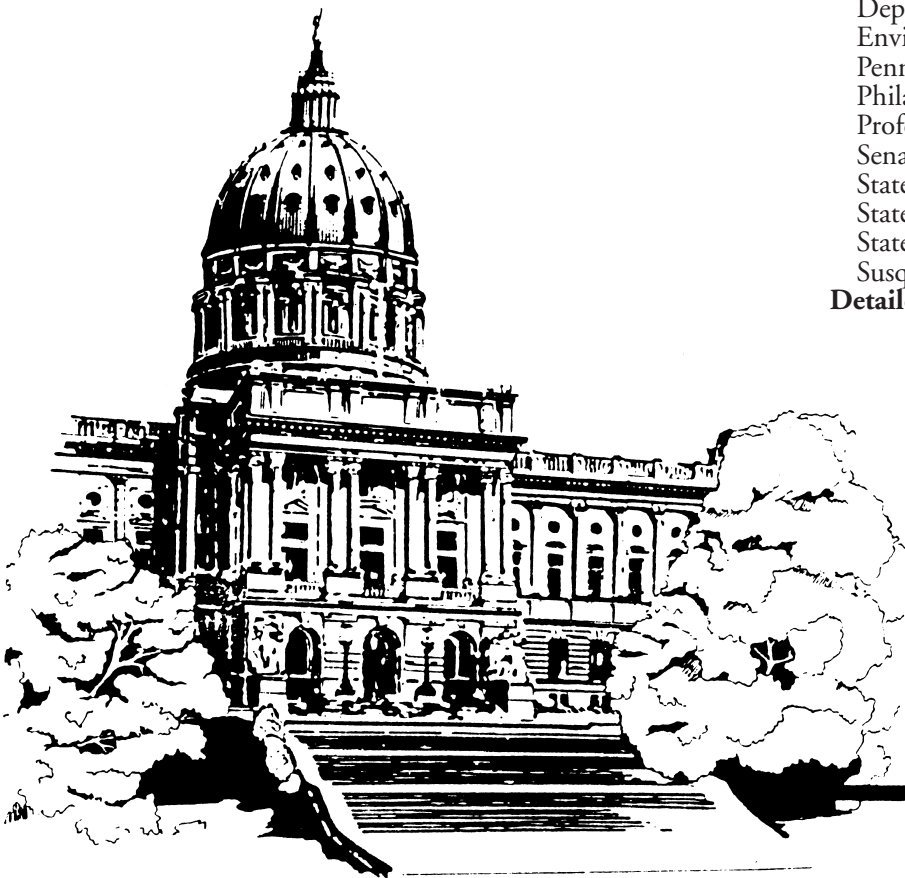


# PENNSYLVANIA BULLETIN

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

**No. 520, March 2018**

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## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published weekly. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. It is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations, Statewide court rules, and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, rescission, repeal or emergency action, must be published in the *Pennsylvania Bulletin*.

The following documents are published in the *Pennsylvania Bulletin*: Governor's Executive Orders; 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 rescind regulations must first publish in the *Pennsylvania Bulletin* a Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The 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. A Final Rulemaking must be published in the *Pennsylvania Bulletin* before the changes can take effect. If the agency wishes to adopt changes to the 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, Statewide court rules and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes when they are adopted. 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.

### **How to Find Rules and Regulations**

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).

A quarterly List of *Pennsylvania Code* Sections Affected lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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*Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code*

Text proposed to be added is printed in **underscored bold face**. Text proposed to be deleted is enclosed in brackets [ ] and printed in **bold face**.

Proposed new chapters and sections are printed in regular type to enhance readability. Final rulemakings and statements of policy are printed in regular type.

Ellipses, a series of five asterisks, indicate text that is not amended.

In Proposed Rulemakings and proposed Statements of Policy, existing text corresponds to the official codified text in the *Pennsylvania Code*.

*Court Rules in Titles 201—246 of the Pennsylvania Code*

Added text in proposed and adopted court rules is printed in **underscored bold face**. Deleted text in proposed and adopted court rules is enclosed in brackets [ ] and printed in **bold face**.

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Ellipses, a series of five asterisks, indicate text that is not amended.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires the Governor's Budget Office to prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions and authorities receiving money from the State Treasury. The fiscal note states whether the action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions. The fiscal note is required to be published in the *Pennsylvania Bulletin* at the same time as the 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; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

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, 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 item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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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 2018.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1915 ]

#### Proposed Amendments of Pa.R.C.P. No. 1915.7 and 1915.10

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendments of Pa.R.C.P. No. 1915.7 and 1915.10 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9531  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by June 8, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

WALTER J. McHUGH, Esq.,  
Chair

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

##### Rule 1915.7. Consent Order.

[ If an agreement for custody is reached and the parties desire a consent order to be entered, they shall note their agreement upon the record or shall submit to the court a proposed order bearing the written consent of the parties or their counsel. ]

If the parties have an agreement regarding custody and request that the court enters a consent order incorporating the terms of the agreement:

(a) the parties shall submit to the court a proposed custody order bearing the written consent of the parties; or

(b) the parties may state the agreement on the record; but, within ten days of placing the agreement on the record, the parties shall comply with subdivision (a).

*Official Note:* See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*.

##### Rule 1915.10. Decision. Order.

(a) The court may make the decision before the testimony has been transcribed. The court shall state the reasons for its decision [ **either** ] on the record in open court[ , ] **or** in a written opinion[ , **or in the** ] **or** order.

*Official Note:* See 23 Pa.C.S. § 5323(d)

(b) The **court shall enter a custody order as a separate written order or in a separate section in a written opinion with the** terms of the order [ **shall be** ] sufficiently specific [ **to enforce** ] **for enforcement of** the order. The court's [ **decision** ] **order** shall include safety provisions designed to protect an endangered party or [ **a** ] child in any case in which the court has found that either is at risk of harm.

(c) [ **Any custody order shall include notice of a party's obligations pursuant to 23 Pa.C.S. § 5337 dealing with** ] **A custody order shall include a notice outlining the parties' obligations under 23 Pa.C.S. § 5337 regarding** a party's intention to relocate with a minor child.

*Official Note:* See 23 Pa.C.S. § 5323(c).

See Pa.R.C.P. No. 1915.17 regarding relocation.

(d) [ **No** ] **A party may not file a** motion for post-trial relief [ **may be filed** ] to an order of legal or physical custody.

#### Explanatory Comment—2013

[ The custody statute, at 23 Pa.C.S. § 5323(d), requires the court to delineate the reasons for its decision on the record in open court or in a written opinion or order. Subdivision (b) further defines and reinforces the requirements found in 23 Pa.C.S. § 5323(e). Examples of safety provisions include, but are not limited to: supervised physical custody, supervised or neutral custody exchange location, neutral party presence at custody exchange, telephone or computer-facilitated contact with the child, no direct contact between the parties, third-party contact for cancellations, third-party transportation and designating secure, neutral location for a child's passport. The statute, at 23 Pa.C.S.

§ 5323, requires that any custody order must include notice of a party's obligations when there is a proposed relocation under 23 Pa.C.S. § 5337. Rule 1915.17 also addresses relocation. ]

Subdivision (b) further defines and reinforces the requirements found in 23 Pa.C.S. § 5323(e). Examples of safety provisions include, but are not limited to, supervised physical custody, a supervised or neutral custody exchange location, neutral party presence at custody exchange, telephone or computer-facilitated contact with the child, no direct contact between the parties, third-party contact for cancellations, third-party transportation, and designating secure, neutral location for a child's passport.

## PUBLICATION REPORT

### Recommendation 169

The Domestic Relations Procedural Rules Committee (Committee) is proposing amendments to Pa.R.C.P. No. 1915.7 and 1915.10 as the rules relate to custody agreements and orders. Specifically, the proposed amendments further refine the requirements for parties requesting that the court incorporate an agreement into a custody order, and how courts enter custody orders into the record.

The impetus for the Committee's proposed amendment to Pa.R.C.P. No. 1915.10 is the holding in *R.L.P. v. R.F.M.*, 110 A.3d 201 (Pa. Super. 2015). In *R.L.P.*, the Superior Court held that "in order to be sufficiently specific to be enforced, an order of custody must be entered as a separate written order, or as a separate section of a written opinion." *Id.* at 206. The Committee received information that the practice of placing custody orders on the record without subsequently entering a written order continued.

The Committee agreed with the Superior Court that custody orders transcribed from the oral record typically do not adequately comport with the requirements of 23 Pa.C.S. § 5323 making enforcement by the courts difficult and understanding of the terms by the parties and other third parties, e.g., schools, law enforcement, difficult. To clarify the rule, the Committee proposes amending Pa.R.C.P. No. 1915.10 by incorporating the court's holding in *R.L.P.* into the rule.

Additionally, the Committee concluded that a similar amendment to Pa.R.C.P. No. 1915.7 was necessary. The current rule permits parties to enter a verbal custody agreement into the record or present the court with a written consent order. Although the Committee recognizes the importance of memorializing the parties' agreement while the parties are before the court, a custody order transcribed in this circumstance creates similar problems for enforcement and understanding. As such, the Committee proposes amending Pa.R.C.P. No. 1915.7 by requiring the parties submit a written consent order within ten days of placing the verbal agreement on the record. In this manner, the court can preserve the parties' agreement on the record, and the parties will have a succinctly written custody order.

[Pa.B. Doc. No. 18-489. Filed for public inspection March 30, 2018, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1920 ]

#### Proposed Amendments of Pa.R.C.P. Nos. 1920.14, 1920.42, 1920.46, 1920.51, 1920.53, 1920.72, 1920.73 and 1920.74

The Domestic Relations Procedural Rules Committee (Committee) is planning to propose to the Supreme Court amendments to Pa.R.C.P. Nos. 1920.14, 1920.42, 1920.46, 1920.51, 1920.53, 1920.72, 1920.73, and 1920.74, for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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All communications in reference to the proposal should be received by June 8, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

WALTER J. McHUGH, Esq.,  
*Chair*

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

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

#### Rule 1920.14. Answer. Denial. Affidavit under Section 3301(d) of the Divorce Code.

(a) The averments in the complaint as to the divorce or annulment, [ **all other claims which may be joined under the Divorce Code and any petition** ] **ancillary claims that may be joined under the Divorce Code, and petitions** for special relief under these rules shall be

deemed denied unless admitted by an answer. Notwithstanding the foregoing, the court may require a response to a petition for special relief.

[ (b) The averments of the affidavit under Section 3301(d) of the Divorce Code shall be deemed admitted unless denied by counteraffidavit.

*Official Note:* See Rule 1920.72(d) for the form of counteraffidavit.

**Explanatory Comment—1994**

Subdivision (b) requires that the averments of the plaintiff's affidavit under Section 3301(d) of the Divorce Code be denied by counteraffidavit. If the defendant fails to file a counteraffidavit, all allegations are deemed admitted.

**Explanatory Comment—2007**

Subdivision (a) has been amended to clarify that the averments in a petition for special relief in a divorce or annulment action are deemed to be denied unless admitted by an answer. ]

(b) The averments of the Affidavit under Section 3301(d) of the Divorce Code and the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code shall be deemed admitted unless denied by counter-affidavit.

*Official Note:* See Pa.R.C.P. No. 1920.72(e)(3) for the form of the counter-affidavit.

**Explanatory Comment—1994**

Subdivision (b) requires that the averments in an Affidavit under Section 3301(d) of the Divorce Code be denied by counter-affidavit. If the non-moving party fails to file a counter-affidavit, the averments in the moving party's affidavit are deemed admitted.

**Explanatory Comment—2007**

Subdivision (a) has been amended to clarify that the averments in a petition for special relief in a divorce or annulment action are deemed denied unless admitted by an answer.

**Explanatory Comment—2018**

Subdivision (b) has been amended by including divorces under Section 3301(c)(2). The process for obtaining a divorce under Sections 3301(c)(2) and 3301(d) are similar. As such, if the non-moving party fails to file a counter-affidavit or to deny the averments in the Affidavit to Establish Presumption of Consent, the affidavit's averments are deemed admitted.

Rule 1920.42. [ Affidavit and Decree under § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in § 3301(c) and § 3301(d)(1)(i) Divorces. Counter-affidavit. ] Obtaining Divorce Decrees under Section 3301(c) or Section 3301(d) of the Divorce Code. Affidavits and Counter-Affidavits. Requirements of the Affidavit of Consent. Ancillary Claims. Orders Approving Grounds for Divorce. Notice of Intention to File the Praecepto to Transmit Record. Praecepto to Transmit Record.

[ (a) If a complaint has been filed requesting a divorce on the ground of irretrievable breakdown and

(1) both parties have filed an affidavit under § 3301(c) of the Divorce Code substantially in the form prescribed by Rule 1920.72(b), or

(2) either party has filed a § 3301(d) affidavit under § 3301(d) of the Divorce Code substantially in the form prescribed by Rule 1920.72(d) and has served it upon the other party along with a form counter-affidavit and the other party has admitted or failed to deny the averments of the § 3301(d) affidavit, the prothonotary on praecipe in the form prescribed by Rule 1920.73(b) shall transmit the record to the court, which shall review the record and enter the appropriate decree. No master shall be appointed.

(b) The affidavit required by § 3301(c) of the Divorce Code must have been executed

(1) ninety days or more after both filing and service of the complaint and

(2) within thirty days of the date the affidavit was filed.

(c) An affidavit of consent may be withdrawn only with leave of court.

(d)(1) Except as provided in (e), no decree shall be entered by the court under § 3301(c) or § 3301(d)(1)(i) of the Divorce Code unless a notice of intention to request entry of divorce decree, substantially in the form prescribed by Rule 1920.73(a), was mailed or delivered to the attorney of record of the party against whom the decree is to be entered or, if there is no attorney of record, to the party, along with a form counter-affidavit if none has been filed, at least twenty days prior to the date of the filing of the praecipe to transmit the record. A copy of the praecipe, which shall state the date and manner of service of the notice, shall be attached.

(2) The affidavit required under § 3301(d) of the Divorce Code shall be filed with the prothonotary and served upon the other party, along with a form counter-affidavit. The moving party must wait a minimum of 20 days after service of the § 3301(d) affidavit before serving the Notice of Intention to File Praecepto to Transmit the Record and another form counter-affidavit or filing the waiver of notice pursuant to Rule 1920.72(c).

(e) Notice of intention to request entry of divorce decree shall not be required prior to entry of a divorce decree

(1) where the parties have executed and filed with the prothonotary a waiver of notice substantially in the form set forth in Rule 1920.72(c); or

(2) under § 3301(d) where the court finds that no appearance has been entered on defendant's behalf and that defendant cannot be located after diligent search.

*Official Note:* This counter-affidavit will be filed only if the party against whom the decree is to be entered has not previously denied the allegations of the other party's affidavit or has not previously claimed economic relief by counterclaim or petition. ]

(a) Obtaining a divorce decree under Section 3301(c)(1) of the Divorce Code.



(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown, the court shall enter a decree in divorce after:

(i) proof of service of the complaint has been filed;

(ii) the parties have signed Affidavits of Consent 90 days or more after service of the complaint and have filed the affidavits within 30 days of signing, which may only be withdrawn by an order of court;

(iii) the ancillary claims under Pa.R.C.P. Nos. 1920.31 and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(iv) either the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praeceptum to Transmit Record, which included a blank Counter-Affidavit under Section 3301(c)(1) and a copy of the proposed Praeceptum to Transmit Record indicating the date and manner of service of the Notice of Intention to File the Praeceptum to Transmit Record, or, alternatively, the parties have signed and filed Waivers of Notice of Intention to File the Praeceptum to Transmit Record; and

(v) the party requesting the divorce decree has completed and filed a Praeceptum to Transmit Record. If the parties have not waived the Notice of Intention to File the Praeceptum to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praeceptum to Transmit Record before filing the Praeceptum to Transmit Record.

Official Note: See Pa.R.C.P. No. 1920.72(b) for the Affidavit of Consent.

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.72(e)(1) for the Counter-Affidavit under Section 3301(c)(1) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praeceptum to Transmit the Record.

(2) To the extent that grounds for divorce have been established under Section 3301(c)(1) of the Divorce Code as outlined in subdivision (a)(1)(ii) and the parties have been unable to resolve the ancillary claims, the court shall enter an order approving grounds for divorce after the moving party:

(i) has served on the other party a Notice of Intention to File the Praeceptum to Transmit Record or, alternatively, the other party waived this notice by signing and filing a Waiver of Notice of Intention to File the Praeceptum to Transmit Record; and

(ii) has completed and filed a Praeceptum to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the Praeceptum to Transmit Record, the moving party shall wait a minimum of 20 days after service of the

Notice of Intention to File the Praeceptum to Transmit Record before filing the Praeceptum to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

Official Note: See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praeceptum to Transmit the Record.

(3) After the court issues an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a master to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

Official Note: See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Master.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a Praeceptum to Transmit Record and request the entry of the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

(b) Obtaining a divorce decree under Section 3301(c)(2) of the Divorce Code.

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and a party has been convicted of a personal injury crime against his or her spouse, the court shall enter a decree in divorce after:

(i) proof of service of the complaint has been filed;

(ii) the party who is the victim of the personal injury crime:

(A) has signed an Affidavit of Consent consistent with subdivision (a)(1)(ii); and

(B) has signed an Affidavit to Establish Presumption of Consent alleging his or her status as a victim of a personal injury crime and that his or her spouse has been convicted of that crime;

(iii) the filed affidavit, along with a blank Counter-Affidavit under Section 3301(c)(2) of the Divorce Code, has been served on the other party consistent with Pa.R.C.P. No. 1930.4, and the other party has admitted or failed to deny the averments in the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code;

(A) If a party files a Counter-Affidavit under Section 3301(d) of the Divorce Code denying an averment in the Affidavit under Section 3301(d) of the Divorce Code, including the date of separation, either party may present a motion requesting the court resolve the issue.

(B) After presentation of the motion in subdivision (A), the court may hear the testimony or,

consistent with Pa.R.C.P. No 1920.51(a)(1)(ii)(D), appoint a master to hear the testimony and to issue a report and recommendation.

*Official Note:* This subdivision requires service of the counter-affidavit on the non-moving party consistent with original process since the averments in the moving party's Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code are deemed admitted unless denied. See Pa.R.C.P. No. 1930.4 for service of original process.

(iv) the ancillary claims under Pa.R.C.P. Nos. 1920.31 and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(v) either the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praecepte to Transmit Record, which included a blank Counter-Affidavit under Section 3301(c)(2) and a copy of the proposed Praecepte to Transmit Record indicating the date and manner of service of the Notice of Intention to File the Praecepte to Transmit Record, or, alternatively, the parties have signed and filed Waivers of Notice of Intention to File the Praecepte to Transmit Record; and

(vi) the party requesting the divorce decree has completed and filed a Praecepte to Transmit Record. If the parties have not waived the Notice of Intention to File the Praecepte to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecepte to Transmit Record before filing the Praecepte to Transmit Record.

*Official Note:* See Pa.R.C.P. No. 1920.72(b) for the Affidavit of Consent.

See Pa.R.C.P. No. 1920.72(c) for the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code.

See Pa.R.C.P. No. 1920.72(e)(2) for the Counter-Affidavit under Section 3301(c)(2) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecepte to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecepte to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecepte to Transmit the Record.

(2) To the extent that grounds for divorce have been established under Section 3301(c)(2) of the Divorce Code as outlined in subdivision (b)(1)(ii)-(iii) and the parties have been unable to resolve the ancillary claims, the court shall enter an order approving grounds for divorce after the moving party:

(i) has served on the other party a Notice of Intention to File the Praecepte to Transmit Record or, alternatively, the other party waived this notice by signing and filing a Waiver of Notice of Intention to File the Praecepte to Transmit Record; and

(ii) has completed and filed a Praecepte to Transmit Record requesting the court enter an order approving grounds for divorce. If the parties have not waived the Notice of Intention to File the Praecepte to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praecepte to Transmit Record before filing the Praecepte to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

*Official Note:* See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praecepte to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praecepte to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praecepte to Transmit the Record.

(3) After the court issues an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a master to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

*Official Note:* See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Master.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a Praecepte to Transmit Record and request the entry of the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

(c) *Obtaining a divorce decree under Section 3301(d) of the Divorce Code.*

(1) If a party has filed a complaint requesting a divorce on the ground of irretrievable breakdown and the requisite separation period has elapsed, the court shall enter a decree in divorce after:

(i) proof of service of the complaint has been filed;

(ii) a party has signed and filed an Affidavit under Section 3301(d) of the Divorce Code averring that the marriage is irretrievably broken and that the parties have been separate and apart for the required separation period;

(iii) the filed affidavit, along with a blank Counter-Affidavit under Section 3301(d) of the Divorce Code, has been served on the other party consistent with Pa.R.C.P. No. 1930.4, and the other party has admitted or failed to deny the averments in the Affidavit under Section 3301(d) of the Divorce Code;

(A) If a party files a Counter-Affidavit under Section 3301(d) of the Divorce Code denying an averment in the Affidavit under Section 3301(d) of the Divorce Code, including the date of separation, either party may present a motion requesting the court resolve the issue.

(B) After presentation of the motion in subdivision (A), the court may hear the testimony or, consistent with Pa.R.C.P. No 1920.51(a)(1)(ii)(D), appoint a master to hear the testimony and to issue a report and recommendation.

**Official Note:** This subdivision requires service of the counter-affidavit on the non-moving party consistent with original process since the averments in the moving party's Affidavit under § 3301(d) of the Divorce Code are deemed admitted unless denied. See Pa.R.C.P. No. 1930.4 for service of original process.

(iv) the ancillary claims under Pa.R.C.P. Nos. 1920.31 and 1920.33 have been withdrawn by the party raising the claims, have been resolved by agreement of the parties or order of court, have not been raised in the pleadings, or in the case of a bifurcated divorce, the court has retained jurisdiction of the ancillary claims;

(v) either the party requesting the divorce decree has served on the other party a Notice of Intention to File the Praeceptum to Transmit Record, which included a blank Counter-Affidavit under Section 3301(d) of the Divorce Code and a copy of the proposed Praeceptum to Transmit Record indicating the date and manner of service of the Notice of Intention to File the Praeceptum to Transmit Record, or, alternatively, the parties have signed and filed Waivers of Notice of Intention to File the Praeceptum to Transmit Record; and

(vi) the party requesting the divorce decree has completed and filed a Praeceptum to Transmit Record. If the parties have not waived the Notice of Intention to File the Praeceptum to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praeceptum to Transmit Record before filing the Praeceptum to Transmit Record.

**Official Note:** See Pa.R.C.P. No. 1920.72(d) for the Affidavit under Section 3301(d) of the Divorce Code.

See Pa.R.C.P. No. 1920.72(e)(3) for the Counter-Affidavit under Section 3301(d) of the Divorce Code.

See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praeceptum to Transmit the Record.

(2) To the extent that grounds for divorce have been established under Section 3301(d) of the Divorce Code as outlined in subdivision (c)(1)(ii)-(iii) and the parties have been unable to resolve the ancillary claims, the court shall enter an order approving grounds for divorce after the moving party:

(i) has served on the other party a Notice of Intention to File the Praeceptum to Transmit Record or, alternatively, the other party waived this notice by signing and filing a Waiver of Notice of Intention to File the Praeceptum to Transmit Record; and

(ii) has completed and filed a Praeceptum to Transmit Record requesting the court enter an order

approving grounds for divorce. If the parties have not waived the Notice of Intention to File the Praeceptum to Transmit Record, the moving party shall wait a minimum of 20 days after service of the Notice of Intention to File the Praeceptum to Transmit Record before filing the Praeceptum to Transmit Record. If the court enters an order approving grounds for divorce, entry of the divorce decree shall be deferred until the ancillary claims have been resolved.

**Official Note:** See Pa.R.C.P. No. 1920.73(a) for the Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(b) for the Waiver of Notice of Intention to File the Praeceptum to Transmit Record.

See Pa.R.C.P. No. 1920.73(c) for the Praeceptum to Transmit the Record.

(3) After the court issues an order approving grounds for divorce, a party may request, consistent with the judicial district's local rules and procedures, that the court either hears the ancillary claims or appoints a master to hear the ancillary claims as outlined in Pa.R.C.P. No. 1920.51.

**Official Note:** See Pa.R.C.P. No. 1920.74 for the Motion for Appointment of Master.

(4) If the parties resolve the ancillary claims by agreement after the court approves the grounds for the divorce but before the court enters an order disposing of the ancillary claims, the parties shall file a Praeceptum to Transmit Record and request the entry of the appropriate divorce decree. To the extent the agreement does not address all of the parties' claims raised in the pleadings, the party raising the outstanding claims shall withdraw the claims before the court enters a divorce decree.

#### Rule 1920.46. Affidavit of Non-Military Service.

If the defendant fails to appear in the action, the plaintiff shall file an affidavit regarding military service with the motion for appointment of a master, prior to a trial by the court, or with the plaintiff's affidavit required by [ Rule 1920.42(a)(2) ] Pa.R.C.P. No. 1920.42(c)(1)(ii).

**Official Note:** The Servicemembers Civil Relief Act, 50 [ App. U.S.C.A. ] U.S.C. app Section 521, requires that in cases in which the defendant does not make an appearance, the plaintiff must file an affidavit of non-military service before the court may enter judgment. If the defendant is in the military service and an attorney has not entered an appearance on behalf of the defendant, [ no judgment may ] a judgment shall not be entered until the court appoints an attorney to represent the defendant and protect his or her interest.

[ Rule 1920.42(a)(2) governs an ] An action for divorce under Section 3301(d)(1)(i) of the Divorce Code is governed by Pa.R.C.P. No. 1920.42(c).

\* \* \* \* \*

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

[ (a)(1) The court may hear the testimony or, upon its own motion or the motion of either party, may appoint a master with respect to all or any of the matters specified in subdivision (a)(2)(i) to



consider same and issue a report and recommendation. The order of appointment shall specify the matters which are referred to the master.

(2)(i) The court may appoint a master in an action of divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, an action for annulment, and the claims for alimony, alimony pendente lite, equitable distribution of marital property, child support, partial custody or visitation, or counsel fees, costs and expenses, or any aspect thereof.

(ii) If there are no claims other than divorce, no master may be appointed to determine grounds for divorce if either party has asserted grounds for divorce pursuant to § 3301(c) or § 3301(d)(1)(i) of the Divorce Code. A master may be appointed to hear ancillary economic claims in a divorce action pursuant to § 3301(c) or § 3301(d) of the Divorce Code. The master may be appointed to hear ancillary economic claims prior to the entry of a divorce decree if grounds for divorce have been established.

(iii) No master may be appointed in a claim for legal, physical or shared custody or paternity.

*Official Note:* Section 3321 of the Divorce Code, 23 Pa.C.S. § 3321, prohibits the appointment of a master as to the claims of custody and paternity.

(3) The motion for the appointment of a master and the order shall be substantially in the form prescribed by Rule 1920.74.

(4) A permanent or standing master employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.

*Official Note:* Hearing conference officers preside at office conferences under Rule 1910.11. Hearing officers preside at hearings under Rule 1910.12. The appointment of masters to hear actions in divorce or for annulment of marriage is authorized by Rule 1920.51. ]

**(a) In an action of divorce or annulment:**

**(1) the court may:**

**(i) hear the testimony; or**

**(ii) appoint a master, upon motion of a party or of the court:**

**(A) before entry of the divorce decree to hear the testimony for the ancillary claims of alimony, equitable division of marital property, partial custody, counsel fees, and costs and expenses, which are raised in the pleadings, and to issue a report and recommendation, if grounds for divorce under Sections 3301(c) or 3301(d) of the Divorce Code have been established and approved by the court as outlined in Pa.R.C.P. No. 1920.42;**

**(B) before approving grounds for divorce under Sections 3301(c) or 3301(d) of the Divorce Code for the limited purpose of assisting the parties and the court on issues of discovery or settlement;**

**(C) to hear the testimony for establishing grounds for divorce under Sections 3301(a) or 3301(b) of the Divorce Code or annulment and the ancillary claims, which are raised in the pleadings, and to issue a report and recommendation; or**

**(D) after a party files a counter-affidavit denying the affidavit's averments, including the date of separation, in an action under Section 3301(c)(2) or 3301(d) of the Divorce Code and to hear the testimony and to issue a report and recommendation.**

**(2) the court shall not appoint a master:**

**(i) to approve grounds for divorce under Sections 3301(c) or 3301(d) of the Divorce Code; or**

***Official Note:* See Pa.R.C.P. No. 1920.42 for approving grounds for divorce under Sections 3301(c) and 3301(d) of the Divorce Code.**

**(ii) for the claims of legal, physical, or shared custody or paternity.**

***Official Note:* Section 3321 of the Divorce Code prohibits the appointment of a master as to the claims of custody and paternity. However, as set forth in Pa.R.C.P. No. 1920.91(3), the Supreme Court of Pennsylvania suspended Section 3321 insofar as that section prohibits the appointment of masters in partial custody cases.**

**(3) The motion for the appointment of a master and the order shall be substantially in the form prescribed by Pa.R.C.P. No. 1920.74. The order appointing the master shall specify the issues and ancillary claims that are referred to the master.**

**(4) A permanent or standing master employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.**

***Official Note:* Conference officers preside at office conferences under Pa.R.C.P. No. 1910.11. Hearing officers preside at hearings under Pa.R.C.P. No. 1910.12. The appointment of master to hear actions in divorce or for annulment of marriage is authorized by Section 3321 of the Divorce Code.**

(b) Written notice of the hearing shall be given to each attorney of record by the master. If a master has not been appointed, the prothonotary, clerk or other officer designated by the court shall give the notice.

\* \* \* \* \*

**Explanatory Comment—2010**

The rule is amended to clarify the role of the master in a divorce case when either party has asserted grounds for divorce pursuant to § 3301(c) or § 3301(d) of the Divorce Code. The rule had been interpreted in some jurisdictions as requiring the entry of a bifurcated decree before a master could be appointed to hear economic claims.

**EXPLANATORY COMMENT—2018**

**Subdivision (a)(1)(ii) provides for the appointment of a master to hear, *inter alia*, partial custody cases. The authority for a master to hear partial custody cases is 23 Pa.C.S. § 3321, which the Supreme Court of Pennsylvania suspended in part to allow masters to hear partial custody. However, nothing in this rule should be construed to require a court to appoint masters in partial custody cases or that this rule is inconsistent with Pa.R.C.P. Nos. 1915.4-1, 1915.4-2, or 1915.4-3 that provide for conference officers and hearing officers in custody cases.**

**Rule 1920.53. Hearing by Master. Report.**

In an action for divorce or annulment [ which ] that has been referred to a master, the master's report **and recommendation** shall include findings of fact, conclusions of law, and a recommended disposition of the case or issue.

(a) The findings of fact shall include, **as appropriate for the circumstances and issues before the master:**

- (1) the method and date of service of process[ . ];
- (2) the manner and date of service of the notice of the master's hearing or the master's efforts to notify the [ defendant. ] parties;
- (3) the date and place of marriage[ . ];
- (4) information relating to any prior marriage of [ either party ] the parties and proof of dissolution of such prior marriage[ . ];
- (5) the residences of the parties at the time of the marriage and subsequent thereto, the actual length of time the parties have resided in the Commonwealth, and whether the residence requirement of Section 3104(b) of the Divorce Code has been met[ . ];
- (6) the age and occupation of [ each party. ] the parties;
- (7) [ the name and age of each child of the parties, if any, and with whom each resides. ] the initials and age of the children of the parties, if any, and with whom the children reside.
- (8) the grounds upon which the action is based[ . ];
- (9) defenses to the action, if any[ , and ];
- (10) [ whether the divorce should be granted on the basis of the complaint or the counterclaim, if filed. ] whether the court should grant or deny the divorce, annulment, or other relief on the basis of the complaint, the counterclaim, if filed, or the motion requesting relief; and
- (11) other relevant facts related to the appointment.

(b) The conclusions of law shall include a discussion of the law as it relates to the facts, as well as the legal conclusions reached by the master.

(c) [ The report shall include the master's recommendation that the divorce or annulment be granted or denied. If divorce or ] If a divorce or an annulment is recommended, the master shall attach a proposed decree to the report and recommendation.

**Rule 1920.72. Form of Complaint. [ Affidavit under § 3301(c) or § 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c) and § 3301(d). ] Affidavits under Section 3301(c) or Section 3301(d) of the Divorce Code. Counter-Affidavits.**

(a) The complaint in an action [ of divorce under § 3301(c) or § ] for a divorce under Section 3301(c) or Section 3301(d) shall begin with the Notice to Defend and Claim Rights required by [ Rule ] Pa.R.C.P. No. 1920.71 and shall be substantially in the following form:

\* \* \* \* \*

(b) The [ affidavit of consent ] **Affidavit of Consent** required by Section 3301(c) of the Divorce Code and [ Rule 1920.42(a)(1) ] Pa.R.C.P. No. 1920.42(a)(1)(ii) or (b)(1)(ii) shall be substantially in the following form:

(Caption)  
AFFIDAVIT OF CONSENT

1. A Complaint in divorce under Section 3301(c) of the Divorce Code was filed on \_\_\_\_\_ (Date) and served on the defendant on \_\_\_\_\_ (Date).

2. The marriage of plaintiff and defendant is irretrievably broken and [ ninety ] 90 days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
[ (Plaintiff)/(Defendant) ]  
(PLAINTIFF) (DEFENDANT)

[ (c) The waiver permitted by Rule 1920.42(e) shall be in substantially the following form:

(Caption)

**Waiver of Notice of Intention to Request Entry of a Divorce Decree under § 3301(c) and § 3301(d) of the Divorce Code**

1. I consent to the entry of a final decree of divorce without notice.

2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the prothonotary.

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT) ]

**(c) The Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code and Pa.R.C.P. No. 1920.42(b)(1)(ii)(B) shall be substantially in the following form:**

(Caption)

**NOTICE**

**If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within 20 days after this affidavit has been served on you or the statements will be admitted.**

**AFFIDAVIT TO ESTABLISH PRESUMPTION OF CONSENT UNDER SECTION 3301(c)(2) OF THE DIVORCE CODE**

1. I am the victim of a “personal injury crime” as defined in 23 Pa.C.S. § 3103.

2. My spouse was convicted of the crime averred in Paragraph 1 on insert date in the Court of Common Pleas of insert county name County. The docket number(s) is/are insert docket number.

3. The personal injury crime(s) for which my spouse was convicted:

Check all that apply:

- 18 Pa.C.S. Ch. 25 (relating to criminal homicide)
- 18 Pa.C.S. Ch. 27 (relating to assault)
- 18 Pa.C.S. Ch. 29 (relating to kidnapping)
- 18 Pa.C.S. Ch. 30 (relating to human trafficking)
- 18 Pa.C.S. Ch. 31 (relating to sexual offenses)
- 18 Pa.C.S. § 3301 (relating to arson and related offenses)
- 18 Pa.C.S. Ch. 37 (relating to robbery)
- 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation)
- 75 Pa.C.S. § 3732 (relating to homicide by vehicle)
- 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury)

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date \_\_\_\_\_ PLAINTIFF) (DEFENDANT)

(d) [ The affidavit required by § 3301(d) of the Divorce Code and Pa.R.C.P. No. 1920.42(a)(2) ] The Affidavit under Section 3301(d) of the Divorce Code required by Pa.R.C.P. No. 1920.42(c)(1)(ii) shall be substantially in the following form:

\* \* \* \* \*

(e)(1) [ The counter-affidavit prescribed by Pa.R.C.P. No. 1920.42(d)(2) for a divorce under § 3301(c) of the Divorce Code ] The Counter-Affidavit under Section 3301(c)(1) of the Divorce Code required by Pa.R.C.P. No. 1920.42(a)(1)(iv) shall be substantially in the following form:

(Caption)

**COUNTER-AFFIDAVIT UNDER [ § 3301(c) ] SECTION 3301(c)(1) OF THE DIVORCE CODE**

I wish to claim economic relief which may include alimony, division of property, lawyer’s fees or expenses or other important rights.

[ I understand that I must file my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered

without further notice to me, and I shall be unable thereafter to file any economic claims. ]

**I UNDERSTAND THAT I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD OR AN ORDER APPROVING GROUNDS FOR DIVORCE, THE DIVORCE DECREE OR ORDER MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.**

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ (PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

[ (2) The counter-affidavit prescribed by § 3301(d) of the Divorce Code and Pa.R.C.P. No. 1920.42(d)(2) shall be substantially in the following form: ]

(2) The Counter-Affidavit under Section 3301(c)(2) of the Divorce Code required by Pa.R.C.P. No. 1920.42(b)(1)(iii) shall be substantially in the following form:

(Caption)

**COUNTER-AFFIDAVIT UNDER SECTION 3301(c)(2) OF THE DIVORCE CODE**

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because:

(Check (i), (ii), or both)

(i) I have not been convicted of a “personal injury crime” as defined in 23 Pa.C.S. § 3103.

(ii) My spouse was not the victim of a personal injury crime for which I have been convicted.

2. Check (a), (b), or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees or expenses if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief, which may include alimony, division of property, lawyer’s fees, costs and expenses, or other important rights.

**I UNDERSTAND THAT IN ADDITION TO CHECKING 2(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE OR AN ORDER APPROVING GROUNDS FOR DIVORCE, THE DIVORCE DECREE OR ORDER MAY BE ENTERED WITHOUT FURTHER NOTICE TO**



**ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.**

(c) Economic claims have been raised and are not resolved.

**I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.**

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

**NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**

**(3) The Counter-Affidavit under Section 3301(d) of the Divorce Code required by Pa.R.C.P. No. 1920.42(c)(1)(iii) shall be substantially in the following form:**

(Caption)

COUNTER-AFFIDAVIT UNDER [ § ] SECTION 3301(d) OF THE DIVORCE CODE

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because:

Check (i), (ii), (iii) or all:

(i) The parties to this action have not lived separate and apart for the required separation period: two years for parties that separated prior to December 5, 2016, and one year for parties that separated on or after December 5, 2016.

(ii) The marriage is not irretrievably broken.

(iii) There are economic claims pending.

(2) Check (a), (b) or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief, which may include alimony, division of property, lawyer's fees [ or ], **costs and** expenses, or other important rights.

**I UNDERSTAND THAT IN ADDITION TO CHECKING [ (b) ABOVE ] (2)(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE, THE DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.**

(c) Economic claims have been raised and are not resolved.

**I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.**

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

**NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**

**Rule 1920.73. [ Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record. Forms. ] Notice of Intention to File Praecepto to Transmit Record. Waiver of Notice of Intention to File Praecepto to Transmit Record. Praecepto to Transmit Record.**

(a)(1) The [ **notice of the intention to request entry of divorce decree prescribed by Rule 1920.42(d) ] Notice of Intention to File the Praecepto to Transmit Record required by Pa.R.C.P. No. 1920.42(a)(1)(iv), (b)(1)(v), and (c)(1)(v), shall be substantially in the following form if there is an attorney of record:**

(Caption)

**[ NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE ] NOTICE OF INTENTION TO FILE THE PRAECEPTO TO TRANSMIT RECORD**

TO: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

\_\_\_\_\_ (PLAINTIFF/DEFENDANT) intends to file with the court the attached Praecepto to Transmit Record on or after \_\_\_\_\_, 20\_\_ requesting **[ that a final decree in divorce be entered ] the court enter a final decree in divorce or an order approving grounds for divorce as indicated on the proposed Praecepto to Transmit Record, which is attached.**

\_\_\_\_\_  
Attorney for (PLAINTIFF/DEFENDANT)

(2)(i) The [ **notice of the intention to request entry of a § 3301(c) divorce decree prescribed by Rule 1920.42(d) ] Notice of Intention to File the Praecepto to Transmit Record required by Pa.R.C.P. No. 1920.42(a)(1)(iv) or (b)(1)(v) shall be substantially in the following form if there is no attorney of record:**

(Caption)

**[ NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(c) DIVORCE DECREE ] NOTICE OF INTENTION TO FILE THE PRAECEPTO TO TRANSMIT RECORD UNDER SECTION 3301(c) OF THE DIVORCE CODE**

TO: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

You have signed [ **a § 3301(c) affidavit ] an Affidavit of Consent under Section 3301(c) of the Divorce Code** consenting to the entry of a divorce decree. Therefore, on or after \_\_\_\_\_, 20\_\_, the other party can request the court to enter a final decree in divorce **or an order approving grounds for divorce as indicated on the proposed Praecepto to Transmit Record, which is attached.**

Unless you have already filed with the court a written claim for economic relief, you must do so by the date in the paragraph above, or the court may grant the divorce **or an order approving grounds for divorce** and you

[ will ] may lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

\* \* \* \* \*

(ii) The [ notice of the intention to request entry of § 3301(d) divorce decree prescribed by Rule 1920.42(d) ] Notice of Intention to File the Praeceptum to Transmit Record required by Pa.R.C.P. No. 1920.42(c)(1)(v) shall be substantially in the following form if there is no attorney of record:

(Caption)

[ NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(d) DIVORCE DECREE ] NOTICE OF INTENTION TO FILE THE PRAECEPTUM TO TRANSMIT RECORD UNDER SECTION 3301(d) OF THE DIVORCE CODE

TO: \_\_\_\_\_ (PLAINTIFF/DEFENDANT)

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the [ § 3301(d) affidavit ] Affidavit under Section 3301(d) of the Divorce Code. Therefore, on or after \_\_\_\_\_, 20\_\_\_\_, the other party can request the court to enter a final decree in divorce or an order approving grounds for divorce as indicated on the proposed Praeceptum to Transmit Record, which is attached.

If you do not file [ with the prothonotary of the court ] an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a final decree in divorce or an order approving grounds for divorce. A counter-affidavit [ which you may file with the prothonotary of the court ] that you may file is attached to this notice.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date, or the court may grant the divorce or an order approving grounds for divorce and you [ will ] may lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

NOTE: The above lines are to be completed with the name, address and telephone number of the officer, organization, agency or person designated by the court in accordance with Rule 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least twenty days after the date on which the notice was mailed or delivered.

[ (b) The praecipe to transmit the record prescribed by Rule 1920.42 shall be in substantially the following form:

(Caption)

PRAECEPTUM TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree:

1. Grounds for divorce: irretrievable breakdown under Section (3301(c)) Section (3301(d)(1)) of the Divorce Code. (Strike out inapplicable section).

2. Date and manner of service of the complaint: \_\_\_\_\_

3. Complete either paragraph (a) or (b).

(a) Date of execution of the affidavit of consent required by Section 3301(c) of the Divorce Code: by plaintiff: \_\_\_\_\_; by defendant: \_\_\_\_\_.

(b)(1) Date of execution of the affidavit required by Section 3301(d) of the Divorce Code: \_\_\_\_\_;

(2) Date of filing and service of the Section 3301(d) affidavit upon the opposing party: \_\_\_\_\_.

4. Related claims pending: \_\_\_\_\_

5. Complete either (a) or (b).

(a) Date and manner of service of the notice of intention to file praecipe a copy of which is attached: \_\_\_\_\_.

(b) Date plaintiff's Waiver of Notice was filed with the Prothonotary: \_\_\_\_\_.

Date defendant's Waiver of Notice was filed with the Prothonotary: \_\_\_\_\_.

\_\_\_\_\_  
(Attorney for)(Plaintiff)(Defendant) ]

(b) The waiver permitted by Pa.R.C.P. No. 1920.42(a)(2)(i), (b)(2)(i), and (c)(2)(i) shall be substantially in the following form:

(Caption)

WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECEPTUM TO TRANSMIT RECORD

1. Without further notice, I consent to the entry of:

- a final decree of divorce; or
 an order approving grounds for divorce.

2. I understand that I may lose rights concerning alimony, equitable division of property, lawyer's fees, or costs and expenses if I do not claim them before a divorce is granted.

3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed [ with the prothonotary ].

I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

(c) The Praecepto to Transmit Record required by Pa.R.C.P. No. 1920.42(a)(1)(v), (b)(1)(vi), and (c)(1)(vi) shall be substantially in the following form:

(Caption)

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for:

Check one of the following:

- entry of a divorce decree;
entry of a divorce decree with marital settlement agreement attached;
entry of a bifurcated divorce decree with the Court retaining jurisdiction over unresolved ancillary claims; or
an order approving grounds for divorce with the Court retaining jurisdiction over unresolved ancillary claims.

1. Check the applicable section of the Divorce Code.

Grounds for divorce: irretrievable breakdown under:

- Section 3301(c)(1)
Section 3301(c)(2)
Section 3301(d)

2. Service of the Complaint:

- Date served:
Manner of service:

3. Complete either paragraph (a) or (b).

(a) Section 3301(c)(1) or (2) of the Divorce Code— Insert the date each party signed their Affidavit of Consent, or if the ground for divorce is under Section 3301(c)(2) of the Divorce Code, next to the appropriate party insert the date the spouse was convicted of the personal injury crime identified in 23 Pa.C.S. Section 3103 and complete (1) and (2).

Plaintiff:
Defendant:

(1) The date the party signed the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code:

(2) The date of filing and service of the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code upon the other party:

(b) Section 3301(d) of the Divorce Code:

(1) The date the Affidavit under Section 3301(d) of the Divorce Code was signed:

(2) Date of filing and service of the affidavit upon the other party:

4. Related claims pending:

5. Complete either (a) or (b).

(a) Notice of Intention to File the Praecepto to Transmit Record:

- Date served:
Manner of service:

(b) The date of filing of the party's Waiver of Notice of Intention to File the Praecepto to Transmit Record:

- Plaintiff's Waiver:
Defendant's Waiver:

(Attorney for)(PLAINTIFF)(DEFENDANT)

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

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

(Caption)

MOTION FOR APPOINTMENT OF MASTER

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

- Divorce
Annulment
Alimony
Alimony Pendente Lite
Distribution of Equitable Division of Marital Property
Support
Counsel Fees
Costs and Expenses
Other:

and in support of the motion states:

- Discovery is (is not) complete as to the claim(s) for which the appointment of a master is requested.
The non-moving party (has) (has not) appeared in the action (personally) (by his or her attorney, Esquire).
The statutory ground(s) for divorce (is) (are)

(4) If the master's appointment is for resolution of divorce, annulment, or ancillary claims, the parties have complied with Pa.R.C.P. Nos. 1920.31, 1920.33, and 1920.46, if applicable.

(4) Delete the inapplicable paragraph(s):

- the action is not contested.
An agreement has been reached with respect to the following claims:
The action is contested with respect to the following claims:



[ (5) ] (6) The action (involves) (does not involve) complex issues of law or fact.

[ (6) ] (7) The hearing is expected to take \_\_\_\_ (hours) (days).

[ (7) ] (8) Additional information, if any, relevant to the motion: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for (Plaintiff) (Defendant)

**Official Note: See Pa.R.C.P. No. 1920.51(a)(1)(ii) for the issues and claims for which the court may appoint a master.**

(b) The order appointing a master shall be substantially in the following form:

\* \* \* \* \*

**REPUBLICATION REPORT**

**Recommendation 158**

The Domestic Relations Procedural Rules Committee (Committee) is proposing amendments to Pa.R.C.P. Nos. 1920.14, 1920.42, 1920.46, 1920.51, 1920.53, 1920.72, 1920.73, and 1920.74. The impetus for the amendments was Act 24 of 2016 that amended the Divorce Code by adding 23 Pa.C.S. § 3301(c)(2), which provides for a presumption of consent to a divorce if there is an allegation that a party is the victim of a personal injury crime committed by his or her spouse, as outlined in 23 Pa.C.S. § 3103. The Act amended other correlative statutes in the Divorce Code, as well. The Committee previously published this Recommendation twice in the *Pennsylvania Bulletin*, 46 Pa.B. 6113 (October 1, 2016) and 47 Pa.B. 7424. After the first publication, the Committee comprehensively revised the Recommendation and republished. After reviewing the comments and additional deliberations, the Committee has revised the Recommendation.

Several of the comments received by the Committee objected to the Recommendations perceived limitations for the appointment of masters. Specifically, commenters noted that many judicial districts utilize masters for purposes of discovery and assisting in settlement negotiations and restriction in the rules precluding those appointments would be detrimental to speedy and efficient case management. Although, the previously published Recommendation did not preclude such appointments, the Committee noted the confusion and in the revised Recommendation explicitly included master appointments for other purposes (e.g., discovery, settlement). The revision includes a complete rewriting of Pa.R.C.P. No. 1920.51(a). As a result of these changes, the Committee proposes amending the Motion for Appointment of Master form in Pa.R.C.P. No. 1920.74. The revision to the Motion for Appointment of Master includes an acknowledgement that the parties have complied with Pa.R.C.P. No. 1920.31, 1920.33, and 1920.46, if applicable.

Additionally, the Committee proposes amending Pa.R.C.P. No. 1920.14(b) by adding the Affidavit to Establish Presumption of Consent for a divorce under Section 3301(c)(2) of the Divorce Code. As the procedures for a Section 3301(c)(2) divorce have been modeled after a divorce under Section 3301(d), the Committee proposes that averments not denied in the Affidavit to Establish Presumption of Consent should have similar treatment as to those in an Affidavit under Section 3301(d) of the

Divorce Code. In conjunction with that change, the Committee proposes a revision to the form Affidavit to Establish Presumption of Consent in Pa.R.C.P. No. 1920.72(c) by including a notice informing the non-moving party of the ramifications of the failure to file a counter-affidavit or deny the affidavits averments.

Although the Committee has expanded Pa.R.C.P. Nos. 1920.42 and 1920.51 extensively, it believes the detailed procedures will alleviate confusion in obtaining a divorce decree and further assist unrepresented parties to maneuver through a complicated procedure.

[Pa.B. Doc. No. 18-490. Filed for public inspection March 30, 2018, 9:00 a.m.]

**Title 249—PHILADELPHIA RULES**

**PHILADELPHIA COUNTY**

**Healthcare Providers Insurance Exchange (HPIX);  
Administrative Doc. No. 03 of 2018**

**Order**

*And Now*, this 14th day of March, 2018, upon consideration of the following Order of Liquidation involving Healthcare Providers Insurance Exchange (HPIX) issued by the Commonwealth Court of Pennsylvania on January 12, 2018, it is hereby Ordered and Decreed that all cases in which Healthcare Providers Insurance Exchange (HPIX) is a named party shall be placed in deferred status until further notice.

It is further Ordered and Decreed that all actions currently pending against any insured of Healthcare Providers Insurance Exchange (HPIX) shall be placed in deferred status until further notice.

*By the Court*

JACQUELINE F. ALLEN,  
*Administrative Judge  
Trial Division*  
IDEE C. FOX,  
*Supervising Judge  
Trial Division—Civil Section*

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District's website at <http://www.courts.phila.gov>. Copies shall be submitted to American Lawyer Media, the Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

**IN THE COMMONWEALTH COURT OF  
PENNSYLVANIA**

*Jessica K. Altman, Acting Insurance Commissioner of the  
Commonwealth of Pennsylvania, Plaintiff v. Healthcare  
Providers Insurance Exchange, Defendant;  
No. 1 HPI 2017*

**MEMORANDUM and LIQUIDATION ORDER**

AND NOW, this 12th day of January, 2018, upon consideration of the “Petition for Review in the Nature of a Complaint for Order of Liquidation” (Petition for Liquidation) filed by Jessica K. Altman, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, for the liquidation of Healthcare Providers Insurance Exchange (HPIX) pursuant to Article V of The Insurance Department Act of 1921 (Act),<sup>1</sup> on the grounds of HPIX’s consent to liquidation and its insolvency, it is hereby ORDERED that:

1. The Petition for Liquidation is GRANTED, and HPIX is ordered to be liquidated pursuant to Article V of the Act (Article V).

2. Acting Insurance Commissioner, Jessica K. Altman, and her successor in office, if any, is hereby appointed Statutory Liquidator of HPIX and directed to take possession of HPIX’s property, business and affairs in accordance with Article V and to administer them pursuant to the orders of this Court.

3. The Liquidator is hereby vested with all the powers, rights and duties authorized under Article V and other applicable statutes and regulations.

*Assets of the Estate*

4. The Liquidator is vested with title to all property, assets, contracts and rights of action (assets) of HPIX of whatever nature and wherever located, as of the date of filing the Petition for Liquidation. All assets of HPIX are hereby found to be in custodia legis of this Court, and this Court asserts jurisdiction as follows: (a) in rem jurisdiction over all assets wherever they may be located and regardless of whether they are held in the name of HPIX or in any other name; (b) exclusive jurisdiction over all determinations as to whether assets belong to HPIX or to another party; (c) exclusive jurisdiction over all determinations of the validity and amounts of claims against HPIX; and (d) exclusive jurisdiction over the determination of the priority of all claims against HPIX.

5. To protect the assets of the HPIX Estate and facilitate this liquidation, the Liquidator is directed to:

a) Inform all banks, investment bankers, companies, other entities or other persons having in their possession the property of HPIX, that they must deliver these assets immediately to the Liquidator, and not disburse, convey, transfer, pledge, assign, hypothecate, encumber or in any manner dispose of the same without the prior written consent of the Liquidator.

b) Inform all attorneys employed by or retained by HPIX or performing legal services for HPIX as of the date of this Order that, within 30 days of notification, they must report to the Liquidator the name, company, claim number (if applicable) and status of each matter they are handling on behalf of HPIX; the full caption, docket

number and name and address of opposing counsel in each case; an accounting of any funds received from or on behalf of HPIX for any purpose and in any capacity; and, further, that the Liquidator need not make payment for any unsolicited report.

c) Inform any entity that has custody or control of any data processing equipment and records, including all types of electronically stored information, belonging to HPIX, to transfer custody and control of this equipment and information to the Liquidator, upon her request.

d) Inform any entity furnishing claims processing or data processing services to HPIX to maintain such services and transfer any such accounts to the Liquidator, upon her request.

6. HPIX’s directors, officers and employees shall: (a) surrender peaceably to the Liquidator the premises where HPIX conducts its business; (b) deliver all keys or access codes thereto and to any safe deposit boxes; (c) advise the Liquidator of the combinations and access codes of any safe or safekeeping devices of HPIX or any password or authorization code or access code required for access to data processing equipment and to access the files and data stored or saved thereon; (d) identify and deliver to the Liquidator all the assets, books, records, files, credit cards, and other property of HPIX in their possession or control, wherever located; (e) cease transacting business on behalf of HPIX; and (f) advise and cooperate with the Liquidator in winding up the affairs of HPIX.

*Notice of Liquidation*

7. In addition to the notice requirements of Section 524 of Article V, 40 P.S. § 221.24, regarding the expediency and manner of the Liquidator’s notice, as well as the requirement that claimants be notified that they are required to file their claims with the Liquidator along with proper proofs thereof as mandated by Section 538 of Article V, 40 P.S. § 221.38, and keep the Liquidator informed of any change in address, the Liquidator shall publish notice in newspapers of general circulation where HPIX has its principal places of business that: (a) explains the procedure by which claims against the estate of HPIX may be submitted to the Liquidator; (b) provides the address of the Liquidator’s office for the submission of claims; and (c) notifies the public of the right to present a claim, or claims, to the Liquidator. The Liquidator’s notice shall not establish a deadline for the filing of proofs of claim.

8. Within thirty (30) days of giving notice of the Order of Liquidation, as set forth in Section 524 of Article V, 40 P.S. § 221.24, and of the procedures for filing claims against the Estate of HPIX, the Liquidator shall file a report with the Court demonstrating, in reasonable detail, the date and manner notice was given.

*Distribution of Estate Assets*

9. Any and all distribution of assets pursuant to Sections 544 and 546 of Article V, 40 P.S. §§ 221.44, 221.46, including those in payment for costs and expenses of Estate administration, shall be made under the direction and approval of the Court.

P. KEVIN BROBSON,  
*Judge*

[Pa.B. Doc. No. 18-491. Filed for public inspection March 30, 2018, 9:00 a.m.]

<sup>1</sup> Act of May 17, 1921, P.L. 789, as amended. Article V was added by the Act of December 14, 1977, P.L. 280, as amended, 40 P.S. §§ 221.1–221.63.

## Title 255—LOCAL COURT RULES

### WASHINGTON COUNTY

#### Adoption of Constable Review Board; 2018-3

##### Order

And Now This 9th day of March, 2018, the following local rule establishing a Constable Review Board in Washington County is hereby adopted.

This Order shall be processed in accordance with Pa.R.J.A. 103(c). The District Court Administrator is directed to do the following:

1. Publish the local rule on the Court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

2. File one (1) copy of the local rule in the appropriate filing offices for public inspection and copying.

3. Forward two (2) paper copies and one (1) electronic copy of the local rule in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

This rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

KATHERINE B. EMERY,  
President Judge

#### Rule 1907.1. Constable Review Board.

(A) *Purpose*. A Constable Review Board ("CRB") is hereby created to assist in resolving any disputes related to a constable's performance of judicial duties in accordance with the following standards and procedures:

##### (B) *Definitions*.

(1) "Constable" is defined as any elected or appointed constable or deputy constable performing judicial duties for any Magisterial District Court within the Twenty Seventh Judicial District.

(2) "Judicial Duties" are defined as services performed pursuant to 44 Pa. Con. Stat. §§ 7161-7161.1 and further defined by the Pennsylvania Unified Judicial System's Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of Pennsylvania Courts.

##### (C) *Scope*.

(1) The CRB's jurisdiction extends only to constables in the performance of judicial duties.

(2) The CRB may receive complaints by or against constables regarding:

- (a) the performance of a constable's judicial duties;
- (b) financial or payment disputes; or

(c) other matters relevant to a constable's judicial duties including, but not limited to, the Unified Judicial System's Constable Policies, Procedures and Standards of Conduct published by the Administrative Office of PA Courts.

(3) The CRB does not have the authority to revise the Constable Policies, Procedures and Standards of Conduct issued by the Administrative Office of Pennsylvania Courts.

(4) Nothing contained herein shall preclude any person or surety of a constable from filing a verified petition in accordance with 44 Pa. Con. Stat. § 7172 alleging that a constable is incompetent to discharge official duties.

##### (D) *Authority*.

(1) The CRB may make recommendations to the President Judge with respect to practices and procedures as related to constables generally and make recommendations regarding the continued use of the services of a constable by the Court.

(2) If a matter involves a financial dispute, the CRB may make recommendations to the office of the Washington County Controller regarding payment for services.

(3) The CRB shall forward any findings of suspected criminal activity to the Washington County District Attorney.

(4) The President Judge has the ultimate authority with regard to performance of judicial duties by a constable within Washington County. The President Judge may, at any time, temporarily place a moratorium on the use of a particular constable pending the review and recommendation of the CRB on any pending complaint. The total length of the moratorium shall not exceed thirty (30) days or the length of the CRB review, whichever is shorter.

(E) *Membership of the Constable Review Board*. The CRB shall be comprised of the following members:

- (1) A common pleas judge;
- (2) The District Court Administrator;
- (3) A magisterial district judge;
- (4) A certified constable and an alternate constable to be used in the case of a conflict; and
- (5) The County Controller.

The Common Pleas Judge shall act as Chairperson. The Chairperson shall be responsible for conducting, coordinating and overseeing the business of the CRB.

(F) *Filing Procedures*. Constables shall make every attempt to resolve their disputes with the party or agency involved prior to filing a complaint with the CRB.

(1) A complaint by or against a constable shall be in writing on the form set forth below and shall be signed by the complainant and shall specify in detail the alleged misconduct, financial dispute, or other matter related to the performance of judicial duties.

(2) The complaint may be submitted in person or by mail, to the following contact:

Special Courts Administrator  
Washington County Courthouse  
1 South Main Street, Suite 2004  
Washington, PA 15301

(3) The Special Courts Administrator shall:

- (a) note the date of receipt on the complaint;
- (b) create a file to contain the complaint and all subsequent communications regarding the complaint;

(c) upon receipt of a moratorium decision from the President Judge, forward the same to all members of the CRB;

(d) within three (3) business days, forward a copy of the complaint to the respondent constable if the complaint is against a constable or to any other respondent if



the complaint is by a constable, by certified mail, return receipt requested, restricted delivery; and

(e) provide written notice to the constable/respondent that he or she must provide to the Special Courts Administrator a written response to the complaint within twenty (20) days from the date of such notice. The notice shall also provide that if the constable/respondent fails to respond, such failure may result in a decision by the President Judge based on the information available for review.

**WASHINGTON COUNTY CONSTABLE REVIEW BOARD COMPLAINT**

Filing Date: \_\_\_\_\_  
Complainant's Name: \_\_\_\_\_ (your name)  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_  
Constable's Name: \_\_\_\_\_

Type of Issue:  
 Performance of Judicial Duties  
 Financial/Payment Issues  
 Other issues relevant to a constable's judicial duties

Was an attempt made to resolve this issue before filing the request for review?

YES  NO

If yes, briefly explain:

\_\_\_\_\_  
\_\_\_\_\_  
Please describe in full detail the issue and attach all relevant documents. Attach additional pages if necessary.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

This complaint may be mailed to the following:

Special Courts Administrator  
Washington County Courthouse  
1 South Main Street, Suite 2004  
Washington, PA 15301

(G) *Constable Review Board Action.*

(1) Upon receipt of the respondent's written response or the expiration of the response period, the Special Courts Administrator shall forward a copy of the complaint,

response, and all corresponding documentation to each Constable Review Board member for review.

(2) Within thirty (30) days from receipt of the file information, the CRB shall:

(a) forward the complaint file to the President Judge if the matters fall outside the CRB's authority, with written notification to the President Judge and the complainant that the complaint falls outside the scope of the Board's authority, and list the reason(s) for that finding; or

(b) in matters falling within the scope of the CRB, the CRB shall interview the complainant, the constable and all other relevant witnesses. Unless the President Judge grants an extension of time, the interviews shall be completed and a recommendation as to disposition of the complaint shall be made to the President Judge within this thirty-day period.

(H) *Notice by President Judge.*

(1) Within thirty (30) days from receipt of the CRB's recommendation, the President Judge shall issue a written notice to the complainant and any constable of the Court's decision.

(2) The District Court Administrator shall provide notice of any action taken by the President Judge in accordance with applicable authority.

[Pa.B. Doc. No. 18-492. Filed for public inspection March 30, 2018, 9:00 a.m.]

**DISCIPLINARY BOARD OF THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that Deborah Yetta Luxenberg having been suspended from the practice of law in the District of Columbia by Order dated December 7, 2017; the Supreme Court of Pennsylvania issued an Order dated March 16, 2018 suspending Deborah Yetta Luxenberg from the practice of law in this Commonwealth for a period of six months, effective April 15, 2018. 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*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
*Secretary*

[Pa.B. Doc. No. 18-493. Filed for public inspection March 30, 2018, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

[ 61 PA. CODE CH. 876 ]

#### iLottery Games; Temporary Regulations

The Department of Revenue (Department), under the specific authority in 4 Pa.C.S. § 503(b) (relating to iLottery authorization) and the general authority in section 303(a) of the State Lottery Law (72 P.S. § 3761-303(a)), adds temporary regulations in Chapter 876 (relating to iLottery games—temporary regulations) to read as set forth in Annex A.

#### *Purpose of this Temporary Rulemaking*

This temporary rulemaking defines the relevant terms associated with iLottery implementation in this Commonwealth, sets forth iLottery registration and participation requirements, and iLottery self-exclusion requirements.

#### *Explanation of Chapter 876*

The act of October 30, 2017 (P.L. 419, No. 42) granted the Secretary of the Department (Secretary) with the authority to offer iLottery games. The Department is responsible for implementing and operating iLottery, which will result in the generation of revenue dedicated to and deposited in the State Lottery Fund.

Chapter 876 provides definitions of terms associated with iLottery implementation in this Commonwealth, sets forth iLottery registration and participation requirements, and iLottery self-exclusion requirements. This temporary rulemaking follows the same general format as regulations enacted for other lottery products, including instant lottery games, raffle lottery games and terminal-based lottery games. Specifically, this temporary rulemaking allows the Department to publish rules applicable to iLottery games by notice. This is consistent with the Department's publication by notice of instant game rules under § 819.203 (relating to notice of instant game rules), raffle lottery game rules under § 874.4 (relating to notice of raffle lottery game rules), terminal-based lottery game rules under § 875.4 (relating to notice of terminal-based lottery game rules) and promotional prizes under § 811.41 (relating to promotional prizes). The Department will post iLottery game descriptions and instructions specific to individual iLottery games with the iLottery games on the iLottery web site for ease of access and use by iLottery players. Additionally, the iLottery regulations allow the Secretary to establish retailer incentive and marketing promotion programs, which is consistent with the Secretary's discretion to offer similar programs for instant lottery games under § 819.222(b) (relating to retailer bonuses and incentive), raffle lottery games under § 874.17 (relating to retailer promotion programs) and terminal-based lottery games under § 875.17 (relating to retailer promotion programs). The efficient and successful operation of the lottery requires that the lottery implement the latest innovations and trends in the industry. The inability to adapt quickly may lead to a reduction in Lottery revenues.

#### *Paperwork Requirements*

Chapter 876 requires minimal paperwork for the public or the Commonwealth as registration for and participation in iLottery, in addition to the iLottery self-exclusion process for registered iLottery players, occurs online.

#### *Affected Parties*

This temporary rulemaking provides information to the individuals who may participate in iLottery in this Commonwealth.

#### *Fiscal Impact*

The Department estimates that the implementation expenses for Chapter 876 will be minimal. Further, the Department has determined that Chapter 876 will not have adverse fiscal impact on the Commonwealth and that the games in Chapter 876 will increase revenues available to older Pennsylvanians.

#### *Statutory Authority and Regulatory Review*

Under 4 Pa.C.S. § 503(b)(1), the Secretary has the authority to promulgate temporary regulations to facilitate the prompt implementation of iLottery in this Commonwealth. The temporary regulations adopted by the Secretary are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

Under 4 Pa.C.S. § 503(b), these temporary regulations expire no later than 2 years following publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding this temporary rulemaking to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061 within 30 days after the date of publication in the *Pennsylvania Bulletin*. The Department will consider the comments it receives in developing permanent regulations.

#### *Findings*

The Department finds that:

(1) Under 4 Pa.C.S. § 503(b), these temporary regulations are exempt from the Regulatory Review Act, sections 201—205 of the CDL and section 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the implementation and operation of 4 Pa.C.S. § 503.

#### *Order*

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

(1) The regulations of the Department, 61 Pa. Code, are amended by adding temporary §§ 876.1—876.18 to read as set forth in Annex A.

(2) The Secretary shall submit this order and Annex A to the Office of General Counsel for approval as to form and legality as required by law.

(3) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(4) These temporary regulations shall take effect upon publication in the *Pennsylvania Bulletin* and expire no later than 2 years following publication.

C. DANIEL HASSELL,  
*Secretary*

**Fiscal Note:** 15-460. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 61. REVENUE

#### PART V. STATE LOTTERIES

#### CHAPTER 876. iLOTTERY GAMES—TEMPORARY REGULATIONS

|         |  |
|---------|--|
| Sec.    |  |
| 876.1.  | Scope.                                   |
| 876.2.  | Definitions.                             |
| 876.3.  | Notice of iLottery game rules.           |
| 876.4.  | iLottery game description.               |
| 876.5.  | Price.                                   |
| 876.6.  | Governing law.                           |
| 876.7.  | General provisions.                      |
| 876.8.  | Applicability.                           |
| 876.9.  | iLottery terms and conditions.           |
| 876.10. | iLottery registration and participation. |
| 876.11. | Purchase and prize restrictions.         |
| 876.12. | Prizes.                                  |
| 876.13. | Withholding.                             |
| 876.14. | Deductions required by law.              |
| 876.15. | Termination of a game.                   |
| 876.16. | Self-exclusion from iLottery.            |
| 876.17. | iLottery promotional prizes.             |
| 876.18. | Retailer promotion programs.             |

#### § 876.1. Scope.

This chapter establishes procedures for the notification of iLottery game rules, iLottery registration and participation requirements, and iLottery self-exclusion requirements.

#### § 876.2. Definitions.

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

*iLottery*—A system that provides for the distribution of lottery products through numerous channels that include web applications, mobile applications, mobile web, tablets and social media platforms that allows players to interface through a portal for the purpose of obtaining lottery products and ancillary services, such as account management, game purchase, game play and prize redemption.

*iLottery game*—

(i) Internet instant games and other lottery products offered through iLottery.

(ii) The term does not include games that represent physical, Internet-based or monitor-based interactive lottery games which simulate casino-style lottery games, specifically including poker, roulette, slot machines and blackjack.

*Internet instant game*—A lottery game of chance in which, by the use of a computer, tablet computer or other mobile device, a player purchases a play, with the result of play being a reveal on the device of numbers, letters or symbols indicating whether a lottery prize has been won according to an established methodology as provided by the Lottery.

*Lottery account*—An account established by an individual with the Bureau that shall be used to register for and participate in iLottery.

*Play*—An opportunity, for a predetermined price, to participate in an iLottery game.

*Registered iLottery player*—An individual who created a lottery account with the Bureau, registered for iLottery and is approved for participation in iLottery.

#### § 876.3. Notice of iLottery game rules.

The Secretary will publish a notice in the *Pennsylvania Bulletin* with the following minimum information about iLottery game rules:

- (1) Definitions.
- (2) Operation of the iLottery game.
- (3) Price range for a play.
- (4) Eligibility requirements.
- (5) Procedures for purchasing a play.
- (6) Procedures for claiming and payment of prizes.
- (7) Funding for prizes.
- (8) Retention of unclaimed prizes.
- (9) Purchase and prize restrictions.
- (10) Governing law.
- (11) Termination of the game.
- (12) Applicability.

#### § 876.4. iLottery game description.

The Secretary will post an iLottery game descriptions on the Pennsylvania Lottery's iLottery web site for each iLottery game with the following minimum information:

- (1) The name of the iLottery game.
- (2) The purchase price of a play for the iLottery game.
- (3) The chances of winning the iLottery game and the prizes which can be won.
- (4) iLottery game instructions.
- (5) The existence of a finalist, grand prize, second chance or other offering, if applicable, and the procedure for the conduct of the same, if applicable.
- (6) The existence of a bonus game, mini-game or a game within a game, if applicable, and the procedure for conduct of the same, if applicable.
- (7) Other information necessary for the conduct of the iLottery game.

#### § 876.5. Price.

The purchase price of a play for each iLottery game will be included in the iLottery game description for each game, as provided for under § 876.4 (relating to iLottery game description).

#### § 876.6. Governing law.

By registering to participate in iLottery, the registered iLottery player agrees to comply with and abide by Federal and State law, this chapter, the terms and conditions for registration and participation in iLottery, and final decisions of the Secretary. Revenues generated by iLottery games will be apportioned as provided by 4 Pa.C.S. § 503(f) (relating to iLottery authorization) and section 311 of the State Lottery Law (72 P.S. § 3761-311).

#### § 876.7. General provisions.

(a) An individual shall establish a lottery account and register for iLottery as provided for under § 876.10 (relating to iLottery registration and participation) to purchase plays.

(b) An individual shall accept, consent, acknowledge and agree to the iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions) to register for iLottery and purchase a play.



(c) An individual shall be located in this Commonwealth to purchase a play.

(d) An individual shall be 18 years of age or older to register for iLottery or to purchase a play.

**§ 876.8. Applicability.**

This chapter applies only to iLottery as offered by the Department and the Bureau.

**§ 876.9. iLottery terms and conditions.**

(a) The terms and conditions for registration and participation in iLottery will be available on the Pennsylvania Lottery's iLottery web site and other locations as determined by the Secretary.

(b) The terms and conditions for registration and participation in iLottery will include all of the following:

(1) Acknowledgment, consent, agreement and acceptance by the individual to all of the following:

(i) Confirmation by the Bureau of the applicant's age and identity.

(ii) The use of a mechanism by the Bureau to detect the physical location of a registered iLottery player in compliance with 4 Pa.C.S. § 503(h)(1) (relating to iLottery authorization).

(iii) The terms of the end user license agreement for the software and terms and conditions of any third-party services used for the implementation and operation of iLottery and the provision of iLottery games.

(iv) The monitoring and recording by the Department or the Bureau of any iLottery communications and geographic location information.

(v) The jurisdiction of the Commonwealth to resolve disputes arising out of the conduct of iLottery.

(vi) The forfeiture and escheatment of funds remaining on deposit in the registered iLottery player's account if that account has been dormant for 3 years.

(vii) The registered iLottery player's account may be suspended or closed for reasons established by the Secretary, including any of the following:

(A) Violations of the iLottery terms and conditions as provided for under this chapter.

(B) The registered iLottery player has been charged with or convicted of an offense under 18 Pa.C.S. §§ 4106, 5111 and 5512—5514 or 4 Pa.C.S. (relating to amusements) or conspiracy to commit offenses under 18 Pa.C.S. § 903 (relating to criminal conspiracy), or equivalent crimes under Federal law or the law of another state.

(viii) Other terms and conditions that may apply related to registration and participation in iLottery.

(ix) Lottery winnings are subject to Federal and State withholding taxes, and prizes awarded to the registered iLottery player will be reduced by the amount of withholding required under applicable law.

(x) Lottery winnings are subject to certain deductions as required by law and that prizes awarded to the registered iLottery player will be reduced by any amount required to be deducted under applicable law.

(xi) To receive certain iLottery prizes, as identified and described in the iLottery game rules provided for under § 876.3 (relating to notice of iLottery game rules) or iLottery game description as provided for under § 876.4 (relating to iLottery game description) or promotional prize notices provided for under § 811.41 (relating to promotional prizes), the registered iLottery player may be

required to take additional measures to claim a prize, including to appear in person at a specified Pennsylvania Lottery claim center.

(xii) Use of electronic communications to establish a lottery account, for iLottery registration, communications regarding the lottery account and other communications related to iLottery as determined by the Bureau.

(xiii) Ability of the registered iLottery player to establish responsible gambling limits including a deposit limit, spend limit or time-based limit, as available, through the lottery account.

(xiv) Ability of the registered iLottery player to self-exclude from iLottery.

(xv) Methods by which funds or credits may be deposited and under what circumstances funds or credits may be deposited into the registered iLottery player's lottery account.

(xvi) Moneys or credits deposited and held in the registered iLottery player's account do not earn interest.

(xvii) Methods by which funds or credits may be withdrawn and under what circumstances funds or credits may be withdrawn from the registered iLottery player's lottery account.

(xviii) Reporting of suspected fraudulent or unlawful activity related to the operation of iLottery.

(xix) Dispute resolution procedures related to iLottery.

(xx) Information provided to the Department during the establishment, use, access or closure of the lottery account is true and correct.

(2) Rules and obligations applicable to the registered iLottery player, other than rules of individual games, including all of the following:

(i) Prohibition from allowing another person to access or use the registered iLottery player's account.

(ii) Prohibition from purchasing a play unless the registered iLottery player is physically located in this Commonwealth.

(iii) Prohibition against utilizing automated computerized software or other equivalent mechanisms to engage in iLottery.

(iv) Prohibition against participation in iLottery by a person under 18 years of age.

(v) Prohibition of a person who self-excluded from iLottery from participating in iLottery.

(vi) Prohibition against the sale of a play or the award of a prize as follows:

(A) To an officer or employee of the Bureau.

(B) To a spouse, child, brother, sister or parent residing as a member of the same household as an officer or employee of the Bureau.

(C) To an officer or employee of a contractor or subcontractor who is directly involved in the operation of iLottery or the provision of iLottery related services.

(D) To a spouse, child, brother, sister or parent residing in the same household as an officer or employee of a contractor or subcontractor who is directly involved in the operation of iLottery and the provision of iLottery related services.

(3) Any other terms and conditions the Secretary deems necessary and relevant for the conduct of iLottery.

**§ 876.10. iLottery registration and participation.**

(a) An individual may not participate in iLottery without first creating a lottery account and registering to participate in iLottery through the Bureau as described in this chapter.

(b) A registered iLottery player agrees to be bound by the terms and conditions in § 876.9 (relating to iLottery terms and conditions).

(c) The following information will be required to register for iLottery:

(1) Name as it appears on a valid government-issued identification or on tax documents.

(2) Date of birth.

(3) Entire or last four digits of the individual's Social Security number, or equivalent for a foreign person such as a passport or taxpayer identification number.

(4) Home address.

(5) Telephone number.

(6) E-mail address.

(7) Any other information as determined by the Secretary to be necessary to verify the age and identity of the individual.

(d) An individual may be required to provide additional information or documentation to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(e) The lottery account will require a username and password.

(f) Access to the lottery account and participation in iLottery is limited to the lottery account holder.

(g) An individual will be prohibited from registering for iLottery if one or more of the following occurs:

(1) The Department is unable to verify the age of the individual.

(2) The Department is unable to verify the identity of the individual.

(3) The individual fails to agree to the iLottery terms and conditions as provided for under § 876.9.

(4) The information provided to the Bureau is false or misleading.

(5) Other reasons as set forth in the terms and conditions as provided for under § 876.9.

(h) A registered iLottery player may not purchase a play if the Bureau is unable to verify the registered iLottery player is physically located within the geographical borders of this Commonwealth.

(i) An individual may not open, access, maintain or otherwise utilize more than one lottery account for participation in iLottery.

(j) An individual may not register or attempt to register for iLottery utilizing more than one account.

**§ 876.11. Purchase and prize restrictions.**

(a) Individuals must be at least 18 years of age to register for iLottery or to purchase a play.

(b) Registered iLottery players shall be located within the geographical boundaries of this Commonwealth to purchase a play.

(c) A play may not be purchased by and a prize may not be awarded to the following:

(1) An officer or employee of the Bureau.

(2) A spouse, child, brother, sister or parent residing in the same household as an officer or employee of the Bureau.

(3) An officer or employee of a contractor or subcontractor who is directly involved in the operation of iLottery or the provision of iLottery related services.

(4) A spouse, child, brother, sister or parent of an officer or employee of a contractor who is directly involved in the operation of iLottery or the provision of iLottery related services.

**§ 876.12. Prizes.**

Prizes may be awarded by check, draft or electronically through the registered iLottery player's account.

**§ 876.13. Withholding.**

Federal and State withholding taxes will be withheld by the Bureau from prize payments as required by law.

**§ 876.14. Deductions required by law.**

In addition to any withholding required by Federal and State law, the Department will deduct amounts from iLottery prize winnings as required by law.

**§ 876.15. Termination of a game.**

The Secretary may terminate an iLottery game at any time and without notice.

**§ 876.16. Self-exclusion from iLottery.**

(a) A registered iLottery player may request self-exclusion from iLottery under this section.

(b) A registered iLottery player may request self-exclusion through the registered iLottery player's lottery account.

(c) A registered iLottery player may select from the predetermined periods of self-exclusion offered through the lottery account.

(d) During a period of self-exclusion, a self-excluded registered iLottery player may not purchase plays, deposit or withdraw funds from the registered iLottery player's account, or otherwise participate in iLottery and iLottery promotions prior to the conclusion of the self-exclusion period.

(e) During a period of self-exclusion, a registered iLottery player elects not to receive e-mails or other communications about iLottery.

**§ 876.17. iLottery promotional prizes.**

The Secretary may authorize iLottery promotions and issue the terms and conditions related thereto under this part and § 811.41 (relating to promotional prizes).

**§ 876.18. Retailer promotion programs.**

Retailer incentive and marketing promotion programs may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery Fund.

[Pa.B. Doc. No. 18-494. Filed for public inspection March 30, 2018, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 104—GENERAL ASSEMBLY

### SENATE OF PENNSYLVANIA

[ 104 PA. CODE CH. 7 ]

#### Right-to-Know Law

The Senate of Pennsylvania, under section 504(a) of the Right-to-Know Law (65 P.S. § 67.504(a)), amends Chapter 7 (relating to Right-to-Know Law—statement of policy) to read as set forth in Annex A.

MEGAN MARTIN,  
*Secretary of the Senate*

*(Editor's Note: The statement of policy in 104 Pa. Code Chapter 7 is amended by adding §§ 7.13a and 7.16, deleting §§ 7.21—7.23 and amending §§ 7.1, 7.12, 7.13, 7.14 and 7.15 to read as set forth in Annex A. This statements of policy is effective upon publication in the Pennsylvania Bulletin.)*

#### Annex A

### TITLE 104. SENATE OF PENNSYLVANIA

#### CHAPTER 7. RIGHT-TO-KNOW LAW—STATEMENT OF POLICY

##### Subchapter A. PRELIMINARY PROVISIONS

###### § 7.1. Definitions.

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

**Appeals Officer**—The Secretary of the Senate, 462 Main Capitol Building, Harrisburg, Pennsylvania 17120, under section 503(c)(2)(i) of the RTKL (65 P.S. § 67.503(c)(2)(i)), for appeals from determinations of the Open Records Officer.

**Bureau**—The Legislative Reference Bureau.

**Mass request**—A number of requests under the RTKL to which all of the following apply:

- (i) Each request is for the same Senatorial record.
- (ii) The number greatly exceeds the average daily volume of requests and burdens the normal operations of the Office of the Chief Clerk.
- (iii) The requests are substantially identical in format and language.
- (iv) The Open Records Officer is able to trace the requests to a common source.

**Office of Open Records**—The office established in the Department of Community and Economic Development under section 1310 of the RTKL (65 P.S. § 67.1310).

**Open Records Officer**—The Chief Clerk of the Senate, 89 Capitol East Wing, Harrisburg, Pennsylvania 17120, responsible for access to the information of the Senate of Pennsylvania under section 502(a)(2) of the RTKL (65 P.S. § 67.502(a)(2)).

**RTKL**—The Right-to-Know Law (65 P.S. §§ 67.101—67.3104).

**Requester**—A person that makes a request for information from the Senate of Pennsylvania under the RTKL.

##### Subchapter B. OPEN RECORDS AND APPEAL PROCEDURES OF THE SENATE

###### § 7.12. Contact information for Open Records Officer.

Right-to-Know requests shall be sent to:

Open Records Officer  
Office of the Senate Chief Clerk  
89 Capitol East Wing  
Harrisburg, Pennsylvania 17120-3052  
Fax: (717) 783-4296  
Email: rtkofficer@occ.pasen.gov

###### § 7.13. Requests—generally.

(a) *Submission of request.* A request should be made using the Senate “Right-to-Know Records Request Form” found on the Senate web site and be directed to the Open Records Officer. If the requester chooses not to use the request form, a written request should be submitted and clearly indicate that it is seeking records under the RTKL. To allow the Open Records Officer to determine whether the requested records are accessible under the RTKL and locate them, a request for records should be specific and concise, clearly identify as precisely as possible the records sought and include a calendar time period. A requester should retain a copy of the request for his files as a copy of the request is necessary if a requester appeals a response.

(b) *Receipt of the request.* The Senate is deemed to receive the request on the business day the Open Records Officer receives the request. A request that is received by the Open Records Officer after the close of regular business hours will be deemed to be received on the next business day. If the request is received by any other Senate employee, the request will be forwarded to the Open Records Officer as soon as practical.

(c) *Verbal and anonymous requests.* Verbal requests for records may be accepted and fulfilled. Anonymous requests, verbal or written, will not be accepted. Requesters submitting verbal requests for records may not pursue the remedies available to a requester under the RTKL.

###### § 7.13a. Response.

(a) *Response period generally.* Upon receipt, the Open Records Officer has 5 business days to respond to the request for records under the RTKL. If a response is not sent within 5 business days, the request is considered “deemed denied” and a requester’s appeal rights begin.

(b) *Interim response.* The Open Records Officer is permitted to take an additional 30 calendar days to respond to any request for the reasons in section 902 of the RTKL (65 P.S. § 67.902). If an extension is applied, the Open Records Officer will inform the requester in writing within 5 business days.

(c) *Requester agreement to extend the response period.* The requester may agree, in writing, to extend the response period beyond 30 days.

(d) *Final response.* A request may be granted, partially granted and partially denied, or denied in its entirety. The final response will be in writing. Should a response fail to be issued within the applicable response period, the request is deemed denied.



(e) *Access to records.* A response granting a request for access to records may be done by:

(1) Granting access to inspect Senate records during regular Senate business hours.

(2) Sending copies of the records to the requester.

(3) Notifying the requester that the records are available on the Senate web site or other publicly accessible electronic means.

(f) *Denying or partially denying access to records.* A response denying a request for access in its entirety or partially denying a request for access to records through redaction or otherwise, will inform the requester of the denial or partial denial in writing. The response will inform the requester that the Senate does not possess the record or, if the information is exempt from public access, provide a citation to the relevant legal basis for withholding the requested information.

#### § 7.14. Mass requests.

If the Open Records Officer determines that a mass request places an unreasonable burden on the Senate, in an analogous manner to that described in section 506(a)(1) of the RTKL (65 P.S. § 67.506(a)(1)) for multiple requests by the same requester, the following apply:

(1) The Open Records Officer will respond to the common source identified by the Open Records Officer; respond to individual requests submitted in writing; and, if the request is granted, will make the legislative record accessible at the Open Records Office.

(2) If the mass request is in electronic format, each requester will be informed of the action under paragraph (1).

#### § 7.15. Fee schedule.

(a) *General rule.* Except as set forth in subsection (b), the following apply:

(1) The fee for providing a document is 25¢ per image.

(2) The fee for postage will not exceed actual mailing costs.

(3) The fee for certifying a document is \$5 per document, regardless of the number of pages. Each document requires separate certification and fee.

(4) Additional fees may be imposed under section 1307(g) of the RTKL (65 P.S. § 67.1307(g)) if the Senate necessarily incurs costs in complying with the request.

(5) Payment is required prior to access to records being granted. Payment shall be by a check or money order made payable to the "Senate of Pennsylvania" in the total amount of the fees provided for in the response.

(b) *Exception.* If the Office of Open Records established under section 1310 of the RTKL (65 P.S. § 67.1310) promulgates a fee of less than any amount in subsection (a), the Senate will charge the fee charged by the Office of Open Records.

(c) *Pre-payment.* Under section 1307(h) of the RTKL, if the total fee is estimated to exceed \$100, payment may be required prior to the initiation of providing the document. If prepayment is required, a check, certified check or money order shall be made payable to the "Senate of Pennsylvania" for the total estimated amount of the fees.

#### § 7.16. RTKL appeals.

(a) *Generally.* To challenge a denial, partial denial or deemed denial of a request for access to records by the Open Records Officer, the appeal shall be filed with the Senate Appeals Officer.

#### (b) Appeals Officer.

(1) The Senate has appointed the Secretary of the Senate to serve as Appeals Officer under section 503 of the RTKL (65 P.S. § 67.503). The Appeals Officer can be contacted as follows:

Senate Appeals Officer  
462 Main Capitol Building  
Harrisburg, Pennsylvania 17120-3053  
Telephone: (717) 787-5920  
RTKAppeals@os.pasen.gov

(2) For an appeal from a denial by the Open Records Officer of a record in the custody of the Appeals Officer, the Appeals Officer may recuse himself and the Bureau will provide an appeals officer under 101 Pa. Code Chapter 31 (relating to Right-to-Know Law).

(c) *Filing of appeal.* An appeal must include complete contact information, a copy of the original request and a copy of the response, if any.

(1) An appeal shall be filed, in writing, with the Appeals Officer within 15 business days of the mailing date of the denial or deemed denial.

(2) As provided for by section 1101(a)(1) of the RTKL (65 P.S. § 67.1101(a)(1)), an appeal must state the grounds upon which the requester asserts that the record is a legislative record, including a financial record, and must address any grounds stated in the denial.

(3) The Appeals Officer is required to make a final determination, in writing, within 30 days of receiving an appeal. Prior to making the final determination, the Appeals Officer may hold a hearing.

#### (d) Parties.

(1) Under section 1101(a)(1) of the RTKL, an appeal may be made by a requester with respect to any of the following:

(i) A request denied under section 903 of the RTKL (65 P.S. § 67.903).

(ii) A request deemed denied under section 901 of the RTKL (65 P.S. § 67.901).

(2) Under section 1101(c) of the RTKL, a party with a direct interest in the information subject to the appeal may intervene in the appeal.

#### (e) Procedure.

(1) Upon receipt of the filing under subsection (c), the Appeals Officer will send a copy to the Open Records Officer whose denial or deemed denial is being appealed.

(2) The Appeals Officer may schedule an informal conference with the parties to attempt to resolve the matter or any factual disputes.

(3) Except as set forth in subsection (f), the appeal will be resolved under section 1102(b)(1) of the RTKL (65 P.S. § 67.1102(b)(1)), based on the following:

(i) The appeal under section 1101(a)(1) of the RTKL.

(ii) The denial under section 903 of the RTKL.

#### (f) Hearing.

(1) A hearing may be held on an appeal only as follows:

(i) The appeal is of a deemed denial under section 901 of the RTKL.

(ii) The requester alleges willful misconduct under section 1304(a)(1) of the RTKL (65 P.S. § 67.1304(a)(1)).

(iii) In the denial, the Open Records Officer rules that the request is frivolous under section 1304(b) of the RTKL.

(iv) The Appeals Officer determines that there is good cause for a hearing.

(2) Under section 1102(b)(2) of the RTKL, a hearing is subject to 1 Pa. Code Chapters 31, 33 and 35, Subchapters A—F and J.

(3) Hearings conducted under the RTKL will be done in the presence of a stenographer or court reporter under 1 Pa. Code § 35.131 (relating to recording of proceedings).

(4) Testimony will be recorded. A transcript will only be produced if there is an appeal under section 1301(a) of the RTKL (65 P.S. § 67.1301(a)).

(g) *Final determination.* Under section 1102(a)(4) of the RTKL, the Appeals Officer will issue a final determination. The final determination will consist of the following:

(1) *Title.* Identification of the requester.

(2) *Procedural history.*

(i) A brief recital of the facts up to disposition by the open-records officer.

(ii) The disposition by the Open Records Officer. This subparagraph includes a denial under section 903 of the RTKL and a deemed denial under section 901 of the RTKL.

(3) *Factual findings.* Resolution of disputed facts.

(4) *Legal conclusions.* This includes cited authority.

(5) *Order.* An order affirming the denial or granting the request, in whole or in part. An order under this paragraph is subject to judicial review under sections 1301—1310 of the RTKL (65 P.S. §§ 67.1301—67.1310).

**Subchapter C. (Reserved)**

**§§ 7.21—7.23. (Reserved).**

[Pa.B. Doc. No. 18-495. Filed for public inspection March 30, 2018, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending March 20, 2018.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i>  | <i>Action</i> |
|-------------|--|---------------|
| 3-19-2018   | Mid Penn Bancorp, Inc.<br>Millersburg<br>Dauphin County<br><br>Application for approval to acquire 100% of First Priority Financial Corp., Malvern, and thereby indirectly acquire 100% of First Priority Bank, Malvern. | Filed         |

#### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i>  | <i>Action</i> |
|-------------|--|---------------|
| 3-15-2018   | William Penn Bank<br>Levittown<br>Bucks County<br><br>Application for approval to merge Audubon Savings Bank, Audubon, NJ, with and into William Penn Bank, Levittown, PA. | Approved      |
| 3-19-2018   | Mid Penn Bank<br>Millersburg<br>Dauphin County<br><br>Application for approval to merge First Priority Bank, Malvern, with and into Mid Penn Bank, Millersburg.            | Filed         |

### Branch Applications

#### De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i>                       | <i>Location of Branch</i>                          | <i>Action</i> |
|-------------|---|--|---------------|
| 3-15-2018   | First Keystone Community Bank<br>Berwick<br>Columbia County | 559 Main Street<br>Bethlehem<br>Northampton County | Approved      |

### CREDIT UNIONS

#### Articles of Amendment

| <i>Date</i> | <i>Name and Location of Institution</i>  | <i>Action</i> |
|-------------|--|---------------|
| 3-15-2018   | Erie Community Credit Union<br>Erie<br>Erie County<br><br>Amendment to Article I of the institution's Articles of Incorporation provides for a change in corporate title to "Tendto Credit Union." | Effective     |

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 18-496. Filed for public inspection March 30, 2018, 9:00 a.m.]



## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Retention of Surveying Firms; Project Reference No. FDC-500-811

The Department of Conservation and Natural Resources (Department) is seeking to retain surveying firms for open-end contracts for various surveying services on various civil and environmental projects located on State Park and State Forest land in this Commonwealth. Each contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as needed basis to ensure proper and safe operation of the Department's infrastructure and facilities. The contracts will be for various projects at facilities located in this Commonwealth. The contracts will be managed by the Department's Bureau of Facility Design and Construction (Bureau).

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of surveying. If an individual, firm or corporation not authorized to engage in the practice of surveying wishes to submit a Letter of Interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of surveying.

The number of open-end contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

#### *Background*

Established on July 1, 1995, the Department is charged with: maintaining and preserving the 120 State Parks; managing the 2.1 million acres of State Forest land; providing information on the ecological and geologic resources in this Commonwealth; and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas.

The Bureau provides multidisciplinary facility and infrastructure technical support to the other bureaus in the Department in the areas of project design, project inspections, construction management, contract administration, surveying, and other technical advice and consultation. This Bureau is comprised of three divisions: Dams, Bridges and Roadways; Environmental Engineering and Design; and Field Engineering and Contract Management.

The Bureau's Central Office (located in Harrisburg) is responsible for the development of architectural, landscape architectural, water and sanitary, bridge and roadway and civil and environmental projects required to support the Department's facility construction and maintenance program. The Central Office is comprised of five sections: Architectural Design; Landscape Design; Sanitary and Water Management; Bridges and Road Management; and Civil Design. In addition to project design, staff also provides technical architectural and engineering support and advice to assist field operation in State Parks and State Forests.

The Bureau also has four field offices: Northcentral Office in Emporium; Western Office in Moraine State Park; Southcentral Office in Shawnee State Park; and Eastern Office in Nockamixon State Park. Each office is responsible for providing direct engineering and technical support to the State Parks and State Forests field operation staff in their area. Staff is responsible for project inspection and construction management to ensure contractor compliance with the construction contract documents as well as some project design.

### PART I GENERAL REQUIREMENTS

#### I-1. *Specific Requirements*

A. Typical work may consist of topographic surveys for the design of bridges, roads, dams, various buildings and sanitary systems, or boundary/property surveys. The latter could include all necessary subdivision requirements. The typical work product will be submitted in both electronic and hard copy versions. The electronic version shall be compatible for use with the Department's AutoCAD Civil 3D 2013 and future versions.

B. The surveying or engineering firms, or both, shall have the capability of providing survey crews of either two or three persons when requested by the Department. Survey crews shall report to project sites within 7 days of notification by the Department. Firms will be responsible for providing their own survey instruments, such as transits, levels, electronic distance measuring devices and all necessary support equipment. Also, all materials such as stakes, markers, field books, and the like, shall be furnished by the selected firms.

I-2. *Addenda to the Request for Proposals (RFP)*. If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the Department's web site at <http://www.dcnr.pa.gov>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP. Answers to the questions asked during the Questions and Answers period also will be posted, as necessary to the web site as an addendum to the RFP.

I-3. *Small Diverse Business (SDB) and Small Business Information*. The Department encourages participation by SDBs and small businesses as prime contractors, and encourages all prime contractors to make significant commitments to use SDBs and small businesses as subcontractors and suppliers.

A small business must meet each of the following requirements:

- The business must be a for-profit, United States business.
- The business must be independently owned.
- The business may not be dominant in its field of operation.
- The business may not employ more than 100 full-time or full-time equivalent employees.
- The business, by type, may not exceed the following 3-year average gross sales:
  - Procurement goods and services: \$20 million.
  - Construction: \$20 million.
  - Building design services: \$7 million.
  - Information technology goods and services: \$25 million.

For credit in the RFP scoring process, a small business must complete the Department of General Services (DGS)/Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) self-certification process. Additional information on this process can be found at <http://www.dgs.pa.gov/Businesses/Small%20Business%20Contracting%20Program/Pages/default.aspx>.

An SDB is a DGS-verified minority-owned small business, woman-owned small business, veteran-owned small business, service-disabled veteran-owned small business, lesbian, gay, bisexual, transgender-owned small business, disability-owned small business, or other small businesses as approved by DGS that is owned and controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

For credit in the RFP scoring process, an SDB must complete the DGS verification process. Additional information on this process can be found at <http://www.dgs.pa.gov/Businesses/Small%20Diverse%20Business%20Program/Small-Diverse-Business-Verification/Pages/default.aspx>.

An Offeror that qualifies as an SDB or a small business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

An SDB or small business may be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

The Department's directory of self-certified small businesses and BDISBO-verified SDBs can be accessed from <http://www.dgs.pa.gov/Businesses/Small%20Diverse%20Business%20Program/Small-Diverse-Business-Verification/Pages/Finding-Small-Diverse-Businesses.aspx>.

Questions regarding the SDB and small business programs, including questions about the self-certification and verification processes, should be directed to the Department of General Services, Bureau of Diversity, Inclusion and Small Business Opportunities, Room 601, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, RA-BDISBOVerification@pa.gov, www.dgs.pa.gov.

I-4. *Notification of Selection.* Professionals whose proposals are not selected will be notified when contract negotiations have been successfully completed and the Department has received the final negotiated contract signed by the selected professionals.

I-5. *Type of Contract.* The type of contract as a result of this RFP shall be an open-end, requirements contract. Work shall be assigned on an as needed basis as determined by the Department. The initial term of the agreement shall be 1 year and renewable for up to 4 subsequent years. Reimbursement for services shall be by fixed fee percentage based upon project allocation or hours of service and qualifying expenses. The reimbursement type shall be at the Department's discretion. The work shall be reviewed by the staff of the Bureau and when applicable, approved by same staff.

## PART II PROPOSAL REQUIREMENTS

II-1. *Requirements.* Proposals shall include the following items and information.

- Letter of Interest including the firm's Federal identification number and the project reference number.

- A list of at least three of the firm's most recently completed projects like the projects anticipated under the contract. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project.

- The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs.

- A standard DGS Form 150-ASP indicating the individual in charge. The Form 150-ASP is available by downloading from the DGS web site at [www.dgs.pa.gov](http://www.dgs.pa.gov). Form 150-ASP shall be submitted in hard copy format as per Part II, II-2 of the RFP. The electronic submission instructions on the DGS web site are for the DGS projects only. Additional information pertinent to this firm's qualifications to do the work of this contract may be included.

- Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. Miscellaneous expenses such as copies, prints, sepia, postage and film shall be reimbursed at cost upon approval by the Department.

II-2. *Number of Copies.* Six copies of the complete Letter of Interest and the required forms must be received no later than Wednesday, May 2, 2018, at 4 p.m. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice or re-advertise solicitation for this service.

II-3. *Debriefing.* The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

## PART III CRITERIA FOR SELECTION

III-1. *Selection Criteria.* The firm will be evaluated upon the following criteria:

A. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.

B. Qualifications of firm.

C. Professional personnel in firm.

D. Soundness of approach as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.

E. Available manpower to perform the services required.

F. Equitable distribution of the contracts.

G. Offeror is a self-certified small diverse and small business. To be eligible for selection for this project the Offeror's firm must be a self-certified small business/SDB verified by the BDISBO. Refer to Part I, I-3.

III-2. *Number of Contracts.* The Department may select more than one firm for projects to be assigned on a regional basis.

**PART IV  
MAILING AND CONTACT INFORMATION**

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Alfred Uzokwe Sr., PE, Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P.O. Box 8451,

Harrisburg, PA 17105-8451. Contact John Timbrell at (717) 772-8393 for general information concerning this RFP.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 18-497. Filed for public inspection March 30, 2018, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Applications, Actions and Special Notices**

**APPLICATIONS**

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

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

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

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

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

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

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

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

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



**I. NPDES Renewal Applications.**

*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; Address</i>                                       | <i>County &amp;<br/>Municipality</i>            | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|---|--------------------------------------|----------------------------|
| PA0084751—<br>SEW           | Doubling Gap Center<br>1550 Doubling Gap Road<br>Newville, PA 17241-9757 | Cumberland County/<br>Lower Mifflin<br>Township | 7B—Doubling Gap Creek                | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp; Address</i>   | <i>County &amp;<br/>Municipality</i>        | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|---|--------------------------------------|----------------------------|
| PA0210471<br>(Sewage)       | Bessemer Municipal Authority STP<br>P.O. Box 642<br>Bessemer, PA 16112-0642              | Lawrence County<br>North Beaver<br>Township | Hickory Run<br>(20-B)                | Yes                        |
| PA0221775<br>(Industrial)   | HRI Brookville Asphalt Plant<br>1750 West College Avenue<br>State College, PA 16801-2719 | Jefferson County<br>Pine Creek Township     | Fivemile Run<br>(17-C)               | Yes                        |
| PA0005045<br>(Industrial)   | Seneca Generating Station<br>500 Powerhouse Drive<br>Warren, PA 16365-5501               | Warren County<br>Mead Township              | Allegheny River<br>(16-B)            | Yes                        |

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

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

**PA0275972**, Stormwater, SIC Code 4225, **Behr Process Corporation**, 9670 West Hills Court, Kutztown, PA 19530. Facility Name: Kutztown Distribution Warehouse. This existing facility is located in Weisenberg Township, **Lehigh County**.

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

The receiving stream, Unnamed Tributary to Lyon Creek, is located in State Water Plan watershed 02C and is classified for High Quality—Cold Water Fishes 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 MGD.

| <i>Parameters</i>      | <i>Mass Units (lbs/day)</i> |                          |                | <i>Concentrations (mg/L)</i> |                          |                             |
|------------------------|-----------------------------|--------------------------|----------------|------------------------------|--------------------------|-----------------------------|
|                        | <i>Average<br/>Monthly</i>  | <i>Daily<br/>Maximum</i> | <i>Minimum</i> | <i>Average<br/>Monthly</i>   | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
| Total Suspended Solids | XXX                         | XXX                      | XXX            | XXX                          | 100                      | XXX                         |
| Oil and Grease         | XXX                         | XXX                      | XXX            | XXX                          | 30                       | XXX                         |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472.

**PA0276111**, Pesticides, SIC Code 0782, **Paupackan Lake Association, Inc.**, 128 Sheridan Road, Hawley, PA 18428.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge associated with the application of pesticides in Lake and Paupack Townships, **Wayne County**.

The receiving water, Paupackan Lake, is located in State Water Plan Watershed 01C and is classified as High Quality—Cold Water Fishes for aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, the Department will make a final determination on the issuance of the permit.

The EPA waiver is in effect.



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

**NPDES Permit No. PA0008281**, Industrial, **Brunner Island LLC**, 835 Hamilton Street, Suite 150, Allentown, PA 18101-2400, East Manchester Township, **York County**.

The following notice reflects a clarification to the notice published in the January 20, 2018, *Pennsylvania Bulletin*. The bulletin incorrectly stated a mass limit for TSS and Oil and Grease instead of monitor and report for Outfalls 007 and 008.

**PA0082201**, Sewage, SIC Code 4952, **Letterkenny Township Municipal Authority**, 4924 Orrstown Road, Orrstown, PA 17244-9536. Facility Name: Letterkenny Township STP. This existing facility is located in Letterkenny Township, **Franklin 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 0.042 MGD.—Interim 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<br>Daily Min | XXX                          | 9.0<br>Daily Max      | XXX                     |
| Dissolved Oxygen  | XXX                         | XXX                   | 5.0<br>Daily Min | XXX                          | XXX                   | XXX                     |
| Total Residual Chlorine (TRC)                               | XXX                         | XXX                   | XXX              | 0.5                          | XXX                   | 1.6                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 8.8                         | 14                    | XXX              | 25.0                         | 40.0                  | 50                      |
| Total Suspended Solids                                      | 10.5                        | 15.7                  | 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                   |
| Ammonia-Nitrogen  |                             |                       |                  |                              |                       |                         |
| Nov 1 - Apr 30  | 8.4                         | XXX                   | XXX              | 24.0                         | XXX                   | XXX                     |
| May 1 - Oct 31  | 2.8                         | XXX                   | XXX              | 8.0                          | XXX                   | 16                      |
| Total Phosphorus  | Report                      | XXX                   | XXX              | Report                       | XXX                   | XXX                     |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.042 MGD.—Final Limits.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Daily 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>Daily Max      | XXX                     |
| Dissolved Oxygen  | XXX                         | XXX                   | 5.0                  | XXX                          | XXX                   | XXX                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | 8.8                         | 14                    | XXX                  | 25.0                         | 40.0                  | 50                      |
| Total Suspended Solids                                      | 10.5                        | 15.7                  | 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                   |
| Ultraviolet light intensity (mW/cm <sup>2</sup> )           | XXX                         | XXX                   | Report               | XXX                          | XXX                   | XXX                     |
| Ammonia-Nitrogen  |                             |                       |                      |                              |                       |                         |
| Nov 1 - Apr 30  | 8.4                         | XXX                   | XXX                  | 24.0                         | XXX                   | XXX                     |
| May 1 - Oct 31  | 2.8                         | XXX                   | XXX                  | 8.0                          | XXX                   | 16                      |
| Total Phosphorus  | Report                      | XXX                   | XXX                  | Report                       | XXX                   | XXX                     |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.042 MGD.—Limits.

| <i>Parameters</i>                             | <i>Mass Units (lbs/day)</i> |                      | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                | <i>Instant. Maximum</i> |
|---|-----------------------------|----------------------|----------------|------------------------------|----------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                | <i>Average Monthly</i>       | <i>Maximum</i> |                         |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) |                             |                      |                |                              |                |                         |
| Raw Sewage Influent                           | Report                      | Report               | XXX            | Report                       | XXX            | XXX                     |
| Total Suspended Solids                        |                             |                      |                |                              |                |                         |
| Raw Sewage Influent                           | Report                      | Report               | XXX            | Report                       | XXX            | XXX                     |
| Nitrate-Nitrite as N                          | XXX                         | Report               | XXX            | XXX                          | Report         | XXX                     |
|   |                             |                      |                |                              | Daily Max      |                         |
| Total Nitrogen                                | XXX                         | Report               | XXX            | XXX                          | Report         | XXX                     |
|   |                             |                      |                |                              | Daily Max      |                         |
| Total Kjeldahl Nitrogen                       | XXX                         | Report               | XXX            | XXX                          | Report         | XXX                     |
|   |                             |                      |                |                              | Daily Max      |                         |

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.

**PA0261009**, Sewage, SIC Code 4952, **Michael R Baker**, 6836 Old Harrisburg Pike, York Springs, PA 17372-8717. Facility Name: Michael Baker Res. This existing facility is located in Huntington Township, **Adams County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SRSTP Sewage.

The receiving stream(s), Unnamed Tributary to Bermudian Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 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>Annual Average</i>        | <i>Maximum</i> |                         |
| Flow (MGD)                                    | Report<br>Annl Avg          | XXX                   | XXX            | XXX                          | XXX            | XXX                     |
| Total Residual Chlorine (TRC)                 | XXX                         | XXX                   | XXX            | Report                       | XXX            | XXX                     |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | XXX                         | XXX                   | XXX            | 10.0                         | XXX            | 20.0                    |
| Total Suspended Solids                        | XXX                         | XXX                   | XXX            | 10.0                         | XXX            | 20.0                    |
| Fecal Coliform (No./100 ml)                   | XXX                         | XXX                   | XXX            | 200                          | 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.

**PA0261131**, Sewage, SIC Code 6515, **Stuedler Frederick W**, 7335 River Road, Conestoga, PA 17516-9504. Facility Name: Tamarack MHP. This proposed facility is located in Providence Township, **Lancaster County**.

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

The receiving stream(s), Unnamed Tributary to Huber Run, is located in State Water Plan watershed 7-K 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 0.016 MGD.

| <i>Parameters</i>   | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i> | <i>Concentrations (mg/L)</i> |                | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|----------------|------------------------------|----------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Average Weekly</i> |                | <i>Average Monthly</i>       | <i>Maximum</i> |                         |
| Flow (MGD)  | Report                      | 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            | 0.24                         | XXX            | 0.8                     |
| Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ) | XXX                         | XXX                   | XXX            | 25                           | XXX            | 50                      |
| Total Suspended Solids                                      | XXX                         | XXX                   | XXX            | 30                           | XXX            | 60                      |
| Fecal Coliform (No./100 ml)                                 |                             |                       |                |                              |                |                         |
| Oct 1 - Apr 30  | XXX                         | XXX                   | XXX            | 2,000<br>Geo Mean            | XXX            | XXX                     |
| May 1 - Sep 30  | XXX                         | XXX                   | XXX            | 200<br>Geo Mean              | 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>Average Weekly</i> |                | <i>Average Monthly</i>       | <i>Maximum</i> |                         |
| Ammonia-Nitrogen  |                             |                       |                |                              |                |                         |
| Nov 1 - Apr 30    | XXX                         | XXX                   | XXX            | 12                           | XXX            | 24                      |
| May 1 - Oct 31    | XXX                         | XXX                   | XXX            | 4.0                          | XXX            | 8.0                     |

| <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            | 0             | XXX            | XXX                         | XXX            |
| Net Total Phosphorus | Report            | 0             | 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.

**PA0266167**, Storm Water, SIC Code 5093, **Pollock Reading Inc.**, PO Box 37, Temple, PA 19560-0037. Facility Name: Pollock Reading Inc. This facility is located in Ontelaunee Township, **Berks County**.

Description of Activity: The application is for a new NPDES permit for an existing discharge of Stormwater Associated with Industrial Activity (and will replace existing coverage under the PAG-03 General Permit, NPDES Permit No. PAR603526).

The receiving stream(s), Willow Creek, is located in State Water Plan watershed 3-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. Existing Use: High Quality—Cold Water Fishes, Designated Class A Wild Trout. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and Outfall 002.

| <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> |                         |
| Chemical Oxygen Demand (COD) | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Total Suspended Solids       | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Oil and Grease               | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Copper, Total                | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Lead, Total                  | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |
| Zinc, Total                  | XXX                         | XXX                   | XXX            | XXX                          | Report               | XXX                     |

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

- Part C. I. Stormwater outfalls and authorized non-stormwater discharges (standard)
- Part C. II. Best Management Practices (BMPs)
  - A. Pollution Prevention and Exposure Minimization (standard)
  - B. Good Housekeeping (standard)
  - C. Erosion and Sedimentation Controls (standard)
  - D. Spill Prevention and Responses (standard)
  - E. Sector—Specific BMPs (see PAG-03 NPDES General Permit Appendix P)
    - Part C III. Routine Inspections (standard)
    - Part C IV. Preparedness, Prevention and Contingency (PPC) plan (standard)
    - Part C V. Stormwater Monitoring Requirements (standard)
    - Part C VI. Other Requirements (standard)

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.

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

**PA0255386**, Sewage, SIC Code 8800, **Adcam Properties LLC**, 264 Coraopolis Road, Coraopolis, PA 15108. Facility Name: Adcam Properties SRSTP. This proposed facility is located in Ohioville Borough, **Beaver County**.

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

The receiving stream(s), South Branch Brady Run, is located in State Water Plan watershed 20-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| Parameters                                    | Mass Units (lbs/day) |                | Minimum         | Concentrations (mg/L) |         | Instant. Maximum |
|---|----------------------|----------------|-----------------|-----------------------|---------|------------------|
|   | Average Monthly      | Average Weekly |                 | Annual Average        | Maximum |                  |
| Flow (MGD)                                    | Report Annl Avg      | XXX            | XXX             | XXX                   | XXX     | XXX              |
| pH (S.U.)                                     | XXX                  | XXX            | 6.0<br>Inst Min | XXX                   | XXX     | 9.0              |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | XXX                  | XXX            | XXX             | 10.0                  | XXX     | 20.0             |
| Total Suspended Solids                        | XXX                  | XXX            | XXX             | 10.0                  | XXX     | 20.0             |
| Fecal Coliform (No./100 ml)                   | XXX                  | XXX            | XXX             | 200.0                 | XXX     | 1,000.0          |

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 in effect.

*Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.*

**PA0272612**, Pesticides, SIC Code 4959, **US DOI Fish & Wildlife Service**, 3090 Wright Street, Marquette, MI 49855-9649.

Description of Existing Activity: The application is for a renewal of an NPDES permit to treat tributary streams to Lake Erie in Erie and Crawford Counties using a lampricide for the control of sea lamprey (*Petromyzon marinus*), an invasive species associated with significant damage to the Great Lakes fishery.

The receiving streams are tributaries to Lake Erie located in State Water Plan watershed 15X and are classified for migratory fishes, cold water fishes, warm water fishes, special protection and aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

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

The permit contains major special conditions including: protection of surface water supply areas, timing of treatment restrictions for non-target aquatic species and recreational fishing, threatened and endangered species protection and significant public notice to treatment areas and dates

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, the Department will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

**PA0265691**, Sewage, SIC Code 8800, **Charles J. Downing**, P.O. Box 558, North East, PA 16428. Facility Name: Charles J. Downing SRSTP. This proposed facility is located 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 Lake Erie, is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.



| <i>Parameters</i>                             | <i>Mass Units (lbs/day)</i> |                       | <i>Minimum</i>   | <i>Concentrations (mg/L)</i> |                  | <i>Instant. Maximum</i> |
|---|-----------------------------|-----------------------|------------------|------------------------------|------------------|-------------------------|
|   | <i>Average Monthly</i>      | <i>Average Weekly</i> |                  | <i>Annual Average</i>        | <i>Maximum</i>   |                         |
| Flow (MGD)                                    | Report Annl Avg             | XXX                   | XXX              | XXX                          | XXX              | XXX                     |
| pH (S.U.)                                     | XXX                         | XXX                   | 6.0<br>Daily Min | XXX                          | 9.0<br>Daily Max | XXX                     |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | XXX                         | XXX                   | XXX              | 10.0                         | XXX              | 20                      |
| Total Suspended Solids                        | XXX                         | XXX                   | XXX              | 10.0                         | XXX              | 20                      |
| Fecal Coliform (No./100 ml)                   | XXX                         | XXX                   | XXX              | 200                          | XXX              | 1,000                   |

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.

**PA0271365**, Sewage, SIC Code 4952, 8800, **Michael Yohe**, 5 Yohe Road, Bradford, PA 16701. Facility Name: Michael Yohe SRSTP. This proposed facility is located in Corydon Township, **McKean 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 Willow Creek, located in State Water Plan watershed 16-B and classified for High Quality Waters—Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| <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>Annual Average</i>        | <i>Maximum</i>   |                         |
| Flow (MGD)                                    | Report Annl Avg             | XXX                   | XXX              | XXX                          | XXX              | XXX                     |
| pH (S.U.)                                     | XXX                         | XXX                   | 6.0<br>Daily Min | XXX                          | 9.0<br>Daily Max | XXX                     |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | XXX                         | XXX                   | XXX              | 10.0                         | XXX              | 20.0                    |
| Total Suspended Solids                        | XXX                         | XXX                   | XXX              | 10.0                         | XXX              | 20.0                    |
| Fecal Coliform (No./100 ml)                   | XXX                         | XXX                   | XXX              | 200                          | 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.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**WQM Permit No. 3518401**, Sewage, **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033.

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

Description of Proposed Action/Activity: The project is for the replacement of approximately 4,200 linear feet of existing 18-inch and 20-inch diameter sewer lines with 30-inch diameter sewer lines in the Leggetts Creek interceptor to mitigate surcharges experienced during rain events. Twenty-five manholes will be replaced as a result of this project.

**WQM Permit No. 4807404A-1**, Sewage, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018.

This existing facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action/Activity: The proposed Easton Road Pump Station modification project increases the pumping capacity from 20,000 gallons per day (gpd) to 45,475 gpd. This will include new submersible grinder pumps, new emergency generator, and minor electrical upgrades.

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

**WQM Permit No. 0602404**, Sewerage, **County of Berks WWTP**, 1088 Berks Rd., Leesport, PA 19533-8700.

This proposed facility is located in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Amendment.

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

**WQM Permit No. 0418400**, Sewage, **Adcam Properties LLC**, 264 Coraopolis Road, Coraopolis, PA 15108.

This proposed facility is located in Ohioville Borough, **Beaver County**.

Description of Proposed Action/Activity: The applicant proposes to construct a 400 GPD single residence sewage treatment plant to replace a malfunctioning on-lot system at an existing 3 bedroom home in Ohioville Borough.

**WQM Permit No. 461S038 A-3**, Sewage, **Municipal Authority of Westmoreland County**, 124 Park and Pool Rd, New Stanton, PA 15672.

This existing facility is located in Ligonier Borough, **Westmoreland County**.

Description of Proposed Action/Activity: replacement of the grit removal system at the sewage plant.

**WQM Permit No. 0218401**, Sewage, **Township of O'Hara**, 325 Fox Chapel Road, Pittsburgh, PA 15238.

This proposed facility is located in Ohara Township, **Allegheny County**.

Description of Proposed Action/Activity: The applicant proposes to construct the East Little Pine Creek Pump Station and Sewer Extension to server the Township.

**WQM Permit No. 0483402 A-1**, Sewage, **Beaver Borough Municipal Authority**, 469 Third Street, Beaver, PA 15009-2226.

This existing facility is located in Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: The applicant proposes to install an Ultra Violet Light Disinfection System to replace the existing Gaseous Chlorine System at the Beaver Borough STP.

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

**WQM Permit No. 4318404**, Sewage, **William Murrin**, 71 Church Road, Greenville, PA 16125.

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

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

**IV. NPDES Applications for Stormwater Discharges from MS4.**

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

**PAI136143**, MS4, **Brentwood Borough**, 3624 Brownsville Road, Pittsburgh, PA 15227-3153. The application is for a renewal of NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Brentwood Borough, **Allegheny County**. The receiving streams, Unnamed Tributary to Streets Run and Unnamed Tributary of Sawmill Run, are located in State Water Plan watershed 20-F and 19-A and are classified for Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plans with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) Plan

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. 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 in effect for small MS4s, and is not in effect for large MS4s.

**V. Applications for NPDES Waiver Stormwater Discharges from MS4.**

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

| <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> |
|-------------------------|--|--------------------------------------|---|---|
| PAG136273               | Frazer Township<br>206 First Street<br>Pittsburgh, PA 15215              | Frazer Township<br>Allegheny County  | Y   | N   |
| PAG136170               | Darlington Township<br>3590 Darlington Road<br>Darlington, PA 16115-2520 | Darlington Township<br>Beaver County | Y   | N   |

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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.*

*Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>  |
|-------------------------|---|---------------|---------------------|---|
| PAD450049               | Four Seasons at Camelback, LP<br>700 South Henderson Rd<br>Ste 202<br>King of Prussia, PA 19406 | Monroe        | Pocono Twp          | Pocono Creek<br>(HQ-CWF, MF)<br>UNT to Pocono Creek<br>(HQ-CWF, MF)<br>Wolf Swamp Run<br>(EV, 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>  |
|-----------------|--|---------------|---------------------|---|
| PAD280004       | Todd W. Beam<br>13976 Reservoir Lane<br>Orrstown, PA 17244 | Franklin      | Letterkenny         | Conodoguinet Creek<br>(Existing Use:<br>Stocked Trout<br>Stream; Designated<br>Use: HQ-CWF, MF) |

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

| <i>Permit No.</i> | <i>Applicant &amp; Address</i>   | <i>County</i>        | <i>Municipality</i>     | <i>Stream Name</i>                                |
|-------------------|--|----------------------|-------------------------|---|
| PAD110003         | West Hills Community Church<br>2301 Sunshine Avenue<br>Johnstown, PA 15909 | Cambria<br>County    | Upper Yoder Township    | Mill Creek (EV);<br>UNT to Mill Creek<br>(HQ-CWF) |
| PAD630028         | Washington Area Humane Society<br>P.O. Box t66<br>Eighty Four, PA 15330    | Washington<br>County | North Strabane Township | UNT to Little<br>Chartiers Creek<br>(HQ-WWF)      |

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

*McKean County Conservation District, 17137 Route 6, Smethport, PA 16749, 814-887-4001.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>                    |
|-------------------------|--|---------------|---------------------|---|
| PAD420004               | Bradford Regional Airport<br>Alicia Dankesreiter<br>212 Airport Drive<br>Lewis Run, PA 16738 | McKean        | Lafayette Township  | UNT East Branch<br>Tunungwant Creek<br>HQ-CWF |

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


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PAG-12      CAFOs

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**CAFO Notices of Intent Received.**


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

**NPDES Permit No. PAG124814**, CAFO, **Snook Michael S**, 1510 White Church Road, Middleburg, PA 17842-9343.

This existing facility is located in Franklin Township, **Snyder County**.

Description of size and scope of existing operation/activity: Creek Bottom Farms operates the existing swine and cattle CAFO operation. The operation consists of 3,000 finishing hogs (382.2 AEUs), 125 dairy calves (37.5 AEUs), 220 heifers (165.0 AEU), and four bulls (6.0 AEUs).

The receiving stream, Middle Creek, is in watershed 6-A and classified for: Migratory Fishes and Trout Stocking.

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

**NPDES Permit No. PAG124831**, CAFO, **Drost Pete**, 3899 King Street, Beamsville, ON LOR 1B1.

This existing facility is located in Derry Township, **Montour County**.

Description of size and scope of existing operation/activity: The existing facility is a poultry (broilers, approximately 439 AEUs) operation consisting of 4 barns.

The receiving stream, Unnamed Tributary to Mud Creek, is in watershed 10-D and classified for: Migratory Fishes and Warm Water Fishes.

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

**NPDES Permit No. PAG124846**, CAFO, **Country View Family Farms, LLC**, 6360 Flank Drive, Suite 100, Harrisburg, PA 17112-2766.

This existing facility is located in Sullivan Township, **Tioga County**.

Description of size and scope of existing operation/activity: This operation includes five barns holding altogether up to 5,000 sows, 960 sows with litters, 12 boars, and 2,000 gilts for a total of approximately 2,746.6 AEUs. The farm consists of 170 owned or rented acres of crop production. Excess manure is exported.

The receiving stream, Unnamed Tributary to Corey Creek, is in watershed 4-A and classified for: Cold Water Fishes and Migratory Fishes.

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

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#### **MS4 PAG-13 Notices of Intent Received.**

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

| <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> |
|-------------------------|---|---|---|---|
| PAG136242               | Mount Oliver Borough<br>150 Brownsville Road<br>Pittsburgh, PA 15210-2165 | Mount Oliver<br>Borough<br>Allegheny County | Yes                                       | Yes   |
| PAG136338               | Lincoln Borough<br>45 Abes Way<br>Elizabeth, PA 15037-3024                | Lincoln Borough<br>Allegheny County         | N   | Y   |

### **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.



**ACT 38  
NUTRIENT MANAGEMENT PLANS  
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

| <i>Agricultural Operation Name and Address</i>                         | <i>County</i>        | <i>Total Acres</i> | <i>AEU's</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i>                   | <i>New or Renewal</i> |
|--|----------------------|--------------------|--------------|--------------------|---|-----------------------|
| Penn England Farm<br>10341 Fox Run Road<br>Williamsburg, PA 16693      | Blair,<br>Huntingdon | 3,400.4            | 4,492.76     | Dairy              | Clover Creek,<br>Fox Run,<br>New Creek,<br>Piney<br>Creek—All<br>HQ | Renewal               |
| Skyline Acres<br>477 Skyline Drive<br>Bernville, PA 19506              | Berks                | 739.2              | 1,271        | Dairy              | NA  | Renewal               |
| Dwight Manbeck<br>917 Schwartz Valley Rd<br>Schuylkill Haven, PA 17972 | Schuylkill           | 196.7              | 679.17       | Finishing<br>Hogs  | N/A   | NEW                   |

**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.**

*Central Office: Bureau Director, Safe Drinking Water, P.O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. [ 9996217 ], Public Water Supply.**

|                           |  |
|---------------------------|--|
| Applicant                 | [ Nestle Waters North America, Inc. ]  |
| [Township or Borough]     | [Poland Spring, Maine]   |
| Responsible Official      | [Yaoti Chavez; Quality Assurance Manager]  |
| Type of Facility          | [Out of State Bottled Water System]  |
| Application Received Date | [March 16, 2018]   |
| Description of Action     | [Applicant requesting a major permit amendment to use the Bella Luna Spring Well # 4 as source water for bottling their product water. The following bottled water brands are to be sold in Pennsylvania: Poland Spring Natural Spring Water, Poland Spring Distilled Water, Poland Spring Sparkling Spring Water, Deer Park Natural Spring Water, Deer Park Distilled Water, Ice Mountain Spring Water, Great Bear Natural Spring Water and Poland Spring Distilled Water.] |

**Permit No. [ 9996491 ]**, Public Water Supply.  
 Applicant **[ Nestle Waters North America, Inc. ]**  
 [Township or Borough] [Hollis, Maine]  
 Responsible Official [Jennifer Franklin, Quality Assurance Manager]  
 Type of Facility [Out of State Bottled Water System]  
 Application Received Date [March 16, 2018]  
 Description of Action [Applicant requesting a major permit amendment to use the Bella Luna Spring Well # 4 as source water for bottling their finished Water product. The following bottled water brands are to be sold in Pennsylvania: Poland Spring Natural Spring Water, Deer Park Natural Spring Water and Ice Mountain Natural Spring Water.]

**Permit No. 3618503**, Public Water Supply.  
 Applicant **Historic Revere Tavern Inc**  
 Municipality Leacock Township  
 County **Lancaster**  
 Responsible Official James J. Cosgrove, President  
 3063 Lincoln Highway East  
 PO Box 336  
 Paradise, PA 17562-0336  
 Type of Facility Public Water Supply  
 Consulting Engineer Charles A. Kehew II, P.E.  
 James R. Holley & Associates,  
 Inc.  
 18 South George Street  
 York, PA 17401  
 Application Received: 3/9/2018  
 Description of Action Installation of sodium hypochlorite disinfection and permitting of existing nitrate treatment.

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

**Permit No. 0218512**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Township or Borough] Smith Township  
 Responsible Official David Kaufmann, Vice-President  
 Engineering  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024

Application Received Date March 19, 2018  
 Description of Action Construction of the Atlasburg rechloramination station, Atlasburg water storage tank with a mixing system and approximately 1,800 feet of 16-inch diameter transmission main.

**Permit No. 0218515**, Public Water Supply.  
 Applicant **Plum Borough Municipal Authority**  
 4555 New Texas Road  
 Pittsburgh, PA 15239  
 [Township or Borough] Plum Borough  
 Responsible Official J. Howard Theis, Manager  
 Plum Borough Municipal Authority  
 4555 New Texas Road  
 Pittsburgh, PA 15239  
 Type of Facility Water system  
 Consulting Engineer RF Mitall & Associates  
 117 Sagamore Hill Road  
 Pittsburgh, PA 15239  
 Application Received Date March 14, 2018  
 Description of Action Painting, rehabilitation and installation of a mixing system at the Mariah water storage tank.

**Permit No. 0218514**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Township or Borough] Lincoln Borough  
 Responsible Official David Kaufmann, Vice-President  
 Engineering  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Water system  
 Consulting Engineer Herbert, Rowland & Grubic Inc.  
 200 West Kensing Drive  
 Suite 400  
 Cranberry Township, PA 16066  
 Application Received Date March 14, 2018  
 Description of Action Replacement of the Lincoln Borough booster station.

**Application No. 3218505**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Township or Borough] Armstrong Township

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

Type of Facility Water system

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

Application Received Date March 19, 2018

Description of Action Replacement of the Hillcrest Pump Station.

**Application No. 3079501-A2**, Public Water Supply.

Applicant **East Dunkard Water Authority**  
PO Box 241  
2790 South Eighty-Eight Road  
Dilliner, PA 15327

[Township or Borough] Dunkard Township

Responsible Official James Holbert, Plant Manager  
East Dunkard Water Authority  
PO Box 241  
2790 South Eighty-Eight Road  
Dilliner, PA 15327

Type of Facility Water system

Consulting Engineer Harshman CE Group, LLC  
100 Courson Hill Road  
Washington, PA 15301

Application Received Date March 14, 2018

Description of Action Discontinuation of fluoride.

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

**Permit No. 2518504**, Public Water Supply.

Applicant **Waterford Boro Municipal Authority**

Township or Borough Waterford

County **Erie**

Responsible Official Bruce Coffin

Type of Facility Public Water Supply

Consulting Engineer Jeffrey Kordes, PE  
Greenman-Pedersen  
8 Gibson Street  
North East, PA 16428

Application Received Date March 12, 2018

Description of Action Install new groundwater well and connect to system.

**Permit No. 4318502**, Public Water Supply.

Applicant **Willow Bend Mobile Home Park**

Township or Borough Lackawannock Township

County **Mercer**

Responsible Official Harold Newton

Type of Facility Public Water Supply

Consulting Engineer Eric Buzza  
Gannett Fleming Inc.  
Foster Plaza 8, Ste 400  
Pittsburgh, PA 15220

Application Received Date March 16, 2018

Description of Action Replace Chlorine Contact Tanks.

**MINOR AMENDMENT**

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

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

**Application No. 0472501-A2, Minor Amendment.**

Applicant **Bureau of State Parks**  
RCSOB 8th Floor  
400 Market Street  
Harrisburg, PA 17105

[Township or Borough] Hanover Township

Responsible Official John S. Hallas, Director  
Bureau of State Parks  
RCSOB 8th Floor  
400 Market Street  
Harrisburg, PA 17105

Type of Facility Racoon Creek State Park water system

Consulting Engineer Bureau of State Parks  
RCSOB 8th Floor  
400 Market Street  
Harrisburg, PA 17105

Application Received Date March 12, 2018

Description of Action Installation of turbidimeters.

**Permit No. 0215524-MA, Minor Amendment.**

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

[Township or Borough] Claysville Borough

Responsible Official David Kaufmann, Vice-President  
Engineering  
Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Type of Facility Water system

Consulting Engineer Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Application Received Date March 19, 2018

Description of Action Rehabilitation of the Claysville water storage tank.

**Permit No. 3018503MA, Public Water Supply.**

Applicant **Southwestern Pennsylvania Water Authority**  
PO Box 187  
1440 Jefferson Road  
Jefferson, PA 15344

[Township or Borough] Cumberland Township

Responsible Official Timothy C. Faddis, Manager  
Southwestern Pennsylvania Water Authority  
PO Box 187  
1440 Jefferson Road  
Jefferson, PA 15344

Type of Facility Water system

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

Application Received Date March 14, 2018

Description of Action Installation of approximately 3,180 feet of 8-inch diameter waterline (Renaissance Energy Center Project).

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

**Application No. 2501505-MA2, Minor Amendment.**

Applicant **Erie City Water Authority**

Township or Borough Millcreek Township

County **Erie**

Responsible Official Craig Palmer

Type of Facility Public Water Supply

Consulting Engineer Chad Ellsworth  
Erie City Water Authority  
Sommerheim Drive  
Erie, PA 16505

Application Received Date March 5, 2018

Description of Action Replace existing acid tank and install sulfuric acid bulk fill line.

**Application No. 6114503-MA2, Minor Amendment.**

Applicant **City of Franklin Water Authority**

Township or Borough Franklin

County **Venango**

Responsible Official Ann Rudegeair

Type of Facility Public Water Supply

Consulting Engineer Olgierd Wodzianski  
Wodzianski Engineering  
1322 Elk Street  
Franklin, PA 16323

Application Received Date March 14, 2018

Description of Action Painting of tanks.

**Application No. 6114503-MA1, Minor Amendment.**

Applicant **Franklin City General Authority Venango County**

Township or Borough City of Franklin

County **Venango**

Responsible Official Fred Leyda  
General Authority of the City of Franklin  
430 13th Street  
Franklin, PA 16323-1317

Type of Facility Public Water Supply

Consulting Engineer Olgierd Wodzianski  
Wodzianski Engineering, Inc.  
1322 Elk Street  
Franklin, PA 16323

Application Received Date March 14, 2018

Description of Action Pumps, controls, and fail safe equipment.

## 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 Program Manager, 2 East Main Street, Norristown, PA 19401.*

**The Shops at Wedgewood**, 4311 and 4313 West Lincoln Highway, Caln Township, **Chester County**. Dale Reiser, D/R's Bankers Environmental Solutions, LLC, 3600 Conshohocken Ave, Suite 1204, Philadelphia, PA 19131 on behalf of Alan R. Hirschfeld, D/R's Bankers Environmental Solutions, LLC, 219 Laureen Rd, Schwenksville, PA 19473 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of other organics. The intended future use of the property is to remain as a retail shopping center. The Notice of Intent to Remediate was published in the *Daily Local News* on April 3, 2017.

**4537 Osage Avenue**, 4537 Osage Avenue, City of Philadelphia, **Philadelphia County**. Douglas B. Schott, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Kurt Spiess, EMG Remediation Services, 5066R West Chester Pike, P.O. Box 129, Edgemont, PA 19028 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The proposed future use of the property will be a residential apartment building. The Notice of Intent to Remediate was published in the *Philadelphia Free Press/University City Review* on January 10, 2017.

**912 South Union Street**, 912 South Union Street, Kennett Township, **Chester County**. Paul White, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester PA 19382 on behalf of Christina Rube, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic. The proposed future use of the property will be for a combination of residential use and dedicated open space. The Notice of Intent to Remediate was published in the *Daily Local News* on July 7, 2016.

**Brandywine Station**, 300 Brandywine Avenue, Downingtown/Caln Township, **Chester County**. Carl J. Bones, PE, Marathon Engineering & Environmental Services, Inc., 553 Beckett Road, S-608, Swedesboro, NJ 08085 on behalf of Neal Fisher, PE, Brandywine Station, L.P., 707 Eagleview Blvd, Exton, PA 19341 submitted a Notice of Intent to Remediate. Soil and groundwater at the property have been impacted with the release of metals and

some hydrocarbon species. The Notice of Intent to Remediate was published in the *Digital First Media* on February 13, 2018.

**Bristol Croydon Properties**, 3111 State Road, Bristol Township, **Bucks County**. Christopher J. Zieger, Dynamic Earth, LLC, 790 Newtown Yardley Road, Newtown, PA 18940 on behalf of Kelvin Pittman, Dynamic Earth, LLC, 790 Newtown Yardley Road, Newtown, PA 18940 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with petroleum-related volatile and semi volatile organic compounds and metals which have contaminated soil and groundwater. The proposed future use of the property will be non-residential for gasoline service station/convenience store use. The Notice of Intent to Remediate was published in the *Courier Times* on February 7, 2018.

**Laurel Pipe Line Company, L.P.**, 3398 Garnet Mine Road, 3221 Foulk Road, Bethel Township, **Delaware County**. Paul Miller, Environmental Alliance Inc., 5341 Limestone Road, Wilmington, DE 19809 on behalf of Jeff W. Brudereck, Laurel Pipe Line Company, L.P., Five TEC Park, 9999 Hamilton Blvd, Breinigsville, PA 18031 submitted a Notice of Intent to Remediate. The primary contaminants at the site include unleaded gasoline chemicals in groundwater and soil. The proposed future use of the property is anticipated to be both non-residential and residential. The Notice of Intent to Remediate was published in the *Daily Times* and *Sunday Times* on February 15, 2018.

**Nabisco**, 12000 Roosevelt Boulevard, City of Philadelphia, **Philadelphia County**. Richard Lake, Geo-Technology Associated, Inc., 14 World's Fair Drive, Somerset, NJ 08873 on behalf of Michael Cooley, Provo Good MCB Byberry, L.P., 795 East Lancaster Avenue, Suite 200, Villanova, PA 1919085 submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been found to be impacted by chlorinated solvents, and soil at the site has been found to contain arsenic and polycyclic aromatic hydrocarbons. The proposed future use of the property will be commercial. The Notice of Intent to Remediate was published in the *Broad Street Media, LLC*, on February 21, 2018.

**Woods Brothers Lumber Inc.**, 2621-2667 Frankford Avenue, City of Philadelphia, **Philadelphia County**. Jeremy W. Bolyn, Environmental Maintenance, Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Stephen Woods, Woods Brothers Lumber, Inc., P.O. Box 12734, Philadelphia, PA 19134 submitted a Notice of Intent to Remediate. This NIR states that the site was used for commercial purposes, and groundwater was impacted by the historical use of petroleum products at the property. The proposed future use of the property is mixed-use residential/commercial. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on January 10, 2018.

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

**Former Tigue Street Gulf**, 200A Tigue Street, Dunmore Borough, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Scaless Enterprises, Inc., 1200A Tigue Street, Dunmore, PA 18512, submitted a Notice of Intent to Remediate. Soil and groundwater contamination were caused by a release from an underground storage tank that contained heating oil. Future use of the site will be non-residential. The Notice of Intent to Remediate was published in *The Scranton Times* on March 1, 2018.

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

**Former Robesonia Furnace**, South Freeman Street, Robesonia, PA 19551, Robesonia Borough, **Berks County**. Liberty Environmental Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Borough of Robesonia, 75 South Brooke Street, Robesonia, PA 19551, and Beane LLC, 606 North 5th Street, Suite 7, P.O. Box 1339, Reading, PA 19603 submitted a Notice of Intent to Remediate site soil contaminated with lead from historical foundry operations. The site will be remediated to the Site Specific Standard. Future use of the site is to be used for institutional/recreational purposes. The Notice of Intent to Remediate was published in the *Reading Eagle* on March 19, 2018.

**CSXT Hyndman Derailment Site**, 119 & 127 Cleveland St; 122 & 131 Mill St; 288, 296 & 306 Schellsburg St, Hyndman, PA 15545, Hyndman Borough, **Bedford County**. ARCADIS, US, Inc., 10 Friends Lane, Suite 100, Newtown, PA 18940, on behalf of CSX Transportation, Inc., 1 Bell Crossings, Selkirk, NY 12158; Michael Baker, 122 Mill Street, Hyndman, PA 15545; Jessie Spiker, 131 Mill Street, Hyndman, PA 15545; Dorothy and Harvey Cook, 296 Schellsburg Street, Hyndman, PA 15545; Edward Kennell, 288 Schellsburg Street, Hyndman, PA 15545; Janet Ritchey, 306 Schellsburg Street, Hyndman, PA 15545; and Fay E. Leydig, 356 Mountainside Drive, P.O. Box 585, Hyndman, PA 15545, submitted a Notice of Intent to Remediate site soil contaminated with sulfur and petroleum hydrocarbons released from a train derailment. The site will be remediated to the Residential Statewide Health, Site-Specific, and Background Standards. Future use of the site is to remain residential and commercial. The Notice of Intent to Remediate was published in the *Tribune-Democrat* on March 9, 2018.

#### RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**General Permit Application No. WMGR123SW028.** **CNX Gas, LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15317. A request for registration for coverage under General Permit WMGR123 to construct and operate the MORW1 Aboveground Storage Tank Pad for storage and reuse of oil and gas liquid waste at a facility located in East Finley Township, **Washington County**. The application was received by the Department on December 21, 2017 and deemed administratively complete by the Regional Office on March 15, 2018.

### 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.



**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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**08-00025B: Richards Funeral Home, Inc.** (502 North Keystone Ave., South Waverly, PA 18840-2943) for the construction of a crematory unit at the Northern Bradford Crematory facility located in South Waverly Borough, **Bradford County**. The Department of Environmental Protection's (Department) review of the information submitted by Richards Funeral Home, Inc. indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction. The emission from the proposed source included in this project will not exceed the following limits: 1.15 ton of particulate matter (including particulate matter less than 10 microns and less than 2.5 microns), 0.72 ton of carbon monoxide, 0.87 ton of nitrogen oxides, 0.53 ton of sulfur oxides, 0.07 ton of volatile organic compounds, 0.02 ton of hazardous air pollutants, and 561.65 tons of carbon dioxide equivalent. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: The particulate matter emissions from the crematory shall not exceed 0.08 grain per dry standard cubic foot of exhaust, corrected to 7% oxygen; The visible emissions from the crematory shall not equal or exceed 10% opacity for a period or periods aggregating more than 3 minutes in any one hour or equal or exceed 30% opacity at any time; The crematory shall only be fired on natural gas or LP gas; Only human remains and associated containers, which are constructed of cardboard, particleboard or wood, shall be incinerated in the crematory. Under no circumstances shall the crematory be used for the incineration of hospital waste, infectious waste or any other type of waste other than human remains and associated containers; The crematory shall be equipped with instrumentation to continuously monitor and record the primary and secondary combustion chamber exit temperatures any time the crematory is in operation; The crematory shall be equipped with instrumentation to continuously monitor the opacity of the effluent gas any time the crematory is in operation; A secondary combustion chamber temperature of at least 1,800°F shall be maintained for a residence time of at least one (1) second at any time that cremation is occurring in the crematory; The crematory shall be equipped with an interlock which prevents the primary combustion chamber burner from firing unless the secondary combustion chamber is at a temperature of at least 1800°F; The crematory shall be equipped with an interlock which prevents the primary combustion chamber burner from firing and sounds an alarm any time the opacity of the visible emissions exceeds 10%; The charge door of the crematory shall be kept shut during the cremation cycle except for short periods of time in order to inspect and/or reposition the

remains; The crematory shall not be operated more than 4,368 hours in any 12 consecutive month period; The permittee shall keep accurate and comprehensive records of the number of hours the crematory is operated each month; The permittee shall maintain accurate and comprehensive records of the primary and secondary combustion chamber temperature chart recordings.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 08-00025B, the requirements established in the plan approval will be incorporated into State Only Operating Permit 08-00025 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**OPERATING PERMITS**

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

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

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

**54-00009: Omnova Solutions, Inc.** (95 Hickory Drive, Auburn, PA 17922-9625) The Department intends to issue a Title V Operating Permit renewal for operation in West Brunswick Township, **Schuylkill County**. The sources on site include natural gas-fired boilers, a hot oil furnace, a pump house heater, printers, calendar lines, embossers, ink mixing, a coater, a proof press, solvent storage tanks, emergency generators and fire pumps, a surface coating line, a parts washer, a cogeneration system, silos, resin receivers, and feedtanks. Control equipment at the facility includes a thermal incinerator, printer oxidizer, oxidation catalyst, and electrostatic precipitators. The proposed Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**28-05002: Letterkenny Army Depot—US Department of Defense** (One Overcash Avenue, Chambersburg, PA 17201) to issue a Title V Operating Permit for the military facility located in Greene/Letterkenny Townships, **Franklin County**. Additionally, the Department has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and a proposed State Implementation Plan (SIP) submittal for the facility.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The actual emissions from the facility in 2016 year are estimated at 35.8 tons of VOC; 31.5 tons of NO<sub>x</sub>; 18.1 tons of CO; 8.1 tons of HAPs; 22.2 tons of SO<sub>x</sub>; 121.6 tons each of PM<sub>10</sub> and PM<sub>2.5</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code, §§ 129.96—129.100—Additional RACT Requirements for Major Sources of VOC; 25 Pa. Code, § 129.52—Surface coating processes; 25 Pa. Code, § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings; 25 Pa. Code, § 129.57—Storage tanks less than or equal to 40,000 gallons capacity containing VOCs; 25 Pa. Code, § 129.63—Degreasing operations; 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines; 40 CFR Part 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 64—Compliance Assurance Monitoring, and 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

In accordance with 25 Pa. Code §§ 129.91—129.100, the Department of Environmental Protection has made a preliminary determination to approve a RACT II plan, to be submitted as part of the State Implementation Plan (SIP).

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the 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 RACT II plan, if approved by DEP, will be issued as a part of the facility's Title V operating permit renewal (28-05002). The relevant RACT II requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan. Requirements that are not part of the RACT II approval will be excluded from the SIP submittal.

The following is a summary of the proposed RACT II requirements for this facility that will be submitted to the EPA as part of the SIP:

#### RACT II Case-by-Case Requirements

Source ID 421—Two Paint Stripping Tanks, T1 & T2—Bldg 370 and Source ID 423—One Paint Stripping Tank, R3419—Bldg 350.

- The permittee shall limit combined volatile organic compound (VOC) emissions from the Two Paint Stripping Tanks, T1 & T2—Bldg 370, Source ID 421 to less than or equal to 19.74 tons per year based on a 12-month rolling total.

- The permittee shall limit volatile organic compound (VOC) emissions from the One Paint Stripping Tank, R3419—Bldg 350, Source ID 423 to less than or equal to 9.9 tons per year based on a 12-month rolling total.

#### Work Practice Requirements:

- The tanks shall be covered when not in use, to minimize vapor escape.

- The operating temperature of the tanks shall be no greater than 160°F. While the tanks are in operation, the temperature of the tanks shall be monitored and recorded at a minimum of once per shift. The records shall include, at a minimum, the following information:

- 1.) The date and time of the measurement.
- 2.) The temperature of each tank (degrees Fahrenheit).

- The steam shall be turned off to the tanks when it is anticipated that the process is not required for 24 hours or more. The permittee shall keep adequate records demonstrating compliance with this condition. The records shall include, at a minimum, the following information:

- 1.) The date and time steam is turned off to the tanks.
- 2.) The date and time steam is turned on to the tanks.

- Emissions shall be minimized by ceasing the introduction of air for tank agitation during start-up, shut down, part loading and unloading, and process disruptions.

- Good housekeeping practices shall be followed at all times, including any spills being cleaned up immediately, and any containers of solvent kept closed when not in use.

#### Recordkeeping Requirements:

- Letterkenny shall maintain adequate solvent purchase and usage records to demonstrate compliance with the proposed RACT emission limits.

#### Public Comment Details:

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 William Weaver, Air Quality Program Manager, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. A 30-day comment period from the date of publication of this notice 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 RACT 2 condition, including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the RACT 2 approval.

A public hearing will be held on May 1, 2018 at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed permit action and the proposed SIP revision. To register to speak at the hearing, please contact William Weaver at 717-705-4868. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be April 24, 2018.

Oral testimony at the hearing will be limited to a maximum of 5 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, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to William Weaver, 909 Elmerton Avenue, Harrisburg, PA 17110.



All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. Appointments for scheduling a review may be made by calling William Weaver at 717-705-4868.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact William Weaver at 717-705-4868 or make accommodations through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD).

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

*Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.*

**24-00009: Domtar Paper Company, LLC**, (100 W. Center St., Johnsonburg, PA 15845) to renew a Title V Operating Permit for the Johnsonburg Mill located in the Borough of Johnsonburg, **Elk County**. This facility is a Title V facility which is major for their potential to emit CO, NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>x</sub>, VOC, and HAPs. Actual 2016 Emissions were as follows: 90.36 tons VOC; 880.05 tons NO<sub>x</sub>; 198.89 tons CO; 35.74 tons SO<sub>x</sub>; 84.77 tons PM<sub>10</sub>; 73.81 tons PM<sub>2.5</sub>; 162.93 tons all HAPs combined; 73.57 tons hydrochloric acid; 51.28 tons methanol; 6.91 tons hydrogen fluoride; 6.73 tons phenol; 4.82 tons formaldehyde; 3.53 tons acetaldehyde; 2.54 tons propionaldehyde; 2.07 tons hexane; 1.75 ton methylene chloride; 1.45 ton chloroform; and 1.20 ton benzene. The significant sources at the facility include a 530 million Btu/hr chemical recovery boiler; a 180 million Btu/hr natural gas fueled boiler; two 306 million Btu/hr natural gas fueled boilers; an 87.3 million Btu/hr natural gas fueled boiler; a Kraft mill; starch, soda ash, salt cake, & lime unloading systems; wood chip screening operation; a lime kiln; paper machines; a bleach plant; a natural gas fueled emergency generator; 3 diesel fueled emergency generators; and 9 degreasing units. This facility is subject to the following Federal regulations: 40 CFR Part 60 Subpart D, NSPS for Fossil Fuel Fired Steam Generators; 40 CFR Part 60 Subpart Db, NSPS for ICI Steam Generating Units; 40 CFR Part 60 Subpart Dc, NSPS for Small ICI Steam Generating Units; 40 CFR Part 64, Compliance Assurance Monitoring; 40 CFR Part 63 Subpart DDDDD, Major Source Boiler MACT; 40 CFR Part 63 Subpart ZZZZ, NESHAP for Stationary RICE; 40 CFR Part 60 Subpart JJJJ, NSPS for SI ICE; 40 CFR Part 60 Subpart BB, NSPS for Kraft Mills; 40 CFR Part 63 Subpart S, Pulp & Paper MACT I; 40 CFR Part 63 Subpart MM, Pulp & Paper MACT II. The conditions from Plan Approvals 24-009H and 24-009J are incorporated into the permit at this renewal. 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.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00093: Main Line Hospitals/Bryn Mawr Hospital** (130 South Bryn Mawr Avenue, Bryn Mawr, PA 19010) for the renewal of a State Only, Synthetic Minor Operating Permit in Lower Merion Township, **Montgomery County**. The proposed renewal of the Operating

Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility's major air emission points include boilers and emergency generators. The emissions of NO<sub>x</sub> from these sources are limited to less than 24.99 tpy. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, State, and Federal air quality requirements.

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

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

**48-00100: TierPoint Pennsylvania Two, LLC** (TekPark Building 4, 9999 Hamilton Blvd., Breinigsville, PA 18031) The Department intends to issue a State-Only (Synthetic Minor) Operating Permit renewal for operation of a data processing center located in Hanover Township, **Northampton County**. The sources include three emergency engines fired on No. 2 fuel oil and ultra-low sulfur kerosene. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**50-03004: Tuscarora Hardwoods, Inc.** (2240 Shermans Valley Road, Ellittsburg, PA 17024) to issue a State Only Operating Permit for a biomass boiler at a facility in Spring Township, **Perry County**. The primary emissions from the facility are particulate matter; the actual 2017 emissions from the facility are approximately 8.76 tpy of PM<sub>10</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for Federal 40 CFR 60 Subpart Dc—Standard of Performance for Small Industrial-Commercial Steam Generating Units and 40 CFR 63 Subpart JJJJJ—NESHAPS for Industrial, Commercial, and Institutional Boilers Area Sources.

**36-05123: Corixa Corp. dba Glaxo Smith Kline Vaccines** (325 N. Bridge Street, Marietta, PA 17547) to issue a State Only Operating Permit for the vaccine manufacturing facility located in East Donegal Township, **Lancaster County**. The potential emissions from the facility are estimated at 76.0 tpy of NO<sub>x</sub>, 55.0 tpy of CO, 5.1 tpy of PM<sub>10</sub>, 19.3 tpy of SO<sub>x</sub>, 14.9 tpy of VOC and 1.0 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

**29-03002: P & W Excavating, Inc.** (882 Pigeon Cove Rd., Warfordsburg, PA 17267) to issue a State Only Operating Permit for operation of the batch asphalt plant at the facility in Bethel Township, **Fulton County**. The potential emissions of the facility are estimated 9 tons of CO, 52 tons of NO<sub>x</sub>, 45 tons of PM, and 0.1 ton of 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. Among other items, the conditions include 40 CFR Part 60 Subpart I—Standard of Performance for Hot Mix Asphalt Facilities.

**67-05118: Harley-Davidson Motor Company Operations, Inc.** (1425 Eden Road, York, PA 17402) to issue a State Only Operating Permit for the motorcycle manufacturing facility (York Vehicle Operations) located in Springettsbury Township, **York County**. The actual emissions from the facility in 2016 were reported to be 24.7 tons VOC; 16.3 tons CO; 9.3 tons NO<sub>x</sub>; 2.3 tons PM<sub>10</sub>; 2.3 tons PM<sub>2.5</sub>; 0.1 ton SO<sub>x</sub>; 0.5 ton xylenes; 0.2 ton ethyl benzene; 0.2 ton glycol ethers; 0.1 ton toluene; and 0.9 ton total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (Source ID 301), 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source ID DGO2), and 25 Pa. Code § 129.52d (Source ID 245).

**06-05009: New Enterprise Stone & Lime Co., Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for the stone crushing and asphalt production operations at the facility's Kutztown Quarry in Maxatawny Township, **Berks County**. This is for the renewal of the existing State-only operating permit. The facility's reported annual emissions are approximately 23.0 tons of CO, 6.9 tons of NO<sub>x</sub>, 2.0 tons of PM<sub>10</sub>, 5.0 tons of 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. Among other items, the conditions include 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**49-00038: Xylem Water Solutions Zelenople LLC** (PO Box 128, 455 East Eight Street, Watstown, PA 17777) to issue a renewal State Only Operating Permit for their coal preparation facility located in Delaware Township, **Northumberland County**. The facility's main sources include a natural gas fired fluid bed coal dryer and loading system, a sizing and packing system, and site haul roads.

The facility has potential to emit under 45.37 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 4.67 tpy of nitrogen oxides, 1.17 tpy of carbon monoxide, 0.01 tpy of volatile organic compounds including hazardous air pollutants and 0.02 tpy of sulfur

oxides. The potential emissions for all criteria pollutants remained same at the facility.

The fluid bed dryer is subject to 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants.

The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60, 63 and 98.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**49-00043: Shamokin Filler Co.** (PO Box 400, Shamokin, PA 17872) to issue a renewal State Only Operating Permit for their coal preparation facility located in Coal Township, **Northumberland County**. The facility's main sources include one natural gas/# 2 fuel oil fired coal dryer (35 tons per hour capacity), one natural gas/# 2 fuel oil fired coal dryer (6 tons per hour capacity), a material handling system, a rail car loading operation, one parts washer, site haul roads and stockpiles.

The facility has potential to emit under 40.09 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 11.89 tpy of nitrogen oxides, 2.97 tpy of carbon monoxide, 0.61 tpy of volatile organic compounds, 0.04 tpy of hazardous air pollutants and 42.20 tpy of sulfur oxides. The potential emissions for all criteria pollutants remained same at the facility.

The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60, 63 and 98.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**08-00027: Oak Hill Veneer, Inc.** (PO Box 304, Troy, PA 16947-0304) to issue a State only operating permit for their facility located in Troy Township, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00027. The facility's sources include a 16.26 million Btu per hour, wood-fired boiler, a 14.7 million Btu per hour, natural gas-fired boiler, two veneer dryers and a woodworking facility.

The facility has potential emissions of 7.86 tons per year of nitrogen oxides, 97.97 tons per year of carbon monoxide, 1.79 ton per year of sulfur oxides, 45.56 tons per year of particulate matter and 1.78 ton per year of volatile organic compounds.

The wood-fired boiler is subject to 40 CFR Part 63, Subpart JJJJJJ of the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and



Institutional Boilers Area Sources. Both boilers are subject to 40 CFR Part 63, Subpart Dc of the Federal Standards of Performance for Small Industrial, Commercial and Institutional Steam Generating Units.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

**47-00010: Kurt Weiss Danville, LLC** (233 PPL Road, Danville, PA 17821) for their facility located in Anthony Township, **Montour County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously mentioned facility.

The subject facility has the following potential emissions: 18.46 tons per year of carbon monoxide; 73.83 tons per year of nitrogen oxides; 26.21 tons per year of sulfur oxides; 22.89 tons per year of particulate matter; 0.74 ton of volatile organic compounds and 82,325 tons per year of carbon dioxide equivalent (greenhouses gases).

The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boiler Area Sources, 40 CFR Part 63 Subpart JJJJJ Sections 63.11193—63.11237 and the applicable requirements of Title 25 Pa. Code Chapters 121—145.

The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

**63-00629: Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15033) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a Synthetic Minor State Only Operating Permit (SOOP) renewal to Hanson Aggregates BMC, Inc. to authorize the operation of their Dunningville Asphalt Plant located in Somerset Township, **Washington County**.

Sources of air emissions include a 300 ton per hour McCarter batch asphalt plant, several storage tanks, aggregate handling/stockpiling and other miscellaneous equipment associated with this type of operation. The

emission control devices include knockout box, baghouse and water truck. The annual production limit of 500,000 tons per year of asphalt for this facility. The annual emissions are limited to 30 tpy of NO<sub>x</sub>, less than 100 tpy of CO, 10.73 tpy of PM<sub>10</sub>, 9.00 tpy of VOC and 1.93 tpy of HAP. 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 I—Standards of Performance for Hot Mix Asphalt Facility.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania 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 (63-00629) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Hanson Aggregates BMC, Inc 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 Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Hanson Aggregates BMC, Inc 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: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.*

**10-00303: CUE, Inc.** (11 Leonberg Rd, Cranberry Township, PA 16066-3601). The Department is providing notice that they intend to renew a State Only Synthetic Minor Operating Permit for the manufacturing facility located in Cranberry Township, **Butler County**. The facility's primary emission sources include natural gas combustion sources, casting machines (12), adhesive application, mold cleaning, and a degreasing unit. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 6.74 TPY NO<sub>x</sub>, 1.35 TPY CO, 47.00 TPY VOC, 3.83 TPY HAPs, 0.68 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.04 TPY SO<sub>x</sub>. The facility is a synthetic minor and has taken throughput limits on the processes so as not to exceed 47 tons per year of VOC emissions. Additionally, the adhesive application's throughput limit is limited by its HAP emission restriction of 3.7 tons per year. The adhesive application is subject to 25 Pa. Code 130 Subchapter D for Adhesives, Sealants, Primers and Solvents, and 25 Pa. Code § 129.77 for control of emissions from the use or application of adhesives, sealants, primers and solvents. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**10-00337: McKnight Cranberry III LP** (800 Cranberry Woods Drive, Suite 260, Cranberry Township, PA 16066-5211), the Department intends to issue a renewal of the operating permit for the facility located in Cranberry Township, **Butler County**. The facility has a 2,000 kW emergency generator that is fueled with low sulfur diesel (less than 0.3 percent sulfur by weight). The conditions of the previous plan approval and operating permit were incorporated into the renewal permit. The emergency generator is restricted to 500 hours of operation and shall only be operated during utility power outages and for periodic maintenance testing. The emergency generators are subject to 40 CFR 63 Subpart ZZZZ—NESHAP for Reciprocating Internal Combustion Engine (RICE). The facility is a Natural Minor.

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

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

**OP17-000064: Drexel University (University City Campus)** (3330 Market Street, Philadelphia PA, 19104) for a university in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include sixty-three (63) natural gas fired combustion units each less than or equal to 5.23 MMbtu/hr, two (2) natural gas or No. 2 fuel oil fired combustion units rated at 3 MMbtu/hr, one (1) natural gas fired emergency generator rated at 100 kW, nineteen (19) diesel fired emergency generators rated at 1,250 kW or less, and two (2) diesel fired fire pumps rated at 105 hp or less.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**OP17-000042: SEPTA Wayne Elmwood Trolley Shop** (7311 Elmwood Avenue, Philadelphia, PA 19142) for a trolley shop in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) natural gas fired pressure washer rated at 0.558 MMbtu/hr, two (2) kerosene fired space heaters each rated at 0.35 MMbtu/hr, two (2) natural gas/No. 2 oil fired boilers each rated at 2.1 MMbtu/hr, and one (1) 40 gallon parts washer/degreaser.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance

and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**OP17-000041: Southeastern Pennsylvania Transportation Authority (SEPTA) Fern Rock Subway Shop** (11th and Grange Street, Philadelphia, PA 19141) for the operation of a public utility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers firing natural gas and No. 2 Fuel Oil each rated 9.96 MMbtu/hr, three (3) pressure washers firing natural gas each rated 0.49 MMbtu/hr or less, one (1) warm air furnace firing natural gas rated 0.445 MMbtu/hr, two (2) warm air furnaces firing propane each rated 0.40 MMbtu/hr, one (1) emergency generator firing diesel fuel rated 80 kW, one (1) spray booth for non-automotive parts, and eight (8) parts washers/degreasers.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## 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.*

**30841307 and NPDES No. PA0213438. Emerald Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** and related NPDES Permit for post-mining land use of approximately 77 acres to industrial/commercial and forest land. No additional discharges. The application was considered administratively complete on March 16, 2018. Application received October 13, 2017.

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

**Permit No. 56920114 and NPDES No. PA0212334. Mountaineer Mining Corp.**, 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 278.5 acres. Receiving streams: unnamed tributaries to North Branch of Jennings Run, Jennings Run & unnamed tributaries to Jennings Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 13, 2018.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

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

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

*Effluent Limits for Noncoal Mining Activities*

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

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

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

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

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

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

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

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0235920 (Mining Permit No. 26081601), Contura Pennsylvania Terminal, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). A renewal to the NPDES and mining activity permit for the Labelle Dock Site in Luzerne Township, **Fayette County**. Surface Acres Affected 53.96. Receiving stream: Monongahela River, classified for the following use: WWF. Receiving stream: UNT 40282 to Monongahela River, classified for the following use: WWF. Monongahela River TMDL. The application was considered administratively complete on May 4, 2015. Application received January 16, 2015.

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

*Outfall 001* discharges to: Monongahela River

The proposed effluent limits for *Outfall 001* (Lat: 40° 00' 42" Long: 79° 59' 09") are:

| <i>Parameter</i>                 |        | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|----------------------------------|--------|----------------|-----------------------|----------------------|-------------------------|
| Flow                             | (mgd)  | -              | -                     | -                    | Report                  |
| Iron, Total                      | (mg/l) | -              | 3.0                   | 6.0                  | 7.0                     |
| Suspended Solids                 | (mg/l) | -              | 35                    | 70                   | 90                      |
| Manganese, Total                 | (mg/l) | -              | 2.0                   | 4.0                  | 5.0                     |
| Aluminum, Total                  | (mg/l) | -              | 2.0                   | 4.0                  | 5.0                     |
| Sulfate, Total                   | (mg/l) | -              | -                     | -                    | Report                  |
| Total Dissolved Solids           | (mg/l) | -              | -                     | -                    | Report                  |
| Chloride, Total                  | (mg/l) | -              | -                     | -                    | Report                  |
| Alkalinity, as CaCO <sub>3</sub> | (mg/l) | -              | -                     | -                    | Report                  |
| Acidity, as CaCO <sub>3</sub>    | (mg/l) | -              | -                     | -                    | Report                  |
| Alkalinity, net                  | (mg/l) | 0.0            | -                     | -                    | -                       |
| pH                               | (S.U.) | 6.0            | -                     | -                    | 9.0                     |
| Selenium, total                  | (mg/l) | -              | -                     | -                    | Report                  |
| Copper, total                    | (mg/l) | -              | -                     | -                    | Report                  |

*Outfall 002* discharges to: Unnamed Tributary 40282 to Monongahela River

The proposed effluent limits for *Outfall 002* (Lat: 40° 00' 31" Long: 79° 59' 32") are:

| <i>Parameter</i>       |          | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|------------------------|----------|----------------|-----------------------|----------------------|-------------------------|
| Flow                   | (mgd)    | -              | -                     | -                    | Report                  |
| Iron, Total            | (mg/l)   | -              | 3.0                   | 6.0                  | 7.0                     |
| Suspended Solids       | (mg/l)   | -              | 35                    | 70                   | 90                      |
| Manganese, Total       | (mg/l)   | -              | 2.0                   | 4.0                  | 5.0                     |
| Aluminum, Total        | (mg/l)   | -              | 2.0                   | 4.0                  | 5.0                     |
| Osmotic Pressure       | (mOs/kg) | -              | 50                    | 100                  | 100                     |
| Sulfate, Total         | (mg/l)   | -              | -                     | -                    | Report                  |
| Total Dissolved Solids | (mg/l)   | -              | -                     | -                    | Report                  |
| Chloride, Total        | (mg/l)   | -              | -                     | -                    | Report                  |

| <i>Parameter</i>                 |        | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|----------------------------------|--------|----------------|-----------------------|----------------------|-------------------------|
| Alkalinity, as CaCO <sub>3</sub> | (mg/l) | -              | -                     | -                    | Report                  |
| Acidity, as CaCO <sub>3</sub>    | (mg/l) | -              | -                     | -                    | Report                  |
| Alkalinity, net                  | (mg/l) | 0.0            | -                     | -                    | -                       |
| pH                               | (S.U.) | 6.0            | -                     | -                    | 9.0                     |

*Outfall 004* discharges to: Monongahela River

The proposed effluent limits for *Outfall 004* (Lat: 40° 00' 43" Long: 79° 58' 57") are:

| <i>Parameter</i>                 |        | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|----------------------------------|--------|----------------|-----------------------|----------------------|-------------------------|
| Flow                             | (mgd)  | -              | -                     | -                    | Report                  |
| Iron, Total                      | (mg/l) | -              | 3.0                   | 6.0                  | 7.0                     |
| Suspended Solids                 | (mg/l) | -              | 35                    | 70                   | 90                      |
| Manganese, Total                 | (mg/l) | -              | 2.0                   | 4.0                  | 5.0                     |
| Aluminum, Total                  | (mg/l) | -              | 2.0                   | 4.0                  | 5.0                     |
| Sulfate, Total                   | (mg/l) | -              | -                     | -                    | Report                  |
| Total Dissolved Solids           | (mg/l) | -              | -                     | -                    | Report                  |
| Chloride, Total                  | (mg/l) | -              | -                     | -                    | Report                  |
| Alkalinity, as CaCO <sub>3</sub> | (mg/l) | -              | -                     | -                    | Report                  |
| Acidity, as CaCO <sub>3</sub>    | (mg/l) | -              | -                     | -                    | Report                  |
| Alkalinity, net                  | (mg/l) | 0.0            | -                     | -                    | -                       |
| pH                               | (S.U.) | 6.0            | -                     | -                    | 9.0                     |

EPA Waiver not in effect.

**NPDES No. PA0001767 (Mining Permit No. 32140701), Pennzoil Quaker State Company, dba SOPUS Products**, (P.O. Box 4427, Houston, TX 77210). A new NPDES and mining activity permit for the Helen Mine Acid Mine Drainage Treatment Plant in Blacklick and Center Townships, **Indiana County**. Surface Acres Affected 166.4. Receiving stream: Unnamed Tributary 44076 of Two Lick Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh Watershed. The application was considered administratively complete on September 7, 2016. Application received November 12, 2015.

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

Effective Period: Permit Effective Date through 36 Months After Permit Effective Date.

*Outfall 001* discharges to: UNT 44076 of Two Lick Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 30' 25.6" Long: -79° 11' 54.8") are:

| <i>Parameter</i>                       |          | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------|----------------|-----------------------|----------------------|-------------------------|
| Flow                                   | (mgd)    | -              | -                     | -                    | Report                  |
| Iron                                   | (mg/l)   | -              | 1.5                   | 3.0                  | 3.8                     |
| Suspended Solids                       | (mg/l)   | -              | 35                    | 70                   | 90                      |
| Manganese                              | (mg/l)   | -              | 1.0                   | 2.0                  | 2.5                     |
| Aluminum                               | (mg/l)   | -              | -                     | -                    | Report                  |
| Sulfate                                | (mg/l)   | -              | -                     | -                    | Report                  |
| Total Dissolved Solids                 | (mg/l)   | -              | -                     | -                    | Report                  |
| Chloride                               | (mg/l)   | -              | -                     | -                    | Report                  |
| Bromide                                | (mg/l)   | -              | -                     | -                    | Report                  |
| pH                                     | (mg/l)   | 6.0            | -                     | -                    | 9.0                     |
| Alkalinity, Total as CaCO <sub>3</sub> | (mg/l)   | -              | -                     | -                    | Report                  |
| Acidity, Total as CaCO <sub>3</sub>    | (mg/l)   | -              | -                     | -                    | Report                  |
| Alkalinity, Net                        | (mg/l)   | 0.0            | -                     | -                    | -                       |
| Osmotic Pressure                       | (mOs/kg) | -              | -                     | -                    | Report                  |

Effective Period: 37 Months After Permit Effective Date through Permit Expiration Date.

*Outfall 001* discharges to: UNT 44076 of Two Lick Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 30' 25.6" Long: -79° 11' 54.8") are:

| <i>Parameter</i> |        | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|------------------|--------|----------------|-----------------------|----------------------|-------------------------|
| Flow             | (mgd)  | -              | -                     | -                    | Report                  |
| Iron             | (mg/l) | -              | 1.5                   | 3.0                  | 3.8                     |
| Suspended Solids | (mg/l) | -              | 35                    | 70                   | 90                      |
| Manganese        | (mg/l) | -              | 1.0                   | 2.0                  | 2.5                     |
| Aluminum         | (mg/l) | -              | 0.75                  | 0.75                 | 0.75                    |
| Sulfate          | (mg/l) | -              | -                     | -                    | Report                  |

| <i>Parameter</i>                       |          | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--|----------|----------------|---------------------------|--------------------------|-----------------------------|
| Total Dissolved Solids                 | (mg/l)   | -              | -                         | -                        | Report                      |
| Chloride                               | (mg/l)   | -              | -                         | -                        | Report                      |
| Bromide                                | (mg/l)   | -              | -                         | -                        | Report                      |
| pH                                     | (mg/l)   | 6.0            | -                         | -                        | 9.0                         |
| Alkalinity, Total as CaCO <sub>3</sub> | (mg/l)   | -              | -                         | -                        | Report                      |
| Acidity, Total as CaCO <sub>3</sub>    | (mg/l)   | -              | -                         | -                        | Report                      |
| Alkalinity, Net                        | (mg/l)   | 0.0            | -                         | -                        | -                           |
| Osmotic Pressure                       | (mOs/kg) | -              | 50                        | 100                      | 100                         |

EPA Waiver not in effect.

**NPDES No. PA0235385 (Mining Permit No. 03801302), Consol Mining Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). A renewal to the NPDES and mining activity permit for the Margaret No. 7 Mine Water Treatment Plant in Plumcreek and Cowanshannock Townships, **Armstrong County**. The NPDES Permit associated with the perpetual treatment of mine water is being renewed. The CMAP is also being renewed for reclamation only. Receiving stream: Unnamed Tributary 46347 to Cherry Run, classified for the following use: CWF. Receiving stream: Unnamed Tributary 47022 to Huskins Run, classified for the following use: WWF. Huskins Run Watershed TMDL. The application was considered administratively complete on November 17, 2016. Application received May 16, 2016.

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

*Outfall 001* discharges to: UNT 46347 to Cherry Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 44' 17" Long: -79° 22' 58") 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                      | 3.8                         |
| Suspended Solids                       | (mg/l)   | -              | 35                        | 70                       | 90                          |
| Manganese                              | (mg/l)   | -              | 1.0                       | 2.0                      | 2.5                         |
| Aluminum                               | (mg/l)   | -              | 0.75                      | 0.75                     | 0.75                        |
| Sulfate                                | (mg/l)   | -              | -                         | -                        | Report                      |
| Total Dissolved Solids                 | (mg/l)   | -              | -                         | -                        | Report                      |
| Chloride                               | (mg/l)   | -              | -                         | -                        | Report                      |
| Bromide                                | (mg/l)   | -              | -                         | -                        | Report                      |
| pH                                     | (mg/l)   | 6.0            | -                         | -                        | 9.0                         |
| Alkalinity, Total as CaCO <sub>3</sub> | (mg/l)   | -              | -                         | -                        | Report                      |
| Acidity, Total as CaCO <sub>3</sub>    | (mg/l)   | -              | -                         | -                        | Report                      |
| Alkalinity, Net                        | (mg/l)   | 0.0            | -                         | -                        | -                           |
| Osmotic Pressure                       | (mOs/kg) | -              | 50                        | 100                      | 100                         |

*Outfall 002* discharges to: UNT 47022 to Huskins Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 46' 16.38" Long: -79° 22' 39.18") 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                      | 3.8                         |
| Suspended Solids                       | (mg/l)   | -              | 35                        | 70                       | 90                          |
| Manganese                              | (mg/l)   | -              | 1.0                       | 2.0                      | 2.5                         |
| Aluminum                               | (mg/l)   | -              | 0.75                      | 0.75                     | 0.75                        |
| Sulfate                                | (mg/l)   | -              | -                         | -                        | Report                      |
| Total Dissolved Solids                 | (mg/l)   | -              | -                         | -                        | Report                      |
| Chloride                               | (mg/l)   | -              | -                         | -                        | Report                      |
| Bromide                                | (mg/l)   | -              | -                         | -                        | Report                      |
| pH                                     | (mg/l)   | 6.0            | -                         | -                        | 9.0                         |
| Alkalinity, Total as CaCO <sub>3</sub> | (mg/l)   | -              | -                         | -                        | Report                      |
| Acidity, Total as CaCO <sub>3</sub>    | (mg/l)   | -              | -                         | -                        | Report                      |
| Alkalinity, Net                        | (mg/l)   | 0.0            | -                         | -                        | -                           |
| Osmotic Pressure                       | (mOs/kg) | -              | 50                        | 100                      | 100                         |

EPA Waiver not in effect.

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

**NPDES No. PA0279595 (Mining Permit No. 32170101), Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, new NPDES permit for a bituminous surface coal mining in Burrell Township, **Indiana County**, affecting 157 acres. Receiving streams: unnamed tributaries to Toms Run and Roaring Run, classified for the following use: cold water fishes. The receiving streams are included in the Kiski-Conemaugh TMDL. Application received: November 22, 2017.



The following outfalls discharge to unnamed tributary to Toms Run:

| <i>Outfall Nos.</i>                        | <i>New Outfall (Y/N)</i> |
|--|--------------------------|
| 001 (Sediment Pond # 1 Emergency Spillway) | Y                        |
| 005 (Sediment Pond # 3 Emergency Spillway) | Y                        |
| 010 (Sediment Pond # 4 Emergency Spillway) | Y                        |

The following outfall discharges to unnamed tributary to Roaring Run:

| <i>Outfall Nos.</i>                        | <i>New Outfall (Y/N)</i> |
|--|--------------------------|
| 003 (Sediment Pond # 2 Emergency Spillway) | Y                        |

The following outfalls require a non-discharge alternative:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 002                 | Y                        |
| 004                 | Y                        |
| 006                 | Y                        |
| 007                 | Y                        |
| 008                 | Y                        |
| 009                 | Y                        |
| 011                 | Y                        |
| 012                 | Y                        |

There is no proposed point source discharge from the previously listed facilities to the receiving streams due to the implementation of Best Management Practices in the form of infiltration galleries. The only potential point source discharges to surface water are the discharges from the emergency spillway of the sediment ponds during precipitation that exceeds a 10 yr/24 hr event.

The proposed effluent limits for the water entering the infiltration galleries are as follows:

| <i>Outfalls: 002, 004, 006, 007, 008, 009, 011, 012</i>             | <i>30-Day</i>  | <i>Daily</i>   | <i>Instant.</i> |
|---|----------------|----------------|-----------------|
| <i>Parameter</i>  | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i>  |
| Iron (mg/l)   | N/A            | N/A            | 7.0             |
| Manganese (mg/l)  | N/A            | N/A            | 5.0             |
| Aluminum (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.                        |                |                |                 |

The proposed effluent limits for the water discharging from the emergency spillways are as follows:

| <i>Outfalls: 001, 003, 005, 010</i>                                 | <i>30-Day</i>  | <i>Daily</i>   | <i>Instant.</i> |
|---|----------------|----------------|-----------------|
| <i>Parameter</i>  | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i>  |
| 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.                        |                |                |                 |

**NPDES No. PA0279625 (Mining Permit No. 11180101), Laurel Sand & Stone, Inc.**, 210 East Main Street, Ligonier, PA 15658, new NPDES permit for a bituminous surface mine in Jackson Township, **Cambria County**, affecting 181 acres. Receiving streams: unnamed tributaries to/and Bracken Run, unnamed tributaries to/and Shuman Run, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: March 2, 2018.

There will be no point source discharges from the treatment facilities. Point source discharges from the emergency spillways of stormwater facilities will occur for precipitation in excess of the 10-year 24-hour event.

The following stormwater emergency spillway outfalls discharge to unnamed tributaries to/and Bracken Run and unnamed tributaries to/and Shuman Run:

| <i>Outfall Nos.</i>   | <i>New Outfall (Y/N)</i> |
|-----------------------|--------------------------|
| 001 (Sediment Pond 1) | Y                        |
| 002 (Sediment Pond 2) | Y                        |
| 003 (Sediment Pond 3) | Y                        |
| 004 (Sediment Pond 4) | Y                        |
| 005 (Sediment Pond 5) | Y                        |
| 006 (Sediment Pond 6) | Y                        |
| 007 (Sediment Pond 7) | Y                        |
| 008 (Sediment Pond 8) | Y                        |

The following treatment facility outfalls discharge to infiltration galleries:

| <i>Outfall Nos.</i>        | <i>New Outfall (Y/N)</i> |
|----------------------------|--------------------------|
| 009 (Treatment Facility 1) | Y                        |
| 010 (Treatment Facility 2) | Y                        |

The proposed effluent limits for the previously listed stormwater emergency spillway outfalls are as follows:

| <i>Outfalls: 001, 002, 003, 004, 005, 006, 007 and 008</i><br><i>Parameter</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l)  | N/A                       | N/A                      | 3.7                         |
| Manganese (mg/l)   | N/A                       | N/A                      | 2.5                         |
| Aluminum (mg/l)  | N/A                       | N/A                      | 0.75                        |
| 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.

The proposed effluent limits for discharge to infiltration galleries from stormwater and treatment facility outfalls are as follows:

| <i>Outfalls: 001, 002, 003, 004, 005, 006, 007, 008, 009 and 010</i><br><i>Parameter</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--|---------------------------|--------------------------|-----------------------------|
| 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.

|                                 |                    |
|---------------------------------|--------------------|
| Sulfate (mg/l)                  | Monitor and Report |
| Specific Conductance (µmhos/cm) | Monitor and Report |

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Under 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

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

**NPDES No. PA0615668 (Mining permit no. 65810113), M.B. Energy Inc.**, 175 McKnight Road, Blairsville, PA 15717, Renewal NPDES permit for a bituminous surface mine in Cook and Donegal Townships, **Westmoreland County**, affecting 103.8 acres. Receiving stream(s): Unnamed Tributary to Four Mile Run, classified for the following use(s): TSF. This receiving stream is included in the Kiskiminetas—Conemaugh TMDL. Application received: May 5, 2014.

The following treated wastewater outfall discharges to Unnamed Tributary to Four Mile Run:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> | <i>Type</i> |
|---------------------|--------------------------|-------------|
| 001                 | N                        | MDT         |

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

| <i>Outfalls:<br/>Parameter</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--------------------------------|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l)                    | 3.0                       | 6.0                      | 7.0                         |
| Manganese (mg/l)               | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)                | 2.0                       | 4.0                      | 5.0                         |
| Total Suspended Solids (mg/l)  | 35                        | 70                       | 90                          |

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0613151 on Surface Mining Permit No. 7975SM2. H & K Group, Inc.**, (P.O. Box 196, Skippack, PA 19474), renewal of an NPDES Permit for an argillite quarry operation in Plumstead Township, **Bucks County**, affecting 13.5 acres. Receiving stream: Geddes Run to Tohickon Creek, classified for the following use: cold water fishes. Application received: January 19, 2018.

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

The following outfalls discharge to Geddes Run to Tohickon Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>                      |
|--------------------|------------------------|----------------------------------|
| 001                | No                     | Sedimentation Basin (Stormwater) |
| 002                | No                     | Sedimentation Basin (Stormwater) |

The proposed effluent limits for the previously 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

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

**E39-559 The Waterfront Development Company, LP**, 1665 Valley Center Parkway, Suite 110, Bethlehem, PA 18017-2354, City of Allentown, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove an existing stormwater outfall structure and to construct and maintain a stormwater outfall within the floodway of the Lehigh River (WWF, MF) consisting of a 42-inch diameter reinforced concrete pipe, concrete endwall, and a 22-foot long, 33-foot wide R-3 riprap apron. The project is located along the western bank of the Lehigh River, approximately 0.1 mile east of the intersection of W. Chew Street and N. Front Street (Allentown East, PA Quadrangle Latitude: 40° 36' 40." Longitude: -75° 27' 20.0") in City of Allentown, Lehigh County.

**E48-449. UGI Energy Services, LLC**, One Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610, in City of

Bethlehem & Lower Saucon Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Bethlehem LNG project.

1. A roadway crossing of East Branch Saucon Creek (CWF, MF) consisting of 7.5-foot high by 36-foot wide box culvert depressed 12-inches below the existing streambed elevation with concrete wingwalls. This activity also includes approximately 25,531 square feet of fill in the floodway for construction of the roadway.

2. To place approximately 2,223 square feet of fill within the floodway of the East Branch Saucon Creek (CWF, MF) for the construction of stormwater management facilities for a commercial facility. This activity extends for approximately 700 linear feet upstream from where the new proposed roadway crossing intersects the East Branch Saucon Creek (CWF, MF).

3. To place approximately 8,591 square feet of fill within the floodway of a UNT to East Branch Saucon Creek (CWF, MF) for the construction of an access road, parking areas and stormwater management facilities for a commercial facility. This activity extends for approximately 1,000 linear feet upstream from where the UNT to East Branch Saucon Creek (CWF, MF) intersects the East Branch Saucon Creek (CWF, MF).

4. A 12-inch water line crossing of the East Branch Saucon Creek (CWF, MF).

The project is located at the intersection of Easton Road and Ringhoffer Road. (Hellertown, PA Quadrangle, Latitude: 40°36'43.22"; Longitude: -75°18'22.44").

**E54-325A. Blythe Township**, P.O. Box 91, Cumbola, PA 17903, in Blythe Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To amend Permit No. E54-325A to authorize the filling of an additional 0.07 acre of PEM wetlands and to authorize the construction and maintenance of a riprap-lined trapezoidal channel beginning at the inlet of the stream enclosure and extending approximately 1,500 feet upstream to an existing pond.

Permit E54-325 authorized the relocation and reestablishment of the "historic" Little Wolf Creek with the construction and maintenance of 6,700 feet of riprap-lined trapezoidal channel and a 1,600-foot long stream enclosure; and to place fill in 0.3 acre of wetlands. The encroachments are associated with the proposed construction and demolition waste landfill known as the Blythe Recycling and Demolition Site (BRADS).

The project is located on the north SR 1006 (Burma Road), approximately 2.3 miles east of St. Clair (Pottsville, PA Quadrangle Latitude: 40° 44' 23"; Longitude: -76° 09' 22") in Blythe Township, Schuylkill County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E22-641: Penbrook Borough**, 150 South 28th Street, Penbrook, PA 17103 in Susquehanna Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To remove an existing sanitary sewer line and to:

1.) install and maintain a 16.0-inch PVC sanitary sewer line in the floodway of Asylum Run (WWF, MF), permanently impacting 113 square feet of floodway;

2.) install and maintain a 16.0-inch PVC sanitary sewer line in Asylum Run (WWF, MF) and its floodway, permanently impacting 66 linear feet of stream and 203 square feet of floodway;

3.) install and maintain a permanent access road and 16.0-inch PVC sanitary sewer line along Asylum Run (WWF, MF), permanently impacting 227 linear feet of stream and 14,092 square feet of floodway;

4.) install and maintain a permanent access road and 16.0-inch PVC sanitary sewer line in palustrine emergent wetlands, permanently impacting 173 square feet of wetland;

5.) install and maintain a 16.0-inch PVC sanitary sewer line in the floodway of Asylum Run (WWF, MF), and palustrine emergent wetlands, permanently impacting 67 square feet of floodway and 1 square foot of palustrine emergent wetlands;

6.) install and maintain a 16.0-inch PVC sanitary sewer line in the floodway of Asylum Run (WWF, MF) and palustrine emergent wetlands, permanently impacting 167 square feet of floodway and 82 square feet of wetlands;

7.) install and maintain a 16.0-inch PVC sanitary sewer line in Asylum Run (WWF, MF), its floodway and palustrine emergent wetlands, permanently impacting 27 linear feet of stream, 240 square feet of floodway and 191 square feet of wetland;

8.) install and maintain a 16.0-inch PVC sanitary sewer line in palustrine emergent wetlands, permanently impacting 30 square feet of wetland;

9.) install and maintain streambank stabilization permanently impacting 282 linear feet of stream;

10.) install and maintain a 16.0-inch PVC sanitary sewer line and permanent access road in the floodway of Asylum Run (WWF, MF), permanently impacting 88 square feet of floodway;

11.) install and maintain a 16.0-inch PVC sanitary sewer line and permanent access road in the floodway of Asylum Run (WWF, MF), permanently impacting 2,044 square feet of floodway;

12.) install and maintain streambank stabilization, a 16.0-inch PVC sanitary sewer line, and permanent access road in and along Asylum Run (WWF, MF), permanently impacting 71 linear feet of stream and 4,908 square feet of floodway;

13.) install and maintain a 16.0-inch PVC sanitary sewer line and permanent access road in an unnamed tributary to Asylum Run (WWF, MF) and its floodway, permanently impacting 42 linear feet of stream and 493 square feet of floodway;

14.) install and maintain a 16.0-inch PVC sanitary sewer line and permanent access road in palustrine emergent wetlands, permanently impacting 973 square feet of wetland;

15.) install and maintain a 16.0-inch PVC sanitary sewer line, permanent access road, and streambank stabilization in and along Asylum Run (WWF, MF), permanently impacting 64 linear feet of stream and 6,583 square feet of floodway;

16.) install and maintain a 16.0-inch PVC sanitary sewer line and permanent access road in and along an unnamed tributary to Asylum Run (WWF, MF), permanently impacting 104 linear feet of stream and 2,717 square feet of floodway;

17.) install and maintain a 16.0-inch PVC sanitary sewer line and permanent access road in the floodway of an unnamed tributary to Asylum Run (WWF, MF), permanently impacting 377 square feet of floodway;

18.) install and maintain a 16.0-inch PVC sanitary sewer line in palustrine emergent wetlands, permanently impacting 71 square feet of wetland;

19.) install and maintain a 16.0-inch PVC sanitary sewer line in Asylum Run (WWF, MF) and its floodway, permanently impacting 79 linear feet of stream and 78 square feet of floodway;

20.) install and maintain a 16.0-inch PVC sanitary sewer line in an unnamed tributary to Asylum Run (WWF, MF) and its floodway, permanently impacting 98 linear feet of stream and 158 square feet of floodway, all for the purposes of correcting inflow and infiltration issues and reducing the frequency of untreated sewage discharges to the streams.

The project begins at Latitude: 40° 16' 55.77"N; Longitude: 76° 52' 25.35"W, and ends at Latitude: 40°17'13.94" N; Longitude: 76°51'40.62" W in Susquehanna Township, Dauphin County.

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

**E02-1779, PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, Elizabeth Township and Lincoln Borough, **Allegheny County**, Pittsburgh ACOE.

The applicant proposes to:

Remove the existing 197' long, 6.1' diameter opening, masonry arch enclosure carrying SR 48 over an unnamed tributary to the Youghiogheny River (WWF) with a drainage area of 0.67 square mile and construct and maintain a replacement 105' long, 10' wide, 7.5' underclearance with 1' depression Box Culvert on an adjacent alignment; remove the existing 56' long, 36" diameter culvert carrying SR 48 over a second unnamed tributary to the Youghiogheny River (WWF) with a drainage area of 82 acres and construct and maintain a replacement 30' long 36" RCP culvert on an adjacent alignment connected to the outlet of the replaced enclosure; construct and maintain 127' of relocated replacement channel to align with the replaced enclosure and road improvement work. The project includes 500' of temporary stream impact to the unnamed tributaries to the Youghiogheny River (WWF). In addition, construct and maintain associated stormwater facilities. Impacts will be mitigated on site. The project is located approximately one mile south of the crossing of SR 48 over the Youghiogheny River in Elizabeth Township and Lincoln Borough, Allegheny County (McKeesport, PA Quadrangle; Latitude: 40° 17' 53"; Longitude: -79° 49' 46").

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

**E24-268, Custom Industrial Processing, Inc.**, 336 State Street, Saint Marys, PA 15857. Existing Building Expansion, in Saint Marys, **Elk County**, ACOE Pittsburgh District (Saint Marys, PA Quadrangle N: 41.421365°; W: 78.592167°).

Applicant proposes to construct a building expansion adjacent to their existing facilities, along with all associated roadways, utilities, and stormwater management facilities. Project will result in permanent impact to 0.047



acre of PEM wetland and 116 ft<sup>2</sup> of floodway of Elk Creek. No mitigation is proposed as the impact is de minimus.

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

**E5829-131: New Milford Township**, Bluestone Pipeline Company of Pennsylvania, LLC, 1000 Noble Energy Drive, 5th Floor, Canonsburg, PA 15317; New Milford Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 24-inch diameter steel natural gas pipeline and timber mat bridge crossing impacting 5,462 square feet (0.13 acre) of palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 52' 03" N, Longitude: 75° 41' 44" W),

2) a 24-inch diameter steel natural gas pipeline and timber mat bridge crossing impacting 730 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 51' 59" N, Longitude: 75° 41' 46" W),

3) a 24-inch diameter steel natural gas pipeline and timber mat bridge/work area crossing impacting 18,585 square feet (0.43 acre) of palustrine scrub-shrub wetland (PSS) (Harford, PA Quadrangle; Latitude: 41° 51' 56" N, Longitude: 75° 41' 48" W),

4) a 24-inch diameter steel natural gas pipeline and timber mat bridge crossing impacting 96 lineal feet of Salt Lick Creek (HQ-CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 51' 56" N, Longitude: 75° 41' 48" W),

5) a 24-inch diameter steel natural gas pipeline and timber mat bridge crossing impacting 388 lineal feet of an unnamed tributary to Salt Lick Creek (HQ-CWF-MF) (Harford, PA Quadrangle; Latitude: 41° 51' 53" N, Longitude: 75° 41' 48" W),

6) a timber mat bridge crossing impacting 184 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 51' 52" N, Longitude: 75° 41' 47" W),

7) a 24-inch diameter steel natural gas pipeline and timber mat bridge crossing impacting 2,330 square feet (0.05 acre) of palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 51' 51" N, Longitude: 75° 41' 47" W),

8) a timber mat work area impacting 3,540 square feet (0.08 acre) of palustrine emergent wetland (PEM) (Harford, PA Quadrangle; Latitude: 41° 51' 50" N, Longitude: 75° 41' 50" W).

The Bluestone Loop 4 Pipeline project consists of constructing a 24-inch diameter steel natural gas pipeline approximately 2,300 lineal feet in New Milford Township, Susquehanna County. The project will result in 484 lineal feet of temporary stream impacts, 27,101 square feet (0.62 acre) of temporary wetlands impacts, and 3,360 square feet (0.08 acre) of permanent wetlands impacts to provide conveyance of Marcellus Shale natural gas to market.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**EA29-003: US Department of Conservation and Natural Resources**, 359 East Park Drive, Suite 2, Harrisburg, PA 17111-2747, Belfast Township, **Fulton County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to construct earthen embankments, placing fill in or inundating 0.12 acre of Palustrine Emergent (PEM) wetland, all for the purpose of creating a net gain of 1.29 acre of PEM wetland under the national Wetland Reserve Program (WRP). The project is located in Belfast Township, Fulton County (Latitude: 39.864533; Longitude: -78.097676).

## 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, P.O. 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.

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

| NPDES No.<br>(Type) | Facility Name &<br>Address                                     | County &<br>Municipality              | Stream Name<br>(Watershed #) | EPA Waived<br>Y/N? |
|---------------------|--|---------------------------------------|------------------------------|--------------------|
| PA0266574<br>(CAFO) | John Lefever Farm<br>1054 Holtwood Rd<br>Quarryville, PA 17566 | Drumore Township,<br>Lancaster County | Watershed 7K                 | Y                  |

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

| NPDES No.<br>(Type)       | Facility Name &<br>Address   | County &<br>Municipality                   | Stream Name<br>(Watershed No.)   | EPA Waived<br>Y/N? |
|---------------------------|--|--|--|--------------------|
| PA0110540<br>(Industrial) | Northumberland Cannery<br>P.O. Box 500<br>770 Cannery Road<br>Northumberland, PA<br>17857-0500 | Northumberland<br>County<br>Point Township | Unnamed Tributary of<br>West Branch<br>Susquehanna River and<br>West Branch<br>Susquehanna River<br>(10-D) | No                 |
| PA0229460<br>(Sewage)     | Abbott Township Potter County<br>1431 Germania Road<br>Galeton, PA 16922-9445                  | Potter County<br>Abbott Township           | Germania Branch<br>(9-B)   | Yes                |
| PA0115321<br>(Sewage)     | Pennington Residence SRSTP<br>95 Horn Road<br>Cogan Station, PA 17728-8694                     | Lycoming County<br>Lycoming Township       | Little Gap Run<br>(10-A)   | Yes                |
| PA0008796<br>(Industrial) | L-3 Electron Devices, Inc.<br>1035 Westminster Drive<br>Williamsport, PA 17701-3911            | Lycoming County<br>Loyalsock Township      | Unnamed Tributary of<br>West Branch<br>Susquehanna River<br>(10-B)   | Yes                |

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

| NPDES No.<br>(Type)   | Facility Name &<br>Address   | County &<br>Municipality           | Stream Name<br>(Watershed #) | EPA Waived<br>Y/N? |
|-----------------------|--|------------------------------------|------------------------------|--------------------|
| PA0263893<br>(Sewage) | Hawthorn Redbank<br>Redbank Municipal Authority<br>WWTP<br>P.O. Box 241<br>Hawthorn, PA 16230-0241 | Clarion County<br>Redbank Township | Redbank Creek<br>(17-C)      | Yes                |

### II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.

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

**PABIS4824. Leslie's Septic Service-Circle H Ranch,** Pike Township, **Potter County.** Leslie's Septic Service is approved to beneficially use their biosolids on the Circle H Ranch in Pike Township, **Potter County.**

**PABIS4824. Leslie's Septic Service-Woodcock Farm,** Clymer Township, **Tioga County.** Leslie's Septic Service is approved to beneficially use their biosolids on the Woodcock farm in Clymer Township, **Tioga County.**

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

**NPDES Permit No. PA0265420**, Sewage, SIC Code 8800, **Corissa Williams**, 1267 Howard Road, Russell, PA 16345.

This proposed facility is located in Pine Grove Township, **Warren County**.

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

**NPDES Permit No. PA0023043**, Sewage, SIC Code 4952, **North East Borough Erie County**, 31 W Main Street, North East, PA 16428-1135.

This existing facility is located in North East Borough, **Erie County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Sewage.

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

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

**WQM Permit No. 3817401**, Sewerage, **North Londonderry Township Authority**, 655 E Ridge Road, Palmyra, PA 17078-9308.

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

Description of Proposed Action/Activity:

Proposed precast Concrete Valve Vault; Existing precast Concrete Wet Well; Proposed sewage grinder in a precast concrete vault; Installation of new submersible non-clog solids handling sewage pumps (7.5 horsepower); Replacement of existing diesel generator with proposed 60 KW single phase generator for emergency use; Removal of existing setup for the 3.0 horsepower pumps and its appurtenances; Installation of system to connect new pumps with existing 4" ductile iron force main; and Construction of 18' by 14' control building to house all control panels and diesel generator.

**WQM Permit No. 0517201**, CAFO, **Metzler Limited Partnership**, 261 Pleasant View Farms Road, Martinsburg, PA 16662.

This proposed facility is located in Bloomfield, South Woodbury, and Woodbury Townships, **Bedford County**.

Description of Proposed Action/Activity:

This permit approves the construction and operation of manure storage facilities consisting of:

An HDPE-lined lagoon that measures 185' x 275' x 16' and a usable capacity of 3.13 MG.

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

**WQM Permit No. 02171701**, Sewage, SIC Code 4952, **Decatur Township Supervisors**, 575 Fairview Road, Osceola Mills, PA 16666-1708.

This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction of the New Liberty Area Sewer Extension and Pump Station Project.

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

**WQM Permit No. 6517404**, Sewage, SIC Code 4952, **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672.

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

Description of Proposed Action/Activity: The applicant proposes to construct a gravity sanitary sewer collection system to serve the Commerce Crossing Industrial Park.

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

**WQM Permit No. 6217414**, Sewage, **Corissa Williams**, 1267 Howard Road, Russell, PA 16345.

This proposed facility is located in Pine Grove Township, **Warren County**.

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

**WQM Permit No. 4389401 A-2**, Sewage, **Shenango Township Municipal Authority Mercer County**, 155 Campground Road, West Middlesex, PA 16159-2803.

This existing facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: Extension of existing sewage collection and conveyance system and improvements to the existing wastewater treatment plant.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions.**

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

| <i>NPDES Permit No.</i> | <i>Permittee Name &amp; Address</i>                            | <i>Municipality, County</i>     | <i>Receiving Water(s)/Use(s)</i>                          | <i>TMDL Plan Submitted (Y/N)</i> | <i>Pollutant Reduction Plan Submitted (Y/N)</i> |
|-------------------------|--|---------------------------------|---|----------------------------------|---|
| PAG136129               | Monongahela City<br>449 W Main Street<br>Monongahela, PA 15063 | Monongahela City,<br>Washington | Pigeon Creek,<br>Dry Run, and<br>Monongahela<br>River/WWF | N                                | N   |

**V. NPDES Waiver Stormwater Discharges from MS4 Actions.**

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

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

| <i>NPDES Waiver No.</i> | <i>Applicant Name &amp; Address</i>                                 | <i>Municipality, County</i> | <i>Receiving Water(s)/Use(s)</i>   |
|-------------------------|---|-----------------------------|--|
| PAG130181               | Dublin Borough Bucks County<br>199 Maple Avenue<br>Dublin, PA 18917 | Dublin Borough, Bucks       | Unnamed Tributary of Deep Run<br>and Unnamed Tributary to<br>Morris Run/WWF, TSF, and MF |

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

*Southcentral Regional Office: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Phone: 717.705.4800.*

| <i>NPDES Waiver No.</i> | <i>Applicant Name &amp; Address</i>                              | <i>Municipality, County</i> | <i>Receiving Water(s)/Use(s)</i>   |
|-------------------------|--|-----------------------------|--|
| PAG133580               | Oley Township Berks County<br>P.O. Box 19<br>Oley, PA 19547-0019 | Oley Township, Berks        | Unnamed Tributary to<br>Manatawny Creek and Little<br>Manatawny Creek/CWF and MF |

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

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

| <i>NPDES Waiver No.</i> | <i>Applicant Name &amp; Address</i>                                  | <i>Municipality, County</i>         | <i>Receiving Water(s)/Use(s)</i>  |
|-------------------------|--|-------------------------------------|---|
| PAG136105               | Fallowfield Township<br>9 Memorial Drive<br>Charleroi, PA 15022-3404 | Fallowfield Township,<br>Washington | UNT to Pigeon Creek, Pigeon<br>Creek, UNT to Maple Creek,<br>Maple Creek, UNT to<br>Monongahela River, Monongahela<br>River, UNT to Taylors Run/WWF |

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

| <i>NPDES Waiver No.</i> | <i>Applicant Name &amp; Address</i>                                 | <i>Municipality, County</i>     | <i>Receiving Water(s)/Use(s)</i>   |
|-------------------------|---|---------------------------------|--|
| PAG138315               | Girard Township Erie County<br>10140 Ridge Road<br>Girard, PA 16417 | Girard Township,<br>Erie County | Brandy Run, Elk Creek,<br>Unnamed Tributary to Lake Erie<br>and Unnamed Tributary to Elk<br>Creek/WWF, CWF, and MF |

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>   | <i>Receiving Water/Use</i>                           |
|-------------------------|---|---------------|-----------------------|--|
| PAD150068               | Oxford Commons LP; Oxford<br>Phase II, LP, and Oxford Phase<br>III, LP<br>120 West Germantown Pike<br>Suite 120<br>Plymouth Meeting, PA 19462 | Chester       | Lower Oxford Township | Leech Run<br>TSF-MF<br>Little Elk Creek<br>HQ-TSF-MF |



*NPDES*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>         | <i>Receiving Water/Use</i>  |
|-------------------|---|---------------|-----------------------------|-----------------------------|
| PAD150071         | Longview Culbertson, LP<br>1055 Westlakes Drive<br>Suite 170<br>Berwyn, PA 19312    | Chester       | West Brandywine<br>Township | Culbertson Run<br>HQ-TSF-MF |
| PAD150067         | Armstrong Engineering<br>Associates, Inc.<br>P.O. Box 633<br>West Chester, PA 19380 | Chester       | West Bradford<br>Township   | Broad Run<br>EV-MF          |
| PAD150072         | The Hankin Group<br>707 Eagleview Boulevard<br>Exton, PA 19341                      | Chester       | Uwchlan Township            | Shamona Creek<br>HQ-TSF-MF  |

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

*Lackawanna County Conservation District, 1038 Montdale Road, Scott Township, PA 18447.*

*NPDES*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>                                 |
|-------------------|---|---------------|---------------------|--|
| PAD350003         | Clarks Summit University<br>538 Venard Rd<br>South Abington, PA 18411 | Lackawanna    | South Abington Twp  | Tributary to Summit<br>Lake Creek (TSF, MF)<br>EV Wetlands |

*Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.*

*NPDES*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>   |
|-------------------|--|---------------|---------------------|--|
| PAD390057         | Jaindl Land Company<br>3150 Coffeetown Rd<br>Orefield, PA 18069  | Lehigh        | Lower Macungie Twp  | UNT to Little Lehigh<br>Creek (HQ-CWF, MF)<br>Swabia Creek<br>(HQ-CWF, MF) |
| PAD390028         | The Residuary Trust of Andrew<br>Yastishok c/o Mr Joseph<br>Iudicello<br>6500 Chapmans Rd<br>Allentown, PA 18106 | Lehigh        | Lower Macungie Twp  | Cedar Creek<br>(HQ-CWF, MF)  |

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

*NPDES*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i>       | <i>Municipality</i> | <i>Receiving Water/Use</i>                                       |
|-------------------|--|---------------------|---------------------|--|
| PAD020007         | Health South Rehabilitation<br>Hospital of Sewickley, LLC<br>3660 Grandview Parkway<br>Suite 200<br>Birmingham, AL 35243 | Allegheny<br>County | Leet Township       | Big Sewickley Creek<br>(TSF); Little Sewickley<br>Creek (HQ-TSF) |

**VII. Approvals to Use NPDES and/or Other General Permits.**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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

|             |   |
|-------------|---|
| PAG-1       | General Permit for Discharges from Stripper Oil Well Facilities   |
| PAG-2       | General Permit for Discharges of Stormwater Associated With Construction Activities   |
| PAG-3       | General Permit for Discharges of Stormwater From Industrial Activities  |
| PAG-4       | General Permit for Discharges from Small Flow Treatment Facilities  |
| PAG-5       | General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems   |
| PAG-6       | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)  |
| PAG-7       | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application  |
| PAG-8       | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage   |

|             |   |
|-------------|---|
| PAG-9       | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage   |
| PAG-10      | General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines   |
| PAG-11      | General Permit for Discharges from Aquatic Animal Production Facilities   |
| PAG-12      | Concentrated Animal Feeding Operations (CAFOs)  |
| PAG-13      | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)   |
| PAG-14      | (To Be Announced)   |
| PAG-15      | General Permit for Discharges from the Application of Pesticides  |

*General Permit Type—PAG-02*

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

| <i>Facility Location &amp; Municipality</i>                | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water / Use</i>                             | <i>Contact Office &amp; Phone No.</i>   |
|--|-------------------|--|--|---|
| Doylestown Township<br>Buckingham Township<br>Bucks County | PAC090135         | Doylestown Municipal Auth.<br>425 Wells Road<br>Doylestown, PA 18901               | Neshaminy Creek<br>TSF-WWF                               | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Upper Dublin Township<br>Montgomery County                 | PAC460188         | Dresher Care Group, LLC<br>5101 NE 82nd Avenue<br>Suite 200<br>Vancouver, WA 98662 | Pine Run &<br>Unnamed Tributary<br>to Pine Run<br>TSF-MF | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Lower Providence Township<br>Montgomery County             | PAC460132         | 35 Evansburg Road, L.P.<br>1030 West Germantown Pike<br>East Norriton, PA 19403    | Skippack Creek<br>TSF-MF                                 | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Doylestown Townships<br>Bucks County                       | PAC090115         | Central Bucks Family YMCA<br>2500 Lower State Road<br>Doylestown, PA 18901         | Neshaminy Creek<br>TSF-MF                                | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Doylestown Borough<br>Bucks County                         | PAC090128         | Zencorr Properties, LTD<br>47 West Oakland Avenue<br>Doylestown, PA 18901          | Cooks Run<br>WWF-MF                                      | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |

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

| <i>Facility Location: Municipality &amp; County</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water / Use</i>   | <i>Contact Office &amp; Phone No.</i>                   |
|---|-------------------|--|--------------------------------|---|
| Wilkes-Barre City<br>Luzerne County                 | PAC400052         | Wilkes University<br>Charles Cary<br>84 West South St<br>Wilkes-Barre, PA 18766    | Susquehanna River<br>(WWF, MF) | Luzerne County<br>Conservation District<br>570-674-7991 |
| Wilkes-Barre City<br>Luzerne County                 | PAC400049         | King's College<br>Thomas Butchko<br>133 River St<br>Wilkes-Barre, PA<br>18711-0800 | Susquehanna River<br>(WWF, MF) | Luzerne County<br>Conservation District<br>570-674-7991 |

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

| <i>Facility Location: Municipality &amp; County</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water / Use</i> | <i>Contact Office &amp; Phone No.</i>   |
|---|-------------------|--|------------------------------|---|
| Littlestown Borough<br>Adams County<br>Issued       | PAC010045         | Littlestown Area School District<br>162 Newark Street<br>Littlestown, PA 17340 | UNT Alloway Creek<br>(WWF)   | Adams County<br>Conservation District<br>670 Old Harrisburg Road<br>Suite 201<br>Gettysburg, PA<br>17325-3404<br>717.334.0636 |

## NOTICES

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| <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>   |
|--|-------------------|--|--|---|
| Marion Township<br>Berks County<br>Issued  | PAC060103         | Marlin Ray Martin<br>7627 Lancaster Avenue<br>Myerstown, PA 17067  | UNT Little Swatara<br>Creek<br>(CWF)<br>Owl Creek<br>(CWF)                 | Berks County<br>Conservation District<br>1238 County Welfare Road<br>Suite 200<br>Leesport, PA 19533-9710<br>610.372.4657 |
| Bethel Township<br>Berks County<br>Issued  | PAC060099         | Bethel Group, LLC<br>875 Berkshire Boulevard<br>Suite 102<br>Wyomissing, PA 19610                          | UNT Little Swatara<br>Creek<br>(CWF)                                       | Berks County<br>Conservation District<br>1238 County Welfare Road<br>Suite 200<br>Leesport, PA 19533-9710<br>610.372.4657 |
| Oley Township<br>Berks County<br>Issued  | PAC060090         | DePaul Development<br>409 Stenton Avenue<br>Flourtown, PA 19031  | Monocacy Creek<br>(WWF, MF)  | Berks County<br>Conservation District<br>1238 County Welfare Road<br>Suite 200<br>Leesport, PA 19533-9710<br>610.372.4657 |
| Allegheny Township<br>Blair County<br>Issued   | PAC070024         | L.S. Fiore/Pennsylvania<br>Investor Enterprise, LLC<br>5506 6th Avenue, Rear<br>Altoona, PA 16602          | Burgoon Run<br>(TSF)<br>UNT Burgoon Run<br>(TSF)                           | Blair County<br>Conservation District<br>1407 Blair Street<br>Hollidaysburg, PA 16648<br>814.696.0877, ext. 5             |
| Hollidaysburg<br>Borough,<br>Frankstown and<br>Blair Townships<br>Blair County<br>Issued | PAC070025         | D. Holdings, Inc.<br>3329 Pleasant Valley<br>Boulevard<br>Altoona, PA 16602                                | Beaver Dam Branch<br>and Frankstown<br>Branch of Juniata<br>River<br>(WWF) | Blair County<br>Conservation District<br>1407 Blair Street<br>Hollidaysburg, PA 16648<br>814.696.0877, ext. 5             |
| City of Altoona,<br>Blair County<br>Issued   | PAC070020         | Altoona Area School<br>District<br>2407 Sixth Avenue<br>Altoona, PA 16602                                  | UNT Mill Run<br>(WWF, MF)  | Blair County<br>Conservation District<br>1407 Blair Street<br>Hollidaysburg, PA 16648<br>814.696.0877, ext. 5             |
| Lower Swatara<br>Township<br>Dauphin County<br>Issued                                    | PAC220085         | Lower Swatara Township<br>1499 Spring Garden Drive<br>Middletown, PA<br>17057-3271                         | UNT Susquehanna<br>River<br>(WWF, MF)                                      | Dauphin County<br>Conservation District<br>1451 Peters Mountain<br>Road<br>Dauphin, PA 17018<br>717.921.8100              |
| Middle Paxton<br>Township<br>Dauphin County<br>Issued                                    | PAC220077         | Calabria Estates, LLC<br>49 Groff Road<br>Annville, PA 17003   | Fishing Creek<br>(WWF, MF)   | Dauphin County<br>Conservation District<br>1451 Peters Mountain<br>Road<br>Dauphin, PA 17018<br>717.921.8100              |
| South Lebanon<br>Township<br>Lebanon County<br>Issued                                    | PAC380052         | Carl W. Reist<br>1315 South 5th Avenue<br>Lebanon, PA 17042  | UNT Quittapahilla<br>Creek<br>(TSF)  | Lebanon County<br>Conservation District<br>2120 Cornwall Road<br>Lebanon, PA 17042-9788<br>717.277.5275                   |
| Manchester<br>Township<br>York County<br>Issued  | PAC670092         | Heritage Business Park,<br>LP<br>Adam Meinstein<br>1777 Sentry Parkway<br>Suite 200<br>Blue Bell, PA 19422 | Codorus Creek<br>(WWF)   | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>717-840-7430                         |
| Dover Township<br>York County<br>Issued  | PAC670124         | Mahant Krupa, LLC<br>BJ Patel<br>605 Park Avenue<br>Hershey, PA 17033                                      | Little Conewago<br>Creek<br>(TSF)  | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>717-840-7430                         |

| <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>   |
|--|-------------------|--|----------------------------------|---|
| Manchester Township<br>York County<br>Issued                   | PAC670123         | YMPP Equities, LLC<br>Scott Wagner<br>3955 North George St<br>Ext.<br>Manchester, PA 17345 | Codorus Creek<br>(WWF)           | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>717-840-7430 |
| Springettsbury &<br>Windsor Townships<br>York County<br>Issued | PAC670140         | Springettsbury Township<br>Mark Hodgkinson<br>1501 Mt. Zion Rd<br>York, PA 17402           | Kreutz Creek<br>(WWF)            | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>717-840-7430 |

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

| <i>Facility Location<br/>and Municipality</i> | <i>Permit No.</i> | <i>Applicant Name and<br/>Address</i>  | <i>Receiving<br/>Water / Use</i>     | <i>Contact Office and<br/>Phone No.</i>   |
|---|-------------------|--|--------------------------------------|---|
| Cecil Township                                | PAC630058         | Thomas A. Robinson<br>Family Limited<br>Partnership<br>1321-C McLaughlin Run<br>Road<br>Pittsburgh, PA 15241 | Chartiers Creek<br>(WWF)             | Washington County<br>Conservation District<br>2800 North Main Street<br>Suite 105<br>Washington, PA 15301<br>(724) 705-7098 |
| Nottingham<br>Township                        | PAC630065         | Castlewood Fields, LP<br>375 Golfside Drive<br>Wexford, PA 15090   | UNT to Peters Run<br>(TSF)           | Washington County<br>Conservation District<br>2800 North Main Street<br>Suite 105<br>Washington, PA 15301<br>(724) 705-7098 |
| Carroll Township;<br>Fallowfield<br>Township  | PAC630078         | Pennsylvania American<br>Water<br>300 Galley Road<br>McMurray, PA 15317                                      | UNT to<br>Monongahela River<br>(WWF) | Washington County<br>Conservation District<br>2800 North Main Street<br>Suite 105<br>Washington, PA 15301<br>(724) 705-7098 |

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

| <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>  |
|---|--------------------------------|---|---|--|
| Neshannock<br>Township,<br>Lawrence County                  | PAC370018                      | Neshannock Township<br>Sewer Department<br>Leslie Bucci<br>3131 Mercer Road<br>New Castle, PA 16105 | UNT to Neshannock<br>Creek TSF                  | Lawrence County<br>Conservation District<br>430 Court Street<br>New Castle, PA 16101<br>724-652-4512 |
| Borough of<br>Stoneboro,<br>Mercer County                   | PAC430014 (Major<br>Amendment) | Borough of Stonoboro<br>59 Lake Street<br>Stoneboro, PA 16153                                       | Sawmill Run and<br>Sandy Creek<br>tributary WWF | Mercer County<br>Conservation District<br>747 Greenville Road<br>Mercer, PA 16137<br>724-662-2242    |

*General Permit Type—PAG-03*

| <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>  |
|--|-------------------|---|----------------------------------|--|
| City of Pittsburgh<br>Allegheny County                     | PAG036198         | Hanson Ready Mix, Inc.<br>Pittsburgh Plant<br>2220 2nd Avenue<br>Pittsburgh, PA 15219 | Monongahela<br>River—19-A<br>WWF | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |



*General Permit Type—PAG-8**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*

Towamencin  
Municipal Authority  
Towamencin  
Township  
Montgomery County

PAG080008

Towamencin Municipal  
Authority  
2225 Kriebel Road  
Lansdale, PA 19446

Abington Township  
STP  
1000 Fitzwatertown  
Road  
Roslyn, PA 19001

Southeast Region  
Clean Water  
484.250.5970

*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*

Pike Township,  
Potter County

PAG094808

Leslie's Septic Service  
P.O. Box 211  
Galeton, PA 16922

Leslie's Septic  
Service  
Pike Township,  
Potter County

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101  
Williamsport, PA  
17701-6448  
570.327.3636

*General Permit Type—PAG-12**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*

Earl Township,  
Lancaster County

PAG123521

Eugene Z Nolt  
143 Kurtz Road  
New Holland, PA  
17557-9775

Watershed 7-J

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

West Earl  
Township,  
Lancaster County

PAG123871

Landis S Hoover  
1453 Diamond Station  
Road  
Ephrata, PA 17522

Watershed 7-J

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Brown Township,  
Mifflin County

PAG123870

Marlin J Peachy  
328 Coffee Run Road  
Reedsville, PA 17084

Watershed 12-A

DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

West Perry  
Township  
Snyder County

PAG124845

Dale Maneval  
11203 Route 35  
Mt Pleasant Mills, PA  
17853-8476

Unnamed Tributary  
of North Branch  
Mahantango  
Creek—6-C

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101  
Williamsport, PA  
17701-6448  
570.327.3636

*General Permit Type—PAG-13**Facility Location  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*

Green Lane  
Borough  
Montgomery County

PAG130165

Green Lane Borough  
Montgomery County  
214 Main Street  
Green Lane, PA  
18054-0514

Macoby Creek and  
Perkiomen Creek—  
3-E

DEP Southeast  
Regional Office  
Clean Water Program  
2 E Main Street  
Norristown, PA 19401  
484.250.5970

Lower Pottsgrove  
Township  
Montgomery County

PAG130073

Lower Pottsgrove  
Township  
Montgomery County  
219 Buchert Road  
Pottstown, PA 19464

Schuylkill River,  
Hartenstine Creek,  
Sanatoga Creek, and  
Sprogels Run—3-D

DEP Southeast  
Regional Office  
Clean Water Program  
2 E Main Street  
Norristown, PA 19401  
484.250.5970

| <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>  |
|--|-------------------|--|---|--|
| Royersford Borough<br>Montgomery County                    | PAG130023         | Royersford Borough<br>Montgomery County<br>P.O. Box 188<br>300 Main Street<br>Royersford, PA<br>19468-0188 | Schuylkill River—<br>3-D  | DEP Southeast<br>Regional Office<br>Clean Water Program<br>2 E Main Street<br>Norristown, PA 19401<br>484.250.5970           |
| Schwenksville<br>Borough<br>Montgomery County              | PAG130167         | Schwenksville Borough<br>Montgomery County<br>140 Main Street<br>Schwenksville, PA 19426                   | Mine Run and<br>Perkiomen Creek—<br>3-E   | DEP Southeast<br>Regional Office<br>Clean Water Program<br>2 E Main Street<br>Norristown, PA 19401<br>484.250.5970           |
| West Pottsgrove<br>Township<br>Montgomery County           | PAG130061         | West Pottsgrove Township<br>Montgomery County<br>980 Grosstown Road<br>Stowe, PA 19464-6124                | Unnamed Tributary<br>to Schuylkill River,<br>Unnamed Tributary<br>to Manatawny<br>Creek, Manatawny<br>Creek, and Unnamed<br>Tributary of<br>Manatawny Creek—<br>3-D   | DEP Southeast Regional<br>Office<br>Clean Water Program<br>2 E Main Street<br>Norristown, PA 19401<br>484.250.5970           |
| Yardley Borough<br>Bucks County                            | PAG130041         | Yardley Borough Bucks<br>County<br>56 South Main Street<br>Yardley, PA 19067                               | Buck Creek and<br>Delaware River—2-E  | DEP Southeast<br>Regional Office<br>Clean Water Program<br>2 E Main Street<br>Norristown, PA 19401<br>484.250.5970           |
| Rostraver Township<br>Westmoreland<br>County               | PAG136252         | Rostraver Township<br>201 Municipal Drive<br>Belle Vernon, PA<br>15012-3549                                | Unnamed Tributary<br>to Lutz Run,<br>Unnamed Tributary<br>to Cedar Creek,<br>Unnamed Tributary<br>of Humms Run,<br>Pollock Run, Cedar<br>Creek, Youghioghenny<br>River, Speers Run,<br>Unnamed Tributary<br>to Speers Run,<br>Unnamed Tributary<br>to Browneller Run,<br>Unnamed Tributary<br>to Monongahela<br>River, Unnamed<br>Tributary to Pollock<br>Run, Unnamed<br>Tributary to<br>Youghioghenny River,<br>and Monongahela<br>River—19-D and<br>19-C | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |
| Moon Township<br>Allegheny County                          | PAG136274         | Moon Township<br>1000 Beaver Grade Road<br>Moon Township, PA 15108   | Thorn Run, Shouse<br>Run, Boggs Run,<br>Meeks Run,<br>Unnamed Tributary<br>to Ohio River, Ohio<br>River, Unnamed<br>Tributary to Spring<br>Run, McCabe Run,<br>Trout Run, and<br>Montour Run—20-G   | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |

| <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>  |
|--|-------------------|---|--|--|
| South Fayette<br>Township<br>Allegheny County              | PAG136282         | South Fayette Township<br>515 Millers Run Road<br>Morgan, PA 15064-9726                     | Coal Run, Thoms<br>Run, Millers Run,<br>Unnamed Tributary<br>to Thoms Run,<br>Robinson Run, and<br>Chartiers<br>Creek—20-F   | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |
| Baldwin Borough<br>Allegheny County                        | PAG136128         | Baldwin Borough<br>3344 Churchview Avenue<br>Pittsburgh, PA<br>15227-4306                   | Lick Run, Streets<br>Run, Unnamed<br>Tributary to Streets<br>Run, Unnamed<br>Tributary to<br>Monongahela River,<br>Monongahela River,<br>Unnamed Tributary<br>to Lick Run, and<br>Glass Run—19-A<br>and 19-C | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |
| Millvale Borough<br>Allegheny County                       | PAG136150         | Millvale Borough<br>Allegheny County<br>501 Lincoln Avenue<br>Millvale, PA 15209-2647       | Unnamed Tributary<br>to Girtys Run, Girtys<br>Run, and Allegheny<br>River—18-A   | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |
| Heidelberg Borough<br>Allegheny County                     | PAG136240         | Heidelberg Borough<br>Allegheny County<br>1631 E Railroad Street<br>Carnegie, PA 15106-4026 | Unnamed Tributary<br>to Chartiers Creek<br>and Chartiers<br>Creek—20-F   | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |
| Monessen City  | PAG136283         | Monessen City<br>100 Third Street<br>Monessen, PA 15062                                     | Unnamed Tributary<br>to Monongahela<br>River, and<br>Monongahela<br>River—19-C   | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |
| Bentleyville<br>Borough<br>Washington County               | PAG136337         | Bentleyville Borough<br>900 Main Street<br>Bentleyville, PA 15314                           | Unnamed Tributary<br>to Pigeon Creek and<br>Pigeon Creek—19-C  | DEP Southwest<br>Regional Office<br>Clean Water Program<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>412.442.4000 |

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

| <i>Agricultural Operation<br/>Name and Address</i>                        | <i>County</i> | <i>Total<br/>Acres</i> | <i>AEU's</i> | <i>Animal<br/>Type</i> | <i>Special<br/>Protection<br/>Waters (HQ<br/>or EV or NA)</i> | <i>Approved or<br/>Disapproved</i> |
|---|---------------|------------------------|--------------|------------------------|---|------------------------------------|
| Mercer Vu Farms, Inc.<br>12275 Mt. Pleasant Road<br>Mercersburg, PA 17236 | Franklin      | 2,603.5                | 2,917.18     | 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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act.**

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

**Permit No. 2586610, Operations Permit, Public Water Supply.**

|                       |   |
|-----------------------|---|
| Applicant             | <b>G.L. Parrish, Inc.</b><br>10273 State Route 29<br>Montrose, PA 18801 |
| [Borough or Township] | Montrose Borough  |
| County                | <b>Susquehanna</b>  |

|                          |                             |
|--------------------------|-----------------------------|
| Type of Facility         | Finished Bulk Water Hauling |
| Consulting Engineer      | N/A                         |
| Permit to Operate Issued | 3/05/2018                   |

**Permit No. 3480022, Operations Permit, Public Water Supply.**

|                          |   |
|--------------------------|---|
| Applicant                | <b>Bethlehem Authority</b><br>10 East Church St.<br>Bethlehem, Pa 18018-6005                                |
| [Borough or Township]    | East Allen Township   |
| County                   | <b>Northampton</b>  |
| Type of Facility         | PWS   |
| Consulting Engineer      | Mr Steven G Lowry, PE<br>Steven G Lowry & Associates Inc<br>3708 Leyland Dr<br>Mechanicsburg, PA 17050-9165 |
| Permit to Operate Issued | 3/9/2018  |

**Permit No. 6418501MA, Public Water Supply.**

|                            |  |
|----------------------------|--|
| Applicant                  | <b>Aqua Pennsylvania, Inc.</b><br>1 Aqua Way<br>White Haven, PA 18661            |
| [Borough or Township]      | Palmyra Township & Hawley Borough  |
| County                     | <b>Wayne</b>   |
| Type of Facility           | PWS  |
| Consulting Engineer        | Dan Hopkins, PE<br>Entech Engineering, Inc.<br>201 Penn St.<br>Reading, PA 19603 |
| Permit to Construct Issued | 3/12/2018  |

**Permit No. 4518503MA, Public Water Supply.**

|                       |  |
|-----------------------|--|
| Applicant             | <b>Aqua PA, Inc.</b><br>1 Aqua Way<br>White Haven, PA 18661                          |
| [Township or Borough] | Polk Township, <b>Monroe County</b>  |
| Responsible Official  | Patrick R. Burke, PE<br>Aqua PA, Inc.<br>204 E. Sunbury Street<br>Shamokin, PA 17872 |
| Type of Facility      | PWS  |



Consulting Engineer Chad M. Lello, PE  
Pennoni Associates, Inc.  
100 N. Wilkes-Barre Blvd  
Wilkes-Barre, PA 18702

Permit issued Date 03/13/2018

**Permit No. 2660014, Operation Permit, Public Water Supply.**

Applicant **Tunkhannock Borough Municipal Authority**  
201 West Tioga Street  
Tunkhannock, PA 18657

Municipality Tunkhannock Borough  
County **Wyoming**  
Type of Facility Public Water Supply  
Consulting Engineer N/A  
Permit to Operate Issued March 15, 2018

**Permit No. 6418502MA, Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
1775 North Main St.  
Honesdale, PA 18431

[Borough or Township] Canaan Township  
County **Wayne**  
Type of Facility PWS  
Consulting Engineer Steven E. Riley, PE  
Entech Engineering, Inc.  
201 Penn St.  
Reading, PA 19603

Permit to Construct Issued 3/19/2018

**Permit No. 4017511, Public Water Supply.**

Applicant **Mercy Center Nursing Unit, Inc.**  
301 Lake Street,  
P.O. Box 370  
Dallas, PA 18612

Municipality Dallas Township  
County **Luzerne**  
Type of Facility Public Water Supply  
Consulting Engineer Martin J. Gilligan, P.E.  
52 Westminster Drive  
Dallas, PA 18612

Permit to Construct Issued March 21, 2018

**Permit No. 3618502 MA, Minor Amendment, Public Water Supply.**

Applicant **City of Lancaster**  
Municipality West Hempfield Township  
County **Lancaster**  
Responsible Official Charlotte Katzenmoyer, Public Works Director  
120 North Duke Street  
Lancaster, PA 17608-1559

Type of Facility Decommissioning of the existing 200,000 gallon Lampeter Storage Tank.

Consulting Engineer Cindy McCormick, P.E.  
City of Lancaster  
150 N Duke Street  
Lancaster, PA 17608-1599

Permit to Construct Issued 3/14/2018

**Permit No. 5018501 MA, Minor Amendment, Public Water Supply.**

Applicant **Church of the Living Christ & Heritage Christian School**  
Municipality Tyrone Township  
County **Perry**  
Responsible Official Tom Bell, Manager  
2401 Fort Robinson Road  
Loysville, PA 17047

Type of Facility A soda ash feed system and water softener will be installed to address a copper action level exceedance. A Corrosion Control Feasibility Study was previously submitted and approved by the Department on October 20, 2017.

Consulting Engineer Kevin L. Little, P.E.  
Barton & Loguidice DPC  
3901 Hartzdale Drive  
Camp Hill, PA 17013

Permit to Construct Issued 3/19/2018

**Operation Permit No. 5008504** issued to: **Liverpool Municipal Authority (PWS ID No. 7500014)**, Liverpool Borough, **Perry County** on 3/14/2018 for facilities approved under Construction Permit No. 5008504.

**Operation Permit No. 4417501 MA** issued to: **The Municipal Authority of the Borough of Lewistown (PWS ID No. 4440010)**, Granville Township, **Mifflin County** on 3/14/2018 for facilities approved under Construction Permit No. 4417501 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Lycoming County Water and Sewer Authority (Public Water Supply), Lycoming County:** On March 15, 2018, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for Lycoming County Water and Sewer Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Mark R. Stephens, P.G., (570) 327-3422).

**Permit No. 5518501MA—Construction—Public Water Supply.**

Applicant **Spring Township Municipal Authority**  
Township/Borough Spring Township  
County **Snyder County**  
Responsible Official Mr. Steven Aumiller  
Authority Manager  
Spring Township Municipal Authority  
P.O. Box 133  
Beaver Springs, PA 17812

Type of Facility Public Water Supply  
 Consulting Engineer Mr. John R. Williams, P.E.  
 3909 Brandywine Street  
 High Point, NC 27265  
 Permit Issued March 20, 2018  
 Description of Action Authorizes construction of a  
 139,000-gallon clearwell that will  
 be connected to the existing  
 110,000-gallon clearwell by C900  
 PVC pipe and valved ductile iron  
 joints.

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

**Operations Permit** issued to: **Nanty Glo Water Authority**, 1015 First Street, Suite 1, Nanty Glo, PA 15943, (PWSID # 4110023) Cambria Township, **Cambria County** on March 14, 2018 for the operation of facilities approved under Construction Permit # 1115510.

**Operations Permit** issued to: **Nanty Glo Water Authority**, 1015 First Street, Suite 1, Nanty Glo, PA 15943, (PWSID # 4110023) Cambria Township, **Cambria County** on March 14, 2018 for the operation of facilities approved under Construction Permit # 1115510-A1.

**Operations Permit** issued to: **Lilly Borough Water Authority**, 421 Main Street, Lilly, PA 15938, (PWSID # 4110046) Lilly Borough, **Cambria County** on March 14, 2018 for the operation of facilities approved under Construction Permit # 1192501-T1.

**Permit No. 5617507MA, Minor Amendment.** Public Water Supply.

Applicant **Somerset County General Authority**  
 300 North Center Avenue  
 Suite 500  
 Somerset, PA 15501  
 [Borough or Township] Jenner Township  
 County **Somerset**  
 Type of Facility Clarifier rehabilitation  
 Consulting Engineer Somerset Planning &  
 Engineering Services, LLC  
 222 West Main Street  
 Suite 100  
 Somerset, PA 15501  
 Permit to Construct March 19, 2018  
 Issued

**Permit No. 0418501MA, Minor Amendment.** Public Water Supply.

Applicant **Brighton Township Municipal Authority**  
 1300 Brighton Road  
 Beaver, PA 15009  
 [Borough or Township] Brighton Township  
 County **Beaver**  
 Type of Facility 2018 Tuscarawas Road waterline  
 project

Consulting Engineer Lennon, Smith, Souleret  
 Engineering, Inc.  
 846 Fourth Avenue  
 Coraopolis, PA 15108  
 Permit to Construct March 19, 2018  
 Issued

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

**Permit No. 2884-MA2**, Public Water Supply.

Applicant **Greenville Municipal Water Authority**  
 Township or Borough Greenville Borough  
 County **Mercer**  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Horvat, P.E.  
 Entech Engineering  
 400 Rouse Road Building 2  
 Suite 200  
 Coraopolis, PA 15108  
 Permit to Construct March 14, 2018  
 Issued

**Permit No. 33175-1**, Public Water Supply.

Applicant **PA American Water Company**  
 Township or Borough Punxsutawney Borough  
 County **Jefferson**  
 Type of Facility Public Water Supply  
 Consulting Engineer Garret J. Hargenrader, P.E.  
 GD&F  
 3121 Fairway Drive  
 Altoona, PA 16602  
 Permit to Construct March 16, 2018  
 Issued

**Permit No. 8551-W-MA1**, Public Water Supply.

Applicant **North East Borough Water Authority**  
 Township or Borough North East Borough  
 County **Erie**  
 Type of Facility Public Water Supply  
 Consulting Engineer Jeffrey Kordes, P.E.  
 GPI  
 8 Gibson Street  
 North East, PA 16428  
 Permit to Construct March 16, 2018  
 Issued

#### WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**WA 60-1003A**, Water Allocations. **West Branch Township Municipal Authority**, 577 Johnston Road, Mifflinburg, PA 17844, West Buffalo Township, **Union County**. Subsidiary Water Allocation Permit.

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5).

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

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>                                | <i>County</i> |
|----------------------------|---|---------------|
| Mahanoy Township           | 1010 W. Center St.  | Schuylkill    |
| Ryan Township              | Mahanoy City, PA 17948<br>36 N. 5th Ave.<br>Barnesville, PA 18214 |               |

*Plan Description:*

The Act 537 Plan Revision was approved by DEP on March 12, 2018.

The Department of Environmental Protection (DEP) has reviewed Mahanoy and Ryan Townships Act 537 Official Sewage Facilities Plan Revision for the Mahanoy Business Park/Bedinsky Airport Parcel Subdivision (the Plan). The Plan was prepared by Alfred Benesch Engineers and received by the Department on December 8, 2017.

The proposal consists of the creation of three (3) warehouses of 1.1 million square feet; 850,000 square feet and 500,000 square feet, respectively. It is estimated the commercial lot will produce 50,000 gallons per day of sewage flow. The sewage flow of 50,000 gallons per day will be collected, conveyed and treated by a proposed wastewater treatment plant built on site that will be owned and operated by the Schuylkill County Municipal Authority.

The proposed treatment plant will discharge to Codorus Creek, which is classified as CWF (cold water fishes).

The Department's review of the Act 537 Plan Revision has not identified any significant environmental impacts resulting from the proposal.

Any required NPDES Permits or WQM Permits must be obtained in the name of the Schuylkill County Municipal Authority.

### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act.

*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> |
|----------------------------|--|---------------|
| Walker Township            | 9696 William Penn Highway<br>Thompstontown, PA 17094 | Juniata       |

*Plan Description:* The request for planning exemption submitted for the Darrell Naylor Subdivision, DEP Code No. A3-34917-212-2E, APS Id 963252, is disapproved. The purpose of this plan is to create one new residential building lot to use an individual onlot sewage disposal system, and a residual tract with an existing dwelling and onlot sewage disposal system. The project is located on the south side of Jonestown Road, west of the junction

with Saner Lane. The submission does not qualify for the use of the planning exemption because the proposed building lot is underlain by carbonate geology. See Chapter 71, Section 7(b)(1)(ii).

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 2

#### The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**2283 Huntingdon Pike**, 2283 Huntingdon Pike, Lower Moreland Township, **Montgomery County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Dorothy Liebold, Alfred P. Liebold Associates Family LP, 495 Lawrence Road, Huntingdon Valley, PA 19006 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.



**Venice Island**, 1 Leverington Avenue, City of Philadelphia, **Philadelphia County**. George Guzdek, PG, Bison Environmental, LLC, 89 Jennifer Lane, Burlington, NJ 08016 on behalf of Jane Smith, Venice Island Realty Partners c/o Lubert-Adler Management, Cira Center-28th Floor, 2929 Arch Street, Philadelphia, PA 19104 submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil contaminated with metals and polynuclear aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Gutherieville Tire & Service**, 1199 Horseshoe Pike, Downingtown Township, **Delaware County**. Douglas B. Schott, Brickhouse Environmental, 51 South Franklin Street, West Chester, PA 19382, Anthony Scalies, Honey Brook Pharmacy, 35 Valley Square, Honey Brook, PA 19344 on behalf of Renee Whitley, Siler Bow LLC, 121 Warwick Road, Elverson, PA 19520 submitted a Remedial Investigation Report/Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**University of the Sciences**, 4514-22 Woodland Avenue, City of Philadelphia, **Philadelphia County**. Jeffery T. Bauer, PG, Whitestone Associates, Inc. 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Craig Washington, University of the Sciences in Philadelphia, 4140 Woodland Avenue, Philadelphia, PA 19104 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.

**USPS King of Prussia**, 190 Town Center Road, Upper Merion Township, **Montgomery County**. Kenneth Kim, JK Environmental Services, LLC, P.O. Box 509, Lafayette Hill, PA 19444 submitted a Final Report concerning remediation of site soil contaminated with naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Manayunk Storage**, 51 Leverington Avenue, City of Philadelphia, **Philadelphia County**. Toby Kessler, PG, Gilmore & Associates, Inc., 65 Butler Avenue, Suite 100, New Britain, PA 18901 on behalf of Richard Long, The H&K Group, 2052 Lucon Road, Skippack, PA 19474 submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Woods Brothers Lumber Inc.**, 2621-2667 Frankford Avenue, City of Philadelphia, **Philadelphia County**. Jeremy W. Bolyn, Environmental Maintenance, Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Stephen Woods/Robert Woods, Woods Brothers Lumber Inc., P.O. Box 12734, Philadelphia, PA 19134 submitted a Final Report concerning remediation of site groundwater and soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Manhattan Bagel**, 4 South MacDade Boulevard, Glenolden Township, **Delaware County**. David Mack, Arcadis U.S. Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090 on behalf of Calista Campbell, Exxon Mobil Environmental Services, 1900 East Linden Avenue, Building 28A, Linden, NJ 07036 submitted a Final Report concerning remediation of site groundwater and soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**1940 West Allegheny Avenue**, 1940 West Allegheny Avenue, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of R. Max Kent, New Courtland Senior Services, 6950 Germantown Avenue, Philadelphia, PA 19119 submitted a Remedial Investigation/Cleanup Plan/Final Report concerning remediation of site soil contaminated with polyaromatic hydrocarbons and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**912 South Union Street**, Kennett Square Township, **Chester County**. Paul White, PG, Brickhouse Environmental, 51 South Franklin Street, West Chester, PA 19382 on behalf of Scott Emerson, Sweetbriar Investment Properties, LP., 1595 Paoli Pike, West Chester, PA 19380 submitted a Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Wedgewood Cleaners**, 2311 & 2313 West Lincoln Highway, Caln Township, **Chester County**. Alan R. Hirschfeld, D/R's Bankers Environmental Solutions, LLC, 3600 Conshohocken Avenue, Suite 1204, Philadelphia, PA 19131 on behalf of Dale Reiser, D/R's Bankers Environmental Solutions, LLC, 3600 Conshohocken Avenue, Suite 1204, Philadelphia, PA 19131 submitted a Final Report concerning remediation of site groundwater contaminated with PCE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**6361 Meetinghouse Road**, 6361 Meetinghouse Road, Solebury Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of David Marshall, 6361 Meetinghouse Road, New Hope, PA 18938 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.

**Fancher Residence**, 1206 Linden Avenue, Lower Makefield Township, **Bucks County**. Sean M. Damon, Langan Engineering, P.O. Box 1569, Doylestown, PA 18901-0219 on behalf of Louis Fancher, 1206 Linden Avenue, Yardley, PA 19067-7430 submitted a Remedial Investigation Report/Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Bethlehem Commerce Center-Saucon Tract-Lot 13**, 2010 Spillman Drive, City of Bethlehem, **Northampton County**. Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, on behalf of JG Petrucci Company, 1717 Route 173, Suite 201, Asbury, NJ 08802 has submitted a cleanup plan concerning the remediation of soil contamination from historical operations at this site. The report is intended to document remediation of the site to meet Site-Specific Standards.

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

**Joyce Crouse Property**, 1110 Table Rock Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**. P. Joseph Lehman Consulting Engineers, 117



Olde Farm Office Road, Suite 113, Altoona, PA 16635, on behalf of Joyce Crouse, 1110 Table Rock Road, Gettysburg, PA 17325, submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Alta Resources Mac Pad A, 2804 Slacks Run Road, Cascade Township, Lycoming County.** Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19431, on behalf of Alta Operating, LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with ethanol, methanol, and inorganics. This report is intended to document remediation of the site to meet the Residential Background and Statewide Health Standards.

## 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 Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Preparatory Charter School, 1928 Point Breeze Avenue, City of Philadelphia, Philadelphia County.** Andrew Basehoar, PG, TTI Environmental, 1253 North Church Street, Mooretown, NJ 08057 on behalf of Charles M. Pearsall, III, Friends of the Preparatory Charter School, 1928 Point Breeze Avenue, Philadelphia, PA 19145 submitted a Final Report concerning the remediation of site contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on February 26, 2018.

**Flamer Residence, 553 East Chestnut Street, City of Coatesville, Chester County.** Andrew Markoski, Patriot Environmental Management LLC, 21 Unionville Road, P.O. Box 629, Douglassville, PA 19518 on behalf of Gregory Woerth, Whitlock and Woerth, Inc., 1220 Georgetown Road, Christiana, PA 17509 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Report was withdrawn by the Consultants on March 13, 2018.

**Wawa Store No. 8013, 2535 Aramingo Avenue, City of Philadelphia, Philadelphia County.** Geoff Kristof, PG, Aquaterra Technologies, Inc. P.O. Box 744, West Chester, PA 19381 on behalf of Joseph Standen, Jr., PG, Wawa Inc., 260 West Baltimore Pike, Media, PA 19063 submitted a Cleanup Plan/Remedial Investigation Report concerning the remediation of site soil contaminated with lead. The Report was approved by the Department on March 8, 2018.

**Dreshertown Plaza, 1424 Dreshertown Plaza, Upper Dublin Township, Montgomery County.** Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406-3207 on behalf of Jim Bladel, Dreshertown Plaza, LP, 1301 Lancaster Avenue, Berwyn, PA 19312 submitted a Remedial Investigation/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was disapproved by the Department on March 9, 2018.

**200 Welsh Road, 200 Welsh Road, Horsham Township, Montgomery County.** Paul Martino, PG, Pennoni Associates, Inc., 1900 Market, Philadelphia, PA 19103 on behalf of Dr. Eric Rieders, Maryland Avenue Holding, LLC, 900 Hill Road, POB 456, Rushland, PA 18956 submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide health standard, and was approved by the Department on March 1, 2018.

**AAA Car Care Center, 533 West Baltimore Avenue, Clifton Height Borough, Delaware County.** Jeffrey T. Bauer, PG, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Matthew J. Kelly, SN&JN, LP c/o: Metro Commercial Man-

agement, 307 Fellowship Road, Suite 300, Mt. Laurel, NJ 08054 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report was withdrawn by the Consultant on March 9, 2018.

**Johnson and Lemon Residence**, 5806 & 5808 Cedar Avenue, City of Philadelphia, **Philadelphia County**. Jeremy W. Boly, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Oil Patch Inc., 7421 Glenmore Avenue, Philadelphia, PA 19153 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard, and was approved by the Department on December 26, 2017.

**Giordano Residence**, 135 Ivy Hill Road, Bristol Township, **Bucks County**. Gregory Buzen, SSG-BARCO, Inc., 122 Walters Avenue, Ewing, NJ 08638 on behalf of Grace Giordano, 135 Ivy Hill Road, Levittown, PA 19057 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard, and was approved by the Department on January 3, 2018.

**Fancher Residence**, 1206 Linden Avenue, Lower Makefield Township, **Bucks County**. Sean M. Damon, PG, Langan Engineering and Environmental Services Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Louis C. Fancher, 1206 Linden Avenue, Yardley, PA 19067 submitted a Remedial Investigation Report/Final Report concerning the remediation of site groundwater and soil contaminated with other organic. The Report was approved by the Department on February 20, 2018.

**Evans Residence**, 24 Meade Road, Wrightstown Township, **Bucks County**. Staci Cottone, J&J Spill Service and Supplies, Inc., P.O. Box 370, Blue Bell, PA 19422 submitted a 90 Final Report concerning the remediation of site groundwater and soil contaminated with 24 gallons aviation gasoline. The 90-day Final Report demonstrated attainment of the Statewide health standard, and was approved by the Department on February 15, 2018.

**Philadelphia Energy Solutions Refinery, AOI-6**, 3144 West Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Collen Costello, GHD, 1140 Welsh Road, Suite 120, North Wales, PA 19454 on behalf of Tiffanie L. Doerr, Evergreen Resources Management Operations, 2 Righter Parkway, Suite 200, Wilmington, DE 19803 submitted a Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with petroleum compounds. The Report was approved by the Department on February 26, 2018.

**Marshall Residence**, 6361 Meetinghouse Road, Solebury Township, **Bucks County**. Jeremy W. Boly, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of David Marshall, 6361 Meetinghouse Road, New Hope, PA 18938 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard, and was approved by the Department on March 5, 2018.

**5960 Upland Way Properties**, 5960 Upland Way, City of Philadelphia, **Philadelphia County**. Michael D. Lattanze, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of William Camp, 5960 Upland Way, LP, 123 East Lancaster Avenue, Ardmore, PA 19003 submit-

ted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics. The Final Report demonstrated attainment of the site-specific standard, and was approved by the Department on February 28, 2018.

**2201 East Auburn Street**, 201 East Auburn Street, City of Philadelphia, **Philadelphia County**. James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Nora Lichtash, Community Justice Land Trust, 100 West Oxford Street, Philadelphia, PA 19122 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with arsenic, heating oil compounds and PAHs. The Final Report demonstrated attainment of the site-specific standard, and was approved by the Department on January 4, 2018.

**Global Advance Metals, USA, Inc.**, 650 County Line Road, Douglas Township, **Montgomery County**. Kevin Frysinger Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482 on behalf of Joseph Atkinson, Global Advance Metals USA, Inc., 650 County Line Road, Boyertown, PA 19512 submitted a Final Report concerning the remediation of site groundwater contaminated with VOCs. The Final Report demonstrated attainment of the site-specific standard, and was approved by the Department on February 1, 2018.

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

**Karl Knarr Estate**, 2472 Wilson Street, Reading, PA 19605, Bern Township, **Berks County**. ECC Horizon, 520 Fellowship Road, Suite E-506, Mount Laurel, NJ, 08054, on behalf of Coventry Environmental, Inc., 141 South Main Street, Spring City, PA 19475, and June Lerch, the Estate of Karl Knarr, 940 Franklin Street, Wyomissing, PA 19610, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on March 14, 2018.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Reese Hollow Well Pad 115**, 783 Seneca Drive, Coudersport, Eulalia Township, **Potter County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of JKLM Energy, LLC, 2200 Georgetowne Drive, Suite 500, Sewickley, PA 15143, has submitted a Final Report concerning remediation of site soil contaminated with brine. The report demonstrated attainment of the Background and Statewide Health Standards and was approved by the Department on March 9, 2018.

**CR England I-80 E at MM 197.2E**, New Columbia, West Buffalo Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of C.R. England, 4701 West 2100 South, Salt Lake City, Utah, 84120, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil, antifreeze, and transmission fluid. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 19, 2018.

**Snyder Fuels Release**, PA Route 147 and Brush Valley Road, Upper Augusta Township, **Northumberland County**. LaBella Associates, PC, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Snyder Fuels, Inc., P.O. Box 191, Sunbury, PA 17801, has submit-



ted a Final Report—Addendum 1 concerning remediation of site soil and groundwater contaminated with diesel fuel and unleaded gasoline. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 15, 2018.

**Milton Area High School**, 700 Mahoney Street, Milton Borough, **Northumberland County**. Penn Recycling, Inc., 2525 Trenton Avenue, P.O. Box 3514, Williamsport, PA 17701, on behalf of Mid-State Trading Co., 2525 Trenton Avenue, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with hydraulic fluid. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 19, 2018.

#### 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, P.O. Box 69170, Harrisburg, PA 17106-9170.*

##### *Renewal Applications Received*

**Duquesne Light Company**, 2645 New Beaver Avenue, Pittsburgh, PA 15233. License No. PA-AH 0462. Effective Mar. 14, 2018.

**EAP Industries, Inc.**, P.O. Box 275, Atlasburg, PA 15004. License No. PA-AH 0660. Effective Mar. 14, 2018.

**Elk Transportation, Inc.**, 1420 Clarion Street, Reading, PA 19525. License No. PA-AH 0413. Effective Mar. 14, 2018.

**Gemchem, Inc.**, P.O. Box 384, Lititz, PA 17543. License No. PA-AH 0259. Effective Mar. 14, 2018.

**Ken's Marine Service, Inc.**, P.O. Box 4001, Bayonne, NJ 07002. License No. PA-AH S154. Effective Mar. 14, 2018.

**Lewis Environmental, Inc.**, P.O. Box 639, Royersford, PA 19468. License No. PA-AH 0591. Effective Mar. 14, 2018.

**Moran Environmental Recovery, LLC**, 75D York Avenue, Randolph, MA 02368. License No. PA-AH 0744. Effective Mar. 14, 2018.

**S & C Transport, Inc.**, P.O. Box 2459, Belleville, MI 48112. License No. PA-AH 0446. Effective Mar. 14, 2018.

**Sun Environmental Corp.**, 4655 Crossroads Park Drive, Liverpool, NY 13088. License No. PA-AH 0841. Effective Mar. 14, 2018.

**Univar USA Inc.**, 328 Bunola River Road, Bunola, PA 15020. License No. PA-AH 0334. Effective Mar. 14, 2018.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

#### Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *Renewal Applications Received*

**Sioux Services LLC**, 2912 Filbert Avenue, Reading, PA 19606. License No. PA-HC 0258. Effective Mar. 14, 2018.

#### 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 Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 101509. Republic Services, Inc., Conestoga Landfill**, 420 Quarry Road, P.O. Box 128, Morgantown, PA 19543, New Morgan Borough, **Berks County**. A Major Permit Modification was issued on March 15, 2018 for a groundwater abatement plan at the Conestoga Landfill.

Persons interested in obtaining more information about the permit may contact John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, at 717.705.4907. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## AIR QUALITY

#### General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**GP3-09-0157: Richard E. Pierson Materials Corporation** (P.O. Box 714, Bridgeport, NJ 08014) On March 14, 2018 for a jaw crusher, mellotts closed-circuit crusher/screener and scalper screen in East Rockhill Township, **Bucks County**. The General permit supersedes GP3-09-0153.

**GP9-09-0083: Richard E. Pierson Materials Corporation** (P.O. Box 714, Bridgeport, NJ 08014) On March 14, 2018 for a Volvo D13 diesel engine in East Rockhill Township, **Bucks County**. The General permit supersedes GP9-09-0080.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP14-06-03154: Henninger Funeral Home, Inc.** (229 North 5th Street, Reading, PA 19601) on March 14, 2018, for the existing human crematory, under GP14, at the facility located in Reading City, **Berks County**. The general permit authorization was renewed.

**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 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**31-03037A: Superior Huntingdon Composites, LLC** (1200 Susquehanna Avenue, Huntingdon, PA 16652) on March 14, 2018, to install seven (7) fiberglass mat forming stations at the facility in Huntingdon Borough, **Huntingdon County**.

**28-05047A: Johnson Controls, Inc.** (100 Cumberland Valley Avenue, Waynesboro, PA 17268) on March 13, 2018, for the construction of a new coating booth at the refrigeration equipment manufacturing facility located in Waynesboro Borough, **Franklin County**.

**22-03099A: The Hershey Company** (19 East Chocolate Avenue, Hershey, PA 17033) on March 15, 2018, at the facility located in Derry Township, **Dauphin County**, for the installation of a 1.2 MGD industrial wastewater treatment plant, one (1) 1,153 HP Dresser-Rand SFGLD 480 digester gas-fired combined heat and power (CHP) engine, one (1) 0.399 MMBtu/hr Lochinvar KBN400 natural fired boiler, and one (1) Varec Biogas 244ESC1400013R 210 scfm enclosed flare. The 4-stroke lean-burn non-emergency RICE will be equipped with a CO oxidation catalyst and a genset rated at 800 kW. The enclosed flare will combust the digester gas when the CHP system is not operating i.e. maintenance shutdown.

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

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

**10-284H: Seneca Landfill** (P.O. Box 1080, Mars, PA 16046), on March 12, 2018 issued a Plan Approval for the installation and initial operation of two large electrical generator engines in Jackson and Lancaster Townships, **Butler County**. This is a Title V facility.

**10-333D: Penn United Technologies, Inc.** (799 N Pike Rd., Cabot, PA 16023), on March 8, 2018 issued a Plan Approval for construction of a Batch Vapor Degreaser # 2 using trichloroethylene solvent in Jefferson Township, **Butler County**. This is a State Only facility.

**25-029E: Erie Coke Corp** (925 E Bay Dr., Erie, PA 16507), on March 9, 2018 issued a Plan Approval to incorporate RACT II requirements in Erie City, **Erie County**. This is a Title V facility.

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

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

**AMS Plan Approval No. IP17-000508: Bella Ready Mix & Supply** (423 East Hunting Park Ave, Philadelphia, PA 19124) issued on 3/19/2018 for the installation of a ready-mixed concrete manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 1,500-ton cement silos, one 1,000 ton fly ash silo, a horizontal reversing mixer, enclosed conveyor, a truck mix dust collector, and a 1.0 MMBtu/hr natural gas-fired hot water heater. Nitrogen

Oxides (NO<sub>x</sub>) emissions from the facility will have a potential of 0.43 tpy. Particulate Matter (PM) emissions will have a potential of 0.41 ton/year (tpy). Carbon Monoxide (CO) emissions will have a potential of 0.36 tpy. The plan approval contains operating, monitoring, recordkeeping, testing, and reporting requirements to ensure operation within all applicable requirements.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**25-179C: Erie City Sewer Authority** (68 Port Access Road, Erie, PA 16507-2202) on March 15, 2018, effective March 31, 2018, will issue a plan approval extension for the replacement of incinerator burners and the emergency bypass stack, rehabilitation of the existing wet electrostatic precipitators and replacement of three existing dewatering belt filter presses. Expiring September 30, 2018. This facility is located in the City of Erie, **Erie County**.

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

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**19-00003: PA State System of Higher Education** (400 E. 2nd St., Bloomsburg, PA 17815) on March 14, 2018, was issued a renewal Title V Operating Permit for the Bloomsburg University Campus in the Town of Bloomsburg, **Columbia County**. The facility's main sources include one biomass boiler, five natural gas-fired boilers, numerous emergency generator engines and other miscellaneous combustion sources. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**46-00022: Arkema, Inc.** (900 1st Ave., King of Prussia, PA 19406) On March 15, 2018 for the renewal of the State Only Operating Permit for this facility located in Upper Merion Township, **Montgomery County**.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**31-03033: Stone Valley Welding LLC** (11582 Guyer Road, Huntingdon, PA 16652-6001) on March 12, 2018,



for the steel container manufacturing facility located in Jackson Township, **Huntingdon County**. The State-only permit was renewed.

**38-03009: Regal Cast, Inc.** (P.O. Box 1170, Lebanon, PA 17042) on March 6, 2018, for the steel foundry located in Lebanon City, **Lebanon County**. The State-only permit was renewed.

**06-03080: FM Browns Sons, Inc.** (118 West Main Street, P.O. Box 153, Fleetwood, PA 19522-0153) on March 15, 2018, for the flour mill located in Fleetwood Borough, **Berks County**. The State-only permit was renewed.

**67-05062: Gerard Daniel Worldwide** (34 Barnhart Drive, Hanover, PA 17331-9586) on March 14, 2018, for the wire and wire cloth product manufacturing facility located in Hanover Borough, **York County**. The State-only permit was renewed.

**36-05147: Wenger Feeds LLC** (101 West Harrisburg Avenue, Rheems, PA 17570) on February 28, 2018, for the feed mill located in Mount Joy Borough, **Lancaster County**. The State-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**41-00011: John Savoy & Son, Inc.** (P.O. Box 248, Montoursville, PA 17754) on March 7, 2018, was issued a renewal State only operating permit for their facility located in Montoursville Borough, **Lycoming County**. The facility's main sources include woodworking and surface coating operations as well as several space heaters. The renewal State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**10-00381: Mountain Gathering LLC, Forward Compressor Station** (810 Houston Street, Fort Worth, TX 76102). On March 19, 2018, the Department issued a State Operating Permit to operate a natural gas compressor station located in Forward Township, **Butler County**. The primary emissions are from the six 1,775 Hp compressor engines, two Triethylene Glycol dehydrators and reboilers, line heaters, condensate and water tanks, a gun barrel tank, and fugitive emissions at the facility. Construction of this facility was authorized by Plan Approval Number: 10-0381B which was issued on December 13, 2013 and GP5-10-381A which was issued September 17, 2014. The conditions from the plan approval and GP have been incorporated into the Permit. Sources at this facility are subject to the following Federal emission standards:

40 CFR 60, Subpart JJJJ—Standards of performance for stationary spark ignition internal combustion engines.

40 CFR 60, Subpart OOOO—Standards of performance for crude oil and natural gas production, transmission and distribution.

40 CFR 63, Subpart HH—National emission standards for hazardous air pollutants from oil and natural gas production facilities.

Potential emissions from the facility are less than the Title V emission thresholds. Potential NO<sub>x</sub>, CO, VOCs, SO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub> HAPs, and CO<sub>2e</sub> emissions are: 58.41

TPY, 32.92 TPY, 38.0 TPY, 0.30 TPY, 4.43 TPY, 4.43TPY, 3.91TPY, and 49,067 TPY, respectively.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05001: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547-9403) on March 15, 2018, for the ceiling tile manufacturing facility located in East Donegal Township, **Lancaster County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 36-05001L and also underwent a minor modification to update a CAM parameter.

**06-05002: Lehigh Cement Co., LLC** (537 Evansville Road, Fleetwood, PA 19522-8541) on March 15, 2018, for the cement manufacturing facility located in Maiden Creek Township, **Berks County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05002L and 06-05002M.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**53-00016: Tennessee Gas Pipeline Company LLC** (1001 Louisiana Street, Suite 1000, Houston, TX 77002) was issued on March 15, 2018, a revised State Only permit to incorporate work practice requirements from 40 CFR Part 63 Subpart ZZZZ that are applicable to a facility compressor engine during periods when the engine is operating less than 24 hours per year. The facility has two compressor engines located in Genesee Township, **Potter County**. This State Only (Synthetic Minor) Permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with the applicable requirements.

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

*Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.*

**20-00194: Lord Corporation Saegertown Plant** (601 South Street, Saegertown, PA 16433-1050). The Department on March 15, 2018, issued an administrative amendment to the Title V Operating Permit to incorporate the change of responsible official for the facility located in Saegertown Borough, **Crawford County**.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-05092: Starbucks Coffee Company** (3000 Espresso Way, York, PA 17406). Pursuant to 25 Pa. Code

§ 127.449(i), this *Pennsylvania Bulletin* Notice is for cumulative de minimis emissions increases of 1.98 TPY CO, 1.13 TPY PM<sub>10</sub>, and 0.08 TPY VOC resulting from the following: the construction of the following at the York Roasting Plant: 24 green bean bulk component silos controlled by a common 5000 ACFM-rated Camfil Farr cartridge collector; 36 green bean storage silos controlled by a 3500 ACFM-rated Camfil Farr cartridge collector (including an identical backup Camfil Farr cartridge collector; Roasted Bean Silo Battery 7 comprised of 18 storage silos controlled by 3 cartridge collectors (i.e., 664 ACFM-rated Schenck Process cartridge collector—product conveyance; 10 ACFM-rated Solberg Filtration cartridge collector—silo off-gassing venting; and 2000 ACFM-rated Camfil Farr cartridge collector—silo unloading; and a pneumatic destoner controlled by a 3200 SCFM Probat cyclone at its York Roasting Plant located in East Manchester Township, **York County**. This is the first de minimis emissions increase event at the facility during the term of the current operating permit.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**37-00302: Axion Power Battery Mfg. Inc./New Castle Plant** (3601 Clover Lane, New Castle, PA 16105-5507) on March 15, 2018, the Department revoked the permit for the facility located in Neshannock Township, **Lawrence County**. This Operating Permit was revoked because the production ceased in the fall of 2016, the equipment was auctioned, and the facility lease has been terminated. Axion will no longer operate any equipment at this 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*

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

**Permit No. 56020101 and NPDES No. PA0249122. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a

bituminous surface and auger mine in Jenner Township, **Somerset County** affecting 57.3 acres. Receiving streams: unnamed tributaries to/and Roaring Run, classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir. Application received: October 16, 2017. Permit issued: March 12, 2018.

**Permit No. 56020103 and NPDES No. PA0249238. Rosebud Mining Co.**, 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 172.7 acres. Receiving streams: unnamed tributaries to/and Beam Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2018. Permit issued: March 15, 2018.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**33080105 and NPDES Permit No. PA0258547. Original Fuels, Inc.** (P.O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine and associated NPDES permit in Perry & Young Townships, **Jefferson County**, affecting 447.4 acres. Receiving streams: Unnamed tributary to Mahoning Creek. Application received: December 21, 2017. Permit Issued: March 15, 2018.

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

**Permit No. 54960201R4. Northeastern Power Co.**, (P.O. Box 7, McAdoo, PA 18237), renewal of an existing anthracite coal refuse reprocessing operation in Kline, Hazle and Banks Townships, Schuylkill, **Luzerne and Carbon Counties** affecting 429.7 acres, receiving stream: Catawissa Creek. Application received: December 6, 2016. Renewal issued: March 13, 2018.

**Permit No. PAM112024R, Northeastern Power Co.**, (P.O. Box 7, McAdoo, PA 18237), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54960201 in Kline, Hazle and Banks Townships, **Schuylkill, Luzerne and Carbon Counties**, receiving stream: Catawissa Creek. Application received: December 6, 2016. Renewed issued: March 13, 2018.

**Permit No. 54-305-026GP12R. Northeastern Power Co.**, (P.O. Box 7, McAdoo, PA 18237), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54960201 in Kline, Hazle and Banks Townships, **Schuylkill, Luzerne and Carbon Counties**. Application received: December 6, 2016. Renewal issued: March 13, 2018.

**Permit No. 49060101R2. Last Time Coal Co.**, (119 Greenwood Street, Trevorton, PA 17881), renewal of an existing anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 242.1 acres, receiving stream: Zerbe Creek. Application received: June 13, 2017. Renewal issued: March 16, 2018.

**Permit No. PAM112031. Last Time Coal Co.**, (119 Greenwood Street, Trevorton, PA 17881), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49060101 in Zerbe Township, **Northumberland County**, receiving stream: Zerbe Creek. Application received: June 13, 2017. Renewal issued: March 16, 2018.



*Noncoal Permits Issued*

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

**PAM418013-GP104. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202. General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. SNC No. 28832501 located in Hamilton Township, **Franklin County**. Receiving streams: unnamed tributary to Rocky Spring Branch of Back Creek, a tributary to Conococheague Creek classified for the following use: Trout Stock Fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: February 22, 2018. Coverage Approved: March 14, 2018.

**PAM418014-GP104. James S. White Jr.**, 204 Barnyard Boulevard, Lewistown, PA 17044. General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. SNC No. 44940801 located in Granville Township, **Mifflin County**. Receiving stream: unnamed tributary to Buck Run 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: February 26, 2018. Coverage Approved: March 14, 2018.

**PAM411003-GP104. Snyder Excavating, LLC**, 2824 William Penn Ave., Johnstown, PA 15909-3628, Renewal of General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. 11110801 located in Jackson Township, **Cambria County**. Receiving stream: unnamed tributary to Hinckston 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: February 23, 2018. Coverage Approved: March 14, 2018.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**PAM618014. IA Construction Corporation** (24 Gibb Road, P.O. Box 568, Franklin, PA 16323) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 62010302 in Pittsfield Township, **Warren County**. Receiving streams: Brokenstraw Creek. Application received: February 20, 2018. Permit Issued: March 15, 2018.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**PAM217023. Johnson Quarries, Inc.** (P.O. Box 136, Le Raysville, PA 18829) hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Small Noncoal Permit 08062802 to the following surface water(s) in Tuscarora Township, **Bradford County**. Receiving stream(s): UNT Mill Creek to Tuscarora Creek. Application received: November 13, 2017. Permit Issued: March 9, 2018.

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

**Permit No. 45900303C4 and NPDES Permit No. PA0595276. Middle Smithfield Materials, Inc.**, (P.O. Box 674, Bushkill, PA 18324), renewal of NPDES permit for discharge of treated mine drainage in Middle Smithfield Township, **Monroe County**, receiving stream: Susie Creek to Bushkill Creek. Application received: July 24, 2017. Renewal issued: March 12, 2018.

**Permit No. 7274SM1A1C9 and NPDES Permit No. PA0595161. Lehigh Asphalt Paving & Construction Company**, (P.O. Box 549, Tamaqua, PA 18252), renewal of NPDES permit for discharge of treated mine drainage in West Penn Township, **Schuylkill County**, receiving stream: unnamed tributary to Lizard Creek. Application received: October 12, 2017. Renewal issued: March 19, 2018.

**Permit No. 7775SM8C6 and NPDES Permit No. PA0595748. Dyer Quarry, Inc.**, (P.O. Box 188, Birdsboro, PA 19508), renewal of NPDES permit for discharge of treated mine drainage in Robeson Township, **Berks County**, receiving stream: Indian Corn Creek, unnamed tributary to Seidel Creek. Application received: September 18, 2017. Renewal issued: March 19, 2018.

#### 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*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**24184101. Wampum Hardware Co.** (130 Weston Road, Grove City, PA 16127) Blasting activity permit for blasting at Greentree Landfill in Fox Township, **Elk County**. This blasting activity permit expires on December 31, 2018. Permit Issued: January 30, 2018.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.*

**08184102. M & J Explosives** (P.O. Box 1248, Carlisle, PA 17013). Blasting for well pad located in Leroy Township, **Bradford County** with an expiration date March 1, 2019. Permit issued March 12, 2018.

#### 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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time

period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E58-322. Xpress Natural Gas, LLC**, 160 State Street, Boston, MA 02109, in Forest Lake Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To fill 0.03 acre of PEM wetlands for the expansion of an existing natural gas fueling center. A minor road crossing of 0.05 acre of wetlands was previously authorized under General Permit No. 075816416. The minor road crossing was associated with the initial development of the site. Mitigation for the cumulative impact of 0.08 acre of wetlands is provided by purchase of mitigation credits in the USRMB I Mitigation Bank.

The project is located at the intersection of SR4007 and Laurel Hill Road (Laurel Lake, PA Quadrangle Latitude: 41°53'13"; Longitude: -75°57'06").

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

**E02-1632-A1, Chapman Commerce Center, LLP**, 100 Leetsdale Industrial Drive, Leetsdale, PA 15056, Findlay Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

Amend Permit No. E02-1632 which authorized:

1. The placement and maintenance of fill in seven (7), separate wetland areas, which cumulatively and permanently impact approximately 0.71 acre of wetland (PEM);

2. The breaching of an existing dam (aka Bald Knob Dam and DEP File No. D02-070) on an unnamed tributary to Potato Garden Run (WWF), which eliminated an approximately 3.75-acre impoundment area that was his-

torically used by the Aloe Coal Company as a sedimentation pond and as a source of water for a coal preparation plant;

3. A temporary impact to 0.11 acre of wetlands, which is located in the existing impoundment;

4. The construction and maintenance of a concrete cutoff wall as part of a single throated cross vane at the upstream end of the breach area;

5. The construction and maintenance of several outfall structures along wetlands; and

6. The enlargement and modification of an existing stormwater management pond (aka Pond 3), with a current water surface area of approximately 0.71 acre,

In association with the construction of Chapman Westport, a mixed-use commercial development, on an approximately 302-acre site.

To place and maintain fill in approximately 0.53 acre of wetlands as a result of realigning Westport Road in association with the construction of a 1,051,740-square foot building within this mixed use commercial development. The project site is located along the Southern Beltway (S.R. 0576), at the interchange with Westport Road (formerly Bald Knob Road/T-439), within the Potato Garden Run (WWF) and St. Patrick's Run (WWF) watersheds (Clinton, PA Quadrangle; Latitude: 40° 26' 59", Longitude: -80° 18' 42"), in Findlay Township, Allegheny County. To compensate for these impacts, approximately 324' of watercourse will be reestablished through the breach area, and approximately 1.55 acre of wetland will be created within the former impoundment area.

**E02-1774, Port Authority of Allegheny County**, 345 Sixth Avenue, Third Floor, Pittsburgh, PA 15222, Municipality of Bethel Park, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Remove an existing, 18.75' long by 25.25' wide, two-span, steel I-beam bridge, with an under clearance of 7.5';

2. Construct and maintain a replacement, 17.1' long by 26.8' wide, concrete box culvert, with an effective under clearance of 8.5';

3. Maintain the existing upstream Port Authority LRT steel girder abutments; and

4. Construct and maintain rock scour protection and curtain walls around the existing Port Authority LRT steel girder abutments.

5. Remove 105 linear feet of abandoned, 4" gas pipeline within Graesers Run and its floodway.

For the purpose of replacing the existing, Brookside Blvd. structurally deficient structure over Graesers Run (WWF) and minor repairs to the existing, Port Authority LRT steel girder bridge over Graesers Run (WWF). This project will permanently impact 117 linear feet of watercourse and 0.05 acre of floodway/floodplain. The project will temporarily impact 136 linear feet of watercourse and 0.06 acre of floodway/floodplain. Mitigation for the stream impacts will be through restoration and depressing the box culvert. The project is located approximately 0.22 mile south of the intersection of Fort Couch Road and Bethel Church Road (Bridgeville, USGS topographic quadrangle, Latitude: 40°19'57"; Longitude: -80°3'10"; Sub-basin: 20F; Pittsburgh Corps District), in the Municipality of Bethel Park, Allegheny County.



**E63-661-A1, Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317-3415, Peters Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

Amend the existing permit to include:

1. A new sludge loading pad, steel canopy, and filtrate pump station in the floodplain of Little Chartiers Creek (WWF);

2. A 4" HDPE and DIP pipe, digested sludge utility line crossing of an unnamed tributary (UNT) to Little Chartiers Creek (WWF);

3. A 4" HDPE and DIP pipe, filtrate utility line crossing of the aforementioned tributary.

4. 3 (three) 2" conduit communication utility line crossings of the aforementioned tributary.

The existing permit authorized the applicant to:

Remove select facilities at the existing Donaldson's Crossroads Water Pollution Control Plant (WPCP), and to construct, operate and maintain:

1. New WPCP facilities within the floodplain of Little Chartiers Creek (WWF), consisting of a new headworks building, two aeration tanks, two digesters, three clarifiers, two chlorine contact tanks, an effluent pumping station, control and process buildings, biofilter, utility lines, and other support structures and appurtenances;

2. A garage within the floodplain of Little Chartiers Creek;

3. Perform site grading, including the placement and maintenance of fill within the floodplain;

4. A 42" PE pipe, effluent utility line crossing of an unnamed tributary (UNT) to Little Chartiers Creek (WWF);

5. A 24" DIP, raw water utility line crossing (replacement of existing 12" line) of the same UNT;

6. A new outfall structure (to replace an existing structure) within Little Chartiers Creek;

7. Stormwater management facilities, including outfall structures, along the UNT and/or within the floodplain of the UNT and Little Chartiers Creek;

For the purpose of improving sewage treatment within the Donaldson's Crossroads service area, and to potentially accommodate the Lehner Lakes service area. The project will affect approximately 60 LF of watercourse. Mitigation is not required for the impacts. The project is located near the intersection of Oakwood Road and West McMurray Road (SR 1002), in Peters Township, Washington County (Canonsburg, PA USGS topographic quadrangle; Latitude: 40° 16' 37.08"; Longitude: -80° 8' 15.62"; Sub-basin: 20F; USACE Pittsburgh District).

**E63-704, McConnell Trails, LLC**, 95 West Beau Street, Suite 600, Washington, PA 15301, Cecil Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain a 165 LF 48" diameter RCP culvert within the channel of an unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF)

2. Place and maintain fill within 974 LF of a second unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF)

3. Place and maintain fill within 89 LF of a third unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF)

4. Place and maintain fill within 410 LF of a fourth unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF)

5. Place and maintain fill within 71 LF of a fifth unnamed tributary of Millers Run with a drainage area of less than 100 acres (WWF)

6. Place and maintain fill within 0.02 acre of an off stream pond;

For the purpose of constructing a 99-acre housing development located approximately 0.5 mile southeast of the intersection of State Route 50 and Muse Bishop Road (USGS Quadrangle: Canonsburg, PA; Latitude: 40° 18' 50"; Longitude: -80° 11' 42"; Sub-basin 20F), in Cecil Township, Washington County. As mitigation, the applicant proposes to construct rock crossvanes and place boulders within, and plant riparian vegetation along 1,549 LF of an unnamed tributary of Millers Run (WWF).

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

**E25-789, Waterford Township**, 12451 Circuit Road, Waterford, PA 16441. Niemeyer Road Bridge Rehabilitation, in Waterford Township, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 41°, 56', 28"; W: 79°, 57', 46").

To remove the existing structure and to construct and maintain a 14-foot, 8-inch wide steel beam bridge having a clear, normal span of 67 feet, 4 inches and an underclearance of 5 feet, 5.75 inches and to repair and rehabilitate the existing truss and timber superstructure to be re-installed onto the new steel beam substructure across LeBoeuf Creek resulting in 122 linear feet of permanent stream impact and 1,270 square feet of temporary wetland impact on Niemeyer Road approximately 0.85 mile northeast of S.R. 97 (Waterford, PA Quadrangle N: 41°, 56', 28"; W: -79°, 57', 46") in Waterford Township, Erie County.

**E61-300, PA DOT District 1-0**, 255 Elm Str., Oil City, PA 16301. SR 0038 SEG 0110, in Richland Township, **Venango County**, ACOE Pittsburgh District (Emlenton, PA Quadrangle N: 41°, 12', 41.29"; W: -79°, 39', 43.86").

To remove the existing structure and to install and maintain a 12.0-foot × 6.0-foot pre-cast, reinforced concrete box culvert carrying SR 0038 over Richey Run and to repair and extend an existing 2.0-foot concrete culvert carrying SR 0038 over a UNT to Richey Run just north of its intersection with SR 2003 (Whitehall Road). The project will result in a de minimus permanent impact of approximately 290 square feet of palustrine scrub-shrub (PSS) wetland. Approximately 75 linear feet of Richey Run will be relocated upstream of the proposed box culvert to prevent road embankment erosion.

#### ENVIRONMENTAL ASSESSMENT

*Cambria District: Contact Person: Patrick M. Webb, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA6109-001. 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 Cranberry Township, **Venango County**, Pittsburgh ACOE District.

The applicant will backfill four abandoned dangerous coal highwalls that total 5,500 linear feet in length and vary from 25—50 feet high. Two non-discharging trapped surface stormwater runoff areas that are impaired by acid mine drainage (AMD) will be filled within the dangerous coal highwalls. The on-site adjacent acidic coal mine spoil materials will be regraded to backfill the abandoned dangerous coal highwall areas. The two non-discharging trapped surface stormwater runoff areas that are impaired with AMD total 0.98 acre. There are no associated wetlands on site due to the acidic coal mine spoils, AMD and steep to vertical topography. (Cranberry Quadrangle 41° 21' 58" N, 79° 19' 55" W).

#### 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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX11-059-0036 Renewal  
Applicant Name Chevron Appalachia, LLC  
Contact Person Brandon Weimer  
Address 800 Mountain View Drive  
City, State, Zip Smithfield, PA 15478  
County Greene County  
Township(s) Center Township  
Receiving Stream(s) and Classification(s) Woods Run (HQ-WWF), UNT To Pursley Creek (HQ-WWF) & Pursley Creek (HQ-WWF)

ESCGP-2 # ESX17-125-0031  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 2200 Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) West Bethlehem Township  
Receiving Stream(s) and Classification(s) UNTs to Daniels Run (TSF) and Daniels Run (TSF)

ESCGP-2 # ESX12-059-0013 Renewal  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 2200 Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Center Township  
Receiving Stream(s) and Classification(s) Rush Run (HQ-WWF), Trib 40617 to South Fork Tenmile Creek (HQ-WWF) & South Fork Tenmile Creek (HQ-WWF)

ESCGP-2 # ESG17-129-0016  
Applicant Name Apex WML Midstream, LLC  
Contact Person J.D. McNally  
Address 6041 Wallace Road Extension, Suite 100  
City, State, Zip Wexford, PA 15090  
County Westmoreland County  
Township(s) Hempfield Township  
Receiving Stream(s) and Classification(s) UNTs to Little Sewickley Creek (TSF) and Tributary 37591 to Little Sewickley Creek (TSF)

ESCGP-2 # ESX12-125-0073 Renewal  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Independence Township  
Receiving Stream(s) and Classification(s) UNT to Brashears Run (HQ-WWF), Brashears Run (HQ-WWF), Indian Camp Run (HQ-WWF) and Sugarcamp Run (HQ-WWF)

ESCGP-2 # ESX11-125-0030 Renewal  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Morris Township  
Receiving Stream(s) and Classification(s) UNTs to Tenmile Creek (TSF)

ESCGP-2 # ESX17-129-0012  
Applicant Name Huntley & Huntley Energy Exploration, LLC  
Contact Person Paul Burke  
Address 2660 Monroeville Boulevard  
City, State, Zip Monroeville, PA 15146  
County Westmoreland County  
Township(s) Penn Township  
Receiving Stream(s) and Classification(s) Trib 37297 to Bushy Run (TSF) & Trib 37299 to Bushy Run (TSF)

ESCGP-2 # ESX13-125-0069 Renewal  
Applicant Name MarkWest Liberty Midstream & Resources LLC  
Contact Person Rick Lowry  
Address 4600 J. Barry Court, Suite 500  
City, State, Zip Canonsburg, PA 15317  
County Washington County & Beaver County  
Township(s) Hanover & Robinson Townships (Washington County) & Hanover Township (Beaver County)  
Receiving Stream(s) and Classification(s) UNTs to Racoon Creek (WWF), Bigger Run (WWF) & Wingfield Run (WWF)

ESCGP-2 # ESG17-063-0007  
Applicant Name XTO Energy Inc.  
Contact Person Melissa Breitenbach  
Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086  
 County Indiana County  
 Township(s) North Mahoning Townships  
 Receiving Stream(s) and Classification(s) UNTs Little  
 Mahoning Creek (HQ-CWF) & Carr Run (HQ-CWF)

ESCGP-2 # ESX18-059-0005  
 Applicant Name Rice Midstreams Holding, LLC  
 Contact Person Erin Debias  
 Address 2200 Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 County Greene County  
 Township(s) Aleppo Township  
 Receiving Stream(s) and Classification(s) UNTs to Harts  
 Run (WWF)

ESCGP-2 # ESX12-125-0139 Renewal  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Karl Matz  
 Address 3000 Town Center Boulevard  
 City, State, Zip Canonsburg, PA 15317  
 County Washington County  
 Township(s) Smith Township  
 Receiving Stream(s) and Classification(s) UNTs to Rac-  
 coon Creek (WWF) & Raccoon Creek (WWF)

ESCGP-2 # ESX11-125-0116 Renewal  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Karl Matz  
 Address 3000 Town Center Boulevard  
 City, State, Zip Canonsburg, PA 15317  
 County Washington County  
 Township(s) Robinson Township  
 Receiving Stream(s) and Classification(s) UNT to Little  
 Raccoon Run (WWF)

ESCGP-2 # ESG17-007-0012  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Beaver County  
 Township(s) South Beaver Township  
 Receiving Stream(s) and Classification(s) Brush Run  
 (HQ-CWF)

ESCGP-2 # ESX13-125-0032 Modification  
 Applicant Name Cone Gathering, LLC  
 Contact Person Erika Whetstone  
 Address 1000 Consol Energy Drive  
 City, State, Zip Canonsburg, PA 15317  
 County Washington County  
 Township(s) Morris Township  
 Receiving Stream(s) and Classification(s) Rocky Run  
 (TSF), Tribs 40919, 40920, 40918, 40915, 40917, 40916,  
 and 40921 to Short Creek (TSF), Short Creek (TSF),  
 Crafts Creek (TSF), Tenmile Creek (TSF)

*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX17-019-0023-Christensen Temporary  
 Waterline  
 Applicant XTO Energy Inc.  
 Contact Melissa Breitenbach  
 Address 190 Thorn Hill Road  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Jefferson  
 Receiving Stream(s) and Classification(s) UNT to Thorn  
 Creek (CWF)

*Eastern Region: Oil & Gas Management Program Man-  
 ager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-115-17-0051  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Kenneth Marcum  
 Address 2000 Park Lane, Suite 300  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna  
 Township(s) Springville  
 Receiving Stream(s) and Classification(s) Monroe Ck and  
 UNTs thereto (CWF, MF)

ESCGP-2 # ESX29-115-17-0048  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Kenneth Marcum  
 Address 2000 Park Lane, Suite 300  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna  
 Township(s) Lathrop  
 Receiving Stream(s) and Classification(s) East Branch  
 Field Brook (CWF, MF)

ESCGP-2 # ESG29-081-18-0001  
 Applicant Name ARD Operating LLC  
 Contact Person Stephen Barondeau  
 Address 33 W Third St, Suite 300  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming  
 Township(s) Cummings  
 Receiving Stream(s) and Classification(s) UNTs to Dam  
 Run (EV); UNTs to First Fork Larrys Ck (EV)  
 Secondary—Dam Run (EV); First Fork Larrys Ck (EV)

ESCGP-2 # ESX29-115-18-0001  
 Applicant Name Williams Field Services Co LLC  
 Contact Person Adam Weightman  
 Address 400 1st Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Harford  
 Receiving Stream(s) and Classification(s) Butler Ck  
 (CWF-MF) and tributaries thereto

ESCGP-2 # ESG29-081-18-0002  
 Applicant Name ARD Operating LLC  
 Contact Person Stephen Barondeau  
 Address 33 W Third St, Suite 300  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming  
 Township(s) Cummings  
 Receiving Stream(s) and Classification(s) UNT to Little  
 Pine Ck (EV); Little Pine Ck (HQ-TSF); Dam Run (EV)  
 Secondary—Little Pine Ck (HQ=TSFP); Pine Ck (EV);  
 Little Pine Ck (HQ-TSF)

ESCGP-2 # ESX13-131-0024(01)  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Jeffrey Deegan  
 Address 1720 Sycamore Rd  
 City, State, Zip Montoursville, PA 17754-9306  
 County Wyoming  
 Township(s) Lemon  
 Receiving Stream(s) and Classification(s) UNT to Meshop-  
 pen Ck (CWF); Meshoppen Ck (CWF)  
 Secondary—Meshoppen Ck (CWF); Susquehanna River  
 (WWF)



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**SPECIAL NOTICES**


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**Air Quality; Approval of a Reasonably Available Control Technology (RACT II) Plan**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Program Manager; (570) 327-3648.*

Approval of a Reasonably Available Control Technology (RACT II) plan for **JELD-WEN, Inc.**, Fiber Division—PA located in Wysox Township, **Bradford County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Towanda Plant owned and operated by JELD-WEN, Inc., Fiber Division—PA in Wysox Township, Bradford County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (08-00003) for the facility. The relevant RACT II requirements will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced under 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.

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:

*Source*

*RACT II Requirement*

Line 1 Refiners & First Stage Dryers

For volatile organic compounds: reduce the emission of total hazardous air pollutants, measured as total hydrocarbons (as carbon), contained in the effluent gas from the respective control device by 90% or limit the concentration of total hazardous air pollutants, measured as total hydrocarbons (as carbon), to less than or equal to 20 ppmvd.

Line 2 Refiners & First Stage Dryers

For volatile organic compounds: reduce the emission of total hazardous air pollutants, measured as total hydrocarbons (as carbon), contained in the effluent gas from the respective control device by 90% or limit the concentration of total hazardous air pollutants, measured as total hydrocarbons (as carbon), to less than or equal to 20 ppmvd.

Second Stage Dryers & Line 1 Felter Operation

For volatile organic compounds: reduce the emission of total hazardous air pollutants, measured as total hydrocarbons (as carbon), contained in the effluent gas from the respective control devices by 90% or limit the concentration of total hazardous air pollutants, measured as total hydrocarbons (as carbon), to less than or equal to 20 ppmvd.

Second Stage Dryers & Line 1 Felter Operation

For volatile organic compounds: reduce the emission of total hazardous air pollutants, measured as total hydrocarbons (as carbon), contained in the effluent gas from the respective control devices by 90% or limit the concentration of total hazardous air pollutants, measured as total hydrocarbons (as carbon), to less than or equal to 20 ppmvd.

Line 1 Press

For volatile organic compounds: reduce the emission of total hazardous air pollutants, measured as total hydrocarbons (as carbon), contained in the effluent gas from the respective control device by 90% or limit the concentration of total hazardous air pollutants, measured as total hydrocarbons (as carbon), to less than or equal to 20 ppmvd.

Line 2 Press

For volatile organic compounds: reduce the emission of total hazardous air pollutants, measured as total hydrocarbons (as carbon), contained in the effluent gas from the respective control device by 90% or limit the concentration of total hazardous air pollutants, measured as total hydrocarbons (as carbon), to less than or equal to 20 ppmvd.



*Source*

Die Form Press

*RACT II Requirement*

For volatile organic compounds: reduce the emission of total hazardous air pollutants, measured as total hydrocarbons (as carbon), contained in the effluent gas from the respective control device by 90% or limit the concentration of total hazardous air pollutants, measured as total hydrocarbons (as carbon), to less than or equal to 20 ppmvd.

## Line 1 Tempering

For volatile organic compounds: reduce the emission of total hazardous air pollutants, measured as total hydrocarbons (as carbon), contained in the effluent gas from the respective control device by 90% or limit the concentration of total hazardous air pollutants, measured as total hydrocarbons (as carbon), to less than or equal to 20 ppmvd.

## Die Form Tempering

For volatile organic compounds: reduce the emission of total hazardous air pollutants, measured as total hydrocarbons (as carbon), contained in the effluent gas from the respective control device by 90% or limit the concentration of total hazardous air pollutants, measured as total hydrocarbons (as carbon), to less than or equal to 20 ppmvd.

## Woodyard

For volatile organic compounds: limit of 11.20 tons volatile organic compounds per 12-consecutive month period.

## Wastewater Treatment Operation

For volatile organic compounds: limit of 6.80 tons volatile organic compounds per 12-consecutive month period and maintain the dissolved oxygen uptake rate (DOUR) of the aeration basin at a minimum of 3.0 milligrams per liter per hour.

*Public hearing.* A public hearing will be held if requested by May 2, 2018 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on May 16, 2018, at 10 a.m. at the Department Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, contact Megan Lehman at (570) 327-3659. The last day to pre-register to speak at a hearing, if one is held, will be May 2, 2018.

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/North-central-Regional-Office/Pages/default.aspx>. Contact Megan Lehman at (570) 327-3659 or monitor this web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Megan Lehman at (570) 327-3659 at least 1 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 copies of a written statement and exhibits within 10 days thereafter to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701.

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 Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. A

30-day comment period from March 31, 2018, 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 Department Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-0550.

#### **Chapter 105 Water Obstruction and Encroachment Permit Application and 401 Water Quality Certification Request**

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

**CRDP No. 30743711. Cumberland Contura, LLC,** P.O. Box 1020, 158 Portal Road, Waynesburg, PA 15370. Whiteley Creek, Whiteley Township, **Greene County,** Pittsburgh ACOE District (Oak Forest, PA Quadrangle, Whitely Creek project area centroid latitude 39° 48' 05" N, Longitude 80° 07' 40" W). The applicant proposes a low-level road crossing of Whiteley Creek.

This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit may be submitted to the Department within 30 days of the date of this notice to the California District Office, 25 Technology Park, Coal Center, PA 15423, (724) 769-1100. Comments should contain the name, address and tele-

phone number of the person commenting. Identification of the request for 401 Water quality Certification and Chapter 105 permit application, to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Office, by appointment, at the previously listed address.

Application Received: March 12, 2018

### Projects under the Environmental Good Samaritan Act

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

The Environmental Good Samaritan Act (27 Pa.C.S.A. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection, Moshannon District Office, 186 Enterprise Road, Philipsburg PA 16866, Attention: Watershed Manager.

The following request for coverage proposal has been received by the Department of Environmental Protection (Department). A copy of the proposal is available for inspection at the office indicated. Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication. Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

### Environmental Good Samaritan Project Coverage Request Received

**EGS17013. Clearfield County Conservation District**, 6395 Clearfield Woodland Highway, Suite 2, Clearfield, PA 16830. With funding provided through a Department of Environmental Protection Nonpoint Source 319 Grant, the Clearfield County Conservation District sponsored the 2017 construction of an Acid Mine Drainage treatment system on the School Tributary, a headwater stream to Deer Creek in Girard Township, **Clearfield County**. The project included construction of an equalization basin, two vertical flow wetlands, each with a settling basin, and limestone cells for other water that could not be directed into the main treatment system. Vertical flow wetlands are equipped with automatic solar flushers. Project to be completed in 2018. Deer Creek Watershed Association and the Conservation District will share monitoring duties. This is the first sizable project on Deer Creek and is expected to lead the way to others. Coverage request received March 9, 2018.

[Pa.B. Doc. No. 18-498. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of National Pollutant Discharge Elimination System PAG-12 General Permit for Operation of Concentrated Animal Feeding Operations (PAG-12)

Under the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1388), The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department), by this notice, informs the public of the availability of the National Pollution Discharge Elimination System (NPDES) PAG-12 General Permit for Operation of Concentrated Animal Feeding Operations (CAFO) (40 CFR 122.23(b)(2)) (relating to concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25)).

The PAG-12 General Permit provides NPDES permit coverage to persons who own or operate CAFOs that must obtain permit coverage under State (25 Pa. Code § 92a.29(a)—(d) (relating to CAFO)) and Federal (40 CFR 122.23(a)) regulations.

The PAG-12 General Permit will become effective on April 1, 2018, and will expire on March 31, 2023. All permittees with existing coverage under the PAG-12 General Permit will be automatically covered under the reissued General Permit on April 1, 2018, and will be subject to the terms and conditions of the reissued General Permit.

Notice of the availability of a draft PAG-12 General Permit was published at 48 Pa.B. 575 (January 20, 2018). A 30-day comment period was provided, and interested parties were directed to submit comments to the Department's eComment system. The comment period ended on February 20, 2018. The Department received comments from 13 individuals and organizations during the comment period. A comment and response document has been developed by the Department.

The following significant changes were made to the final PAG-12 General Permit documents in comparison to the draft General Permit published on January 20, 2018:

- The due date for CAFO annual reports and annual Notice of Intent (NOI) fees has been changed from December 1 to January 1. This change will allow permittees additional time to complete annual reports and submit fees. The reporting period for the annual report has not changed (October 1—September 30). As a result of the change to the due date, the Department was able to modify the annual report to request the actual capacity of manure storage facilities at the start of the winter period and eliminate duplicative reporting in the general permit.

- The NOI fee for new CAFOs has been eliminated by the Department. Following the first year of coverage under PAG-12, CAFOs will pay an annual NOI fee of \$500 by January 1, starting no earlier than January 1, 2020. Existing CAFOs with coverage under PAG-12 will begin paying the annual fee by January 1, 2020. Thereafter, the annual fee will be due no later than January 1 each year of general permit coverage.

- The NOI Instructions were modified to specify that the Department's Southcentral Regional Office will be the recipient of all PAG-12 NOIs, regardless of where the CAFO is located in this Commonwealth. Annual reports and other notifications will still be sent to the Department office that has jurisdiction over the county where the CAFO is located.

- The Department has modified the requirement for CAFOs operating under PAG-12 to complete daily inspections of water lines including drinking water or cooling water lines. In the final PAG-12 General Permit, only those CAFOs with at least 700 mature dairy cows (whether milked or dry) or 1,000 cattle, or both, other than mature dairy cows or veal calves will be required to complete daily inspections of water lines.

- A requirement for the annual review of nutrient management plans has been removed from the final PAG-12 General Permit, and the CAFO Annual Report has been revised to require confirmation from the permittee that an annual review has been completed to comply with the nutrient management regulations.

- The language in the draft PAG-12 General Permit concerning the requirement to maintain operation and maintenance (O&M) plans for all manure storage facilities has been revised. O&M plans must be maintained onsite for all manure storage facilities that were constructed under a Water Quality Management permit or had been developed as a result of prior permit coverage.

Other changes have been made as described in the PAG-12 Comment and Response document and Fact Sheet.

The General Permit package can be accessed through the Department's eLibrary web site at <http://www.depgreenport.state.pa.us/elibrary> (select "Permit and Authorization Packages," then "Clean Water," then "PAG-12 General Permit").

In accordance with 25 Pa. Code § 92a.84(c)(2) (relating to public notice of general permits), the Department will publish notice of receipt of every PAG-12 NOI (form 3800-PM-BCW0032b) and every approval of coverage under the PAG-12 General Permit in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 18-499. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OOGM 17-1R, Cleaning Out and Plugging One Orphan Gas Well, East Keating Township, Clinton County.** The principal items of work and approximate quantities include: clean out and plug one orphan gas well, estimated to be 6,000 feet in depth, to the Department of Environmental Protection (Department) specifications; prepare and restore well sites; and mobilize and demobilize plugging equipment.

This bid issues on March 30, 2018, and bids will be opened on May 1, 2018, at 2 p.m. Bid documents may be

downloaded for free beginning on the issue date from the Department by going to [www.BidExpress.com](http://www.BidExpress.com). A mandatory prebid conference is scheduled for April 18, 2018, at 10 a.m. at the Department of Conservation and Natural Resources, Sproul Forest District Office, 15187 Renovo Road, Renovo, PA 17764. Failure to attend the prebid conference will be cause for rejection of the bid. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 18-500. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations

The Department of Environmental Protection (Department) announces the 2018 bond rate guidelines for anthracite and bituminous coal mining operations. These rates become effective April 1, 2018. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66) and 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including, surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations.

The procedures for calculating land reclamation bonds are described in Technical Guidance Document 563-2504-001, "Conventional Bonding for Land Reclamation—Coal," which is available on the Department's web site at <http://www.elibrary.dep.state.pa.us>. The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2013—2017, resulting in a rate of 1.10%. This rate of inflation will be used in calculating bond amounts for permit renewal or permit midterm bond liability reviews on or after April 1, 2018.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

These bond rate guidelines do not apply to bonds ensuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.3a(c)) or to bonds ensuring compliance with the requirements of The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).



*General Methodology*

The Department developed the bond rate guidelines for 2018 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998—2017. For most categories, a 3-year (2015—2017) average was used to calculate the guidelines. Some categories required another approach due to limited data. For example, there were no contracts in 2014—2017 that included selective grading. Therefore, a multiyear average of available data was used for the 2018 selective grading bond rate.

In general, the costs for a given unit operation for each year are determined using the weighted average of the three lowest total bids for each contract. However, grading costs were calculated using a frequency distribution in combination with the weighted averages.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Table 1 or 2, then any additional cost information available may be used. If enough data is still not available, the rate may be set from a standard reference like *Means Building Construction Cost Data* or *Walker's Building Estimator's Reference*

*Book*. Occasionally, specific unit costs may be adjusted using information provided by BAMR and other stakeholders.

The fees associated with the Land Maintenance Bond Program are presented in Table 3. There has been no change in these rates for 2018.

The bond rate guidelines are available electronically at <http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Bonding/Pages/BondRates.aspx>. For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

*Mine Sealing Costs*

The mine sealing bond rate guidelines are presented in Table 2. Mine sealing and borehole sealing bond rate guidelines remain the same for 2018.

*Effective Date*

The bond rate guidelines in this notice become effective April 1, 2018.

**TABLE 1**  
**Standard Bond Rate Guidelines for Year 2018**

| <i>Unit Operation</i>   | <i>Unit Measure</i> | <i>Unit Costs (\$)</i>                               |
|---|---------------------|--|
| Mobilization/Demobilization   | Job                 | 5% of Direct Costs or \$40,000,<br>Whichever is Less |
| Grading (< 500-foot push)   | Cubic Yard          | 0.85   |
| Grading (≥ 500-foot push/haul)  | Cubic Yard          | 1.55   |
| Selective Grading   | Acre                | 1,700.00   |
| Revegetation  | Acre                | 2,000.00   |
| Tree Planting   | Tree                | 0.75   |
| Ditch Excavation  | Cubic Yard          | 6.70   |
| Jute Matting  | Square Yard         | 1.90   |
| High Velocity Erosion Control   | Square Yard         | 3.00   |
| AASHTO No. 1  | Ton                 | 23.00  |
| AASHTO No. 57   | Ton                 | 33.00  |
| R3 Rock Lining  | Square Yard         | 31.00  |
| R4 Rock Lining  | Square Yard         | 36.00  |
| R5 Rock Lining  | Square Yard         | 37.00  |
| Geotextile/Filter Fabric  | Square Yard         | 2.40   |
| Subsurface Drain  | Lineal Foot         | 24.00  |
| Erosion and Sedimentation Control<br>(Temporary Installation)   | Job                 | Lump Sum<br>(5% of Direct Costs for Site)            |
| Pond Removal Active Phase <sup>2</sup>  | Pond                | 3,800.00   |
| Stage 3 Maintenance Bond Non-Cropland<br>Areas (Land Uses Where Crop Yields are Not<br>Required)                        | Acre                | 100.00   |
| Stage 3 Maintenance Bond Cropland (Not<br>Row Crops) Pastureland or Land Occasional<br>Cut for Hay (Excludes Seed Cost) | Acre                | 610.00   |



| <i>Unit Operation</i>   | <i>Unit Measure</i>   | <i>Unit Costs (\$)</i>   |
|---|---|--|
| Stage 3 Maintenance Bond Cropland Area—Row Crops (Includes Seed Cost) Acre<br>880.00 Stage 3 Mobilization | Job   | 2,500.00   |
| Pond Removal—Stage 3  | Cubic Yards<br>(Embankment Volume)<br>Plus Top Soiling and<br>Revegetation Cost   | Use < 500 Grading for Pond Embankment<br>Volume Plus Top Soiling and Revegetation<br>Cost for the Area Disturbed |
| Ditch Removal—Stage 3   | Lineal Foot   | 0.75   |
| Equipment Tire Removal and Disposal   | Tire  | 300.00   |
| Structure Demolition  | Costs will be Calculated Using Costs Listed in the Construction Industry's<br>Latest Annual Cost Publications, such as <i>Means Building Construction<br/>Cost Data</i> |  |

TABLE 2

**Mine Sealing Bond Rate Guidelines for Year 2018**

| <i>Sealing Bituminous Underground Mine Drift and Slope Openings</i> |                                   |                                      |
|---|-----------------------------------|--------------------------------------|
| <i>Unit Operation</i>   | <i>Unit Measure</i>               | <i>Unit Costs (\$)</i>               |
| Concrete Work   | Cubic Yard                        | 128                                  |
| Masonry Work  | Square Foot                       | 11                                   |
| Fill Material and Earthwork <sup>2</sup>                            | Cubic Yard                        | 23                                   |
| Security Fencing  | Lineal Foot                       | 29                                   |
| Mobilization Cost   | Job                               | 5% of Total Amount                   |
| <i>Sealing Bituminous Underground Mine Shaft Openings</i>           |                                   |                                      |
| Concrete Material   | Cubic Yard                        | 96                                   |
| Aggregate Material  | Cubic Yard                        | 27                                   |
| Fill Material and Earthwork <sup>3</sup>                            | Cubic Yard                        | 4                                    |
| Security Fencing  | Lineal Foot                       | 29                                   |
| Mobilization Cost   | Job                               | 5% of Total Amount                   |
| <i>Sealing Boreholes at Bituminous Underground Mines</i>            |                                   |                                      |
| <i>Dimension</i>  | <i>Minimum Cost Per Hole (\$)</i> | <i>Unit Cost (\$ Per Lineal Foot</i> |
| 12-Inch or Less Diameter  | 1,500                             | 5.50                                 |
| Larger than 12-Inch Diameter  | 2,000                             | 5.50                                 |

<sup>1</sup> Typically used for lining of ponds or ditches crossing fill material.

<sup>2</sup> Unit cost not from BAMR bids; includes dewatering, grading, topsoil placement and revegetation.

<sup>3</sup> Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment, and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publication, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

TABLE 3

**Land Maintenance Financial Guarantee Fees for Year 2018**

| <i>Fee Category</i> | <i>Fee (\$)</i> |
|---------------------|-----------------|
| Publication         | 1,000           |
| Administrative      | 300             |

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 18-501. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### **Proposed General Plan Approval and/or General Operating Permit No. 5A for Unconventional Natural Gas Well Site Operations or Remote Pigging Stations (BAQ-GPA/GP-5A); Proposed Modifications to General Plan Approval and/or General Operating Permit No. 5 for Natural Gas Compressor Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5); Proposed Modifications to the Air Quality Permit Exemptions List (Doc. No. 275-2101-003); Public Comment Opportunity**

The Department of Environmental Protection (Department) announces the opportunity for public comment on the proposed General Plan Approval and/or General Operating Permit for Unconventional Natural Gas Well Site Operations or Remote Pigging Stations (BAQ-GPA/GP-5A or GP-5A); revisions to the existing General Plan Approval and/or General Operating Permit for Natural Gas Compressor Stations, Processing Plants and Transmission Stations (BAQ-GPA/GP-5 or GP-5); and revisions to the Air Quality Permit Exemptions List (Doc. No. 275-2101-003).

Notice of availability of these documents and opportunity to submit comments for GP-5A, GP-5 and the Exemptions List was published at 47 Pa.B. 733 (February 4, 2017), which initial notice is hereby reissued in accordance with 25 Pa. Code § 127.612(a) (relating to public notice and review period). This notice will be published in the *Pennsylvania Bulletin* and in six newspapers of general circulation, and sent to nearby states and the United States Environmental Protection Agency in full compliance with 25 Pa. Code § 127.612(a). A second notice was published at 47 Pa.B. 1235 (February 25, 2017) to extend the comment period to June 5, 2017. The Department received more than 10,000 comments on the proposals. Based on these comments, the Department made significant changes to GP-5A, GP-5 and the Exemptions List.

The proposed GP-5A was developed under the authority of section 6.1(f) of the Air Pollution Control Act (35 P.S. § 4006.1(f)) and 25 Pa. Code Chapter 127, Subchapter H (relating to general plan approvals and operating permits), and will be applicable to unconventional natural gas well site operations or remote pigging stations. The revised GP-5 was developed under the same authorities and will remain applicable to natural gas compressor stations and processing plants and add applicability to natural gas transmission stations.

The proposed GP-5A and revisions to GP-5 include requirements for the following:

(1) *Natural Gas-Fired Combustion Units*—which includes requirements for combustion units rated greater than or equal to 10 MMBtu/h to meet emission limits for oxides of nitrogen (NO<sub>x</sub>), carbon monoxide (CO) and particulate matter (PM) and for all combustion units to keep records of fuel usage and throughput to facilitate emissions calculations. Combustion units at unconventional natural gas well sites or remote pigging stations are limited to a rating less than 10 MMBtu/h.

(2) *Glycol Dehydration Units*—which includes a control threshold requirement of 200 tpy of methane, 2.7 tpy

volatile organic compound (VOC), 0.5 tpy of a single hazardous air pollutant (HAP) or 1.0 tpy of total HAP and a control efficiency requirement of 98% if any of the stated thresholds are exceeded.

(3) *Stationary Natural Gas-Fired Spark Ignition Internal Combustion Engines*—which includes a best available technology (BAT) requirement to meet emission limits for NO<sub>x</sub>, CO, nonmethane nonethane hydrocarbons (NMNEHC) and formaldehyde.

(4) *Reciprocating Compressors*—which includes the Federal requirements from 40 CFR Part 60, Subpart OOOOa (relating to standards of performance for crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015). This includes the requirement to replace the rod-end packing every 26,000 hours of operation or every 3 years.

(5) *Storage Vessels*—which includes a control threshold requirement of 200 tpy of methane, 2.7 tpy VOC, 0.5 tpy of a single HAP or 1.0 tpy of total HAP and a control efficiency requirement of 98% if any of the stated thresholds are exceeded.

(6) *Tanker Truck Load-Out Operations*—which includes a requirement to use a vapor recovery system and that trucks that perform load-out operations are appropriately certified. The requirement is met by keeping records that detail the load-out operations, including the identification (ID) number of the truck performing the load-out and the volume of liquids loaded and keeping a list of trucks authorized to perform load-out operations with an ID number and the date of the most recent certification test.

(7) *Fugitive Emissions Components*—which includes requirements to perform monthly audio, visual and olfactory inspections and quarterly leak detection and repair (LDAR) inspections. LDAR inspections can be performed using an optical gas imaging camera, a Method 21 gas analyzer or other approved methods. For LDAR programs at unconventional natural gas well sites and remote pigging stations, there is an option to track the number of leaking components and reduce the inspection frequency to the Federally required semiannual increment if less than 2% of components are found to be leaking in two consecutive inspections. If 2% or more of components are found to be leaking at the reduced frequency, the LDAR returns to the quarterly schedule.

(8) *Controllers*—which includes a requirement that electric controllers be installed where electricity is available onsite. For sites where electricity is not available onsite, the Federal requirements from 40 CFR Part 60, Subpart OOOOa must be met.

(9) *Pumps*—which includes a requirement that electric pumps be installed where electricity is available onsite. For sites where electricity is not available onsite, the Federal requirements from 40 CFR Part 60, Subpart OOOOa must be met. There are also recordkeeping requirements for pumps that are not subject to 40 CFR Part 60, Subpart OOOOa.

(10) *Control Devices*—which includes the Federal requirements from 40 CFR Part 60, Subpart OOOOa. The only modification of these requirements is that if the option to monitor combustion zone temperature is chosen instead of stack testing an enclosed flare or other combustion device, the combustion zone temperature must be 1,600°F to ensure a 98% methane destruction efficiency.

(11) *Pigging Operations*—which includes the requirements to install a liquids drain in pig receiver chambers,

to route emissions from a high-pressure pig launcher or receiver to a low-pressure vessel or line, a control threshold requirement of 200 tpy of methane, 2.7 tpy VOC, 0.5 tpy of a single HAP or 1.0 tpy of total HAP, and a control efficiency requirement of 98% if any of the stated thresholds are exceeded.

The proposed GP-5A also includes the following additional requirements:

(1) *Well Drilling and Hydraulic Fracturing Operations*—which includes requirements to notify the Department at least 24 hours prior to the beginning of either type of operation and ensuring that engines used during the operation meet the applicable nonroad engine standards. Records of engine usage are required to facilitate emissions calculations.

(2) *Well Completion Operations*—which includes the Federal requirements from 40 CFR Part 60, Subpart OOOOa. This includes the requirement to perform a reduced emissions completion, also known as Green Completion, to notify the Department at least 24 hours prior to the beginning of flowback and to keep records of the duration of flowback and the disposition of gas during the flowback period.

(3) *Wellbore Liquids Unloading Operations*—which includes a requirement that an operator remain onsite for the duration of a manual unloading operation.

The proposed GP-5 also includes the following additional requirements:

(1) *Stationary Natural Gas-Fired Combustion Turbines*—which includes a BAT requirement for turbines rated above 1,000 hp to meet emission limits for NO<sub>x</sub>, CO, NMNEHC and PM.

(2) *Centrifugal Compressors*—which includes the Federal requirements from 40 CFR Part 60, Subpart OOOOa, except that the required control efficiency is 98%. There are also recordkeeping requirements for centrifugal compressors that are not subject to 40 CFR Part 60, Subpart OOOOa.

The general permits include emission limits, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable State and Federal air quality requirements. The general permits also include the fee required to authorize the construction and operation of sources. The term for general permit is 5 years and authorization can be renewed before the expiration date.

The Department proposes to make changes to the Air Quality Permits Exemption List under 25 Pa. Code § 127.14(a)(8) (relating to exemptions), Category Nos. 35 and 38; under 25 Pa. Code § 127.14(a)(9), Category No. 16; and under the Trivial Activities provision, Category No. 40.

These documents are available on the Department's Bureau of Air Quality web site at <http://www.dep.pa.gov/Business/Air/BAQ/Permits/Pages/GeneralPermits.aspx> and by contacting Frank Zarefoss, P.O. Box 8468, Harrisburg, PA 17105, (717) 787-4325 or [fzarefoss@pa.gov](mailto:fzarefoss@pa.gov).

The Department must receive comments no later than May 15, 2018. Commentators are encouraged to submit comments using the Department's eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Written comments may be mailed to the Policy Office,

Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 18-502. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(b) (relating to kitchen):

Hamilton Arms Center  
336 South West End Avenue  
Lancaster, PA 17603-5098  
FAC ID # 080202

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 18-503. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Payments; Correction

An error occurred in the notice published at 48 Pa.B. 1786 (March 24, 2018). The Implementing Year 2017-18 cost in the MA—Academic Medical Centers line item entry was incorrect. The fiscal note is corrected as follows.

**Fiscal Note:** 14-NOT-1214. (1) General Fund;

(7) MA—Academic Medical Centers; (2) Implementing Year 2017-18 is \$1,550,000; (3) 1st Succeeding Year



2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$21,181,000; 2015-16 Program—\$17,431,000; 2014-15 Program—\$17,431,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2017-18 is \$500,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$10,071,000; 2015-16 Program—\$9,571,000; 2014-15 Program—\$9,071,000;

(7) MA—Fee-for-Service; (2) Implementing Year 2017-18 is \$460,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-504. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Payments for December 2017

This notice announces that the Department of Human Services (Department) made supplemental ventilator care and tracheostomy care payments to qualifying Medical Assistance (MA) nonpublic and county nursing facilities for December 2017.

#### *Payment Information*

The Department made supplemental ventilator care and tracheostomy care payments to qualifying nonpublic and county nursing facilities. Payment information for the supplemental ventilator care and tracheostomy care payment to each qualified nonpublic and county nursing facility for December 2017 was posted on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/>.

#### *Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department's Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675. Appeals of MA providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review these regulations carefully. Among other things, the regulations specify required information to include in a written request for hearing, and how the Bureau of Hearings and Appeals will determine whether a request for hearing was filed on time.

#### *Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of

Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery at (717) 787-1171 or RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1220. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-505. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Payments for September 2017

This notice announces that the Department of Human Services (Department) made supplemental ventilator care and tracheostomy care payments to qualifying Medical Assistance (MA) nonpublic and county nursing facilities for September 2017.

#### *Payment Information*

The Department made supplemental ventilator care and tracheostomy care payments to qualifying nonpublic and county nursing facilities. Payment information for the supplemental ventilator care and tracheostomy care payment to each qualified nonpublic and county nursing facility for September 2017 was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/>.

#### *Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department's Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675. Appeals of MA providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review these regulations carefully. Among other things, the regulations specify required information to include in a written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time.

#### *Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery at (717) 787-1171 or RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1221. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-506. Filed for public inspection March 30, 2018, 9:00 a.m.]



## DEPARTMENT OF HUMAN SERVICES

### Payments to Nonpublic Nursing Facilities; Medical Assistance Day One Incentive Payments for the Fourth Quarter of Fiscal Year 2016-2017

This notice announces that the Department of Human Services (Department) made Medical Assistance Day One Incentive (MDOI) payments to each qualified nonpublic nursing facility for the fourth quarter of Fiscal Year (FY) 2016-2017.

#### Payment Information

The Department made a nonpublic nursing facility MDOI payment for the April 1, 2017, through June 30, 2017, quarter of FY 2016-2017 to qualifying nonpublic nursing facilities.

Payment information for the nonpublic nursing facility MDOI payments was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/nonpublicmdoi/index.htm>.

#### Appeals

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675. Appeals of Medical Assistance providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review these regulations carefully. Among other things, the regulations specify required information to include in a written request for hearing, and how the Bureau of Hearings and Appeals will determine whether your request for hearing was filed on time.

#### Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery at (717) 787-1171 or [RA-PWOLTLNFRates@pa.gov](mailto:RA-PWOLTLNFRates@pa.gov).

TERESA D. MILLER,  
Secretary

**Fiscal Note:** 14-NOT-1219. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-507. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania 7-11-21<sup>®</sup> Fast Play Game 5028

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania 7-11-21<sup>®</sup> (hereinafter "7-11-21<sup>®</sup>"). The game number is PA-5028.

#### 2. Definitions:

(a) *Authorized Retailer or Retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *GAME:* A specific, pre-defined area of a game ticket located in the play area that contains play symbols and prize symbols that, when played according to the instructions, determine whether a player wins a prize. Each GAME is played separately, but winning combinations in more than one GAME can be combined to win larger prizes as described in section 6 (relating to prizes available to be won and determination of prize winners).

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, and transmitting reports, and performing inventory functions.

(g) *Play:* A chance to participate in a particular Fast Play lottery game.

(h) *Play Area:* The area on a ticket which contains one or more play symbols.

(i) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *PRIZE:* A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *Winning Ticket:* A game ticket which has been validated and qualifies for a prize.

3. *Price:* The price of a 7-11-21<sup>®</sup> ticket is \$5.

#### 4. Description of the 7-11-21<sup>®</sup> lottery game:

(a) The 7-11-21<sup>®</sup> lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. 7-11-21<sup>®</sup> tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) 7-11-21<sup>®</sup> is played by adding the numbers in each "GAME" area. When all three numbers in a "GAME" area add up to 7, 11 or 21, the player wins the "PRIZE" shown under that "GAME." Each "GAME" is played separately, but winning combinations in more than one "GAME" can be combined to win larger prizes.

(c) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A 7-11-21<sup>®</sup> game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer by verbally requesting a 7-11-21<sup>®</sup> game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a 7-11-21<sup>®</sup> game ticket and select the 7-11-21<sup>®</sup> option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Pennsylvania 7-11-21<sup>®</sup> ticket characteristics:*

(a) A 7-11-21<sup>®</sup> ticket shall contain a play area, the cost of the play, the date of sale, and a bar code. Each ticket consists of ten "GAME" areas, and each "GAME" is played separately.

(b) *Play Symbols:* Each 7-11-21<sup>®</sup> ticket play area will contain ten "GAME" areas. The play symbols located in the ten "GAME" areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN) and 15 (FIFTN).

(c) *Prize Symbols:* The prize symbols and their captions located under the "GAME" areas are: \$5<sup>.00</sup> (FIV DOL), \$7<sup>.00</sup> (SVN DOL), \$10<sup>.00</sup> (TEN DOL), \$11<sup>.00</sup> (ELEVEN), \$20<sup>.00</sup> (TWENTY), \$21<sup>.00</sup> (TWY ONE), \$42<sup>.00</sup> (FRY TWO), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO).

(d) *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$11, \$20, \$21, \$42, \$50, \$100, \$500, \$1,000, \$5,000, and \$50,000.

(e) A player can win up to 10 times on a ticket.

(f) *Approximate Number of Tickets Available for the Game:* Approximately 2,400,000 tickets will be available for sale for the 7-11-21<sup>®</sup> lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All 7-11-21<sup>®</sup> prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which all three numbers in any "GAME" add up to 7, 11 or 21, and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$5,000 (FIV THO) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$42<sup>.00</sup> (FRY TWO) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$42.

(i) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$21<sup>.00</sup> (TWY ONE) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$21.

(j) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$11<sup>.00</sup> (ELEVEN) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$11.

(l) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$7<sup>.00</sup> (SVN DOL) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$7.

(n) Holders of tickets upon which all three numbers in a "GAME" add up to 7, 11 or 21, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "PRIZE" area under that "GAME," on a single ticket, shall be entitled to a prize of \$5.

7. *Number and Description of Prizes and Approximate Chances of Winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

## NOTICES

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| <i>When All Three Numbers In A GAME<br/>Add Up To 7, 11 or 21, Win PRIZE<br/>Shown Under That GAME.<br/>Win With:</i> | <i>Win:</i> | <i>Approximate<br/>Chances of<br/>Winning Are 1 In:</i> | <i>Approximate No.<br/>Of Winners Per<br/>2,400,000 Tickets</i> |
|---|-------------|---|---|
| \$5   | \$5         | 8   | 300,000   |
| \$7   | \$7         | 30.30   | 79,200  |
| \$5 × 2   | \$10        | 111.11  | 21,600  |
| \$10  | \$10        | 100   | 24,000  |
| \$11  | \$11        | 37.04   | 64,800  |
| \$10 × 2  | \$20        | 1,000   | 2,400   |
| (\$5 × 2) + \$10  | \$20        | 1,000   | 2,400   |
| \$20  | \$20        | 333.33  | 7,200   |
| \$7 × 3   | \$21        | 100   | 24,000  |
| \$11 + \$10   | \$21        | 100   | 24,000  |
| \$21  | \$21        | 100   | 24,000  |
| \$21 × 2  | \$42        | 500   | 4,800   |
| (\$7 × 3) + \$11 + \$10   | \$42        | 1,000   | 2,400   |
| (\$10 × 3) + \$7 + \$5  | \$42        | 1,000   | 2,400   |
| (\$11 × 2) + (\$10 × 2)   | \$42        | 1,000   | 2,400   |
| \$42  | \$42        | 1,000   | 2,400   |
| \$10 × 5  | \$50        | 500   | 4,800   |
| (\$7 × 5) + (\$5 × 3)   | \$50        | 1,000   | 2,400   |
| (\$11 × 3) + \$10 + \$7   | \$50        | 2,000   | 1,200   |
| (\$20 × 2) + \$10   | \$50        | 2,000   | 1,200   |
| \$50  | \$50        | 2,000   | 1,200   |
| \$20 × 5  | \$100       | 1,200   | 2,000   |
| \$50 × 2  | \$100       | 1,500   | 1,600   |
| (\$11 × 5) + (\$10 × 4) + \$5   | \$100       | 1,333   | 1,800   |
| (\$20 × 4) + (\$10 × 2)   | \$100       | 2,400   | 1,000   |
| (\$21 × 3) + (\$10 × 3) + \$7   | \$100       | 2,400   | 1,000   |
| (\$42 × 2) + \$11 + \$5   | \$100       | 2,400   | 1,000   |
| \$100   | \$100       | 2,400   | 1,000   |
| \$100 × 5   | \$500       | 6,000   | 400   |
| (\$100 × 4) + (\$50 × 2)  | \$500       | 6,000   | 400   |
| (\$100 × 2) + (\$42 × 5) + (\$20 × 2) + \$50  | \$500       | 12,000  | 200   |
| \$500   | \$500       | 12,000  | 200   |
| \$500 × 2   | \$1,000     | 24,000  | 100   |
| (\$100 × 5) + \$500   | \$1,000     | 24,000  | 100   |
| \$1,000   | \$1,000     | 24,000  | 100   |
| \$1,000 × 5   | \$5,000     | 480,000   | 5   |
| \$5,000   | \$5,000     | 480,000   | 5   |
| \$50,000  | \$50,000    | 240,000   | 10  |

Each GAME is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket Responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or a Fast Play ticket redeemed by a player in error.

9. *Ticket Validation and Requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) Pursuant to the preceding paragraphs, the retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the 7-11-21<sup>®</sup> lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs.* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell 7-11-21<sup>®</sup> lottery game tickets.

17. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum



payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote 7-11-21® or through normal communications methods.

19. *Applicability:* This notice applies only to the 7-11-21® lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 18-508. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania \$20 on the Spot Fast Play Game 5029

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania \$20 on the Spot (hereinafter “\$20 on the Spot”). The game number is PA-5029.

2. *Definitions:*

(a) *Authorized Retailer or Retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including

making purchases, validating plays, and transmitting reports, and performing inventory functions.

(f) *Play:* A chance to participate in a particular Fast Play lottery game.

(g) *Play Area:* The area on a ticket which contains one or more play symbols.

(h) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(i) *PRIZE:* A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *WINNING NUMBERS:* The numbers, letters, symbols or other characters found in the play area that, when matched against the “YOUR NUMBERS” area, determine whether a player wins a prize.

(k) *Winning Ticket:* A game ticket which has been validated and qualifies for a prize.

(l) *YOUR NUMBERS:* The numbers, letters, symbols or other characters found in the play area and generated via quick pick that, when matched against the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price:* The price of a \$20 on the Spot ticket is \$1.

4. *Description of the \$20 on the Spot lottery game:*

(a) The \$20 on the Spot lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. \$20 on the Spot tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) \$20 on the Spot is played by matching the play symbols in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A \$20 on the Spot game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer by verbally requesting a \$20 on the Spot game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a \$20 on the Spot game ticket and select the \$20 on the Spot option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Pennsylvania \$20 on the Spot ticket characteristics:*

(a) A \$20 on the Spot ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols:* Each \$20 on the Spot ticket play area will contain a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), and 30 (THIRTY). The play symbols located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY).

(c) *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$2,000 (TWO THO).

(d) *Prizes:* The prizes that can be won in this game are: Free \$1 Fast Play Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500 and \$2,000.

(e) A player can win up to 12 times on a ticket.

(f) *Approximate Number of Tickets Available for the Game:* Approximately 1,200,000 tickets will be available for sale for the \$20 on the Spot lottery game.

**6. Prizes available to be won and determination of prize winners:**

(a) All \$20 on the Spot prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2,000 (TWO THO) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area under the

matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(l) Holders of tickets upon which any of the “WINNING NUMBER” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of FREE (TICKET) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one \$20 on the Spot game ticket.

**7. Number and Description of Prizes and Approximate Chances of Winning:** The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

| <i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i> | <i>Win:</i>     | <i>Approximate Chances of Winning Are 1 In:</i> | <i>Approximate No. Of Winners Per 1,200,000 Tickets</i> |
|--|-----------------|---|---|
| FREE   | FREE \$1 TICKET | 10  | 120,000   |
| \$1  | \$1             | 100   | 12,000  |
| \$1 × 2  | \$2             | 20  | 60,000  |
| \$2  | \$2             | 23.26   | 51,600  |

| <i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i> | <i>Win:</i> | <i>Approximate Chances of Winning Are 1 In:</i> | <i>Approximate No. Of Winners Per 1,200,000 Tickets</i> |
|--|-------------|---|---|
| \$1 × 4  | \$4         | 285.71  | 4,200   |
| \$2 × 2  | \$4         | 285.71  | 4,200   |
| \$4  | \$4         | 333.33  | 3,600   |
| \$1 × 5  | \$5         | 500   | 2,400   |
| \$5  | \$5         | 333.33  | 3,600   |
| \$2 × 5  | \$10        | 1,000   | 1,200   |
| \$5 × 2  | \$10        | 2,000   | 600   |
| (\$2 × 3) + (\$1 × 4)  | \$10        | 2,000   | 600   |
| \$10   | \$10        | 2,000   | 600   |
| \$4 × 5  | \$20        | 2,000   | 600   |
| \$5 × 4  | \$20        | 2,000   | 600   |
| \$10 × 2   | \$20        | 666.67  | 1,800   |
| (\$4 × 3) + (\$2 × 4)  | \$20        | 400   | 3,000   |
| (\$5 × 2) + (\$4 × 2) + (\$1 × 2)  | \$20        | 400   | 3,000   |
| \$20   | \$20        | 1,000   | 1,200   |
| \$10 × 4   | \$40        | 8,571   | 140   |
| \$20 × 2   | \$40        | 12,000  | 100   |
| (\$5 × 4) + (\$2 × 5) + \$10   | \$40        | 12,000  | 100   |
| (\$10 × 3) + (\$5 × 2)   | \$40        | 12,000  | 100   |
| \$40   | \$40        | 12,000  | 100   |
| \$20 × 5   | \$100       | 15,000  | 80  |
| (\$20 × 2) + (\$10 × 4) + (\$5 × 4)  | \$100       | 40,000  | 30  |
| (\$20 × 4) + (\$5 × 4)   | \$100       | 40,000  | 30  |
| (\$40 × 2) + \$20  | \$100       | 40,000  | 30  |
| \$100  | \$100       | 40,000  | 30  |
| \$100 × 5  | \$500       | 30,000  | 40  |
| (\$100 × 2) + (\$40 × 5) + (\$20 × 5)  | \$500       | 40,000  | 30  |
| \$500  | \$500       | 40,000  | 30  |
| \$2,000  | \$2,000     | 120,000   | 10  |

Prizes, including top prizes, are subject to availability at the time of purchase.

**8. Ticket Responsibility:**

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or a Fast Play ticket redeemed by a player in error.

**9. Ticket Validation and Requirements:**

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.



10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) Pursuant to the preceding paragraphs, the retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S.

§§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the \$20 on the Spot lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs.* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$20 on the Spot lottery game tickets.

17. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$20 on the Spot or through normal communications methods.

19. *Applicability:* This notice applies only to the \$20 on the Spot lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 18-509. Filed for public inspection March 30, 2018, 9:00 a.m.]



## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by S & D Lin Property Management, LLC, 1662 North 9th Street, Route 611, Stroudsburg, PA 18360 seeking to lease highway right-of-way located at 1662 North 9th Street, Route 611, Stroud Township, Monroe County, 9,109.95 ± square feet, adjacent to SR 0611 for the purpose of restaurant parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Michael W. Rebert, PE, District Executive, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101.

Questions regarding this application or the proposed use may be directed to Bruce Kern, District Property Manager, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 18-510. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

1. Liverpool and Susquehanna Townships, Perry and Juniata Counties. The parcel contains 1.98 acres of unimproved land situated at Tax ID 130.001.00-001.00 (Susquehanna Trail, Liverpool, PA). The estimated fair market value is \$155,000.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to the District Right-of-Way Administrator, PennDot Engineering District 8-0, Attention: Jon Murdoch, 2140 Herr Street, Harrisburg, PA 17103.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 18-511. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

1. Parcel 13 and 14—Avalon Borough, Allegheny County. This parcel assemblage contains approximately 4,214 + square feet or 0.096 ± acre of unimproved land located on the southerly corner of Ohio River Boulevard (SR 0065) and Prospect Street. The estimated fair market value of the parcel is \$7,800.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Cheryl Moon-Sirianni, PE, District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 18-512. Filed for public inspection March 30, 2018, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Columbia Crossroads, Bradford County, at the intersection of the southbound lane of SR 14 and westbound lane of SR 4016. The parcel contains 2,165 square feet of unimproved land. The estimated fair market value is \$550.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Jeffrey M. Wenner, PE, District Right-of-Way Administrator, Department of Transportation, P.O. Box 218, Montoursville, PA 17754.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 18-513. Filed for public inspection March 30, 2018, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### CRC Industries v. Department of Environmental Protection; EHB Doc. No. 2018-027-M

CRC Industries has appealed the issuance by the Department of Environmental Protection of an NPDES permit to CRC Industries for its Warminster facility located in Warminster Township, Bucks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 18-514. Filed for public inspection March 30, 2018, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Business Discount Plan, Inc.

Public Meeting held  
March 15, 2018

*Commissioners Present:* Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; Norman J. Kennard; John F. Coleman, Jr.; David W. Sweet

*Business Discount Plan, Inc.; A-2017-2619610*

#### Tentative Order

*By the Commission:*

Business Discount Plan, Inc. (BDP or Company), utility code 310262, is a Competitive Local Exchange Carrier (CLEC) certificated by this Commission at Docket No. A-310262.

On July 11, 2017, a copy of BDP's 2016 Assessment Report was returned to the Commission via U.S. Mail. On the envelope was a handwritten return to sender note stating that the Company was closed. On August 24, 2017, a Secretarial Letter was sent to BDP, detailing the process by which a public utility wishing to cancel its Certificate of Public Convenience in Pennsylvania must file an Application for Abandonment, and the requisite \$350 filing fee. The Secretarial Letter warned that failure to comply would lead to the matter being referred to the Bureau of Investigation and Enforcement. An Application for Abandonment form was enclosed with the Secretarial Letter. BDP filed no response to the Secretarial Letter.

On September 20, 2017, a second Secretarial Letter was sent to BDP, again requesting that the Company complete and file the attached Application for Abandonment and submit the associated filing fee. The second Secretarial Letter also included instructions on how BDP could request a waiver if the Company could not afford to pay the \$350 filing fee. The second Secretarial Letter also warned BDP that failure to comply within 30 days would result in the matter being referred to Commission legal staff for further action.

To date, BDP has filed no response to either the August 24, 2017, or September 20, 2017 Secretarial Letters. The Company has not filed an Application for Abandonment, nor the associated filing fee or any request to waive the filing fee.

Public utilities seeking to abandon service must file an application to abandon, including payment of a \$350 service fee, pursuant to 52 Pa. Code § 1.43. Here, BDP failed to submit the appropriate application and fee, despite the Commission's twice providing the proper application form.

The Commission has the authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on the above facts, we believe it is appropriate to revoke BDP's Certificate of Public Convenience without the necessity of a formal complaint.

Although the U.S. Mail represented that BDP is no longer in business, the Commission has no record of the Company's closure. Therefore, given BDP's failure to pay the required \$350 fee or submit the proper application to abandon service, BDP is warned that, should the Company re-apply for authority to provide service in the Commonwealth of Pennsylvania at any time in the future, it shall be required to pay both the instant delinquent \$350 fee to abandon service, the \$350 fee associated with its application to begin service, and any other fees, assessments, or fines associated with BDP's utility code 310262, prior to any grant of authority.

For these reasons, we tentatively conclude that revocation of BDP's Certificate of Public Convenience pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. We take this action on a tentative basis because of BDP's failure to serve the application on appropriate parties or provide public notice of its abandonment. With the cancellation of BDP's Certificate of Public Convenience, the Commission will forego the imposition of penalties under Section 3301, which may have been appropriate; *Therefore,*

*It Is Ordered That:*

1. Revocation of Business Discount Plan, Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. Should Business Discount Plan, Inc. re-apply for authority to provide service in the Commonwealth of Pennsylvania at any time in the future, it shall be required to pay both the instant delinquent \$350 fee to abandon service and the \$350 fee associated with its application to begin service, and any other fees, assessments, or fines associated with Business Discount Plan, Inc.'s utility code 310262, prior to any grant of authority.

3. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation &

Enforcement, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

4. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary and shall advise the affected Bureaus within the Commission in writing that the certificate of public convenience held by Business Discount Plan, Inc., utility code 310262, is cancelled and the case may be closed.

5. Upon entry of the Final Order described in ordering Paragraph No. 3 above, Business Discount Plan, Inc.'s name will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, and the docket shall be closed.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 18-515. Filed for public inspection March 30, 2018, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Electric Generation Supplier License Cancellations  
of Companies with an Expired Financial Security  
or Insufficient Financial Security Amount**

Public Meeting held  
March 15, 2018

*Commissioners Present:* Gladys M. Brown, Chairperson;  
Andrew G. Place, Vice Chairperson; Norman J. Ken-  
nard; David W. Sweet; John F. Coleman, Jr.

*Electric Generation Supplier License Cancellations of  
Companies with an Expired Financial Security or  
Insufficient Financial Security Amount; M-2018-2640827*

**Tentative Order**

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of March 6, 2018, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond as noted in the table below.

*Supplier Table—List of Electric Generation Suppliers*

| <i>Docket Number</i> | <i>Company Name</i>            | <i>Financial Security Expiration Date</i> | <i>Commission Approved Amount</i> |
|----------------------|--------------------------------|---|-----------------------------------|
| A-2016-2535547       | APPLIED ENERGY PARTNERS, LLC   | 2/8/18                                    | Yes                               |
| A-2017-2587808       | CHARITY+POWER, INC.            | 3/1/18                                    | Yes                               |
| A-2013-2354759       | DYNAMIS ENERGY, LLC            | No Bond <sup>1</sup>                      | -                                 |
| A-2009-2135746       | EDGE INSIGHTS, INC.            | 3/1/18                                    | Yes                               |
| A-2015-2475323*      | IOWAY ENERGY, LLC              | 2/24/18                                   | Yes                               |
| A-2012-2289988       | KINETIC ENERGY ASSOCIATES, LLC | 2/10/18                                   | Yes                               |
| A-2011-2264916*      | PLYMOUTH ROCK ENERGY, LLC      | 2/23/18                                   | Yes                               |
| A-2010-2199551*      | TOWN SQUARE ENERGY EAST, LLC   | 2/24/18                                   | No                                |
| A-2014-2415133       | UNITED POWER CONSULTANTS, INC. | 2/13/18                                   | Yes                               |

\*Taking title to electricity

<sup>1</sup> On March 9, 2018, Dynamis Energy, LLC's bond was cancelled. To date, Dynamis Energy, LLC has not provided a Commission approved financial security replacement.



As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for each EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-516. Filed for public inspection March 30, 2018, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD).

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than April 16, 2018. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants.

**Doc. No. A-18-02-02. Muhit Cab, LLC** (142 Overhill Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

**Doc. No. A-18-02-03. Aamir Brothers, Inc., d/b/a Penn-Del Cab** (604 Addison Way, Warrington, PA 18976): An application for a partial-rights taxicab CPC to transport, as a common carrier, persons in taxicab service on a noncitywide basis between points within that area of the City of Philadelphia bounded on the north by Lancaster Avenue on the east by 56th Street, on the south by Grays Avenue (Grays Ferry Avenue), and on the west by the City of Philadelphia limits; and from any point in the City of Philadelphia to any point within the aforementioned area of the City of Philadelphia if the request for service is received by call to its radio dispatch service. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

**Doc. No. A-18-03-01. Sehgal Corporation** (229 Davis Avenue, Clifton Heights, PA 19018): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 18-517. Filed for public inspection March 30, 2018, 9:00 a.m.]

## PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

### Application of Christopher Lebakken for Reinstatement of Teaching Certificates; Doc. No. RE-18-02

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

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the application of Christopher Lebakken for reinstatement of his teaching certificates.

Christopher Lebakken 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). Christopher Lebakken 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 90 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. 18-518. Filed for public inspection March 30, 2018, 9:00 a.m.]

## STATE BOARD OF NURSING

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Pamela Lyn Smith, LPN, Respondent; File No. 16-51-14257; Doc. No. 2236-51-17**

*Notice to Pamela Lyn Smith, LPN:*

On November 17, 2017, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Practical Nurse Law, Act of March 2, 1956, P.L. (1955) 1211, (“Act”). This notice is being published pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process by publication.

### Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the

right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 18-519. Filed for public inspection March 30, 2018, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

**Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth’s Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a

lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**Odor Management Plan—Public Notice Spreadsheet—Actions**

| <i>Ag Operation Name, Address</i>                            | <i>County/Township</i>               | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>New, Amended or Existing</i> | <i>Action Taken</i> |
|--|--------------------------------------|--------------------------------|--------------------|---------------------------------|---------------------|
| Randy Reppert<br>148 Bachmoll Road<br>Hamburg, PA 19526      | Berks County/<br>Tilden Township     | 69.03                          | Ducks              | New                             | Approved            |
| Troy Miller<br>230 Mountain Road<br>Fredericksburg, PA 17026 | Lebanon County/<br>Swatara Township  | 130.56                         | Broilers           | New                             | Approved            |
| J. Douglas Metzler<br>81 Douts Hill Road<br>Pequea, PA 17565 | Lancaster County/<br>Martic Township | 412.2                          | Layers             | Amended                         | Approved            |
| Samuel D. Beiler<br>400 Heck Road<br>Jersey Shore, PA 17740  | Clinton County/<br>Crawford Township | 0                              | Veal               | New                             | Approved            |

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 18-520. Filed for public inspection March 30, 2018, 9:00 a.m.]

**STATE ETHICS COMMISSION**

**Public Meeting**

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act) the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting at Villanova University, Charles Widger School of Law, Room 207, 299 North Spring Mill Road, Villanova, PA 19085 on April 11, 2018, at 9:30 a.m. for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or agency operations should contact Joyce E. Tomasko at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

ROBERT P. CARUSO,  
*Executive Director*

[Pa.B. Doc. No. 18-521. Filed for public inspection March 30, 2018, 9:00 a.m.]

**SUSQUEHANNA RIVER  
BASIN COMMISSION**

**Projects Approved for Consumptive Uses of Water**

The Susquehanna River Basin Commission (Commission) approved by rule the following lists of projects from January 1, 2018, through January 31, 2018.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

*Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission’s approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

*Approvals by Rule Issued Under 18 CFR 806.22(f)*

1. Cabot Oil & Gas Corporation, LLC, Pad ID: McLeanD P1, ABR-201211009.R1, Lathrop and Lenox Townships, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
2. Cabot Oil & Gas Corporation, LLC, Pad ID: HordisC P1, ABR-201211016.R1, Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
3. Cabot Oil & Gas Corporation, LLC, Pad ID: LofredoJ P1, ABR-201211017.R1, Nicholson Township, Wyoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
4. Cabot Oil & Gas Corporation, LLC, Pad ID: TeddickM P3, ABR-201212006.R1, Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
5. Cabot Oil & Gas Corporation, LLC, Pad ID: ZickW P1, ABR-201212008.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.
6. Cabot Oil & Gas Corporation, LLC, Pad ID: KropaT P1, ABR-201301017.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 9, 2018.

7. Chief Oil & Gas, LLC, Pad ID: Spencer Drilling Pad, ABR-201306010.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 9, 2018.

8. SWN Production Company, LLC, Pad ID: Swisher (Pad R), ABR-201212012.R1, Stevens Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 9, 2018.

9. Chesapeake Appalachia, LLC, Pad ID: Porter, ABR-201306001.R1, North Branch Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.

10. Chesapeake Appalachia, LLC, Pad ID: Tinna, ABR-201306002.R1, Windham and Mehoopany Townships, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.

11. Chesapeake Appalachia, LLC, Pad ID: Shamrock, ABR-201306003.R1, Windham Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.

12. Chesapeake Appalachia, LLC, Pad ID: Brewer, ABR-201306007.R1, Meshoppen and Washington Townships, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 17, 2018.

13. Chief Oil & Gas, LLC, Pad ID: SGL 12 N WEST DRILLING PAD, ABR-201801001, Leroy Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: January 22, 2018.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* March 16, 2018

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 18-522. Filed for public inspection March 30, 2018, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following project from January 1, 2018, through January 31, 2018.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the project, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

#### *Rescinded ABR Issued*

1. Carrizo (Marcellus), LLC, Pad ID: EP Bender B (CC-03) Pad (2), ABR-201201030.R1, Reade Township, Cambria County, PA; Rescind Date: January 26, 2018.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* March 16, 2018

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 18-523. Filed for public inspection March 30, 2018, 9:00 a.m.]

