Township  
Lancaster County  
Issued

PAG02003616082

City of Lancaster  
120 North Duke Street  
Lancaster, PA 17608

Conestoga River  
(WWF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5

Manheim Township  
Lancaster County  
Issued

PAC360089

Jim Sipala  
2535 East Lincoln  
Highway  
Coatesville, PA 19320

UNT Little  
Conestoga Creek  
(WWF)

Lancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
717.299.5361 x5



| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>               | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|--|--|--|
| Warwick Township<br>Lancaster County<br>Issued              | PAC360091         | James Stauffer<br>4 Landis Valley Road<br>Lititz, PA 17543                                   | UNT Bachman Run<br>(TSF)                     | Lancaster County<br>Conservation District<br>1383 Arcadia Road<br>Room 200<br>Lancaster, PA 17601<br>717.299.5361 x5 |
| Leacock Township<br>Lancaster County<br>Issued              | PAC360100         | David King<br>27 South New Holland<br>Road<br>Gordonville, PA 17529                          | UNT Pequea Creek<br>(CWF, MF)                | Lancaster County<br>Conservation District<br>1383 Arcadia Road<br>Room 200<br>Lancaster, PA 17601<br>717.299.5361 x5 |
| East Cocalico<br>Township<br>Lancaster County<br>Issued     | PAC360102         | Dutchland Realty Corp.<br>2069 North Reading Road<br>Denver, PA 17517                        | Stony Run<br>(WWF)<br>Muddy Creek<br>(WWF)   | Lancaster County<br>Conservation District<br>1383 Arcadia Road<br>Room 200<br>Lancaster, PA 17601<br>717.299.5361 x5 |
| West Donegal<br>Township<br>Lancaster County<br>Issued      | PAC360106         | Allen Smith<br>610 Edgemoor Road<br>PO Box 668<br>Hanover, PA 17331                          | UNT Conewago<br>Creek<br>(TSF, MF)           | Lancaster County<br>Conservation District<br>1383 Arcadia Road<br>Room 200<br>Lancaster, PA 17601<br>717.299.5361 x5 |
| North Lebanon<br>Township<br>Lebanon County<br>Issued       | PAC380030         | Anthony Skicki &<br>Kelly Grube<br>2800 Pottsville Pike<br>PO Box 16001<br>Reading, PA 19612 | UNT Little Swatara<br>Creek (WWF/MF)         | Lebanon County<br>Conservation District<br>2120 Cornwall Road<br>Lebanon, PA 17042<br>717.277.5275                   |
| Union Township<br>Lebanon County<br>Issued                  | PAC380026         | Lamar S. Sensenig<br>114 Huckleberry Road<br>Jonestown, PA 17038                             | UNT Swatara Creek,<br>Swatara Creek<br>(WWF) | Lebanon County<br>Conservation District<br>2120 Cornwall Road<br>Lebanon, PA 17042<br>717.277.5275                   |

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

| <i>Facility Location &amp;<br/>Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                                  | <i>Receiving<br/>Water/Use</i>     | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|--|------------------------------------|---|
| College Twp &<br>Benner Twp, Centre<br>Cnty     | PAC140022         | Lyn Lee Farms<br>"Phase VII"<br>568 Rock Road<br>State College, PA 16801 | UNT-Spring Creek<br>CWF,MF         | Centre County<br>Conservation District<br>414 Holmes Ave<br>Ste 4<br>Bellefonte, PA 16823<br>(814) 355-6817 |
| Liberty Twp,<br>Montour Cnty                    | PAC470005         | Robert Zimmerman<br>2000 Center Road<br>Milton, PA 17847                 | UNT to Beaver Run<br>WWF           | Montour County<br>Conservation District<br>14 E Mahoning St<br>Danville, PA 17821<br>(570) 271-1140         |
| Perry Twp,<br>Snyder Cnty                       | PAC550008         | Irwin Martin<br>231 Brosius Hill Road<br>Mt Pleasant Mills, PA<br>17853  | UNT of Potato Valley<br>Run CWF/MF | Snyder County<br>Conservation District<br>403 W Market St<br>Middleburg, PA 17842<br>(570) 837-3000 x110    |
| Deerfield &<br>Brookfield Twps,<br>Tioga Cnty   | PAC590011         | UGI Central Penn Gas,<br>Inc<br>10632 PA 249<br>Knoxville, PA 16928      | UNT Troops Creek<br>CWF/MF         | Tioga County<br>Conservation District<br>50 Plaza Ln<br>Wellsboro, PA 16901<br>(570) 724-1801 x5            |

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

| <i>Facility Location and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i>   | <i>Receiving Water / Use</i>      | <i>Contact Office and Phone No.</i>   |
|---|-------------------|---|-----------------------------------|---|
| North Strabane Township                   | PAC630026         | Greenwood Village<br>375 Golfside Drive<br>Wexford, PA 15090                              | UNT to Chartiers Run (WWF)        | Washington County Conservation District<br>2800 North Main Street<br>Suite 105<br>Washington, PA 15301<br>(724) 705-7098          |
| Smith Township                            | PAC630038         | RMC Group, Inc.<br>270 Smith Township State Road<br>Burgettstown, PA 15021                | UNT to Burgetts Fork (WWF)        | Washington County Conservation District<br>2800 North Main Street<br>Suite 105<br>Washington, PA 15301<br>(724) 705-7098          |
| Adams Township, Butler County             | PAC100058         | The Office of Horace Trumbauer, LLC<br>121 Larchwood Drive<br>Butler, PA 16002            | Glade Run WWF/Breakneck Creek WWF | Butler County Conservation District<br>122 McCune Drive<br>Butler, PA 16001<br>724-284-5270                                       |
| Slippery Rock Township, Butler County     | PAC100041         | Slippery Rock Area Parks & Recreation<br>320 North Main Street<br>Slippery Rock, PA 16057 | UNTs to Wolf Creek CWF            | Butler County Conservation District<br>122 McCune Drive<br>Butler, PA 16001<br>724-284-5270                                       |
| West Mead Township, Crawford County       | PAC200041         | Mark A. & Jodi J. Graham<br>9188 Franklin Pike<br>Meadville, PA 16438                     | UNT to French Creek WWF           | Crawford County Conservation District<br>Woodcock Creek Nature Center<br>21742 German Road<br>Meadville, PA 16335<br>814-763-1585 |

*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>   |
|--|-------------------|--|---|---|
| Carmichaels Borough<br>Greene County               | PAG036192         | Washita Valley Enterprises<br>308 W George Street<br>Carmichaels, PA 15320                     | Muddy Creek—19-B                        | DEP Southwest Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |
| Ambridge Borough<br>Beaver County                  | PAG036164         | Sippel Company Inc.<br>d/b/a Sippel Steel Fab<br>2100 Georgetowne Drive<br>Sewickley, PA 15143 | Ohio River—20-G                         | DEP Southwest Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |
| Le Boeuf Township<br>Erie County                   | PAG038333         | Russell Std Corp<br>PO Box 86<br>Union City, PA<br>16438-0086                                  | Unnamed Tributary to Wheeler Creek—16-A | DEP Northwest Regional Office<br>Clean Water Program<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>814.332.6942   |
| Harmony Township<br>Forest County                  | PAG038358         | Akers National Roll Co.<br>Road 1 PO Box 147<br>Pleasantville, PA 16341                        | Neilltown Creek—16-E                    | DEP Northwest Regional Office<br>Clean Water Program<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>814.332.6942   |

*General Permit Type—PAG-8 NOI**Facility Location:*

| <i>Municipality &amp; County</i>        | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                | <i>Site Name &amp; Location</i>   | <i>Contact Office &amp; Phone No.</i>  |
|---|-------------------|--|---|--|
| City of Bethlehem<br>Northampton County | PAG082224         | City of Bethlehem<br>144 Shimmersville Road<br>Bethlehem, PA 18015 | City of Bethlehem<br>Wastewater<br>Treatment Plant<br>144 Shimmersville<br>Road<br>Bethlehem, PA<br>18015 | PA DEP NERO<br>2 Public Square<br>Wilkes-Barre, PA<br>18701-1915<br>(570) 826-2511 |

*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>                                      |
|---|-------------------|---|---------------------------------|--|
| York City Wastewater<br>Treatment Plant<br>1701 Black Bridge Rd<br>York, PA 17402 | PAG08-3501        | York City Sewer Authority<br>345 East Market Street<br>York, PA 17402 | Same as Facility                | DEP—SCRO—CW<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707 |

Manchester Township,  
York County

*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>   |
|---|-------------------|---|--|---|
| Antrim Township,<br>Franklin County         | PAG123609         | L & W Farms LLC<br>4251 Fletcher Drive<br>Greencastle, PA<br>17225-8372             | Watershed 13-C                                 | DEP—SCRO—CW<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707  |
| Buffalo Township<br>Union County            | PAG124806         | Jerrel Brubaker<br>269 Meeting House Lane<br>Lewisburg, PA<br>17837-8862            | Unnamed Tributary<br>to Limestone Run—<br>10-C | DEP Northcentral<br>Regional Office<br>Clean Water Program<br>208 W Third Street<br>Suite 101<br>Williamsport, PA<br>17701-6448<br>570.327.3636 |
| Chapman Township<br>Snyder County           | PAG124860         | Meiserville Milling, LLC<br>127 Mill Road<br>Mount Pleasant Mills, PA<br>17853-8134 | North Branch<br>Mahantango<br>Creek—6-C        | DEP Northcentral<br>Regional Office<br>Clean Water Program<br>208 W Third Street<br>Suite 101<br>Williamsport, PA<br>17701-6448<br>570.327.3636 |

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

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**CAFO NMP  
PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)**

| <i>Agricultural Operation<br/>(Name and Address)</i>  | <i>County</i> | <i>Total<br/>Acres</i> | <i>Animal<br/>Equivalent<br/>Units (AEUs)</i> | <i>Animal<br/>Type</i> | <i>Special<br/>Protection<br/>Waters (HQ<br/>or EV or NA)</i> | <i>Approved or<br/>Disapproval</i> |
|---|---------------|------------------------|---|------------------------|---|------------------------------------|
| Country View Family Farm,<br>LLC—Pine Hill Farm<br>2547 Hickory Road<br>Columbia Crossroads, PA 16914 | Bradford      | 260                    | 3,263.9                                       | Swine                  | NA  | Approved                           |
| JOM Hogs, LLC<br>Bruce M. King<br>1417 Peters Road<br>Troy, PA 16947                                  | Bradford      | 313                    | 846.8   | Swine and<br>Dairy     | NA  | Approved                           |

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0917517**, Public Water Supply.

|           |  |
|-----------|--|
| Applicant | <b>Warminster Municipal Authority</b><br>415 Gibson Avenue<br>Warminster, PA 18974 |
| Township  | Warminster   |

|                            |   |
|----------------------------|---|
| County                     | <b>Bucks</b>  |
| Type of Facility           | PWS   |
| Consulting Engineer        | CKS<br>88 South Main Street<br>Doylestown, PA 18901 |
| Permit to Construct Issued | August 8, 2017                                      |

**Operations Permit # 0917503** issued to: **North Wales Authority**, 200 West Walnut Street, P.O. Box 1339, North Wales, PA 19445-0339, [ **(PWSID # 1090097)** ] Doylestown Township, **Bucks County** on August 8, 2017 for the operation of Olde Colonial Greene-Corrosion Control Treatment-(Caustic Soda and Orthophosphate) facilities approved under construction permit # 0917503.

**Operations Permit # 4617506** issued to **Audubon Water Company**, 2650 Eisenhower Driver, Norristown, PA 19403, [ **(PWSID) # 1460035)** ] Lower Providence Township, **Montgomery County** on August 10, 2017 for the operation of two 86-gallon Bladder Type Hydropneumatic Tanks at Valley Forge Crossing MHP Well TP-2 approved under construction permit # 4617506.

**Operations Permit # 0912514** issued to: **Lower Bucks County Joint Municipal Authority**, 60 Main Street, Tullytown, PA 19007, [ **((PWSID) # 1090026)** ] Tullytown Borough, **Bucks County** on August 14, 2017 for the operation of Plate Settlers, Plate Settler Cleaning System, Sedimentation Basin Cleaning System, and Piping facilities approved under construction permit # 0912514.

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

**Permit No. 3917502MA**, Public Water Supply.

|                       |  |
|-----------------------|--|
| Applicant             | <b>Municipal Authority of the Borough of Coopersburg</b><br>5 North Main Street<br>Coopersburg, PA 18036 |
| [Borough or Township] | Coopersburg Borough  |
| County                | <b>Lehigh</b>  |
| Type of Facility      | PWS  |

Consulting Engineer Mr. Harry Garman PE  
Barry Isett and Associates Inc.  
85 S. Route 100  
Allentown, PA 18106

Permit to Construct 7/17/2017  
Issued

**Permit No. 5417501 Major Amendment**, Public Water Supply.

Applicant **Aqua PA, Inc.**  
1 Aqua Way  
White Haven, PA 18661

[Township or Borough] North Union Township,  
**Schuylkill County**

Responsible Official Patrick R. Burke, PE  
Aqua PA, Inc.  
204 E. Sunbury Street  
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE  
GHD  
326 East Second Street  
Bloomsburg, PA 17815  
(570) 387-5283

Permit Issued 08/09/2017

**Permit No. 3917508MA**, Public Water Supply.

Applicant **City of Allentown**  
641 S. 10th Street, 3rd Floor  
Allentown, PA 18103

[Borough or Township] South Whitehall Township  
County **Lehigh**

Type of Facility PWS

Consulting Engineer Mr David T Kee PE  
Arro Consulting Inc  
649 N Lewis Rd  
Limerick, PA 19468

Permit to Construct 8/9/2017  
Issued

**Application No. 3517502MA**, Public Water Supply.

Applicant **Aqua PA, Inc.**  
1 Aqua Way  
White Haven, PA 18661

[Township or Borough] South Abington Township,  
**Lackawanna County**

Responsible Official Patrick R. Burke, PE  
Aqua PA, Inc.  
204 E. Sunbury Street  
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE  
GHD  
1240 North Mountain Road  
Harrisburg, PA 17112  
(717) 541-0622

Permit Issue Date 08/07/2017

**Application No. 3917504MA, Minor Amendment.**

Applicant **City of Allentown**  
PO Box 3348  
Allentown, PA 18106-3348

[Township or Borough] City of Allentown  
**Lehigh County**

Responsible Official Mr. Craig W. Messinger  
Lehigh County Authority  
641 South 10th Street  
Allentown, PA 18103

Type of Facility Public Water Supply

Consulting Engineer Donnell Ducan, P.E.  
Utility Service Company  
1230 Peachtree Street  
Atlanta, GA 30309

Issue Date 08/09/2017

**Application No. 3390010**, Public Water Supply.

Applicant **Big O Mobil Home Park**  
153 Schweitz Road  
Fleetwood, PA 19522-9731

[Township or Borough] Lower Macungi Township,  
**Lehigh County**

Responsible Official C Edgar Opperman III  
Owner, Big O Mobil Home Park  
153 Schweitz Road  
Fleetwood, PA 19522-9731

Type of Facility PWS

Consulting Engineer Bruce Radar, PE  
Berk Surveying & Engineering  
311 East Main Street  
Fleetwood, PA 19522

Permit Issued Date 08/08/2017

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

**Permit No. 3616514 MA, Minor Amendment**, Public Water Supply.

Applicant **Millersville University**

Municipality Manor Township

County **Lancaster**

Responsible Official Steven Strock, Project Manager  
PO Box 1002  
Millersville, PA 17551

Type of Facility Installation of cathodic  
protection and repainting of the  
interior surfaces of the 1.1  
million gallon storage tank.

Consulting Engineer Justin J. Mendinsky, P.E.  
Herbert Rowland & Grubic Inc.  
369 East Park Drive  
Harrisburg, PA 17111

Permit to Construct 8/10/2017  
Issued

**Permit No. 3416502**, Public Water Supply.

Applicant **Mifflintown Municipal  
Authority**

Municipality Walker Township

County **Juniata**

Responsible Official Mike Robinson, Manger  
PO Box 36  
Mifflintown, PA 17059

Type of Facility State Route 0075 booster  
pumping station.

Consulting Engineer Patrick J. Ward, P.E.  
Uni-Tec Consulting Engineers,  
Inc.  
2007 Cato Avenue  
State College, PA 16801

Permit to Construct 1/12/2017  
Issued

**Permit No. 3616522**, Public Water Supply.

Applicant **Faith Mennonite High School**  
Municipality Sadsbury Township  
County **Lancaster**  
Responsible Official Michael Fox  
5085 Woodland Drive  
Kinzers, PA 17535

Type of Facility Installation of facilities for the  
removal of nitrates.

Consulting Engineer Thomas J. Whitehill, P.E.  
Whitehill Consulting Engineers  
763 Conowingo Rd.  
Quarryville, PA 17566

Permit to Construct 8/8/2017  
Issued

**Permit No. 5017503 MA, Minor Amendment**, Public  
Water Supply.

Applicant **Duncannon Borough**  
Municipality Duncannon Borough  
County **Perry**  
Responsible Official Chris Courogen, Borough  
Manager  
428 High Street  
Duncannon, PA 17020

Type of Facility Approximately 1,200 linear feet  
of 12-inch water main will be  
replaced along Chestnut Street  
in Duncannon Borough from the  
Sandy Hill storage tank to High  
Street.

Consulting Engineer Greg Rogalski, P.E.  
Pennoni  
1215 Manor Drive  
Mechanicsburg, PA 17055

Permit to Construct 8/14/2017  
Issued

**Permit No. 6717503**, Public Water Supply.

Applicant **Northstar Properties  
Management**  
Municipality Franklin Township  
County **York**  
Responsible Official Keith Shanahan, Certified Water  
Operator  
PO Box 396  
Mechanicsburg, PA 17055

Type of Facility A new arsenic treatment system  
will be installed for the Stoney  
Run Apartments water system  
due to a routine sample  
exceeding the maximum  
contaminant level of 10 µg/L.

Consulting Engineer Kevin L. Little, P.E.  
Barton & Loguidice DPC  
3901 Hartzdale Drive  
Camp Hill, PA 17013

Permit to Construct 8/10/2017  
Issued

**Operation Permit No. 0607517** issued to: **Shil-  
lington Municipal Authority (PWS ID No. 3060067)**,  
Cumru Township, **Berks County** on 8/8/2017 for facil-  
ities approved under Construction Permit No. 0607517.

**Operation Permit No. 2817502 MA** issued to:  
**Greencastle Livestock Market (PWS ID No.  
7280832)**, Antrim Township, **Franklin County** on  
8/7/2017 for facilities approved under Construction Permit  
No. 2817502 MA.

*Northcentral Region: Safe Drinking Water Program  
Manager, 208 West Third Street, Suite 101, Williamsport,  
PA 17701-6448.*

**Permit No. MA-GWR—Operation—Public Water  
Supply.**

Applicant **TA Operating, LLC**  
Township/Borough Porter Township  
County **Clinton**  
Responsible Official Mr. Rob Porges  
TA Operating, LLC  
24601 Center Ridge Road  
Westlake, OH 44145

Type of Facility Public Water Supply

Consulting Engineer Daniel Delp PE  
Leidos, Inc.  
6310 Allentown Blvd.  
Harrisburg, PA 17112

Permit Issued August 11, 2017

Description of Action Authorizes 4-log inactivation of  
viruses for Well No. 1 (Entry  
Point 101) at the Lamar Travel  
Center, including existing  
sodium hypochlorite disinfection,  
a 20 gpm flow restrictor, and  
detention time via the existing  
5,000-gallon tank and 220-gallon  
softener.

**Permit No. 4917503—Construction—Public Water  
Supply.**

Applicant **Pennsylvania American  
Water Company**  
Township/Borough Milton Borough  
County **Northumberland**  
Responsible Official David R. Kaufmann  
Vice President-Engineering  
800 West Hersheypark Drive  
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Peter J. Keenan  
American Water Services  
Company  
1025 Laurel Oak Road  
Voorhees, NJ 08043

Permit Issued August 8, 2017

Description of Action Authorizes Pennsylvania American Water White Deer to install a sulfuric acid feed system in the Milton Water Treatment Plant (WTP) to control pH of coagulation.

**Permit No. MA-GWR-A1—Operation—Public Water Supply.**

Applicant **Municipal Authority of the Borough of Mansfield**  
 Township/Borough Mansfield Borough  
 County **Tioga County**  
 Responsible Official Mr. Heath Woolf  
 Municipal Authority of the Borough of Mansfield  
 14 South Main Street  
 Mansfield, PA 16933

Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued August 11, 2017

Description of Action Authorizes 4-log inactivation of viruses at Entry Point 101 for Well Nos. 1 and 2.

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

**Permit No. 4316502**, Public Water Supply.

Applicant **Buhl Community Water Company**  
 Township or Borough Springfield Township  
 County **Mercer**  
 Type of Facility Public Water Supply  
 Consulting Engineer Peter Buss, P.E.  
 Gibson Thomas Engineering Co.  
 P.O. Box 853  
 Latrobe, PA 15650

Permit to Construct Issued August 8, 2017

**Permit No. 1601502-MA1**, Public Water Supply.

Applicant **Foxburg Area Water & Sewer Authority**  
 Township or Borough Foxburg Borough  
 County **Clarion**  
 Type of Facility Public Water Supply  
 Consulting Engineer Carl Petrus, P.E.  
 Petrus Engineering  
 26 Nesbitt Road  
 Suite 256  
 New Castle, PA 16105

Permit to Construct Issued August 9, 2017

**Operation Permit issued to Borough of Stoneboro, PWSID No. 6430056**, Stoneboro Borough, **Mercer County**. Permit Number 4379503-MA4 issued August 9, 2017 for the operation of the interconnection with the Borough of Stoneboro. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on August 3, 2017.

**Permit No. 4217501**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 Township or Borough Wetmore Township  
 County **McKean**  
 Type of Facility Public Water Supply  
 Consulting Engineer Jed A. Fiscus, P.E.  
 Pennsylvania American Water Company  
 425 Waterworks Road  
 Clarion, PA 16214  
 Permit to Construct Issued August 14, 2017

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

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

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>       | <i>County</i> |
|----------------------------|--|---------------|
| Lancaster Township         | 1240 Maple Avenue<br>Lancaster, PA 17603 | Lancaster     |

*Plan Description:* Approval of a revision to the official plan of Lancaster Township, Lancaster County. The project is known as Maple Grove Sewage Pumping Station and Interceptor Upgrades. The plan provides for upgrade of the Maple Grove Pump Station, owned by the City of Lancaster, from 8 mgd to 9.7 mgd with upgrading of upstream and downstream interceptors connecting to the pump station. The proposed development is located south of Stone Mill Road and north and south of Rt 999 in Lancaster Township, Lancaster County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-36805-090-3 and the APS Id is 944967. Clean Streams Law permits must be obtained in the name of the City of Lancaster.

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>        | <i>County</i> |
|----------------------------|---|---------------|
| Lower Paxton Township      | 425 Prince Street<br>Harrisburg, PA 17109 | Dauphin       |

*Plan Description:* Approval is granted for a Special Study to the Official Plan of Lower Paxton Township, Dauphin County. The project is known as the Act 537 Sewage Facilities Plan Special Study—Blue Mountain Parkway Area (DEP Code No. I1-22921-ACT). The plan provides for the implementation of a township-wide on-lot sewage disposal system (OLDS) management program with a three-year septic tank inspection and pumping schedule. The plan also provides possible alternatives for the long-term sewage disposal needs of the Blue Mountain Parkway area in the event that on-lot management is no longer an acceptable solution here. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

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

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>        | <i>County</i> |
|----------------------------|---|---------------|
| Jamestown Borough          | 406 Jackson Street<br>Jamestown, PA 16134 | Mercer        |

*Plan Description:* The approved plan focuses on making improvements to the existing sewerage facilities consisting of the Liberty Street Pump Station and the Jamestown Municipal Authority Water Pollution Control Plant. In addition to the replacement of the existing Liberty Street Pump Station and forcemain, the plan proposes treatment plant improvements including influent interceptor sewer replacement, an influent inline grinder and bar screen bypass, a new influent pump station, improvements to the existing aeration tankage, providing additional clarifier capacity, replace the disinfection system, provide additional sludge holding tank capacity, replace effluent metering/sampling and install influent metering, and provide new blowers and a new motor control center. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Public Notice of proposed Consent Order and Agreement Port Richmond Gate HSCA Site, Philadelphia County

The Department of Environmental Protection (Department), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (HSCA), 35 P.S. § 6020.1113, has entered a Consent Order and Agreement with Daniel Ryan, regarding the Port Richmond Gate Development, a residential subdivision located along Edgemont, Venango and Thompson Streets in Philadelphia (Site). The Site was formerly used as a staging area for railroad cars and was subsequently used by Aldan Industries, a rubber manufacturer, which is no longer in business.

Sometime after October, 2001, Daniel Ryan and Keith Charlton incorporated ADK Development Corp., Inc., a company which developed the Site for residential use, without remediation. In 2007, the Department detected levels of arsenic and lead in soil on the Site. These contaminants were found in amounts above the Department's Residential Statewide Health Standards. The Department also detected polycyclic aromatic hydrocarbons in soil on the Site.

Hazardous substances within the meaning of Section 103 of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.103, were released and threatened to be released on the Site. Pursuant to Section 501(a) of HSCA, 35 P.S. § 6020.501(a), the Department completed response actions at the Site to abate the release of hazardous substances found on the Site. The Department's response actions included the removal of contaminated soil which impacted homes in the Port Richmond Gate Development.

As an officer of ADK Corporation, Inc., Mr. Ryan participated in the construction of homes on the Site, without remediation and is responsible for a portion of

the response costs incurred by the Department. In their Inability-to-Pay Consent Order and Agreement, Mr. Ryan and the Department agreed that he would reimburse the Department in the amount of Ten Thousand Dollars (\$10,000) and that he would receive contribution protection from claims related to the release of hazardous substances at the Site.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to significant written comments". The Consent Order and Agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street in Norristown, PA by contacting either Colin Wade (484) 250-5722 or Gina M. Thomas, Esquire at (484) 250-5930. Mr. Wade and Ms. Thomas may also be contacted electronically at [cowade@pa.gov](mailto:cowade@pa.gov) and [githomas@pa.gov](mailto:githomas@pa.gov), respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them to Mr. Wade at the above address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

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The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

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Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the



appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**1331-1339 South Juniper Street**, 1331-1339 South Juniper Street, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Jason Cutaiar, Made Construction, 1701 Reed Street, Philadelphia, PA 19146 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Darby Borough MGP Site**, 237/263 Mill Street, Darby Borough, **Delaware County**. Bruce Middleman, Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Rohm & Haas Company Bristol Plant**, 200 Route 413, Bristol Township, **Bucks County**. David J. Kistner, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19007 on behalf of Robert Casselberry, Rohm and Haas Company, 310 George Paterson Boulevard, Suite 100, Bristol, PA 19007 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with VOCs and SVOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Whitfield Residence**, 546 Jefferson Avenue, Pottstown Borough, **Montgomery County**. Carl G. Rinkevich II, Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Dorothy Whitfield, 546 Jefferson Avenue, Pottstown, PA 19464 submitted a Final Report concerning remediation of site soil contaminated with no. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Pine Road/Red Lion Road**, Pine Road/Red Lion Road, Lower Moreland Township, **Montgomery County**. Gary Emmanuel, O'Brien & Gere Engineers, Inc., 301 East Germantown, Pike, 3rd Floor, East Norriton, PA 19401 on behalf of Gregory T. Rogerson, JERC Partners, XIII, LP, 171 State Route 173, Suite 201, Asbury, NJ 08802 submitted a Risk Assessment Report concerning remediation of site soil contaminated with other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**French Creek Elementary School**, 3590 South Coventry Township, **Chester County**. Andrew Markoski, Patriot Environmental Management, LLC, 21 Unionville Road, P.O. Box 629, Douglasville, PA 19518 on behalf of James A. Turner, James A. Turner, Inc., 3469 Old Bethlehem Pike, Souderton, PA 18964 submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**2 Jeunet Lane**, 2 Jeunet Lane, East Whiteland Township, **Chester County**. Richard S. Werner, Environmen-

tal Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Scott Smith, W. Scott Smith, Inc., 192 Monacy Road, Coatesville, PA 19320 submitted a Final Report concerning remediation of site soil contaminated with no. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Exeter 6400 Bristol, LLC**, 6400 Bristol Pike, Bristol Township, **Bucks County**. Thomas S. Jones Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Jason A. Honesty, Exeter 6400 Bristol, LLC, 101 West Elem Street, Suite 600, Conshohocken, PA 19428 submitted a Risk Assessment/ Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with VOCs and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Saint John the Baptist Catholic Church**, 500-502 Ford Street, Borough of Bridgeport **Montgomery County**. Raymond J. Minarovic, T&M Associates, 74 West Broad, Suite 530, Bethlehem, PA 18018 on behalf of Frair David Ousley, Saint John the Baptist Church, 500-502 Ford Street, Bridgeport, PA 19405 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.

**The Fresh Stop, 101 MacDade Boulevard**, Ridley Township, **Delaware County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Scott Homel, PB 101 MacDade LLC, 491 Old York Road, Suite 200, Jenkintown, PA 19046 submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Coenen Residence**, 146 East Windrose Drive, Northampton Township, **Bucks County**. Amanda Michelone, Mountain Research LLC, 825 25th Street, Altoona, PA 16601 on behalf of Dough Coenen, 146 East Windrose Drive, Richboro, PA 18954 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.

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

**Anderson Property**, 716 Horizon Drive, Stroud Township, **Monroe County**. Envirosearch Consultants Inc., P.O. Box 940, Springhouse, PA 19477, on behalf of Kevin and Dina Anderson, 716 Horizon Drive, Stroudsburg, PA 18360, submitted a Final Report concerning remediation of site soils contaminated with No. 2 Fuel Oil Compounds. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Baker 4H Well Pad**, 774 Turnpike Road, Forest Lake Township, **Susquehanna County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Carrizo (Marceullus) LLC, 251 Drain Lick Road, P.O. Box 231, Drifiting, PA 16834, submitted a Final Report concerning remediation of site soils and groundwater contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium and zinc. The report is intended to document remediation of the site to meet the Statewide Health and Background Standards.

**Bethlehem Commerce Center Majestic Lot 5**, 3769 Commerce Center Boulevard, City of Bethlehem **Northampton County**. O'Brien & Gere Engineers, Inc., Bentwood Campus, 301 E. Germantown Pike, 3rd Floor, East Norriton, PA 19401, on behalf of Commerce Construction Co. LP, 13191 Crossroads Parkway North, 6th Floor, Industry, CA 91746, submitted a Final Report concerning remediation of site soils contaminated with Boron, Thallium, Lead, Iron, Benzo(a)pyrene, Benzo(a)anthracene, Benzene, Naphthalene, Dibenz(a,h)anthracene, and Tetrachloroethene. The report is intended to document remediation of the site to meet the SIA and Non-Residential Site Specific Standard for soils.

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

**Apollo Transportation Specialists Diesel Spill**, Rt. 30 Eastbound on-ramp from Rt. 24, York, PA 17402, Springettsbury Township, **York County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Apollo Transportation Specialist, Inc., 4301 Eastern Avenue, Baltimore, MD 21224, and PennDOT, Engineering-District 8, 2140 Herr Street, Harrisburg, PA 17103, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Walker Elementary School**, 7864 William Penn Highway, Mifflintown, PA 17059, Walker Township, **Juniata County**. P. Joseph Lehman, Inc., Olde Farm Office Centre, P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Juniata County School District, 7864 William Penn Highway, Mifflintown, PA 17059, submitted a Final Report concerning remediation of groundwater contaminated with # 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Chief Bailey 3H Well Pad Brine Cleanup**, Overton Township, **Bradford County**. Woodward & Curran, 300 Penn Center Blvd, Suite 800, Pittsburgh, PA 15236, on behalf of Chief Oil & Gas, LLC, 1720 Sycamore Road, Montoursville, PA 17754, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Range Resources Mohawk North Unit 1H Diesel Release**—Gallagher Township, **Clinton County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Range Resources—Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317, has submitted a Final Report concerning the remediation of the site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**National Fuel Gas Midstream Trout Run LLC**, McIntyre Township, **Lycoming County**. Environmental Products & Service of Vermont, Inc, 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of National Fuel Gas Midstream Trout Run, LLC, 1100 State Street, PO Box 2081, Erie, PA 16512, has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**JKLM Reese Hollow Pad 118 Release Cleanup**, Sweden 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 site groundwater contaminated with organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Right of Way, William B Street**, Hamilton Township, **Tioga County**. Golder Associates, Inc., 209 North Main Street, Horseheads, NY 14845, on behalf of Repsol Oil & Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**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 Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**844 North Keim Street**, 844 North Keim Street, Lower Pottsgrove Township, **Montgomery County**. David B. Farrington, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, David Magee, Archdiocese of Philadelphia Office of Catholic Education, 220 North 17th Street, Suite 500, Philadelphia, PA 19103 on behalf of Keith Montone, FCE, SPX, LLC, 1373 Enterprise Drive, West Chester, PA 19380 submitted a Final Report concerning the remediation of site soil contaminated with no. 2 heating oil. The Report was approved by the Department on August 2, 2017.

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

**Peters Bottled Gas**, 1882 Stairville Road, Dorrance Township, **Luzerne County**. Geological & Environmental Associates Inc., 430 East Mountain Road, Plymouth, PA 18651, on behalf of Koppy's Propane, P.O. Box 36, Williamstown, PA 17098, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 Fuel Oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 6, 2017.

**Harley Trucking Release (PennDOT Cartway ROW)**, Boyer Farm Road & Forest Inn Road, Lower Towamensing Township, **Carbon County**. RT Environmental Services, 215 West Church Rd, King of Prussia, PA 19406-3207, on behalf of Harley Trucking LLC, 387-393 Jefferson Street, Newark, NJ 07114, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Ethylbenzene, Isopropylbenzene, MTBE, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Anthracene, Benzo(a)-anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, Ideno(1,2,3-cd)pyrene, Fluorene, Phenanthrene, Pyrene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 15, 2017.

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

**J&J Material Handling Systems, Inc.**, 1820 Franklin Street, Columbia, PA 17512, West Hempfield Township, **Lancaster County**. Reliance Environmental, Inc., 236 North Duke Street, Lancaster, PA 17602, on behalf of Arnold Printed Communications, 53 Eastman Avenue, Lancaster, PA 17603, submitted a Remedial Investigation Report and Cleanup Plan concerning site soil contaminated with lead. The Report was approved by the Department on August 7, 2017.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Chief Bailey 3H Well Pad Brine Cleanup**, Overton Township, **Bradford County**. Woodward & Curran, 300 Penn Center Blvd, Suite 800, Pittsburgh, PA 15236, on

behalf of Chief Oil & Gas, LLC, 1720 Sycamore Road, Montoursville, PA 17754, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report demonstrated attainment of the Statewide Health Standard requirements and was approved by the Department on July 17, 2017.

**West Milton State Bank**, Canton Township, **Bradford County**. Molesevich Environmental, LLC, P.O. Box 654, Lewisburg, PA 17837, on behalf of West Milton State Bank, 840 High Street, West Milton, PA 17886, has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report demonstrated attainment of the Statewide Health Standard requirements and was approved by the Department on August 2, 2017.

**Johnson (02-135) K Well**, Blossburg Borough, **Tioga County**. Woodard & Curran, 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235, on behalf of Repsol Oil & Gas, USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, has submitted a Remedial Action Completion Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard requirements and was approved by the Department on August 1, 2017.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.*

*Hazardous Waste Transporter License Reissued*

**AEG Environmental Products & Services, Inc.**, PO Box 286, Westminster, MD 21158. License No. PA-AH 0701. Effective Aug 11, 2017.

**Emerald Environmental Services, Inc.**, 1621 St Clair Avenue, Kent, OH 44240. License No. PA-AH 0641. Effective Aug 11, 2017.

**Solvents and Petroleum Service, Inc.**, 1405 Brewerton Road, Syracuse, NY 13208. License No. PA-AH 0629. Effective Aug 10, 2017.

*Renewal Applications Received*

**AEG Environmental Products & Services, Inc.**, PO Box 286, Westminster, MD 21158. License No. PA-AH 0701. Effective Aug 11, 2017.

**Emerald Environmental Services, Inc.**, 1621 St Clair Avenue, Kent, OH 44240. License No. PA-AH 0641. Effective Aug 11, 2017.

**Solvents and Petroleum Service, Inc.**, 1405 Brewerton Road, Syracuse, NY 13208. License No. PA-AH 0629. Effective Aug 09, 2017.

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

**Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Management, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 101389. Lancaster County Solid Waste Management Authority**, 3049 River Rd, Conestoga, PA 17516, Manor Township, **Lancaster County**. A major permit modification was issued on July 26, 2017, approving a vertical expansion and an increase in average and daily volume for the Frey Farm Landfill. This permit is issued in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

## 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.**

*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.*

**GP3-21-05037B: Union Quarries, Inc.** (102 Bonny Brook Road, Carlisle, PA 17013) on August 11, 2017, for portable nonmetallic mineral processing equipment at the Bonny Brook Quarry, located in South Middleton Township, **Cumberland County**.

**GP11-21-05037B: Union Quarries, Inc.** (102 Bonny Brook Road, Carlisle, PA 17013) on August 11, 2017, for two diesel fuel-fired internal combustion engines to power portable nonmetallic mineral processing equipment at the Bonny Brook Quarry, located in South Middleton Township, **Cumberland County**.

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**GP5-59-232: SWEPI LP** (150-E N. Dairy Ashford, E-1296-J, Houston, TX 77079) on August 3, 2017, for authorization to continue operation of three (3) 1,380 bhp Caterpillar G3516B LE four-stroke ultra-lean-burn compressor engines, one (1) 80 bhp Arrow VRG 380 (4SRB) natural gas fired generator engine, one (1) 30 MMscf/day NATCO dehydrator unit equipped with a 0.25 MMBtu/hr reboiler burner, one (1) 60 MMscf/day NATCO dehydrator unit equipped with a 0.50 MMBtu/hr reboiler burner, and one (1) 15,000-gallon produced water tank at the Breon Compressor Station located in Sullivan Township, **Tioga County** pursuant to the conditions contained in the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5).

**GP5-59-233: SWEPI LP** (150-E N. Dairy Ashford, E-1296-J, Houston, TX 77079) on August 3, 2017, for authorization to continue operation of one (1) 1,380 bhp Caterpillar G3516B LE four-stroke ultra-lean-burn compressor engine, one (1) 80 hp Arrow VRG 380 (4SRB) natural gas fired generator engine, one (1) 60 MMscf/day dehydrator unit equipped with a 0.50 MMBtu/hr reboiler burner, and one (1) 15,000-gallon produced water tank at the Jackson Compressor Station located in Union Township, **Tioga County** pursuant to the conditions contained

in the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5).

**GP5-59-234: SWEPI LP** (150-E N. Dairy Ashford, E-1296-J, Houston, TX 77079) on August 3, 2017, for authorization to continue operation of two (2) 1,380 bhp Caterpillar G3516B LE four-stroke ultra-lean-burn compressor engines, one (1) 80 bhp Arrow VRG 380 (4SRB) natural gas fired generator engine, one (1) 60 MMscf/day dehydrator unit equipped with a 0.50 MMBtu/hr reboiler burner, and one (1) 15,000-gallon produced water tank at the Lovell Compressor Station located in Liberty Township, **Tioga County** pursuant to the conditions contained in the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5).

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

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

**GP5-03-00980B: EXCO Appalachia Midstream, LLC** (12377 Merit Drive, Ste 1700, Dallas, TX 75251) on August 8, 2017, for authorization for continued operation of previously authorized compressor engine and dehydrator at the Poverty Hill Compressor Station (f.k.a. Schrecengost) located in Rayburn Township, **Armstrong County**.

**GP3-04-00742B: Lindy Paving, Inc.** (1807 Shenango Road, New Galilee, PA 16141) on August 10, 2017, to allow the installation and operation of a portable nonmetallic mineral processing plant consisting of one crusher with an integrated double deck screen and associated conveyors located in Aliquippa City, **Beaver County**.

**GP11-04-00742B: Lindy Paving, Inc.** (1807 Shenango Road, New Galilee, PA 16141) on August 10, 2017, to allow the installation and operation of one nonroad diesel-fired engine rated at 326 bhp in conjunction with a portable nonmetallic mineral processing plant located in Aliquippa City, **Beaver County**.

**GP3-04-00742C: Lindy Paving, Inc.** (1807 Shenango Road, New Galilee, PA 16141) on August 10, 2017, to allow the installation and operation of a portable nonmetallic mineral processing plant consisting of one crusher with an integrated double deck screen and associated conveyors located in Aliquippa City, **Beaver County**.

**GP11-04-00742C: Lindy Paving, Inc.** (1807 Shenango Road, New Galilee, PA 16141) on August 10, 2017, to allow the installation and operation of one nonroad diesel-fired engine rated at 496 bhp in conjunction with a portable nonmetallic mineral processing plant located in Aliquippa City, **Beaver County**.

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

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

**GP4-37-320B: Alaron Nuclear Svcs.** (2138 State Rte. 18, Wampum, PA 16157) on August 7, 2017, for the authority to continue operation of a natural gas fired burn off oven (BAQ-GPS/GP4) located at their facility in New Beaver Borough, **Lawrence County**.

**GP11-37-332I: Amerikohl Aggregates** (1384 State Route 711, Stahlstown, PA 15687) on August 8, 2017, for the authority to install and operate a diesel or No. 2 fuel

fired nonroad internal combustion engine (BAQ-GPS/GP11) located at their facility in Wayne Township, **Lawrence County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**36-03206A: Green Harvest Augsburger, LLC** (P.O. Box 209, Reinholds, PA 17569) on August 3, 2017, for the construction of a combined heat & power (CHP) distributed generation facility located in West Cocalico Township, **Lancaster County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**46-0198P: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041-2140) On August 10, 2017 an extension for the upgrade of the existing bean cleaning process and installation and replacement of some process components and construction of baghouses in Upper Hanover Township, **Montgomery County**.

**09-0237:TC Millwork** (PO Box 826, Bensalem, PA 19020-0826) On August 10, 2017 an extension for the installation and operation of two (2) spray bottle operations designated and associated filters in Bensalem Township, **Bucks County**.

**23-0119: Sunoco Partners Mkt & Term LP** (100 Green Street, Marcus Hook, PA 19061-4800) On August 15, 2017 an extension to install two cryogenic storage tanks for liquid ethane and propane from Marcellus Shale formation in Marcus Hook Borough, **Delaware County**.

**46-0100: Saint-Gobain Abrasives Inc.** (200 Commerce Drive, Montgomeryville, PA 18936-9640) On August 15, 2017 for the issuance of a modification to this plan approval to address maximum normal operating conditions for stack testing purposes as being the operation of the 25-inch wide line only, not the operation of both lines at one time. Changes were also made to add language to the plan approval to allow for a possible change from destruction efficiency to a concentration based limit if the stack test result are indeterminate with the change in how maximum operating conditions is defined for their facility located in Montgomery Township, **Montgomery County**.

*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.*

**67-03018B: Penn-Mar, Inc.** (500 Broadway, Hanover, PA 17331) on August 9, 2017, for the modification of the ductwork for the fabric filter which controls emissions from the molding and coring operations at the foundry in Hanover Borough, **York County**. Upon completion of the proposed modifications, the fabric filter will vent directly to atmosphere. The plan approval was extended.

**06-05002L: Lehigh Cement Company, LLC** (Evansville Cement Plant and Quarry), (537 Evansville Road, Fleetwood, PA 19522-8541) on August 8, 2017, to install a mercury emission control system at their facility in Maiden creek Township, **Berks County**. Plan Approval No. 06-05002L is for the installation of two (2) new mercury emission control systems on Kiln Nos. 1 & 2 (Source Ids 121 & 122). The mercury emission control systems include dust shuttling and activated carbon injection (ACI) and are part of the facility's compliance strategy with regard to the February 12, 2013 amended 40 CFR Part 63, Subpart LLL—National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry mercury emission limit. The plan approval was extended.

**36-05001K: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) on August 8, 2017, for the installation of new manufacturing areas at their ceiling tile plant in East Donegal Township, **Lancaster County**. One new manufacturing area will consist of (a) finishing operations which will be controlled by two (2) 50,000 cfm dust collectors, (b) three (3) enclosed paint spray booths, each being controlled by four (4) 3,500 cfm cyclones, (c) one (1) 14.0 mmBtu/hr natural gas fired dryer, and (d) a pneumatic dust transfer system controlled by a 7,500 cfm bin vent filter. The other manufacturing area will consist of ceiling tile detailing equipment and will be controlled by a 20,000 cfm dust collector. The plan approval was extended.

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

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

**14-00002N: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on August 2, 2017, extended the authorization to February 5, 2018 to permit continued operation of the sources associated with the kiln 8 project pending the completion of compliance evaluations. The kiln no. 8 project is located at their Pleasant Gap plant located in Spring Township, **Centre County**. The plan approval has been extended.

**14-00002P: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on August 2, 2017, extended the authorization to February 5, 2018 to permit continued operation of the sources associated with the kiln 8 project pending the completion of compliance evaluations. The kiln no. 8 project is located at their Pleasant Gap plant located in Spring Township, **Centre County**. The plan approval has been extended.

**57-00006A: Dwight Lewis Lumber Company** (P.O. Box A, Hillsgrove, PA 18619) on August 4, 2017, to extend the plan approval expiration date to February 7, 2018 to allow continued operation of a 6.04 MMBtu/hr biomass-fired boiler at its facility in Hillsgrove Township, **Sullivan County**.

**08-00016C: Dalrymple Gravel & Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871) on August 8, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180

days from August 10, 2017 to February 6, 2018 at their facility located in Athens Township, **Bradford County**.

**08-00016B: Dalrymple Gravel & Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871) on August 8, 2017, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from August 10, 2017 to February 6, 2018 at their facility located in Athens Township, **Bradford County**.

**59-00005G: Dominion Transmission, Inc.** (925 White Oaks Blvd., Bridgeport, WV 26330) on August 11, 2017, to extend the authorization for the construction of a 2,370 horsepower, natural-gas fired reciprocating internal combustion compressor engine controlled by a prechambered combustion system, an LE-54C air/fuel ratio controller and an EAS model EN4YE28 oxidation catalyst, for the construction of a 5,810 horsepower (49.98 million Btu per hour heat input), natural-gas fired compressor turbine, controlled by a dry low NO<sub>x</sub> (SoLoNO<sub>x</sub>) combustion system and a Universal Silencer oxidation catalyst and for the construction of eight 65 kilowatt model C65 NG Low NO<sub>x</sub> Capstone MicroTurbines, at the Sabinsville Station located in Clymer Township, **Tioga County** to February 9, 2018. The plan approval has been extended.

**41-00088A: Compass Natural Gas Partners LP** (1215 Manor Drive, Suite 302, Mechanicsburg, PA 17055) on August 11, 2017, to extend the authorization for the construction of the compressed natural gas truck terminal at their Compass-Quaker CNG Truck Terminal facility located in Upper Fairfield Township, **Lycoming County** to February 8, 2018. The plan approval has been extended.

**60-00023A: Custom Container Solutions, LLC** (391 Wolfand Road, Lewisburg, PA 17837) on August 8, 2017, to extend the authorization an additional 180 days to February 3, 2018 in order to continue the compliance demonstration evaluation and permit operation pending issuance of an operating permit for the facility. Plan approval 60-00023A for the construction of two surface coating booths at their facility in West Buffalo Township, **Union County** has been extended.

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

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

**16-148B: RV Burns Crematorium** (638 Wood St., Clarion, PA 16214) on August 10, 2017, effective July 31, 2017, has issued a plan approval extension for the continued operation of an existing human crematory in Clarion Township, **Clarion County**.

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

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

**TVOP 55-00026: Panda Hummel Station LLC** (5001 Spring Valley Road, Suite 1150, West, Dallas, TX 75244) issued on August 8, 2017, Phase II Acid Rain (Title IV) Permit for the proposed Panda Hummel Station LLC Power Project located in Shamokin Dam Borough, **Snyder County**. All of the applicable Federal and State

regulatory requirements for Title IV, including requirements covering the special conditions related to acid rain at § 127.531, have been included in the Acid Rain Permit for this facility.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**10-00335: Penn United Technologies Inc., Carbide Division** (196 Alwine Road, Saxonburg, PA 16056), on July 25, 2017, the Department issued the renewal of the Synthetic Minor Permit of a facility, located in Jefferson Township, **Butler County**, that manufactures cemented tungsten carbide-based and silicon carbide-based materials. To be Synthetic Minor, the facility has an elective restriction to maintain its VOC emissions below 46 TPY, which is achieved through collection and recovery of heptane emitted from the tungsten carbide process and other VOC emission reduction efforts. In this renewal, two emergency generators are incorporated into the operating permit with one subject to 40 CFR 63 Subpart ZZZZ, which pertains to National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and the other to 40 CFR 60 Subpart JJJJ, which pertains to New Source Performance Standards for Stationary Spark Ignition Internal Combustion Engines.

**42-00177: Bradford Forest, Inc.** (444 High St., Bradford, PA 16701). On August 10, 2017, the Department renewed a State Only Operating Permit for the facility located in the City of Bradford, **McKean County**. The facility is a Natural Minor. Potential emissions are as follows: 73.37 tpy NO<sub>x</sub>; 77.34 tpy CO; 5.65 tpy SO<sub>2</sub>; and 62.64 tpy PM<sub>10</sub>. The primary sources at the facility are 3 Wood Boilers, saw mill operations, and 3 parts washers. The boilers are subject to 40 CFR Part 63 Subpart JJJJJJ, the NESHAP for ICI Area Source Boilers. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340.*

**62-00017: United Refining** (15 Bradley Street, Warren, PA 16365) for its facility located in Warren City, **Warren County**. The De minimis emission increase is for a proposed 14-day trial run producing renewable diesel in the existing DHT 2 unit. In addition, the proposed activity is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on December 14, 2012.

| Date                     | Source                            | PM <sub>10</sub> (tons)           | SO <sub>x</sub> (tons)            | NO <sub>x</sub> (tons)          | VOC (tons)                      | CO (tons)                         |
|--------------------------|-----------------------------------|-----------------------------------|-----------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 5/24/2013                | Alky Feed Project                 | 0.07                              | 0.01                              | 0.79                            | 0.05                            | 0.81                              |
| 6/6/2013                 | Boiler 5B Temporary Authorization | 0.14                              | 0.08                              | 0.98                            | 0.11                            | 1.04                              |
| 3/10/2014                | NHT Stripper modification         | 0.03                              | 0.07                              | 0.56                            | 0.01                            | 0.23                              |
| 7/25/2017                | Renewable Diesel trial run        | 0.0002                            | 0.00                              | 0.002                           | 0.0002                          | 0.0001                            |
| Total Reported Increases |                                   | 0.24                              | 0.16                              | 2.33                            | 0.17                            | 2.08                              |
| Allowable                |                                   | 0.6 ton/source<br>3 tons/facility | 1.6 ton/source<br>8 tons/facility | 1 ton/source<br>5 tons/facility | 1 ton/source<br>5 tons/facility | 4 tons/source<br>20 tons/facility |

## 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.*

**17051601 and NPDES No. PA0235733. Junior Coal Contracting, Inc.**, (2330 Six Mile Road, Philipsburg, PA 16866). To renew the permit for the Leslie Tipple in Decatur Township, **Clearfield County**. No additional discharges. The application was considered administratively complete on April 17, 2013. Application received March 1, 2013. CMAP permit issued August 8, 2017.

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

**33850118. P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) Revision to an existing bituminous surface and auger mine to add 5.0 acres in Winslow Township, **Jefferson County**, affecting a total of 190.1 acres. Receiving streams: Unnamed tributaries to Soldier Run. Application received: February 17, 2017. Permit Issued: August 8, 2017.

**33850118 and NPDES Permit No. PA0106682. P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface and auger mine and associated NPDES permit in Winslow Township, **Jefferson County**, affecting 190.1

acres. Receiving streams: Unnamed tributaries to Soldier Run. Application received: March 16, 2017. Permit Issued: August 8, 2017.

**16110104. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258) Renewal of an existing bituminous surface mine in Clarion Township, **Clarion County**, affecting 11.0 acres. Receiving streams: Unnamed tributary to the Clarion River. This renewal is issued for reclamation only. Application received: June 7, 2017. Permit Issued: August 11, 2017.

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

**Permit No. PA0592897. Carbon & Metal Technologies, LLC**, (P.O. Box 100, Spring Glen, PA 17978), renewal of an existing NPDES Permit on Surface Mining Permit 5481603 in Hubley Township, **Schuylkill County** affecting 23.6 acres, receiving stream: Pine Creek Breaker. Application received: August 30, 2016. Renewal issued: August 9, 2017.

**Permit No. 54860105R6. Kuperavage Enterprises, Inc.**, (P.O. Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine, coal refuse disposal and preparation plant operation in Blythe Township, **Schuylkill County** affecting 273.84 acres, receiving stream: Schuylkill River. Application received: May 23, 2017. Renewal issued: August 14, 2017.

**Permit No. PAM117027, Kuperavage Enterprises, Inc.**, (P.O. Box 99, Middleport, PA 17953), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54860105 in Blythe Township, **Schuylkill County**, receiving stream: Schuylkill River. Application received: May 23, 2017. Permit issued: August 14, 2017.

### Noncoal Permits Issued

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

**Permit No. PAM417007. Hempt Brothers, Inc.**, 205 Creek Road, Camp Hill, PA 17011. General NPDES Permit for stormwater discharges associated with mining activities on noncoal permit no. 21940302, located in Middlesex Township, **Cumberland County**. Receiving stream: Conodoguinet Creek, classified for the following

use: warm water fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: July 17, 2017. Coverage Approved: August 8, 2017.

**Permit No. PAM417008. DL George & Sons Construction Company**, 13321 Midvale Road, Waynesboro, PA 17268, General NPDES Permit for stormwater discharges associated with mining activities on noncoal permit no. 28900303, located in Quincy Township, **Franklin County**. Receiving stream: Biesecker Run, classified for the following use: cold water fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: July 17, 2017. Coverage Approved: August 8, 2017.

**Permit No. PAM417009. Robert D. McCulloh Excavating & Paving, Inc.**, 5006 Buchanan Trail West, Greencastle, PA 17225. General NPDES Permit for stormwater discharges associated with mining activities on noncoal permit no. 28980301, located in Montgomery Township, **Franklin County**. Receiving stream: unnamed tributary to Blue Spring Creek to Licking Creek, classified for the following uses: trout stocked fishes, migratory fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: July 24, 2017. Coverage Approved: August 8, 2017.

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

**37960301. Lehigh Hanson ECC, Inc.** (3251 Bath Pike, Nazareth, PA 18064) Renewal of NPDES No. PA0227188 in North Beaver & Mahoning Townships, **Lawrence County**. Receiving streams: Unnamed tributaries to Hickory Run and unnamed tributaries to Mahoning River. Application received: March 20, 2017. Permit Issued: August 3, 2017.

**PAM617008. Glacial Sand & Gravel Company** (P.O. Box 1022, Kittanning, PA 16201) General NPDES Permit for stormwater discharges associated with mining activities on MDP No. 3672SM12 in Perry Township, **Clarion County**. Receiving streams: Unnamed tributary to Allegheny River. Application received: July 10, 2017. Permit Issued: August 8, 2017.

**PAM617007. John D. Anderson** (P.O. Box 676, Warren, PA 16365) General NPDES Permit for stormwater discharges associated with activities on MDP No. 4673SM13 in Pine Grove Township, **Warren County**. Receiving streams: North Branch Akeley Run. Application received: July 10, 2017. Permit Issued: August 11, 2017.

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

**14170801. Allen's Excavating & Concrete** (345 Main Road, Spring Mills, PA 16875). Commencement, operation, and restoration of a small noncoal industrial minerals surface mine permit (Shale) in Gregg Township, **Centre County** affecting 1.0 acre. Receiving stream(s): Muddy Creek classified for the following use(s): HQ-CWF, MF. Application received: March 1, 2017. Permit Issued: July 25, 2017.

**14060301 and NPDES PA0256323. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803-1649). NPDES renewal and modification for continued operation and reclamation of a large noncoal surface

mining site located in Rush Township, **Centre County** affecting 159.0 acres. Receiving stream(s): Unnamed Tributaries to Moshannon Creek. Application received: December 1, 2016. Permit issued: August 2, 2017.

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

**Permit No. 7976SM2C10 and NPDES Permit No. PA0122351. Eureka Stone Quarry, Inc.**, (P.O. Box 249, Chalfont, PA 18914), renewal and correction of NPDES Permit for discharge of treated mine drainage from a quarry operation in Warrington Township, **Bucks County** affecting 172.0 acres, receiving stream: unnamed tributary to Neshaminy Creek. Application received: March 9, 2012. Renewal issued: August 9, 2017.

**Permit No. 7976SM2C11. Eureka Stone Quarry, Inc.**, (P.O. Box 249, Chalfont, PA 18914), correction to an existing quarry operation to increase the permitted acreage from 134.9 to 172.0 acres in Warrington Township, **Bucks County**, receiving stream: unnamed tributary to Neshaminy Creek. Application received: August 1, 2016. Correction issued: August 9, 2017.

**Permit No. 7976SM2C12 and NPDES Permit No. PA0122351. Eureka Stone Quarry, Inc.**, (P.O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Warrington Township, **Bucks County** affecting 172.0 acres, receiving stream: unnamed tributary to Neshaminy Creek. Application received: August 1, 2016. Renewal issued: August 9, 2017.

**Permit No. 7774SM3A1C9. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), correction to an existing quarry operation to incorporate SMP No. 06050301 into this permit in Maxatawny Township and Kutztown Borough, **Berks County** affecting 267.39 acres, receiving stream: Sacony Creek. Application received: October 21, 2013. Correction issued: August 9, 2017.

**Permit No. 7774SM3A1C10. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), correction to an existing quarry operation for a depth correction in Maxatawny Township and Kutztown Borough, **Berks County** affecting 267.39 acres, receiving stream: Sacony Creek. Application received: October 21, 2013. Correction issued: August 9, 2017.

**Permit No. 7774SM3A1C11 and NPDES Permit No. PA0224499. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), correction of an existing quarry operation to renew and modify the NPDES Permit for discharge of treated mine drainage in Maxatawny Township and Kutztown Borough, **Berks County**. Application received: December 9, 2015. Correction issued: August 9, 2017.

**Permit No. 5273SM1C7. H & K Group, Inc.**, (P.O. Box 196, Skippack, PA 19474), correction to an existing quarry operation to authorize the use of mine reclamation fill and update the post-mining land use to include water filled impoundment in Aston Township, **Delaware County** affecting 50.02 acres, receiving stream: Chester Creek. Application received: September 8, 2016. Correction issued: August 11, 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. 09174107. Rock Work, Inc.,** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for ILLG Tract in Warrington Township, **Bucks County** with an expiration date of August 31, 2018. Permit issued: August 10, 2017.

**Permit No. 36174133. Maine Drilling & Blasting, Inc.,** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Smith Middle School in Eden Township, **Lancaster County** with an expiration date of July 31, 2018. Permit issued: August 10, 2017.

**Permit No. 38174113. Schlouch, Inc.,** (P.O. Box 69, Blandon, PA 19510), construction blasting for Springwood Offsite Sanitary Sewer Tie-In in North Cornwall Township, **Lebanon County** with an expiration date of August 7, 2018. Permit issued: August 10, 2017.

**Permit No. 36174135. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Superior Plastic in Earl Township, **Lancaster County** with an expiration date of August 31, 2017. Permit issued: August 14, 2017.

**Permit No. 39174103. Maine Drilling & Blasting, Inc.,** (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Iron Run DCT in Upper Macungie Township, **Lehigh County** with an expiration date of July 31, 2018. Permit issued: August 14, 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

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

**E26-375, Fairchance-Georges Joint Municipal Sewage Authority,** 141 Big Six Road, Smithfield, PA 15478, Georges Township, **Fayette County,** Pittsburgh ACOE District.

Has been given consent to:

1. Install and maintain twenty-eight (28) watercourse crossings along a 17-mile long sanitary sewer line extension consisting of an 8" PVC and a 10" PVC sewer line and a 6" service line underneath York Run (aka WC-1), Unnamed tributaries (UNT) to York Run (aka WC-2, WC-2A, WC-4, WC-4A, WC-5 and WC-6), Muddy Run (aka WC-8), a UNT to Muddy Run (aka WC-7), and an Unnamed tributary to Georges Creek (aka trib to Georges Creek) resulting in 1,170 linear feet of impact to the aforementioned watercourses.

2. Install and maintain ten wetland crossings, along the aforementioned 17 miles of an 8" PVC and a 10" PVC sewer, underneath 1.23 acre of Palustrine Emergent (PEM) wetlands (aka WL 1, WL 2, WL 3, WL 4, WL 5, WL 6, WL 7, WL 8 and WL 11).

3. Place and maintain fill within 0.40 acre of Palustrine Emergent (PEM) wetland (aka Wetland ID 1) and 0.06 acre of Palustrine Scrub-Shrub (PSS) wetland (aka Wetland ID 5).

4. Temporarily install, maintain and then remove, a temporary bridge crossing, over a UNT to Georges Creek.

The project cumulatively results in 1,170 linear feet of stream impact and 1.23 acre of wetland impact, in association with the utility line crossings, which will be restored to original grade. The applicant will construct 0.4 acre of PEM wetland and 0.1 acre of PSS wetland, to mitigate for the wetlands to be permanently impacted by the improvements to the WTP. The project is for the purpose of creating an extension to the existing sanitary sewer system, including a new pump station (aka York Run Pump Station), into the York Run and Collier areas

of Georges Township, and constructing improvements to the Authority's existing Wastewater Treatment Plant (WTP) involving the construction of a headworks building-with wastewater screening and raw sewage pumps, two (2) additional sequencing batch reactor tanks, effluent pump stations, additional aeration blowers, and additional emergency power generation. The project is located near the intersection of Big 6 Road and Industrial Park Road (Quadrangle: Smithfield Latitude: 39°48'46.6"; Longitude: -79°46'27.5"), in Georges Township, Fayette County.

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

**E20-602, Borough of Conneaut Lake**, 395 High Street, Conneaut Lake, PA 16316. Conneaut Lake Revitalization and Economic Development at Fireman's Beach in the Borough of Conneaut Lake and Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangles N: 41°, 36', 21"; W: -80°, 18', 10").

Conduct the following activities in and along Conneaut Lake and the 100-year floodplain of Conneaut Lake (HQ-WWF) at Fireman's Beach park (Conneaut Lake, PA Quadrangles N: 41°, 36', 21"; W: -80°, 18', 10") in the Borough of Conneaut Lake and Sadsbury Township, Crawford County.:

1. To demolish and remove the following as they generally appear from north to south:

- 80 feet of seawall at the northern shoreline of the swimming beach area
- 150 feet of chain link fence between the beach and parking areas
- An approximately 20-foot wide by 60-foot long boat ramp at the northern extent of parking area
- Public information signage throughout the parking/egress areas
- Approximately 74 concrete curb blocks throughout the parking/egress areas
- 18 wood posts (wood bollards) throughout the parking/egress areas
- 5 post-mounted fire grills along the shoreline area south of the boat ramp
- An 80-square foot shoreline deck south of the main entrance

2. To relocate the following:

- 16 concrete picnic benches
- 11 metal trash cans
- 8 wood picnic benches
- 4 parking area lights
- 2 flanking boat ramp docks
- 1 wood picnic shelter
- 1 portable toilet

3. To construct and maintain the following as they generally appear north to south:

- Additional sand for the swim beach area
- Concrete sidewalk beginning at the snack bar and restrooms building to the parking area and along the shoreline to its southern extent
- A 36.67-foot long by 19.75-foot wide pavilion slab between the snack bar and parking area

- Twin 141.5-foot long by 46-foot wide floating docks
- Bioretention cell between the shoreline sidewalk and parking areas
- Approximately 20 feet of lake wall repair by concrete barrier and tie-backs at two locations near the old boat ramp
- Concrete and asphalt paving with curbing in the parking area
- A 16-foot wide by 51-foot long concrete boat docking ramp at the southern extent of parking area

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

**E5829-116: Jackson and New Milford Townships, Bluestone Pipeline Company of Pennsylvania, LLC**, 1429 Oliver Road, New Milford, PA 18334-7516; Jackson and New Milford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,092 square feet (0.07 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 26", Longitude: -75° 40' 27"),

2) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 10,552 square feet (0.24 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 24", Longitude: -75° 40' 20"),

3) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 309 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 23", Longitude: -75° 40' 16"),

4) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,440 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 25", Longitude: -75° 39' 59"),

5) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 67 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 17", Longitude: -75° 39' 34"),

6) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,790 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 19", Longitude: -75° 39' 35"),

7) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 52 lineal feet (420 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 52' 18", Longitude: -75° 39' 33"),

8) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 23,206 square feet (0.53 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 22", Longitude: -75° 39' 32"),

9) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 437 square feet

(0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 26", Longitude: -75° 39' 31"),

10) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 2,747 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 38", Longitude: -75° 39' 25"),

11) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 57 lineal feet (1,767 square feet) of a tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 46", Longitude: -75° 39' 18"),

12) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 165 lineal feet (1,128 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 49", Longitude: -75° 39' 14"),

13) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 321 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 51", Longitude: -75° 39' 12"),

14) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,404 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 51", Longitude: -75° 39' 10"),

15) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,538 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 52", Longitude: -75° 39' 10"),

16) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 30 lineal feet (90 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 53", Longitude: -75° 39' 09"),

17) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 6,939 square feet (0.16 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 54", Longitude: -75° 39' 07"),

18) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,146 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 56", Longitude: -75° 38' 41"),

19) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 54 lineal feet (758 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 56", Longitude: -75° 38' 40"),

20) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 61 lineal feet (914 square feet) of a tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 56", Longitude: -75° 38' 38"),

21) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,328 square feet (0.08 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 57", Longitude: -75° 38' 30"),

22) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 18,720 square

feet (0.43 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 53' 00", Longitude: -75° 38' 28"),

23) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 56 lineal feet (338 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 53' 01", Longitude: -75° 38' 24"),

24) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 109 lineal feet (1,867 square feet) of Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 53' 02", Longitude: -75° 38' 23"),

25) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 2,621 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 53' 03", Longitude: -75° 38' 21"),

26) a 24 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 579 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 52' 49", Longitude: -75° 39' 13"),

27) a 24 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 25 lineal feet (100 square feet) of an unnamed tributary to Salt Lick Creek (HQ-CWF, MF) (Great Bend, PA Quadrangle; Latitude: 41° 52' 51", Longitude: -75° 39' 12").

The Bluestone Loop 3A Extension pipeline project consists of constructing a 24" diameter steel natural gas gathering line approximately 2.68 miles (14,147 feet) long in Jackson and New Milford Townships, Susquehanna County. The project will result in 609 lineal feet of temporary stream impacts and 80,236 square feet (1.84 acre) of temporary wetlands impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

**E4129-109: NFG Midstream Trout Run, LLC**, 6363 Main Street, Williamsville, NY 14221, Gamble Township, Lycoming County, ACOE Baltimore District.

To construct, operate, and maintain:

1) an 8-inch gas pipeline and a timber mat bridge impacting 44 linear feet of an unnamed tributary to Mill Creek (EV) (Trout Run, PA Quadrangle 41°22'54"N 77°00'59"W);

2) an 8-inch gas pipeline and a timber mat bridge impacting 49 linear feet of an unnamed tributary to Mill Creek (EV) (Trout Run, PA Quadrangle 41°22'53"N 77°00'42"W);

3) an 8-inch gas pipeline and a timber mat bridge impacting 42 linear feet of an unnamed tributary to Mill Creek (EV) and 1,444 square feet of adjacent palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41° 22'48"N 77°00'29"W);

4) an 8-inch gas pipeline and a timber mat bridge impacting 7,836 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°22'43"N 77°00'25"W);

5) an 8-inch gas pipeline and a timber mat bridge impacting 53 linear feet of Mill Creek (EV) and 10,284 square feet of adjacent palustrine emergent (PEM) wetlands (Trout Run, PA Quadrangle 41°22'41"N 77°00'21"W).

The project will result in a total of 0.45 acre of wetland impacts and 188 linear feet of stream impacts all for the purpose of installing natural gas gathering line and access roadway for Marcellus well development.

**E5829-120: Great Bend and New Milford Townships, Susquehanna Gathering, LLC**, 1429 Oliver Road, New Milford, PA 18334-7516; Great Bend and New Milford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) an 8-inch diameter steel natural gas pipeline and a 16-inch HDPE waterline crossing impacting 30 lineal feet of an unnamed tributary to Salt Lick Creek (HQ-CWF) (Great Bend, PA Quadrangle; Latitude: 41° 54' 39", Longitude: -75° 43' 08"),

2) an 8-inch diameter steel natural gas pipeline and a 16-inch HDPE waterline crossing impacting 500 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 39", Longitude: -75° 43' 08"),

3) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 11,996 square feet (0.28 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 05", Longitude: -75° 42' 22"),

4) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 6,704 square feet (0.15 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 05", Longitude: -75° 42' 22"),

5) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 55 lineal feet of an unnamed tributary to Smith Creek (HQ-CWF) (Great Bend, PA Quadrangle; Latitude: 41° 54' 03", Longitude: -75° 42' 18"),

6) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 51 lineal feet of an unnamed tributary to Smith Creek (HQ-CWF) (Great Bend, PA Quadrangle; Latitude: 41° 54' 03", Longitude: -75° 42' 17"),

7) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 7,961 square feet (0.18 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 02", Longitude: -75° 42' 15"),

8) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 15,784 square feet (0.36 acre) of a palustrine emergent wetlands (PEM) (Great Bend, PA Quadrangle; Latitude: 41° 54' 00", Longitude: -75° 54' 00"),

9) an 8-inch diameter steel natural gas pipeline, a 16-inch HDPE waterline, and a temporary timber mat crossing impacting 79 lineal feet of Smith Creek (HQ-CWF) (Great Bend, PA Quadrangle; Latitude: 41° 53' 59", Longitude: -75° 42' 09").

The Well Connect 6 (Flohs) Pipeline project consists of constructing an 8-inch diameter steel natural gas pipeline and a 16-inch HDPE waterline approximately 1.99 mile (10,500 feet) long in Great Bend and New Milford Townships, Susquehanna County. The project will result in 215 lineal feet of temporary stream impacts and 42,945

square feet (0.99 acre) of temporary wetlands impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

**E4129-112: Seneca Resources Corporation**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, Lewis Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) An 8-inch water pipeline in a 16-inch steel casing bored under 119 linear feet of Lycoming Creek (EV) (Bodines, PA Quadrangle 41°26'13"N 76°59'35"W).

The project will result in a total of 119 linear feet of stream impacts for the purpose of installing a water pipeline for Marcellus well development.

*Northwest Region: District Oil and Gas Office, 230 Chestnut Street, Meadville, PA 16335.*

**E 10-08-014, EM Energy Pennsylvania, LLC**, 1800 Main Street, Suite 220, Canonsburg, PA 15317. Orion Well Pad, in Washington Township, **Butler County**, ACOE Pittsburgh District. The proposed project starts at 41.070665, -79.794975, Hillards PA Quadrangle N: 41°, 04', 1.80"; W: -79°, 47', 38.68" and ends at 41.070665, -79.794975, Hillards PA Quadrangle N: 41°, 04', 1.80"; W: -79°, 47', 38.68".

The project consists of the installation and maintenance of approximately one 80-foot-long, 60-inch culvert for a permanent access road to the Orion Well Pad. The proposed project impacts in Butler County include a total of 95 linear feet of temporary impacts to a UNT to Silver Creek EV WT, a total of 80 linear feet of permanent impacts to a UNT to Silver Creek EV WT and 0.218 acre of floodway impacts, there are no proposed impacts to wetlands with this project.

For more detailed information regarding the Butler County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Craig Lobins to request a file review.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX11-019-0109-Drake Unit 2053 ESX—Renewal

Applicant R.E. Gas Development LLC  
Contact Michael T. Endler  
Address 600 Cranberry Woods Drive, Suite 250  
City Cranberry State PA Zip Code 16066  
County Butler Township Worth  
Receiving Stream(s) and Classification(s) Black Run/  
Slippery Rock Creek

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX13-015-0063(01)  
Applicant Name Appalachia Midstream Services LLC  
Contact Person Josh Brown  
Address 400 IST Center, Suite 404  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Terry  
Receiving Stream(s) and Classification(s) UNTs to  
Susquehanna River (WWF)  
Secondary—Susquehanna River

ESCGP-2 # ESX29-015-17-0025  
Applicant Name Repsol Oil & Gas USA LLC  
Contact Person Lance Ridall  
Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Pike Twp & LeRaysville Boro  
Receiving Stream(s) and Classification(s) UNT to  
Rockwell Ck (WWF, MF)  
Secondary—Rockwell Ck

ESCGP-2 # ESX29-117-17-0025  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 150 N Dairy Ashford, E1296-E  
City, State, Zip Houston, TX 77079  
County Tioga  
Township(s) Jackson  
Receiving Stream(s) and Classification(s) Hammond Ck  
(CWF)

ESCGP-2 # ESG29-035-17-0002  
Applicant Name ARD Operating LLC

Contact Person Stephen Barondeau  
Address 33 W Third St, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Clinton  
Township(s) Chapman  
Receiving Stream(s) and Classification(s) Spring Run  
(EV); UNT to Spring Run (EV); UNT to Right Branch  
Hyner Run (EV)  
Secondary—Right Branch Hyner Run (EV); Spring Run  
(EV)

ESCGP-2 # ESG29-113-17-0003  
Applicant Name SWN Production LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Sullivan  
Township(s) Elkland  
Receiving Stream(s) and Classification(s) Little Loyalsock  
Ck (EV)

ESCGP-2 # ESG29-117-17-0031  
Applicant Name Delmar Midstreal LLC  
Contact Person David Rittenhouse  
Address 2620 Egypt Rd  
City, State, Zip Norristown, PA 19403  
County Tioga  
Township(s) Delmar  
Receiving Stream(s) and Classification(s) Campbell Run  
(HQ-CWF)

ESCGP-2 # ESX11-081-0097(04)  
Applicant Name NFG Midstream Trout Run LLC  
Contact Person Duane Wassum  
Address 6363 Main St  
City, State, Zip Williamsville, NY 14221  
County Lycoming  
Township(s) Gamble, Lewis & McIntyre  
Receiving Stream(s) and Classification(s) UNT to Mill Ck  
(WV); UNTs to Lycoming Ck (HQ-CWF); Long Run  
(HQ-CWF); Fourmile Hollow (HQ-CWF); UNT to Trout  
Run (HQ-CWF)  
Secondary—Lycoming Ck (EV); Mill Ck (EV); Trout  
Run (HQ-CWF); Grays Run (HQ-CWF)

ESCGP-2 # ESG29-117-17-0023  
Applicant Name Seneca Resources Corp  
Contact Person Doug Keplar  
Address 5800 Corporate Dr, Suite 300  
City, State, Zip Pittsburgh, PA 15237  
County Tioga  
Township(s) Delmar  
Receiving Stream(s) and Classification(s) Marsh Ck  
(WWF); Hibard Hollow (CWF); Baldwin Run (HQ-CWF)

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## SPECIAL NOTICES

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### Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing and Notice of Intent to Issue Revised Air Quality Operating Permit (25-00029)

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

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

**Erie Coke Corporation** (925 East Bay Drive, Erie, PA 16512) located in Erie City, **Erie County**, for approval of a Reasonably Available Control Technology (RACT II) plan.

The facility has potential emissions of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC) above major source thresholds and is subject to RACT II requirements. Plan approval No 25-029E is for the proposed RACT II NO<sub>x</sub> emission limits for Boiler 1 & 2 that combust coke oven gas (COG) with natural gas and for a NO<sub>x</sub> emission limit for the Coke Oven Battery Underfiring System that combusts COG since RACT II does not have a limit established for burning COG.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the cokemaking facility owned and operated by Erie Coke Corporation.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the facility operating permit. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this facility that will be submitted to the EPA as a SIP revision:

| AIMs # | Source                        | RACT II Requirement  |
|--------|-------------------------------|--|
| 031    | Erie City Boiler 1            | <ul style="list-style-type: none"> <li>When both boilers are operating, NO<sub>x</sub> emissions from each boiler shall not exceed:               <ul style="list-style-type: none"> <li>0.24 #/mmbtu [more stringent than original RACT]</li> <li>11.4 #/hr [more stringent than original RACT]</li> <li>49.82 tpy [same as original RACT]</li> </ul> </li> <li>When only one boiler is operating, NO<sub>x</sub> emissions shall not exceed:               <ul style="list-style-type: none"> <li>22.8 #/hr [same as original RACT]</li> </ul> </li> <li>Quarterly NO<sub>x</sub> emissions shall not exceed 24.9 tons for both boilers based on a 3-month consecutive period</li> <li>40 CFR 63 Subpart DDDDD</li> <li>Installation, maintenance, and operation in accordance with manufacturer's specifications and with good operating practices</li> </ul> |
| 032    | Erie City Boiler 2            | <ul style="list-style-type: none"> <li>When both boilers are operating, NO<sub>x</sub> emissions from each boiler shall not exceed:               <ul style="list-style-type: none"> <li>0.24 #/mmbtu [more stringent than original RACT]</li> <li>11.4 #/hr [more stringent than original RACT]</li> <li>49.82 tpy [same as original RACT]</li> </ul> </li> <li>When only one boiler is operating, NO<sub>x</sub> emissions shall not exceed:               <ul style="list-style-type: none"> <li>22.8 #/hr [same as original RACT]</li> </ul> </li> <li>Quarterly NO<sub>x</sub> emissions shall not exceed 24.9 tons for both boilers based on a 3-month consecutive period</li> <li>40 CFR 63 Subpart DDDDD</li> <li>Installation, maintenance, and operation in accordance with manufacturer's specifications and with good operating practices</li> </ul> |
| 805    | Coke Oven Battery Underfiring | <ul style="list-style-type: none"> <li>0.33 #/mmbtu [more stringent than original RACT]</li> <li>19.9 #/hr [same as original RACT]</li> <li>87.16 tpy based on a 12-month consecutive period [same as original RACT]</li> <li>21.8 tons/quarter [same as original RACT]</li> <li>40 CFR 63 Subpart CCCCC</li> <li>Installation, maintenance, and operation in accordance with manufacturer's specifications and with good operating practices</li> </ul>   |
| 802    | Pushing Operations            | <ul style="list-style-type: none"> <li>40 CFR 63 Subpart CCCCC</li> <li>Installation, maintenance, and operation in accordance with manufacturer's specifications and with good operating practices</li> </ul>   |
| 803    | Coke Quenching                | <ul style="list-style-type: none"> <li>40 CFR 63 Subpart CCCCC</li> <li>Installation, maintenance, and operation in accordance with manufacturer's specifications and with good operating practices</li> </ul>   |
| C805A  | Absorber/Thionizer            | <ul style="list-style-type: none"> <li>Installation of bolted cover (Plan Approval 25-025D)</li> </ul>   |

*Public hearing:*

The hearing will be held on October 11, 2017, at 9:00 AM at the Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To register to speak at the hearing, or to inquire if the hearing will be held, contact Melanie Williams (Regional Community Relations Coordinator) at 814-332-6615. The last day to pre-register to speak at the hearing will be October 4, 2017. If the Department does receive any pre-registered speakers by this date, the hearing will be cancelled.

Any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be

posted online at <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/default.aspx>. Contact Melanie Williams (Regional Community Relations Coordinator) at 814-332-6615 or monitor our web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Melanie Williams (Regional Community Relations Coordinator) at 814-332-6615 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on

its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Eric Gustafson, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 Eric Gustafson, Regional Air Quality Program Manager, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from the date of publication in the *PA Bulletin* 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 RACT II Operating Permit including the permit number (25-029E) and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for public review from 8:00 AM to 4:00 PM at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Melanie Williams (Regional Community Relations Coordinator) at 814-332-6615 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds, Renewal of the Title V Operating Permit, and Notice of Public Hearing for the Revised Air Quality Operating Permit 37-00264**

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for **Ellwood Quality Steels (EQS)** plant in New Castle City, **Lawrence County**. The facility is located at 700 Moravia Street, New Castle, PA 16101. The facility's representative to contact concerning this application is Richard Schochet, Plant Engineer. His phone number is (724) 658-6615.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the revised operating permit (37-00264) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal this includes the provisions of the

Department's presumptive Reasonably Available Control Technology (RACT II) requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility.

EQS is a small specialty steel mill. The facility's major emission sources include an electric arc furnace (EAF), two ladle refining furnaces, a vacuum degasser, two ingot teeming aisles, an internal scrap yard, six natural gas fired annealing furnaces, preheaters for the ladles and the EAF, miscellaneous steel cutting/grinding, four process steam boilers, miscellaneous heaters less than 2.5 mmbtu/hr each, a lime silo, a backup emergency diesel pump and vehicle travel. The facility is a major facility due to its potential emissions of Carbon Monoxide (CO) greater than 100 TPY. The highest actual emissions of CO, Oxides of Nitrogen (NO<sub>x</sub>), particulate matter less than 10 microns (PM<sub>10</sub>), Sulfur Dioxide Compounds (SO<sub>x</sub>), and Volatile Organic Compounds (VOC) reported in the previous five years are 532.8 TPY, 37.5 TPY, 19.7 TPY, 22.4 TPY, and 48.5 TPY, respectively. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. In this renewal, the applicable requirements of 40 CFR 63 Subpart ZZZZ pertaining to the hazardous air pollutants (HAPs) from Reciprocating Internal Combustion engines (RICE) were added to the permit. The Compliance Assurance Monitoring (CAM) requirements were established in the previous permit and the pressure drop range was increased slightly to reflect compliance with the most recent stack test for particulate matter.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

| <i>Source</i>                            | <i>RACT II Requirement</i>   |
|--|--|
| Electric Arc Furnace (EAF)<br>Source 101 | For nitrous oxide emissions: limit of 0.1 #/ton of steel and 22.5 tons per year; For volatile organic compounds: limit of 0.3 #/ton of steel and 67.5 tons per year. |

*Public hearing.* A public hearing will be held if requested on October 11, 2017, to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on October 11, 2017, at 1:00 PM at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, contact Melanie Williams at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be October 4, 2017. If the Department does not receive any pre-registered speakers by this date, the hearing will be cancelled.

Any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/default.aspx>.

Contact Melanie Williams, Environmental Community Relations Specialist at 814-332-6615 or monitor our web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Melanie Williams at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is re-

quested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 Eric A. Gustafson, Environmental Program Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from September 9, 2017, 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 RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Proposed State Water Quality Certification  
Required by Section 401 of the Clean Water Act for  
the Eastern Panhandle Expansion Project**

*Southcentral Region: Waterways and Wetlands Program  
Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**DEP File No.: WQ03-002. Columbia Gas Transmission, LLC** ("Columbia" or "Applicant"), a TransCanada Company, 5151 San Felipe, Suite 2400, Houston, TX 77056. Eastern Panhandle Expansion Project, Bethel Township, **Fulton County** (Hancock, USGS Quadrangle, Lat: 39° 43' 23"; Long: -78° 12' 23").

On March 15, 2017, Columbia filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Eastern Panhandle Expansion Project (FERC Docket No. CP-17-80).

On June 27, 2017, Columbia requested a State water quality certification from the Department of Environmental Protection (Department), 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 Eastern Panhandle Expansion 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 proposed overall project consists of the installation of approximately 3.37 miles of new greenfield 8.0-inch diameter natural gas pipeline, 0.05 mile of which is in Pennsylvania. The proposed project will tie into the existing Columbia 1804 and 10240 pipelines in Fulton

County, Pennsylvania. In Pennsylvania, the project also includes new main line valves and tie-in assemblies (including pig launchers and receivers) at the mainline interconnections, one temporary and one permanent access road. The pipeline does not propose to cross any streams or wetlands in Pennsylvania. One existing stream crossing is proposed to be replaced for site access. The pipeline is being proposed to provide 47.5 Dekatherms per day of firm transportation capacity to markets in West Virginia through Mountaineer Gas Company's gathering system.

The proposed Eastern Panhandle Expansion Project will require approximately 2.5 acres of earth disturbance in Pennsylvania, permanent impacts to 9 linear feet and temporary impacts to 32 linear feet of a UNT to Little Tonoloway Creek (WWF, MF); and 0.05 acre of temporary impacts to floodway, 0.015 acre of permanent impacts to floodway. No wetland impacts are anticipated with the portion of this project in Pennsylvania.

The Department anticipates issuing a State water quality certification to Applicant for the Eastern Panhandle Expansion Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Eastern Panhandle Expansion 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 Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the Northeast Supply Enhancement Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a) if such discharges are proposed.

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department'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) if earth disturbance activities is equal to or exceeds 5.0 acres.

3. *Erosion and Sediment Control Plan*—Applicant shall develop an Erosion and Sediment Control Plan that is consistent with the requirements identified in 25 Pa. Code Chapter 102. Applicant shall implement best management practices (BMP's) to minimize the potential for accelerated erosion and sedimentation from the project and to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of the Commonwealth and comply with all applicable implementing regulations (25 Pa. Code Chapter 102) pursuant to Pennsylvania's Clean Streams Law.

4. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the Eastern Panhandle Expansion 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).



5. *Water Quality Monitoring*—The Department 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.

6. *Operation*—Applicant shall at all times properly operate and maintain all Eastern Panhandle Expansion 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.

7. *Inspection*—The Eastern Panhandle Expansion Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department, or an authorized representative thereof, during such inspections of the Eastern Panhandle Expansion Project.

8. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Eastern Panhandle Expansion 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 Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

9. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Southcentral Regional Office, Program Manager, Waterways and Wetlands, 909 Elmerton Avenue, Harrisburg, PA 17110.

10. *Reservation of Rights*—The Department 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. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

11. *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.

12. *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, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Written comments should be submitted by email to EP, WW-SCRO@pa.gov or by mail at the above address or through

the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) and should be directed to Program Manager, Waterways and Wetlands Program. 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. 17-1417. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Climate Change Advisory Committee Rescheduled Meeting

The Climate Change Advisory Committee meeting scheduled for Tuesday, September 12, 2017, has been rescheduled to Tuesday, October 24, 2017, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

The agenda and meeting materials for the October 24, 2017, meeting will be available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov). Questions concerning the meeting should be directed to Mark Brojakowski, Bureau of Air Quality, Climate Change Section, at [mbrojakows@pa.gov](mailto:mbrojakows@pa.gov) or (717) 772-3429.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mark Brojakowski at (717) 772-3429. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1418. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Rescission of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular

document should call the contact person whose name and phone number is listed with each document.

*Rescission of Technical Guidance Document*

*DEP ID:* 383-2200-108. *Title:* Guidance for the Review and Approval of an Existing Well Water Source for Use at a Public Water System. *Description:* The Department is rescinding this document because it provides exceptions from present day public water supply well construction standards, including casing material, casing thickness and grouting, that pose a potential health risk to the public. Any deviation from established construction standards is not fully protective of public health. The Department's public water supply well construction standards

are measures that can prevent pollution from surface runoff and shallow aquifer zones that are above the source aquifer utilized for public water supply.

*Contact:* Questions regarding this technical guidance document should be directed to Michael Hess at (717) 772-5679 or michess@pa.gov.

*Effective Date:* Friday, September 8, 2017

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1419. Filed for public inspection August 25, 2017, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

*Facility Name*

*Regulation*

Susquehanna Valley Surgery Center, LLC

28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery)

West Shore Pain & Spine Institute, LLC

28 Pa. Code § 553.31(a) (relating to administrative responsibilities)  
28 Pa. Code § 559.2 (relating to director of nursing)

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, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1420. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold public meetings on Wednesday, September 13, 2017, and Thursday, September 14, 2017, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care

HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Cynthia Findley, Bureau Director, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department reserves the right to cancel this meeting without prior notice.

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1421. Filed for public inspection August 25, 2017, 9:00 a.m.]

## Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(h) (relating to prevention, control and surveillance of tuberculosis (TB)):

Country Meadows Nursing Center of Bethlehem  
4025 Green Pond Road  
Bethlehem, PA 18020  
FAC ID # 096402

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(j):

Kirkland Village  
One Kirkland Village Circle  
Bethlehem, PA 18017  
FAC ID # 055402

Westminster Village  
803 North Wahneta Street  
Allentown, PA 18103  
FAC ID # 124102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Willowbrooke Court at Normandy Farms Estates  
8000 Twin Silo Drive  
Blue Bell, PA 19422  
FAC ID # 142502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Monroeville Rehabilitation and Wellness Center  
4142 Monroeville Boulevard  
Monroeville, PA 15146  
FAC ID # 026102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1422. Filed for public inspection August 25, 2017, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Availability of the Office of Developmental Programs' Proposed Community Living Waiver

The Department of Human Services (Department) is making available for public review and comment the Office of Developmental Programs' (ODP) proposed Community Living Waiver.

#### *Background*

The proposed Community Living Waiver has been developed in accordance with the Fiscal Year (FY) 2017-2018 budget for the development and implementation of a new intermediate waiver that will provide services to approximately 1,000 individuals with an intellectual disability or autism, as well as children under 9 years of age with a developmental disability that has a high probability of resulting in an intellectual disability or autism. The proposed Community Living Waiver will support individuals to live more independently in their homes and communities through the provision of a variety of services that promote community living, employment, communication, self-direction, choice and control. The proposed Community Living Waiver is modeled on ODP's Person/Family Directed Support Waiver with the following notable differences:

- There will be a \$70,000 per person per fiscal year total limit for all Community Living Waiver services with an exception for supports coordination services.
- Life sharing services will be available at needs group levels 1 and 2 and for individuals who need less than 30 hours per week of service on average.
- Supported living services will be available at needs group levels 1 and 2.
- Vehicle accessibility adaptations will be limited to \$20,000 during a 10-year period.

The anticipated effective date for the Community Living Waiver is January 1, 2018. New home and community-based waivers permitted under section 1915(c) of the Social Security Act (42 U.S.C.A. § 1396n(c)) must be approved by the Centers for Medicare & Medicaid Services for a 3-year period.

The proposed documents regarding the Community Living Waiver are available at <http://www.dhs.pa.gov/learnaboutdhs/waiverinformation/communitylivingwaiver/index.htm>.

#### *Fiscal Impact*

It is estimated that there will be an additional cost to the Commonwealth of \$32.00 million (\$15.418 million in State Funds) in FY 2017-2018 and an annualized cost of \$64.000 million (\$30.752 million in State Funds) in FY 2018-2019 and subsequent years.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed Community Living Waiver. Comments should be addressed to Julie Mochon, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 501, Harrisburg, PA 17120. Comments may also be submitted to the Department at [RA-odpcomment@pa.gov](mailto:RA-odpcomment@pa.gov). Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed Community Living Waiver.

The Department will also hold two webinars to receive comments on the proposed Community Living Waiver. The dates, times and registration link to participate in these webinars are September 18, 2017, from 2 p.m. to 4 p.m. and September 20, 2017, from 10 a.m. to 12 p.m.

The following link must be used to register for any of the previously listed webinars: <https://attendee.gotowebinar.com/rt/283400605580855811>. Participants are able to participate in the webinar by phone, but will need a computer to provide comments during the webinar. To assist the Department in accurately capturing comments provided during the webinars, individuals are asked to submit a written copy of their comments by e-mail or mail to a previously listed address.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the following toll free numbers: (800) 654-5984 (TDD users), (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish).

Copies of this notice and the proposed Community Living Waiver may be obtained at the regional ODP in the corresponding regions:

- *Western Region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast Region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central Region:* P.O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

TERESA D. MILLER,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1176. (1) General Fund; (2) Implementing Year 2017-18 is \$15,418,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$30,752,000; (4) 2015-16 Program—\$1,349,000,000; 2014-15 Program—\$1,203,000,000; 2013-14 Program—\$1,075,000,000; (7) ID—Community Waiver Program; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1423. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Managed Care Assessment Program

The Department of Human Services (Department) is announcing a proposed adjustment to the managed care assessment fixed fee effective January 1, 2018.

#### *Background*

In 2015, the General Assembly enacted legislation authorizing the Department to impose an annual monetary assessment on managed care organizations (MCO) in this Commonwealth for 4 years beginning in State Fiscal Year (FY) 2016-2017. See section 15 of the act of December 28, 2015 (P.L. 500, No. 92) (Act 92) (Article VIII-I of the Human Services Code (62 P.S. §§ 801-I—812-I)). The fixed fee assessed on MCOs is currently \$15.07 per member month.

Act 92 authorizes the Secretary of Human Services (Secretary) to adjust the assessment fixed fee for all or part of a fiscal year so long as the assessment does not

exceed the Federal maximum 6% limit of revenue specified in 42 CFR 433.68(f)(3)(i)(A) (relating to permissible health care-related taxes). Before adjusting the assessment percentage, the Secretary must publish a notice in the *Pennsylvania Bulletin* that specifies the proposed adjusted assessment fixed fee, identifies the aggregate impact on MCOs subject to the assessment and affords interested parties 30 days to comment. After consideration of any comments received during the 30-day period, the Secretary must publish a second notice announcing the adjusted assessment fixed fee. See section 3-I(c) of the Human Services Code (62 P.S. § 803-I(c)).

#### *Proposed Adjusted Assessment Fixed Fee*

The Department is proposing to adjust the MCO assessment fixed fee to \$19.87 per member month effective January 1, 2018. The proposed adjusted assessment fixed fee will not exceed the Federal maximum limit of 6% of revenue.

#### *Fiscal Impact*

The Department estimates that the aggregate fiscal impact for this change in FY 2017-2018 will be an additional \$163.113 million in assessment revenue.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed adjustment to the MCO assessment fixed fee to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in the determination of the final adjusted MCO assessment fixed fee. 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).

TERESA D. MILLER,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1178. (1) General Fund; (2) Implementing Year 2017-18 is -\$1,214,000,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$3,658,000,000; 2015-16 Program—\$3,829,000,000; 2014-15 Program—\$3,823,000,000; (7) Medical Assistance—Capitation; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1424. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Proposed Rate Setting Methodology and Fee Schedule Rates for Services Funded Through the Office of Developmental Programs' Community Living Waiver

The purpose of this notice is to announce the Department of Human Services' (Department) proposed rate setting methodology and Fee Schedule Rates for select services funded through the Community Living Waiver effective January 1, 2018. The Community Living Waiver is being developed in accordance with the Fiscal Year (FY) 2017-2018 budget for the development and implementation of a new intermediate waiver that will provide services to approximately 1,000 individuals with an intellectual disability or autism, as well as children under 9

years of age with a developmental disability who have a high probability of resulting in an intellectual disability or autism. The Community Living Waiver will have a \$70,000 per person per fiscal year total limit for all services with an exception for supports coordination services. The Community Living Waiver will support individuals to live more independently in their homes and communities through the provision of a variety of services that promote community living, employment, communication, self-direction, choice and control over their lives.

#### *Rate-Setting Methodology for Fee Schedule Rates*

The Fee Schedule Rates are developed using a market-based approach. This process includes a review of the Community Living Waiver service definitions and a determination of allowable cost components which reflect costs that are reasonable, necessary and related to the delivery of the service, as defined in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Office of Management—Budget Circular Uniform Guidance, December 26, 2014). The Department establishes the Fee Schedule Rates to fund services at a level sufficient to ensure access and encourage provider participation, while at the same time ensuring cost effectiveness and fiscal accountability. The Fee Schedule Rates represent the maximum rates that the Department will pay for each service. In developing the proposed Fee Schedule Rates for each service, the following occurs:

The Department evaluates and uses various independent data sources such as a Commonwealth specific compensation study and expense data from prior approved cost reports, as applicable, to ensure the rates reflect the expected expenses for the delivery of services under the waiver for the major allowable cost categories listed as follows:

- The support needs of the individual.
- Staff wages.
- Staff-related expenses.
- Productivity.
- Occupancy.
- Program expenses and administration-related expenses.
- A review of approved service definitions in the waiver and determinations made about allowable cost components that reflect expenses necessary and related to the delivery of each service.
- A review of the cost of implementing Federal, State and local statutes, regulations and ordinances.

One Fee Schedule Rate is developed for each service, and the Fee Schedule Rates are identified under the following categories: Community-Based Services and Agency with Choice/Financial Management Services (AWC/FMS), including benefit allowance and excluding benefit allowance.

Effective January 1, 2018, Community-Based Services include behavioral support, companion, in-home and community supports, homemaker/chore, therapy (physical, occupational, speech and language, and orientation, mobility and vision), shift nursing, older adult daily living centers, residential enhanced staffing (supplemental ha-

ilitation), supported employment, supports broker, supports coordination, small group employment, supported living, life sharing, advanced supported employment, community participation support, music therapy, art therapy, equine assisted therapy, benefits counseling, communication specialist, consultative nutritional services, housing transition and tenancy sustaining, family caregiver support counseling (excluding training registration and fees) and all waiver-funded respite care services, excluding respite camp. The training and registration fees associated with the family/caregiver support counseling service and respite camp service are vendor services which are reimbursed by the Department as outcome-based services. The cost of these outcome-based services are based on the cost charged to the general public for the good or service.

AWC/FMS (including and excluding benefit allowance) include agency with choice administration, in-home and community support, companion services, in-home respite and unlicensed out-of-home respite, supported employment, supports broker and homemaker/chore services. There are two separate tables for AWC/FMS; one provides the Fee Schedule Rate including a benefit allowance and the other provides the Fee Schedule Rate excluding a benefit allowance. The benefit allowance is provided as an option to include consideration for benefits such as disability insurance, life insurance, retirement savings and paid time off.

The Department will be using the proposed Fee Schedule Rates to support claims processing in the Provider Reimbursement and Operations Management Information System in electronic format (PROMISE™).

#### *Enhanced Communication Services*

Effective January 1, 2018, the Enhanced Communication Services modifier, U1, is available for the following Community Living Waiver fee schedule services: behavioral support, companion, in-home and community supports, therapy (physical, occupational, speech and language, and orientation, mobility and vision), shift nursing, older adult daily living centers, residential enhanced staffing (supplemental habilitation), supported employment, supports broker, supports coordination, targeted service management, small group employment, supported living, advanced supported employment, community participation support, music therapy, art therapy, equine assisted therapy, benefits counseling, communication specialist, consultative nutritional services, housing transition and tenancy sustaining, family caregiver support counseling (excluding training registration and fees) and all waiver-funded respite care services, excluding respite camp. The modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

Enhanced Communication Services can be provided to individuals who are deaf and enrolled in the Community Living Waiver and who are determined to need services that are provided by staff who are proficient in sign language.

Providers who wish to receive the Enhanced Communication Services rate must be approved to do so by the Department. Requests for enhanced rates should be directed to the Deaf Services Coordinator at RA-ODPDeafServices@pa.gov.

**Fee Schedule Rates for Community-Based Services through the Community Living Waiver  
Effective January 1, 2018**

Modifier SE is used to identify the amount of units that are being billed when the individual spent time in the community during the provision of Community Participation Support services.

Modifier SE is used when billing for Benefits Counseling to identify that it is an Office of Developmental Program (ODP) service.

Modifier SE is used when billing for Music Therapy.

Modifier SE is used when billing for Consultative Nutritional Services to identify that it is an ODP service.

Modifier SE is used when billing for Family Caregiver Support Counseling to identify that it is an ODP service.

Modifier TD is used to identify services rendered by a Registered Nurse (RN).

Modifier TE is used to identify services rendered by a Licensed Practical Nurse (LPN).

Modifiers U5, U6, U7 and U8 are Support Intensity Scale Needs Group Modifiers.

Modifier UD is used when billing for Advanced Supported Employment.

Modifier GP is used to identify services rendered by a Physical Therapist.

Modifier GO is used to identify services rendered by an Occupational Therapist.

Modifier GN is used to identify services rendered by a Speech and Language Therapist.

Modifier UN is used to identify shift nursing at the 1:2 ratio.

Modifier UA is used to identify the Homemaker/Chore service when it is authorized as a temporary service.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per 15-minute unit unless otherwise noted.

| <i>Service Name</i>              | <i>Staffing Level</i> | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i> | <i>Enhanced Communication Statewide Fee (U1 modifier)</i> |
|----------------------------------|-----------------------|-----------------------|-------------------|-------------------|----------------------|---|
| Companion Services               | 1:3                   | W1724                 |                   |                   | \$2.64               | \$3.03  |
|                                  | 1:2                   | W1725                 |                   |                   | \$3.67               | \$4.25  |
|                                  | 1:1                   | W1726                 |                   |                   | \$6.33               | \$7.43  |
| Homemaker/Chore                  | 1:1                   | W7283                 |                   |                   | \$16.73 (per hour)   | N/A   |
|                                  | 1:1 (temporary)       | W7283                 | UA                |                   | \$16.73 (per hour)   | N/A   |
| In-Home and Community Supports   | 1:3                   | W7058                 |                   |                   | \$3.17               | \$3.67  |
|                                  | 1:2                   | W7059                 |                   |                   | \$4.52               | \$5.27  |
|                                  | 1:1                   | W7060                 |                   |                   | \$8.08               | \$9.48  |
|                                  | 1:1 enhanced          | W7061                 | TD and TE         |                   | \$11.44              | \$13.74   |
|                                  | 2:1                   | W7068                 |                   |                   | \$15.72              | \$18.52   |
|                                  | 2:1 enhanced          | W7069                 | TD and TE         |                   | \$19.07              | \$22.77   |
| Older Adult Daily Living Centers | N/A                   | W7094                 |                   |                   | \$2.73               | \$3.08  |

## NOTICES

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| <i>Service Name</i>                   | <i>Staffing Level</i>                                      | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i> | <i>Enhanced Communication Statewide Fee (U1 modifier)</i> |
|---------------------------------------|--|-----------------------|-------------------|-------------------|----------------------|---|
| Community Participation Support (CPS) | <25% Community 1:2 or 1:3 and >75% Facility 1:11 to 1:15   | W5945                 | SE                |                   | \$2.45               | \$2.75  |
|                                       | <25% Community 1:2 or 1:3 and >75% Facility 1:7 to 1:10    | W5946                 | SE                |                   | \$2.75               | \$3.10  |
|                                       | <25% Community 1:2 or 1:3 and >75% Facility 1:2 to 1:6     | W5947                 | SE                |                   | \$4.45               | \$5.10  |
|                                       | <25% Community 1:1 and >75% Facility 1:7 to 1:15           | W5948                 | SE                |                   | \$3.70               | \$4.23  |
|                                       | <25% Community 1:1 and >75% Facility 1:2 to 1:6            | W5950                 | SE                |                   | \$5.58               | \$6.44  |
|                                       | <25% Community 1:1 and >75% Facility 1:1                   | W5951                 | SE                |                   | \$9.55               | \$11.17   |
|                                       | <25% Community 1:1 Enhanced and >75% Facility 1:1 Enhanced | W5952                 | SE                | TD and TE         | \$13.28              | \$15.91   |
|                                       | <25% Community 2:1 and >75% Facility 2:1 to 1:1            | W5943                 | SE                |                   | \$18.32              | \$21.55   |
|                                       | <25% Community 2:1 Enhanced and >75% Facility 2:1 Enhanced | W5944                 | SE                | TD and TE         | \$22.05              | \$26.29   |
|                                       | <25% Community 2:3 and >75% Facility 1:11 to 1:15          | W5940                 | SE                |                   | \$3.14               | \$3.57  |
|                                       | <25% Community 2:3 and >75% Facility 1:7 to 1:10           | W5941                 | SE                |                   | \$3.43               | \$3.92  |
|                                       | <25% Community 2:3 and >75% Facility 1:2 to 1:6            | W5942                 | SE                |                   | \$5.14               | \$5.92  |
|                                       | 25% Community 1:2 or 1:3 and 75% Facility 1:11 to 1:15     | W5958                 | SE                |                   | \$2.93               | \$3.32  |
|                                       | 25% Community 1:2 or 1:3 and 75% Facility 1:7 to 1:10      | W5959                 | SE                |                   | \$3.17               | \$3.60  |
|                                       | 25% Community 1:2 or 1:3 and 75% Facility 1:2 to 1:6       | W5960                 | SE                |                   | \$4.57               | \$5.25  |
|                                       | 25% Community 1:1 and 75% Facility 1:7 to 1:15             | W5961                 | SE                |                   | \$4.79               | \$5.53  |
|                                       | 25% Community 1:1 and 75% Facility 1:2 to 1:6              | W5962                 | SE                |                   | \$6.33               | \$7.35  |
|                                       | 25% Community 1:1 and 75% Facility 1:1                     | W5963                 | SE                |                   | \$9.60               | \$11.23   |

| <i>Service Name</i>             | <i>Staffing Level</i>                                    | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i> | <i>Enhanced Communication Statewide Fee (U1 modifier)</i> |
|---------------------------------|--|-----------------------|-------------------|-------------------|----------------------|---|
| Community Participation Support | 25% Community 1:1 Enhanced and 75% Facility 1:1 Enhanced | W5964                 | SE                | TD and TE         | \$13.36              | \$16.00   |
|                                 | 25% Community 2:1 and 75% Facility 2:1                   | W5956                 | SE                |                   | \$18.43              | \$21.68   |
|                                 | 25% Community 2:1 Enhanced and 75% Facility 2:1 Enhanced | W5957                 | SE                | TD and TE         | \$22.18              | \$26.45   |
|                                 | 25% Community 2:3 and 75% Facility 1:11 to 1:15          | W5953                 | SE                |                   | \$4.00               | \$4.60  |
|                                 | 25% Community 2:3 and 75% Facility 1:7 to 1:10           | W5954                 | SE                |                   | \$4.25               | \$4.88  |
|                                 | 25% Community 2:3 and 75% Facility 1:2 to 1:6            | W5955                 | SE                |                   | \$5.65               | \$6.53  |
|                                 | 50% Community 1:2 or 1:3 and 50% Facility 1:11 to 1:15   | W5970                 | SE                |                   | \$3.81               | \$4.36  |
|                                 | 50% Community 1:2 or 1:3 and 50% Facility 1:7 to 1:10    | W5971                 | SE                |                   | \$3.96               | \$4.53  |
|                                 | 50% Community 1:2 or 1:3 and 50% Facility 1:2 to 1:6     | W5972                 | SE                |                   | \$4.80               | \$5.52  |
|                                 | 50% Community 1:1 and 50% Facility 1:7 to 1:15           | W5973                 | SE                |                   | \$6.81               | \$7.92  |
|                                 | 50% Community 1:1 and 50% Facility 1:2 to 1:6            | W5974                 | SE                |                   | \$7.74               | \$9.02  |
|                                 | 50% Community 1:1 and 50% Facility 1:1                   | W5975                 | SE                |                   | \$9.70               | \$11.35   |
|                                 | 50% Community 1:1 Enhanced and 50% Facility 1:1 Enhanced | W5976                 | SE                | TD and TE         | \$13.49              | \$16.16   |
|                                 | 50% Community 2:1 and 50% Facility 2:1                   | W5968                 | SE                |                   | \$18.63              | \$21.93   |
|                                 | 50% Community 2:1 Enhanced and 50% Facility 2:1 Enhanced | W5969                 | SE                | TD and TE         | \$22.42              | \$26.74   |
|                                 | 50% Community 2:3 and 50% Facility 1:11 to 1:15          | W5965                 | SE                |                   | \$5.61               | \$6.50  |
|                                 | 50% Community 2:3 and 50% Facility 1:7 to 1:10           | W5966                 | SE                |                   | \$5.75               | \$6.67  |
|                                 | 50% Community 2:3 and 50% Facility 1:2 to 1:6            | W5967                 | SE                |                   | \$5.59               | \$7.66  |
|                                 | 75% Community 1:2 or 1:3 and 25% Facility 1:11 to 1:15   | W5982                 | SE                |                   | \$4.70               | \$5.41  |



| <i>Service Name</i>                              | <i>Staffing Level</i>                                    | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i> | <i>Enhanced Statewide Fee (U1 modifier)</i> |
|--|--|-----------------------|-------------------|-------------------|----------------------|---|
| Community Participation Support                  | 75% Community 1:2 or 1:3 and 25% Facility 1:7 to 1:10    | W5983                 | SE                |                   | \$4.75               | \$5.46                                      |
|  | 75% Community 1:2 or 1:3 and 25% Facility 1:2 to 1:6     | W5984                 | SE                |                   | \$5.03               | \$5.79                                      |
|  | 75% Community 1:1 and 25% Facility 1:7 to 1:15           | W5985                 | SE                |                   | \$8.83               | \$10.32                                     |
|  | 75% Community 1:1 and 25% Facility 1:2 to 1:6            | W5990                 | SE                |                   | \$9.14               | \$10.69                                     |
|  | 75% Community 1:1 and 25% Facility 1:1                   | W5991                 | SE                |                   | \$9.79               | \$11.46                                     |
|  | 75% Community 1:1 Enhanced and 25% Facility 1:1 Enhanced | W5992                 | SE                | TD and TE         | \$13.62              | \$16.32                                     |
|  | 75% Community 2:1 and 25% Facility 2:1                   | W5980                 | SE                |                   | \$18.84              | \$22.18                                     |
|  | 75% Community 2:1 Enhanced and 25% Facility 2:1 Enhanced | W5981                 | SE                | TD and TE         | \$22.66              | \$27.03                                     |
|  | 75% Community 2:3 and 25% Facility 1:11 to 1:15          | W5977                 | SE                |                   | \$7.21               | \$8.40                                      |
|  | 75% Community 2:3 and 25% Facility 1:7 to 1:10           | W5978                 | SE                |                   | \$7.26               | \$8.46                                      |
|  | 75% Community 2:3 and 25% Facility 1:2 to 1:6            | W5979                 | SE                |                   | \$7.54               | \$8.79                                      |
|  | 100% Community 1:2 or 1:3                                | W5995                 |                   |                   | \$5.14               | \$5.93                                      |
|  | 100% Community 2:3                                       | H2015                 |                   |                   | \$8.01               | \$9.35                                      |
|  | 100% Community 1:1                                       | W5996                 |                   |                   | \$9.84               | \$11.52                                     |
|  | 100% Community 1:1 Enhanced                              | W5997                 | TD and TE         |                   | \$13.68              | \$16.40                                     |
|  | 100% Community 2:1                                       | W5993                 |                   |                   | \$18.94              | \$22.30                                     |
|  | 100% Community 2:1 Enhanced                              | W5994                 | TD and TE         |                   | \$22.78              | \$27.18                                     |
|  | Small Group Employment                                   | 1:10 to 1:6           | W7237             |                   |                      | \$2.21                                      |
| <1:6 to 1:3.5                                    |  | W7239                 |                   |                   | \$3.40               | \$4.09                                      |
| <1:3.5 to >1:1                                   |  | W7241                 |                   |                   | \$6.60               | \$7.95                                      |
| 1:1  |  | W7245                 |                   |                   | \$12.05              | \$14.53                                     |
| Benefits Counseling                              | 1:1  | W1740                 | SE                |                   | \$11.40              | \$13.57                                     |
| Supported Employment—Career Assessment           | 1:1  | W7235                 |                   |                   | \$17.75              | \$21.12                                     |
| Supported Employment—Job Finding and Development | 1:1  | H2023                 |                   |                   | \$17.75              | \$21.12                                     |

| <i>Service Name</i>   | <i>Staffing Level</i>           | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i> | <i>Enhanced Communication Statewide Fee (U1 modifier)</i> |
|---|---------------------------------|-----------------------|-------------------|-------------------|----------------------|---|
| Supported Employment—Job Coaching and Support                                   | 1:2                             | H2025                 |                   |                   | \$10.45              | \$12.40   |
|   | 1:1                             | W9794                 |                   |                   | \$17.75              | \$21.12   |
| Advanced Supported Employment   | 1:1 (Discovery Profile Outcome) | W7235                 | UD                |                   | \$3,810.00           | \$4,594.00  |
| Advanced Supported Employment   | 1:1 (Job Acquisition Outcome)   | H2023                 | UD                |                   | \$3,810.00           | \$4,594.00  |
| Advanced Supported Employment   | 1:1 (Job Retention Outcome)     | H2025                 | UD                |                   | \$9,144.00           | \$11,025.60   |
| Shift Nursing—RN  | 1:2                             | T2025                 | TD                | UN                | \$8.06               | \$9.90  |
|   | 1:1                             | T2025                 | TD                |                   | \$15.78              | \$19.46   |
| Shift Nursing—LPN   | 1:2                             | T2025                 | TE                | UN                | \$5.88               | \$7.13  |
|   | 1:1                             | T2025                 | TE                |                   | \$11.41              | \$13.92   |
| Therapies—Physical  | 1:1                             | T2025                 | GP                |                   | \$21.29              | \$26.46   |
| Therapies—Occupational  | 1:1                             | T2025                 | GO                |                   | \$19.71              | \$24.45   |
| Therapies—Speech/Language   | 1:1                             | T2025                 | GN                |                   | \$19.12              | \$23.71   |
| Therapies—Orientation, Mobility and Vision                                      | 1:1                             | W7246                 |                   |                   | \$18.16              | \$22.48   |
| Music Therapy   | 1:1                             | G0176                 | SE                |                   | \$15.34              | \$18.93   |
| Art Therapy   | 1:1                             | G0176                 |                   |                   | \$15.34              | \$18.93   |
| Equine Assisted Therapy   | 1:1                             | S8940                 |                   |                   | \$10.36              | \$12.30   |
| Behavioral Supports—Level 1   | 1:1                             | W7095                 |                   |                   | \$21.12              | \$25.44   |
| Behavioral Supports—Level 2   | 1:1                             | W8996                 |                   |                   | \$21.39              | \$26.42   |
| Communication Specialist  | 1:1                             | T1013                 |                   |                   | \$15.32              | \$18.90   |
| Consultative Nutritional Services   | 1:1                             | S9470                 | SE                |                   | \$12.36              | \$15.15   |
| Family Caregiver Support Counseling   | 1:1 without participant present | 90846                 | SE                |                   | \$12.12              | N/A   |
|   | 1:1 with participant present    | 90847                 | SE                |                   | \$12.12              | \$14.85   |
| 24 Hour Respite (In-Home Respite and Unlicensed Out-of-Home Respite Services)   | 1:4                             | W9795                 |                   |                   | \$69.86 (per day)    | \$83.12 (per day)   |
|   | 1:3                             | W9796                 |                   |                   | \$93.09 (per day)    | \$110.78 (per day)  |
|   | 1:2                             | W9797                 |                   |                   | \$139.56 (per day)   | \$166.10 (per day)  |
|   | 1:1                             | W9798                 |                   |                   | \$245.13 (per day)   | \$291.75 (per day)  |
|   | 1:1 Enhanced                    | W9799                 |                   |                   | \$416.93 (per day)   | \$509.93 (per day)  |
|   | 2:1                             | W9800                 |                   |                   | \$490.11 (per day)   | \$583.34 (per day)  |
|   | 2:1 Enhanced                    | W9801                 |                   |                   | \$661.90 (per day)   | \$801.53 (per day)  |
| 15 Minute Respite (In-Home Respite and Unlicensed Out-of-Home Respite Services) | 1:4                             | W8096                 |                   |                   | \$1.75               | \$2.08  |
|   | 1:3                             | W9860                 |                   |                   | \$2.33               | \$2.77  |
|   | 1:2                             | W9861                 |                   |                   | \$3.49               | \$4.15  |
|   | 1:1                             | W9862                 |                   |                   | \$6.13               | \$7.29  |
|   | 1:1 Enhanced                    | W9863                 |                   |                   | \$10.42              | \$12.75   |
|   | 2:1                             | W9864                 |                   |                   | \$12.25              | \$14.58   |
|   | 2:1 Enhanced                    | W8095                 |                   |                   | \$16.55              | \$20.04   |

NOTICES

5119

| <i>Service Name</i>                            | <i>Staffing Level</i>  | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i> | <i>Enhanced Communication Statewide Fee (U1 modifier)</i> |
|--|------------------------|-----------------------|-------------------|-------------------|----------------------|---|
| 24 Hour Respite (Licensed Respite Group Homes) | Needs Group 1-2 Person | W9791                 | U5                |                   | \$456.17 (per day)   | \$543.52 (per day)  |
|  | Needs Group 1-3 Person | W9792                 | U5                |                   | \$331.94 (per day)   | \$395.06 (per day)  |
|  | Needs Group 1-4 Person | W9793                 | U5                |                   | \$263.76 (per day)   | \$313.54 (per day)  |
|  | Needs Group 2-2 Person | W9791                 | U6                |                   | \$538.09 (per day)   | \$643.36 (per day)  |
|  | Needs Group 2-3 Person | W9792                 | U6                |                   | \$365.87 (per day)   | \$436.50 (per day)  |
|  | Needs Group 2-4 Person | W9793                 | U6                |                   | \$292.42 (per day)   | \$348.59 (per day)  |
|  | Needs Group 3-1 Person | W9790                 | U7                |                   | \$787.76 (per day)   | \$940.81 (per day)  |
|  | Needs Group 3-2 Person | W9791                 | U7                |                   | \$644.77 (per day)   | \$774.54 (per day)  |
|  | Needs Group 3-3 Person | W9792                 | U7                |                   | \$457.38 (per day)   | \$548.81 (per day)  |
|  | Needs Group 3-4 Person | W9793                 | U7                |                   | \$360.12 (per day)   | \$431.68 (per day)  |
|  | Needs Group 4-1 Person | W9790                 | U8                |                   | \$861.70 (per day)   | \$1,034.28 (per day)                                      |
|  | Needs Group 4-2 Person | W9791                 | U8                |                   | \$702.24 (per day)   | \$847.32 (per day)  |
|  | Needs Group 4-3 Person | W9792                 | U8                |                   | \$499.39 (per day)   | \$601.96 (per day)  |
|  | Needs Group 4-4 Person | W9793                 | U8                |                   | \$393.36 (per day)   | \$473.69 (per day)  |
| 24 Hour Respite (Respite Only Home)            | Needs Group 1-2 Person | W9865                 | U5                |                   | \$520.58 (per day)   | \$620.26 (per day)  |
|  | Needs Group 1-3 Person | W9866                 | U5                |                   | \$378.80 (per day)   | \$450.83 (per day)  |
|  | Needs Group 1-4 Person | W9871                 | U5                |                   | \$300.98 (per day)   | \$357.79 (per day)  |
|  | Needs Group 2-2 Person | W9865                 | U6                |                   | \$614.06 (per day)   | \$734.20 (per day)  |
|  | Needs Group 2-3 Person | W9866                 | U6                |                   | \$417.52 (per day)   | \$498.13 (per day)  |
|  | Needs Group 2-4 Person | W9871                 | U6                |                   | \$333.70 (per day)   | \$397.80 (per day)  |
|  | Needs Group 3-2 Person | W9865                 | U7                |                   | \$735.80 (per day)   | \$883.89 (per day)  |
|  | Needs Group 3-3 Person | W9866                 | U7                |                   | \$521.94 (per day)   | \$626.29 (per day)  |
|  | Needs Group 3-4 Person | W9871                 | U7                |                   | \$410.95 (per day)   | \$492.62 (per day)  |
|  | Needs Group 4-2 Person | W9865                 | U8                |                   | \$801.39 (per day)   | \$966.95 (per day)  |
|  | Needs Group 4-3 Person | W9866                 | U8                |                   | \$569.89 (per day)   | \$686.95 (per day)  |
|  | Needs Group 4-4 Person | W9871                 | U8                |                   | \$448.88 (per day)   | \$540.56 (per day)  |
| Supports Broker Services                       | 1:1                    | W7096                 |                   |                   | \$16.88              | \$19.66   |

| <i>Service Name</i>                       | <i>Staffing Level</i> | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i> | <i>Enhanced Communication Statewide Fee (U1 modifier)</i> |
|---|-----------------------|-----------------------|-------------------|-------------------|----------------------|---|
| Supports Coordination                     | 1:1                   | W7210                 |                   |                   | \$23.62              | \$27.39   |
| Housing Transition and Tenancy Sustaining | 1:1                   | H0043                 |                   |                   | \$10.48              | \$12.50   |
| Supplemental Habilitation                 | 1:1                   | W7070                 |                   |                   | \$5.46               | \$6.67  |
|   | 2:1                   | W7084                 |                   |                   | \$10.93              | \$13.32   |

| <i>Service Group</i>                            | <i>Needs Group</i> | <i>Procedure Code</i> | <i>Modifier 1</i>         | <i>Modifier 2</i>         | <i>Approved Program Capacity or Staffing Level</i> | <i>Statewide Fee</i> | <i>Enhanced Communication Statewide Fee</i> |
|---|--------------------|-----------------------|---------------------------|---------------------------|--|----------------------|---|
| Supported Living                                | Needs Group 1      | W9872                 | U5                        |                           | 1 Person   | \$133.10             | \$156.12                                    |
|   |                    | W9873                 | U5                        |                           | 2 People   | \$93.17              | \$109.29                                    |
|   |                    | W9874                 | U5                        |                           | 3 People   | \$66.55              | \$78.06                                     |
|   | Needs Group 2      | W9872                 | U6                        |                           | 1 Person   | \$208.26             | \$244.33                                    |
|   |                    | W9873                 | U6                        |                           | 2 People   | \$166.61             | \$195.47                                    |
|   |                    | W9874                 | U6                        |                           | 3 People   | \$110.79             | \$129.97                                    |
| Life Sharing—over 30 hours per week on average  | Needs Group 1      | W8593                 | U5                        | SE (provided by relative) | 1 Person   | \$144.22             | \$180.99                                    |
|   |                    | W8595                 | U5                        | SE (provided by relative) | 2 People   | \$102.45             | \$128.80                                    |
|   | Needs Group 2      | W8593                 | U6                        | SE (provided by relative) | 1 Person   | \$171.82             | \$215.60                                    |
|   |                    | W8595                 | U6                        | SE (provided by relative) | 2 People   | \$122.88             | \$154.54                                    |
| Life Sharing—under 30 hours per week on average | N/A                | W7037                 | SE (provided by relative) | TD and TE                 | 1 Person   | \$142.23             | \$178.45                                    |
|   |                    | W7039                 | SE (provided by relative) | TD and TE                 | 2 People   | \$100.72             | \$126.60                                    |

**Agency with Choice Financial Management Services, Including Benefit Allowance\*\*  
Effective January 1, 2018**

\*\*No modifier is needed to indicate the benefit allowance is included.

Modifier TD is used to identify services rendered by an RN.

Modifier TE is used to identify services rendered by an LPN.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per 15-minute unit unless otherwise noted.

| <i>Service Name</i>                     | <i>Staffing Level</i> | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i> | <i>Enhanced Communication Statewide Fee</i> |
|---|-----------------------|-----------------------|-------------------|-------------------|----------------------|---|
| In-Home and Community Supports          | 1:1                   | W7060                 |                   |                   | \$5.53               | \$6.76                                      |
|   | 2:1                   | W7068                 |                   |                   | \$11.04              | \$13.51                                     |
| In-Home and Community Supports—Enhanced | 1:1 (Enhanced)        | W7061                 | TD and TE         |                   | \$7.55               | \$9.34                                      |
|   | 2:1 (Enhanced)        | W7069                 | TD and TE         |                   | \$11.31              | \$13.86                                     |
| Companion Services                      | 1:1                   | W1726                 |                   |                   | \$4.54               | \$5.51                                      |

| <i>Service Name</i>  | <i>Staffing Level</i>   | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i>  | <i>Enhanced Communication Statewide Fee</i> |
|--|-------------------------|-----------------------|-------------------|-------------------|-----------------------|---|
| In-Home Respite and Unlicensed Out-of-Home Respite Services          | 1:1                     | W9862                 |                   |                   | \$3.49                | \$4.18                                      |
|  | 2:1                     | W9864                 |                   |                   | \$6.97                | \$8.34                                      |
|  | 1:1                     | W9798                 |                   |                   | \$264.75<br>(per day) | \$317.07<br>(per day)                       |
|  | 2:1                     | W9800                 |                   |                   | \$529.51<br>(per day) | \$634.14<br>(per day)                       |
| In-Home Respite and Unlicensed Out-of-Home Respite Services—Enhanced | 1:1                     | W9863                 |                   |                   | \$7.50                | \$9.28                                      |
|  | 2:1                     | W8095                 |                   |                   | \$10.99               | \$13.45                                     |
|  | 1:1                     | W9799                 |                   |                   | \$570.23<br>(per day) | \$705.01<br>(per day)                       |
|  | 2:1                     | W9801                 |                   |                   | \$834.98<br>(per day) | \$1,022.08<br>(per day)                     |
| Supported Employment—Career Assessment                               | 1:1                     | W7235                 |                   |                   | \$6.96                | \$7.67                                      |
| Supported Employment—Job Finding and Development                     | 1:1                     | H2023                 |                   |                   | \$6.96                | \$7.67                                      |
| Supported Employment—Job Coaching and Support                        | 1:1                     | W9794                 |                   |                   | \$6.96                | \$7.67                                      |
| Supports Broker  | 1:1                     | W7096                 |                   |                   | \$5.42                | \$6.63                                      |
| Homemaker/Chore  | 1:1                     | W7283                 |                   |                   | \$13.78<br>(per hour) | N/A   |
| AWC/FMS Monthly Administrative Fee                                   | Per Person<br>Per Month | W7319                 |                   |                   | \$231.21              | N/A   |

**Agency with Choice Financial Management Services, Excluding Benefit Allowance  
Effective January 1, 2018**

\*\*Modifier U4 must be used with all procedure codes when billing for services excluding benefit allowance.

Modifier TD is used to identify services rendered by an RN.

Modifier TE is used to identify services rendered by an LPN.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per 15-minute unit unless otherwise noted.

| <i>Service Name</i>  | <i>Staffing Level</i> | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i>  | <i>Enhanced Communication Statewide Fee</i> |
|--|-----------------------|-----------------------|-------------------|-------------------|-----------------------|---|
| In-Home and Community Supports                                       | 1:1                   | W7060                 | U4                |                   | \$4.91                | \$6.14                                      |
|  | 2:1                   | W7068                 | U4                |                   | \$9.80                | \$12.27                                     |
| Companion Services   | 1:1                   | W1726                 | U4                |                   | \$3.92                | \$4.89                                      |
| In-Home Respite and Unlicensed Out-of-Home Respite Services          | 1:1                   | W9862                 | U4                |                   | \$3.11                | \$3.86                                      |
|  | 2:1                   | W9864                 | U4                |                   | \$5.73                | \$7.10                                      |
|  | 1:1                   | W9798                 | U4                |                   | \$217.58<br>(per day) | \$269.90<br>(per day)                       |
|  | 2:1                   | W9800                 | U4                |                   | \$435.17<br>(per day) | \$539.80<br>(per day)                       |
| In-Home and Community Supports—Enhanced                              | 1:1                   | W7061                 | U4                | TD and TE         | \$6.93                | \$8.72                                      |
|  | 2:1                   | W7069                 | U4                | TD and TE         | \$10.07               | \$12.61                                     |
| In-Home Respite and Unlicensed Out-of-Home Respite Services—Enhanced | 1:1                   | W9863                 | U4                |                   | \$6.88                | \$8.66                                      |
|  | 2:1                   | W8095                 | U4                |                   | \$9.75                | \$12.21                                     |
|  | 1:1                   | W9799                 | U4                |                   | \$523.05<br>(per day) | \$657.84<br>(per day)                       |
|  | 2:1                   | W9801                 | U4                |                   | \$740.63<br>(per day) | \$927.74<br>(per day)                       |

| <i>Service Name</i>                              | <i>Staffing Level</i>   | <i>Procedure Code</i> | <i>Modifier 1</i> | <i>Modifier 2</i> | <i>Statewide Fee</i>  | <i>Enhanced Communication Statewide Fee</i> |
|--|-------------------------|-----------------------|-------------------|-------------------|-----------------------|---|
| Supported Employment—Career Assessment           | 1:1                     | W7235                 | U4                |                   | \$6.34                | \$7.04                                      |
| Supported Employment—Job Finding and Development | 1:1                     | H2023                 | U4                |                   | \$6.34                | \$7.04                                      |
| Supported Employment—Job Coaching and Support    | 1:1                     | W9794                 | U4                |                   | \$6.34                | \$7.04                                      |
| Supports Broker                                  | 1:1                     | W7096                 | U4                |                   | \$4.80                | \$6.00                                      |
| Homemaker/Chore                                  | 1:1                     | W7283                 | U4                |                   | \$11.29<br>(per hour) | N/A   |
| AWC/FMS Monthly Administrative Fee               | Per Person<br>Per Month | W7319                 |                   |                   | \$231.21              | N/A   |

#### *Rate-Setting Methodology for Transportation (per Trip) Services*

Rates for Transportation (per Trip) services delivered on or after January 1, 2018, will be developed utilizing a standardized cost-based methodology. Transportation (per Trip) providers are both private and local government agency providers.

The cost-based methodology requires providers to use a standardized cost report and follow instructions provided by the Department. Cost reports undergo a desk review in which the reported data is analyzed by the Department or its designee for completeness and accuracy based on cost report instructions and standardized review procedures. The Department uses only costs allowable for federal financial participation from the cost report to develop the eligible rates.

The FY 2017-2018 proposed rates for transportation trip services were developed from expenses and utilization data reported in approved transportation cost reports that are based on the FY 2015-2016 historical expense period, when the procedure codes submitted by providers are the same as those entered in the services and supports directory. Cost report data is adjusted to reflect changes in the service definitions that were in effect in FY 2015-2016, the time period for which expense data is submitted, to account for differences in service definitions that are in effect for FY 2017-2018, the time period in which rates are effective.

#### *Transportation Trip Services*

Providers who are currently enrolled to provide transportation trip services in the Consolidated and Person/Family Directed Support Waivers will automatically be enrolled to provide transportation trip services in the Community Living Waiver and will be assigned the same rate. The FY 2017-2018 transportation trip proposed rates will be effective for services delivered beginning January 1, 2018, and are subject to the adjustments described as follows, and are assigned at the Master Provider Index—Service Location Code—Procedure Code/Modifier level based on the methodology outlined as follows.

#### *Transportation Trip Outlier Review Process*

The total unit cost for a provider and transportation trip service is based on the total expenses reported in the approved transportation cost report for that provider and service divided by the total utilization reported in the approved transportation cost report for that provider and

service. The total expenses are equal to Schedule A, Line 12 (total net expenses). The total utilization is equal to Schedule A, Line 13. Each provider will be paid one payment rate for each trip service as this proposed rate reflects consideration for trips with and without aides as reported by the provider. For this reason, there will not be a separate rate for trips with an aide versus without an aide.

The Department reviewed each transportation trip unit cost submitted in approved transportation cost reports for accuracy, reasonableness and to ensure compliance with the Department's allowable cost policies. To support the Department's efforts to continue to standardize rates for similar services, the Department performed a more detailed review of unit costs that were at the upper or lower end of the range of unit costs for each transportation trip service.

#### *Transportation Rate Assignment*

The Department assigned proposed payment rates to providers with approved transportation cost reports using the following:

- For existing transportation services and service locations, the rate is calculated and assigned based on allowable costs in the provider's transportation cost report.
- For a new location with no cost history, the Department assigned the rate for the existing service for the provider based on the approved transportation cost report.

The Department assigned payment rates to existing providers who do not have approved cost reports based on the following:

- The lowest rate calculated Statewide based on all approved cost reports for transportation trip services was assigned to providers for an existing service which the provider delivered at any service location in FY 2015-2016.
- The average payment rate calculated based on all approved cost reports for transportation trip services was assigned to providers for a new service which the provider did not deliver at any service location in FY 2015-2016.
- The average payment rate calculated based on all approved cost reports for transportation trip was assigned to new providers who did not provide any services in FY 2015-2016.

The proposed payment rates should be used to process claims submitted to PROMISE in electronic format for services provided. A notice will be published announcing the final rates after the public comment period.

#### *Fiscal Impact*

It is estimated that there will be an additional cost to the Commonwealth of \$32.00 million (\$15.418 million in State funds) in FY 2017-2018 and \$64.000 million (\$30.752 million in State funds) in FY 2018-2019 and subsequent years.

#### *Public Comment*

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional ODP in the corresponding regions:

- *Western Region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast Region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central Region:* P.O. Box 2675, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments can also be sent to [ra-ratesetting@pa.gov](mailto:ra-ratesetting@pa.gov). Use subject header "PN Fee Schedule."

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the toll free numbers: (800) 654-5984 (TDD users), (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish)

Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed rates or rate setting methodology.

TERESA D. MILLER,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-1175. (1) General Fund; (2) Implementing Year 2017-18 is \$15,418,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$30,752,000; (4) 2016-17 Program—\$1,349,000,000; 2015-16 Program—\$1,203,000,000; 2014-15 Program—\$1,075,000,000; (7) ID—Community Waiver Program; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1425. Filed for public inspection August 25, 2017, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), no contracts for public work shall be awarded to these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, for 3 years after the date listed.

| <i>Contractor</i>   | <i>Address</i>                             | <i>Date of Debarment</i> |
|---|--|--------------------------|
| Williams Flagger Logistics, LLC<br>and Juan Williams, individually<br>FEIN No. 45-5723592 | 7 Hodgkiss Drive<br>McKees Rocks, PA 15136 | 7/19/2017                |
|   | P.O. Box 99503<br>Pittsburgh, PA 15233     |                          |

ROBERT V. O'BRIEN,  
*Acting Secretary*

[Pa.B. Doc. No. 17-1426. Filed for public inspection August 25, 2017, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Mentored Youth Fishing Day Program; Panfish

Acting under the authority of 58 Pa. Code § 65.20 (relating to Mentored Youth Fishing Day Program), the Executive Director has designated September 4, 2017, as a Mentored Youth Fishing Day for panfish in selected Panfish Enhancement Lakes previously designated under 58 Pa. Code § 65.11 (relating to panfish enhancement). This designation under 58 Pa. Code § 65.20 will be

effective upon publication of this notice in the *Pennsylvania Bulletin*.

To participate, anglers 16 years of age or older (adult anglers) must possess a valid Pennsylvania fishing license and be accompanied by a youth (less than 16 years of age) who has obtained a mentored youth permit or a voluntary youth license from the Fish and Boat Commission (Commission). Youth anglers must obtain a 2017 mentored youth permit or a voluntary youth license from the Commission and be accompanied by an adult angler with a valid Pennsylvania fishing license in order to participate.

There are 19 selected lakes that are currently managed under panfish enhancement special regulations, with

some lakes normally having a minimum size of 7 inches for sunfish, some lakes having a minimum size of 9 inches for crappie and some lakes having a minimum size of 9 inches for yellow perch or a combination of two or three of these fish species with minimum size restrictions on these lakes. On September 4, 2017, there will be no minimum size for panfish, but the daily limits will remain in effect. Other Commonwealth inland regulations will apply. It is unlawful to fish in waters designated as part of the Mentored Youth Fishing Day Program (Program) except in compliance with 58 Pa. Code § 65.20 when participating in the Program.

On September 4, 2017, the identified waters will be open to all anglers but only Program participants (youth and their mentors) may possess panfish of less than the normal minimum size limits. The Panfish Enhancement Lakes included in the Mentored Youth Fishing Day on September 4, 2017, are as follows:

| <i>County</i>        | <i>Water</i>               |
|----------------------|----------------------------|
| Berks                | Blue Marsh Reservoir       |
| Cambria              | Beaverdam Run Reservoir    |
| Cambria              | Hinkston Run Reservoir     |
| Cambria              | Wilmore Dam                |
| Centre               | Foster Joseph Sayers Lake* |
| Chester              | Chambers Lake              |
| Fayette/Westmoreland | Bridgeport Reservoir       |

| <i>County</i> | <i>Water</i>                                  |
|---------------|---|
| Monroe        | Bradys Lake                                   |
| Monroe        | Gouldsboro Lake                               |
| Montour       | Lake Chillisquaque                            |
| Pike          | Lower Lake (Lower Promised Land Lake)         |
| Pike          | Promised Land Lake (Upper Promised Land Lake) |
| Somerset      | Quemahoning Reservoir                         |
| Washington    | Cross Creek Lake                              |
| Washington    | Peters Township (Reservoir # 2)               |
| Westmoreland  | Indian Lake                                   |
| Westmoreland  | Lower Twin Lake                               |
| Westmoreland  | Northmoreland Lake                            |
| Westmoreland  | Upper Twin Lake                               |

\* Also regulated under 58 Pa. Code § 65.24 (relating to miscellaneous special regulations) for crappie, that is, 10 fish daily creel limit of which no more than 5 fish may be greater than or equal to 9 inches in length. This miscellaneous special regulation will not apply to Program participants.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 17-1427. Filed for public inspection August 25, 2017, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

| <i>Final Reg. No.</i> | <i>Agency/Title</i>  | <i>Received</i> | <i>Public Meeting</i> |
|-----------------------|--|-----------------|-----------------------|
| 3-54                  | Department of Banking and Securities<br>Securities Regulations Omnibus<br>Amendments | 8/10/17         | 9/14/17               |

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 17-1428. Filed for public inspection August 25, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Etown Operator, LLC

Etown Operator, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Elizabethtown Healthcare and Rehab Center in Elizabethtown, PA. The initial filing was received on August 16, 2017, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Author-

ity are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Karen M. Feather, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [kfeather@pa.gov](mailto:kfeather@pa.gov).

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1429. Filed for public inspection August 25, 2017, 9:00 a.m.]



### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Liberty Village, d/b/a The Manor at York Town

Liberty Village, d/b/a The Manor at York Town has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at The Manor at York Town in Jamison, PA. The initial filing was received on August 9, 2017, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201–3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Karen M. Feather, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, kfeather@pa.gov.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1430. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Approval of DCI Solution as a Replacement Value Data Provider

In accordance with the terms of the motor vehicle physical damage appraisers regulation, the Insurance Commissioner approved DCI Solution to perform as a qualified replacement value data provider in this Commonwealth, effective August 26, 2017.

Questions about this notice may be directed to Mark Lersch, Director, Bureau of Property and Casualty Insurance, (717) 787-4192.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1431. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Highmark Choice Company; Individual Grandfathered HMO Plan; Rate Filing

Highmark Choice Company submitted a rate filing to increase the premium rates for its Grandfathered Individual HMO Plan. The filing proposes a rate increase of 8.1% or \$62.45 per contract per month and will affect approximately 950 contract holders. The proposed rate increase will generate approximately \$720,000 of additional annual revenue. The requested effective date of the change is January 1, 2018.

Unless formal administrative action is taken prior to November 8, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov)

(hover the cursor over the "Consumers" tab, then select "Other Health Rate Filings").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1432. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Highmark Inc., d/b/a Highmark Blue Cross Blue Shield; Individual Grandfathered Plans; Rate Filing

Highmark Inc., d/b/a Highmark Blue Cross Blue Shield submitted a rate filing to increase the premium rates for its Grandfathered Individual CompleteCare Program (Western Region). The filing proposes a rate increase of 3% or \$21.83 per contract per month and will affect approximately 2,100 contract holders. The proposed rate increase will generate approximately \$552,000 of additional annual revenue. The requested effective date of the change is January 1, 2018.

Unless formal administrative action is taken prior to November 8, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Other Health Rate Filings").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1433. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On August 15, 2017, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers' compensation insurance. The filing was made in accordance with section 705 of the act of July 2, 1993 (P.L. 190, No. 44).

The filing proposes an overall 6.06% increase in collectible loss costs effective November 1, 2017, for both new

and renewal business. The Bureau states that the change is based on its analysis of a Pennsylvania Supreme Court decision issued on June 20, 2017.

The entire loss cost filing is available for review on the Bureau's web site at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1434. Filed for public inspection August 25, 2017, 9:00 a.m.]

### UPMC Health Benefits, Inc. (UPMC-131136215); Individual HSA—Transitional Filing; Rate Filing

UPMC Health Benefits, Inc. submitted a rate filing to increase the premium rates for its Individual HSA Non-Grandfathered Plans. The filing proposes a rate increase of 4.09% and will affect approximately 656 members. The proposed rate increase will generate an annualized revenue of approximately \$74,700 and will be effective January 1, 2018.

Unless formal administrative action is taken prior to November 9, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Other Health Rate Filings").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1435. Filed for public inspection August 25, 2017, 9:00 a.m.]

### UPMC Health Benefits, Inc. (UPMC-131136230); Individual EPO and GOALS—Transitional Filing; Rate Filing

UPMC Health Benefits, Inc. submitted a rate filing to increase the premium rates for its Individual EPO and GOALS Non-Grandfathered Plans. The filing proposes a rate increase of 4.09% and will affect approximately 1,902 members. The proposed rate increase will generate an annualized revenue of approximately \$293,700 and will be effective January 1, 2018.

Unless formal administrative action is taken prior to November 9, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Other Health Rate Filings").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1436. Filed for public inspection August 25, 2017, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. 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 September 11, 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.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2017-2618354. Conrad Graybill, t/a Graybill Trans** (306 Willow Lane, New Holland, Lancaster County, PA 17557) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**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 persons by transfer of rights as described under the application.**

**A-2017-2613832. JB Taxi, LLC, t/a County Taxi Cab** (777 Corporation Street, P.O. Box 471, Beaver, Beaver County, PA 15009) for the right to begin to transport, as a common carrier, by motor vehicle, persons upon call or

demand, in the Townships of North Fayette, Oakdale, Robinson, Coraopolis, Moon, Findlay and Kennedy, Allegheny County; which is to be a transfer of the rights from A-2009-2120572 issued to Cindy's Carriages, LLC. *Attorney:* David W. Donley, Esquire, 3361 Stafford Street, Pittsburgh, PA 15204.

**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-2017-2617565. Garden Spot Equipment Auction, Inc.** (4412 Oregon Pike, P.O. Box 501, Ephrata, Lancaster County, PA 17522) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and vice versa. *Attorney:* George T. Cook, Esquire, Blakinger Thomas, PC, 28 Penn Square, Lancaster, PA 17603.

**A-2017-2617567. Garden Spot Equipment Auction, Inc.** (4412 Oregon Pike, P.O. Box 501, Ephrata, Lancaster County, PA 17522) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in the County of Lancaster to the following named airports and vice versa: Philadelphia International Airport, in the City and County of Philadelphia and the Township of Tincum, Delaware County; Harrisburg International Airport, in the Township of Lower Swatara, Dauphin County; and Lancaster Municipal Airport in the Township of Manheim, Lancaster County. *Subject to the following condition:* That the service be provided in vehicles having a seating capacity of 15 passengers or less. *Attorney:* George T. Cook, Esquire, Blakinger Thomas, PC, 28 Penn Square, Lancaster, PA 17603.

**A-2017-2619179. Albert Allison Austin, t/a Safe Secure Shuttle Service** (406 East Springwood Place, Port Matilda, Centre County, PA 16870) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons, upon call or demand, in University Park, the Borough of State College, and the Townships of College, Ferguson, Halfmoon, Harris and Patton, Centre County.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1437. Filed for public inspection August 25, 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 September 11, 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. Raymond B. Lowe; Docket No. C-2017-2612012**

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 Raymond B. Lowe, (respondent) is under suspension effective June 19, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 309 Smithfield Blvd, Smithfield, VA 23430.
3. That respondent was issued a Certificate of Public Convenience by this Commission on October 13, 2016, at A-6418744.
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-6418744 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: 7/18/2017

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Rezman Express, Inc.; Docket No. C-2017-2613123**

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 Rezman Express, Inc., (respondent) is under suspension effective June 24, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 800 Cedar Lane, Teaneck, NJ 07666.
3. That respondent was issued a Certificate of Public Convenience by this Commission on October 14, 2005, at A-00121626/641463.
4. That respondent has failed to maintain evidence of Excess 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-00121626/641463 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: 7/18/2017

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days

of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1438. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Telecommunications

**A-2017-2619281. Verizon North, LLC and Airbus DS Communications, Inc.** Joint petition of Verizon North, LLC and Airbus DS Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Airbus DS Communications, Inc., by their counsel, filed on August 15, 2017, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed

in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Copies of Verizon North, LLC and Airbus DS Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1439. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Telecommunications

**A-2017-2619304. Verizon Pennsylvania, LLC and Airbus DS Communications, Inc.** Joint petition of Verizon Pennsylvania, LLC and Airbus DS Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Airbus DS Communications, Inc., by their counsel, filed on August 15, 2017, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Copies of the Verizon Pennsylvania, LLC and Airbus DS Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1440. Filed for public inspection August 25, 2017, 9:00 a.m.]

### Transfer Indirect Control

**A-2017-2619574 and A-2017-2619642. Crown Castle International Corporation, LTS Group Holdings, LLC, Fiber Technologies Networks, LLC and Lighttower Fiber Networks II, LLC.** Joint application of Crown Castle International Corporation, LTS Group Holdings, LLC, Fiber Technologies Networks, LLC and Lighttower Fiber Networks II, LLC for approval to transfer indirect control of Fiber Technologies Networks, LLC and Lighttower Fiber Networks II, LLC to Crown Castle International Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utili-

ties) on or before September 11, 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:* Crown Castle International Corporation; LTS Group Holdings, LLC; Fiber Technologies Networks, LLC; Lighttower Fiber Networks II, LLC

*Through and By Counsel:* Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921; Michael A. Gruin, Esquire, Stevens & Lee, Harrisburg Market Square, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1441. Filed for public inspection August 25, 2017, 9:00 a.m.]

## PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

### Application of John Dunphy for Reinstatement of Teaching Certificates; Doc. No. RE-17-03

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

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of John Dunphy for reinstatement of his teaching certificates.

John Dunphy filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). John Dunphy waived his right to a hearing.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.123(d), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Shane Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or

other accommodation to participate, should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

SHANE F. CROSBY,  
*Executive Director*

[Pa.B. Doc. No. 17-1442. Filed for public inspection August 25, 2017, 9:00 a.m.]

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## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Susan M. Frank, LPN; File No. 16-51-10303; Doc.  
No. 0901-51-17**

On May 16, 2017, Susan M. Frank, LPN, license No. PN079904L, last known of York, York County, was auto-

matically suspended for 1 year based on her misdemeanor conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

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. 17-1443. Filed for public inspection August 25, 2017, 9:00 a.m.]

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