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January—March 2018

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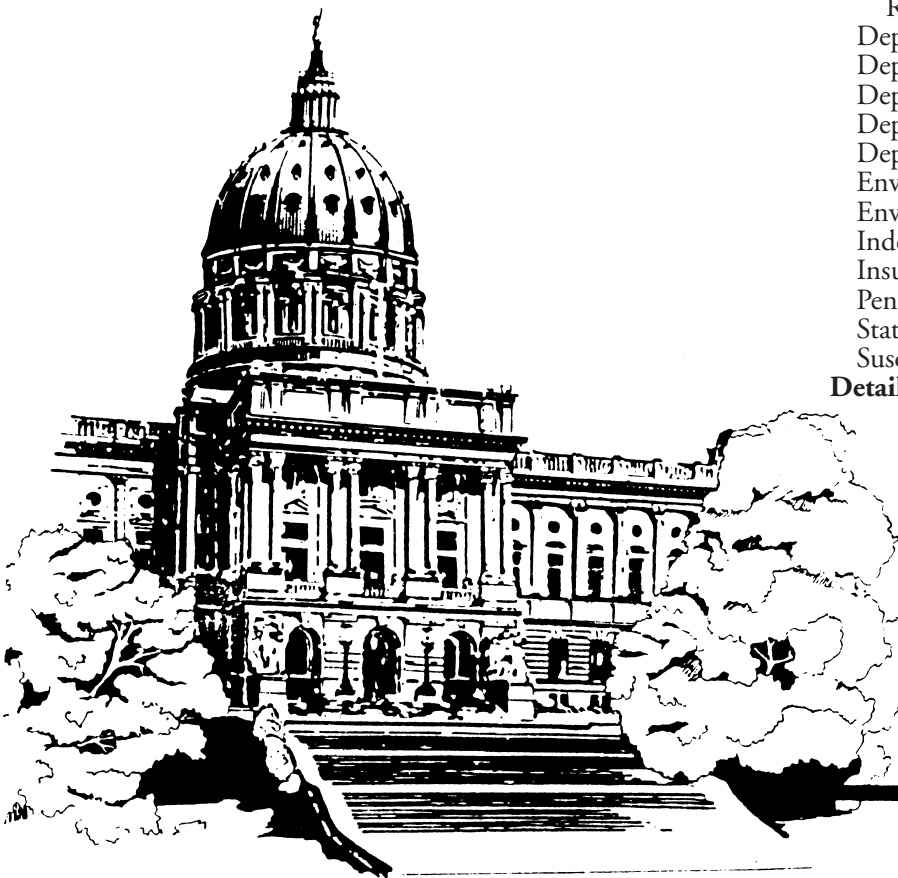
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 521, April 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.

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.

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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Printing Format

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**.

Proposed new chapters and rules are printed in regular type to enhance readability.

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 GOVERNOR

GOVERNOR'S OFFICE

[EXECUTIVE ORDER NO. 2018-02]

Extension of Deadline for Withdrawal of Nomination Petitions

March 21, 2018

Whereas, a severe winter weather event struck Pennsylvania on March 21, 2018, with significant amounts of snow accumulation in many counties across the Commonwealth; and

Whereas, the effects of the snowstorm caused the closure of the Commonwealth Capitol Complex in Harrisburg, Pennsylvania, which includes the Office of the Secretary of the Commonwealth, on Wednesday, March 21, 2018; and

Whereas, the effects of the snowstorm also caused the closure of many county offices, which include the sixty-seven county boards of election, on Wednesday, March 21, 2018; and

Whereas, the General Primary Election is scheduled by law to occur throughout the Commonwealth on Tuesday, May 15, 2018; and

Whereas, under the provisions of Section 914 of the Pennsylvania Election Code (25 P.S. § 2874), candidates who have filed nomination petitions for the General Primary Election who wish to withdraw must file a withdrawal notice with the Secretary of the Commonwealth, or with the appropriate county board of elections, no later than 5:00 p.m. prevailing time on Wednesday, March 21, 2018; and

Whereas, the weather-related closure of the Office of the Secretary of the Commonwealth, and of the county boards of elections, during the last day on which candidates may file a withdrawal notice by law for the General Primary Election makes it necessary and proper to extend the statutory deadline by which withdrawal notices may be filed with the Secretary of the Commonwealth, or where appropriate, with the county boards of elections; and

Whereas, on Wednesday, January 10, 2018, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, pursuant to the provisions of Section 7301(c) of the Emergency Management Services Code, (35 Pa.C.S. §§ 7101 et seq., as amended) proclaimed the existence of a disaster emergency due to the opioid crisis in the Commonwealth; and

Whereas, on Tuesday, March 6, 2018, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, pursuant to the provisions of Section 7301(c) of the Emergency Management Services Code, (35 Pa.C.S. §§ 7101 et seq., as amended) amended my January 10, 2018, Proclamation of Disaster Emergency, to include the existence of a disaster emergency in various counties because of a severe weather event; and

Whereas, My March 6, 2018, Amendment to Proclamation of Disaster Emergency for the severe weather event is effective for a period of 90 days unless otherwise terminated or extended by my official action.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, the Emergency Management Services Code, and other laws of the Commonwealth, do hereby issue this Executive Order as follows:

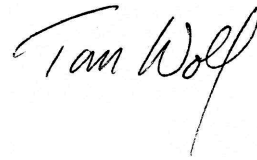
1. The deadline prescribed by Section 914 of the Pennsylvania Election Code (25 P.S. § 2874) by which withdrawal notices filed by candidates for nomination at the General Primary Election must be filed with the Secretary of the Commonwealth, or where appropriate, with the county boards of elections, shall be extended by one additional day for each business day, or any part thereof, during the week of March 19, 2018, on

which the Office of the Secretary of the Commonwealth, or the county board of elections, is closed for business as a consequence of weather conditions.

2. No withdrawal deadline may be extended pursuant to this Executive Order beyond 5:00 p.m. prevailing time on Friday, March 23, 2018, unless otherwise extended by a superseding Executive Order.

3. The Office of the Secretary of the Commonwealth shall post this Executive Order in the Department of State's Bureau of Commissions, Elections and Legislation and in all other appropriate places, and shall communicate its contents to the county boards of election, and shall take all necessary action to provide notice of this Executive Order to the general public.

4. This Executive Order shall take effect immediately and remain in effect only until 5:00 p.m. prevailing time, Monday, March 26, 2018.



Governor

Fiscal Note: GOV-2018-02. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-524. Filed for public inspection April 6, 2018, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 4]

Proposed Amendment of Pa.R.Crim.P. 490

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rule 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

Additions to the text of the proposal are bolded 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:

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

All communications in reference to the proposal should be received by no later than Friday, May 18, 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 Criminal Procedural Rules Committee

BRIAN W. PERRY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART H. Summary Case Expungement Procedures Rule 490. Procedure for Obtaining Expungement in Summary Cases; Expungement Order.

(A) PETITION FOR EXPUNGEMENT

(1) Except as provided in Rule 320, an individual who satisfies the requirements of 18 Pa.C.S. § 9122 **or 18 Pa.C.S. § 9123(a)** for expungement of a summary case may request expungement by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

* * * * *

Comment

This rule, adopted in 2010, provides the procedures for requesting and ordering expungement in summary cases.

Any case in which a summary offense is filed with a misdemeanor, felony, or murder of the first, second, or third degree is a court case (see Rule 103). The petition for expungement of the summary offense in such a case would proceed under Rule 790.

This rule was amended in 2018 to clarify that the procedures under this rule are to be used for summary convictions when the defendant is under 18 years of age. This also would include any summary conviction that has also been certified to juvenile court pursuant to Pa.R.J.C.P. 200(3) and 42 Pa.C.S. § 6304.1. In such cases, two expungement petitions would need to be filed: one would be filed pursuant to Pa.R.J.C.P. 170 to expunge the record of the juvenile proceeding and the second would be filed pursuant to Pa.R.Crim.P. 490 to expunge the underlying summary conviction.

See also Rule 320 for the procedures for expungement following the successful completion of an ARD program in a summary case and Rule 790 for court case expungement procedures.

* * * * *

Official Note: Adopted September 22, 2010 effective in 90 days; amended November 1, 2016, effective November 14, 2016; **amended** , **2018, effective** , **2018.**

Committee Explanatory Reports:

Final Report explaining the September 22, 2010 promulgation of new Rule 490 providing the procedures for expungements in summary cases published with the Court's Order at 40 Pa.B. 5737 (October 9, 2010).

Final Report explaining the November 1, 2016 amendment regarding the stay of expungement when the Commonwealth has consented and petition and order forms published for comment at 46 Pa.B. 7439 (November 26, 2016).

Report explaining the proposed amendment regarding expungement of summary offenses when the defendant is under 18 years of age published for comment at 48 Pa.B. 1930 (April 7, 2018).

REPORT

Proposed Amendment of Pa.R.Crim.P. 490

Summary Expungement for Defendants Under the Age of 18

Recently, the Committee in conjunction with the Juvenile Court Procedural Rules Committee, explored rule changes to address two issues regarding the expungement of summary offenses when the defendant is under 18 years old: (1) expungement under 18 Pa.C.S. § 9123(a); and (2) the expungement of summary convictions and juvenile court records that result from a failure to comply with the sentence on the underlying summary convictions.

There are two statutes that permit the expungement of summary convictions. The first statute, 18 Pa.C.S. § 9122(b)(3)(i), generally applies without reference to the age of the defendant and requires the defendant to be free from arrest or prosecution for five years. This statute also contains a provision for the expungement of underage drinking convictions when the defendant is 20 years or older, provided the violation occurred when the defendant was at least 18 years old.

The second statute, 18 Pa.C.S. § 9123(a), applies to “juvenile records” and permits the expungement of a conviction for a summary offense if the defendant is 18 years or older and six months have elapsed after satisfying the sentence. The statute also contains a provision for the expungement of underage drinking convictions when the defendant is 18 years or older, provided the violation occurred when the defendant was under 18 years old.

Currently, Rule 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order) cites to Section 9122 and not Section 9123(a). Summary offenses are specifically excluded from the Juvenile Act and Pa.R.J.C.P. 170 (Motion to Expunge or Destroy Records) does not recognize Section 9123(a) as it pertains to summary convictions when the defendant is under 18 years of age.

The Committees have developed an amendment of Rule 490 to include reference to 18 Pa.C.S. § 9123(a) so that these expungements proceed in accordance with the Criminal Rules. The Committees did not see merit in establishing two different procedures to expunge the same conviction in the MDJ court based on the age of the defendant. A cross-reference to Rule 490 would be added to the Comment to Pa.R.J.C.P. 170.

The other issue that the Committees examined was what procedures should be used to expunge both the summary conviction and the juvenile record when the conviction is certified pursuant to Pa.R.J.C.P. 200(3) and 42 Pa.C.S. § 6304.1. Pa.R.J.C.P. 200(3) and 42 Pa.C.S. § 6304.1 provide that a delinquency proceeding may be commenced when a juvenile has failed to comply with the sentence arising from a summary conviction. The question was whether a petition pursuant to Rule 490 needed

to be filed to expunge the summary conviction and another petition pursuant to Pa.R.J.C.P. 170 needed to be filed to expunge the certification and any subsequent juvenile court record.

The Committees recognize that requiring an expungement petition in the criminal court for the summary offense and another expungement petition in the juvenile court may be burdensome. However, it was observed that eligibility for expungement of the MDJ record and the juvenile record so differed that one court should not expunge both records.

For example, a curfew violation may result in a summary conviction and fine. If the minor fails to comply with the sentence (*i.e.*, pay the fine), then the matter may be certified to the juvenile court. A majority of these types of certifications result in an informal adjustment, consent decree, or entry into a diversion program rather than a petition being filed. Consequently, the minor would be entitled to expungement of the juvenile record pursuant to 18 Pa.C.S. § 9123(a)(2) six months after completing the program. However, the underlying summary offense could not be expunged until the defendant was at least 18 years of age. *See* 18 Pa.C.S. §§ 9123(2.1), (2.2). The minor could be eligible for expungement of the juvenile record before being eligible for expungement of the summary conviction. Accordingly, the Committees reluctantly agreed to a two-petition procedure.

The Comment to Pa.R.Crim.P. 490 therefore would be revised to inform readers of the dual tracks for the expungement of certified failure to comply cases and the underlying summary offense.

[Pa.B. Doc. No. 18-525. Filed for public inspection April 6, 2018, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CHS. 121 AND 126] Gasoline Volatility Requirements

The Environmental Quality Board (Board) amends Chapter 126 (relating to motor vehicle and fuels programs) to read as set forth in Annex A. This final-form rulemaking amends § 126.301 (relating to compliant fuel requirement) to make Chapter 126, Subchapter C (relating to gasoline volatility requirements) no longer applicable to the Pittsburgh-Beaver Valley Area upon the effective date of approval by the United States Environmental Protection Agency (EPA) of the removal, suspension or replacement of Chapter 126, Subchapter C as a Federally-enforceable control measure in the Commonwealth's State Implementation Plan (SIP). Chapter 126, Subchapter C was proposed to be rescinded in the proposed rulemaking published at 47 Pa.B. 1157 (February 25, 2017). However, rescission alone would not remove the ability to enforce these requirements under Federal law through the Commonwealth's EPA-approved SIP. This final-form rulemaking is designed to ensure that Chapter 126, Subchapter C will not be applicable under Commonwealth or Federal law when the EPA approves the necessary Non-Interference Demonstration SIP revision to the Commonwealth's approved SIP. The proposal to delete four definitions in § 121.1 (relating to definitions) is not adopted in this final-form rulemaking.

This final-form rulemaking will be submitted to the EPA for approval as a revision to the Commonwealth's SIP following promulgation of this final-form rulemaking.

This final-form rulemaking is given under Board order at its meeting of December 12, 2017.

A. Effective Date

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

B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Kristen Furlan, Assistant Director, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)").

C. Statutory Authority

This final-form rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth; section 5(a)(8) of the APCA, which grants the Board the authority to adopt rules and regulations designed to implement the Clean Air Act (CAA) (42 U.S.C.A.

§§ 7401—7671q); and section 4(18.3) of the APCA (35 P.S. § 4004(18.3)), which requires the Department and the Board to take actions that result in the rescission of Chapter 126, Subchapter C.

D. Background and Purpose

Chapter 126, Subchapter C applies to gasoline which is to be sold or transferred into or within the Pittsburgh-Beaver Valley Area between May 1 and September 15 of each year. More specifically, refiners, importers, distributors, resellers, terminal owners and operators, and carriers may not sell, exchange or supply gasoline that does not have a Reid vapor pressure (RVP) of 7.8 pounds per square inch (psi) or less (low RVP gasoline) in the Pittsburgh-Beaver Valley Area between May 1 and September 15 of each year. Retailers and wholesale purchaser-consumers may not sell, exchange or supply noncompliant gasoline in the Pittsburgh-Beaver Valley Area between June 1 and September 15 of each year. The Pittsburgh-Beaver Valley Area includes Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties. Gasoline vapors include volatile organic compound (VOC) emissions. VOCs are a precursor to the formation of ground-level ozone air pollution and fine particulate matter (PM_{2.5}), both hazards to public health and welfare. Gasoline formulated with an RVP of 7.8 psi or less has lower VOC emissions than gasoline formulated at higher RVP levels. Chapter 126, Subchapter C was promulgated at 27 Pa.B. 5601 (November 1, 1997). These requirements were approved by the EPA at 63 FR 31116 (June 8, 1998), effective July 23, 1998, as a revision to the Commonwealth's SIP and codified at 40 CFR Part 52, Subpart NN (relating to Pennsylvania). Thus, Chapter 126, Subchapter C is a Federally-enforceable control measure to attain and maintain the 1-hour Ozone National Ambient Air Quality Standards (NAAQS) in the Pittsburgh-Beaver Valley Area to protect the public health and welfare.

The act of May 14, 2014 (P.L. 674, No. 50) (Act 50) added section 4(18.3) of the APCA:

Within sixty (60) days of the effective date of this clause, initiate the process of amending the State implementation plan. Upon approval of a revision which demonstrates continued compliance with Federal national ambient air quality standards through utilization of commensurate emission reductions by the Environmental Protection Agency, the board shall promulgate regulations to repeal the provisions of 25 Pa. Code Ch. 126 Subch. C (relating to gasoline volatility requirements).

Act 50 was effective May 14, 2014. According to the Senate Co-Sponsorship Memorandum for Senate Bill 1037, dated June 5, 2013, Act 50 was designed to address the price differential between low RVP gasoline and conventional gasoline in the Pittsburgh-Beaver Valley Area, cited by the legislative sponsors as being as much as a 10 to 15 cents per gallon (cpg) price difference between the two fuels.

The Commonwealth is required to ensure that the removal of Chapter 126, Subchapter C from the SIP complies with section 110(l) of the CAA (42 U.S.C.A. § 7410(l)) (Non-Interference Clause). The Non-Interference Clause prohibits the EPA Administrator from approving a SIP revision if the revision would interfere with any applicable requirement concerning attainment of a NAAQS or reasonable further progress in attaining a

NAAQS, or any other applicable requirement of the CAA. The Department is separately preparing for submittal to the EPA a Non-Interference Demonstration SIP revision that will show continued compliance with the applicable NAAQS and protection of the public health and welfare through the use of commensurate emission reductions to offset the slight increases in emissions of VOC and oxides of nitrogen (NO_x) that will likely result in the near term from removing Chapter 126, Subchapter C as a Federally-enforceable control measure from the SIP. This Non-Interference Demonstration SIP revision will include a request for the EPA to remove § 126.301 and §§ 126.302 and 126.303 (relating to recordkeeping and reporting; and compliance and test methods) from the Commonwealth's Federally-approved SIP.

The proposed rulemaking was designed to address the legislative mandate to the Board to promulgate regulations to rescind Chapter 126, Subchapter C. This final-form rulemaking's approach of amending § 126.301 rather than rescinding Chapter 126, Subchapter C as proposed is designed to ensure that EPA approval of the Non-Interference Demonstration SIP revision will occur prior to (or coincident with) Chapter 126, Subchapter C being made no longer effective. Upon promulgation of this final-form rulemaking and EPA approval of the Department's Non-Interference Demonstration SIP revision, Chapter 126, Subchapter C will no longer be applicable for the Pittsburgh-Beaver Valley Area. The Department will publish a notice in the *Pennsylvania Bulletin* to inform the public following SIP approval. Coordination of these actions will ensure that affected entities will not be at risk of enforcement proceedings at either the Federal or State level upon the effective date of EPA approval of the Non-Interference Demonstration SIP revision and will achieve the objective of Act 50. Following SIP approval, the Department plans to rescind Chapter 126, Subchapter C through a separate rulemaking.

When Chapter 126, Subchapter C is no longer applicable, the persons, groups and entities, including small businesses, currently subject to Chapter 126, Subchapter C will be subject only to the Federal gasoline volatility requirements. The applicable Federal regulation, 40 CFR 80.27(a)(2) (relating to controls and prohibitions on gasoline volatility), states that the gasoline RVP standard for Pennsylvania year-round is 9.0 psi except in those areas for which the EPA has approved a SIP revision with a lower RVP requirement. Section 80.27(d)(1) of 40 CFR further provides a 1.0 psi RVP allowance for gasoline containing ethanol at 9 to 10 volume percent applicable to Pennsylvania. When Chapter 126, Subchapter C is no longer applicable, a maximum RVP of 10.0 psi will be allowed for gasoline blended with ethanol in all areas of this Commonwealth, except the Philadelphia area where a different type of gasoline is Federally mandated.

This final-form rulemaking applies to gasoline refiners, importers, distributors, resellers, terminal owners and operators, carriers, retailers and wholesale purchaser-consumers who sell, exchange or supply gasoline in the Pittsburgh-Beaver Valley Area between May 1 and September 15 of each year. These entities include owners and operators of facilities and infrastructure in the gasoline supply chain, such as bulk gasoline stations and terminals, other gasoline wholesaler facilities, gasoline stations with and without convenience stores, tanker trucks and petroleum pipelines. When this final-form rulemaking is promulgated and the EPA approves the Non-Interference Demonstration SIP revision, Chapter 126, Subchapter C will no longer apply to these entities.

The Department's assessment of how many entities will potentially be affected by this final-form rulemaking began with searching the North American Industry Classification System (NAICS) codes and the Standard Industrial Classification (SIC) system codes to identify the gasoline-related industry sectors performing activities currently subject to Chapter 126, Subchapter C. Using the NAICS and SIC codes, a review of multiple Department databases identified 33 to 1,252 businesses that may be subject to Chapter 126, Subchapter C. Additionally, the Commonwealth's Small Business Development Center's Environmental Management Assistance Program (EMAP) performed a query of the Hoover's database for a list of potentially subject businesses using NAICS codes provided by the Department. EMAP provided the Department with a list of 768 businesses that are potentially subject to Chapter 126, Subchapter C, of which 642 entities were identified as small businesses. The Department also identified approximately 1,100 potentially affected entities through American FactFinder, a web-based tool of the United States Census Bureau. The Department estimates that as many as 84% of the entities identified from all sources may be small businesses, based on the fact that approximately 84% of the 768 entities identified by EMAP qualified as small businesses.

Based on the available data, after promulgation of this final-form rulemaking and upon EPA approval of the Non-Interference Demonstration SIP revision, refineries may save as much as 0.5 cpg, retailers and wholesale purchaser-consumers may save between 1.4 cpg and 3.2 cpg, and consumers may save between 1.6 cpg and 9.2 cpg. Actual cost savings for an individual refiner will be directly dependent on how much 7.8 psi RVP gasoline a refiner produces during the applicable time period. Actual cost savings for retailers, wholesale purchaser-consumers and consumers will be directly dependent on how much gasoline is purchased from an entity subject to Chapter 126, Subchapter C during the applicable time period.

The Air Quality Technical Advisory Committee (AQTAC) was briefed on this final-form rulemaking on June 15, 2017. Twelve of the 15 members of AQTAC present voted to concur with the Department's recommendation to move this final-form rulemaking forward to the Board for consideration. Two AQTAC members opposed moving this final-form rulemaking forward, but did not provide concerns or comments at the meeting. The remaining member abstained. When AQTAC reviewed the proposed rulemaking at its December 10, 2015, meeting, five AQTAC members did not concur in moving the proposed rulemaking forward to the Board based on concerns over the loss of emission reduction benefits as a result of the rescission, the calculation of emission reduction benefits and the process that would be used by the Department to demonstrate continued compliance with the Federal NAAQS through the use of commensurate emission reductions.

The Small Business Compliance Advisory Committee (SBCAC) was briefed on this final-form rulemaking on July 26, 2017. The members of the SBCAC voted unanimously to concur with the Department's recommendation to move this final-form rulemaking forward to the Board for consideration.

This final-form rulemaking was discussed with the Citizens Advisory Council's (CAC) Policy and Regulatory Oversight Committee (Committee) on June 27, 2017. On the recommendation of the Committee, the members of the CAC concurred on September 19, 2017, with the Department's recommendation to forward this final-form rulemaking to the Board.

The AQTAC, SBCAC and CAC meetings are advertised and open to the public.

E. Summary of this Final-Form Rulemaking and Revisions from Proposed to Final-Form Rulemaking

§ 121.1. *Definitions*

This section contains definitions relating to the air quality regulations. The following definitions were proposed to be deleted: “compliant fuel,” “importer,” “low RVP gasoline” and “Pittsburgh-Beaver Valley Area.” The proposed deletion of these definitions is withdrawn because this final-form rulemaking does not rescind Chapter 126, Subchapter C.

§ 126.301. *Compliant fuel requirement*

This section describes when and where low RVP gasoline is required and details the restrictions on selling, exchanging, supplying, blending, mixing, storing and transferring compliant and noncompliant fuel during the applicable period. The proposed rescission of this section is withdrawn. This section is amended by adding subsection (d) to state that “[t]his subchapter will no longer be applicable to the Pittsburgh-Beaver Valley Area upon the effective date of approval by the EPA of the removal, suspension or replacement of this subchapter as a part of the Commonwealth’s SIP.” This section will no longer be applicable when § 126.301(d) is satisfied.

§ 126.302. *Recordkeeping and reporting*

This section describes the recordkeeping and reporting requirements of Chapter 126, Subchapter C, including when records are required, who shall maintain the records and what must be included in the records. The proposed rescission of this section is withdrawn. This section will no longer be applicable when § 126.301(d) is satisfied.

§ 126.303. *Compliance and test methods*

This section identifies the approved methodology for sampling and testing gasoline to determine RVP. The proposed rescission of this section is withdrawn. This section will no longer be applicable when § 126.301(d) is satisfied.

F. Summary of Major Comments and Responses

The Board approved publication of the proposed rulemaking at its meeting of October 18, 2016.

The proposed rulemaking was published at 47 Pa.B. 1157, with a 66-day public comment period.

Three public hearings were held on March 28, 29 and 30, 2017, in Pittsburgh, Norristown and Harrisburg, respectively. Testimony was not provided at the hearings. The public comment period closed on May 1, 2017. Comments were received from members of the public, the regulated industry and members of the House of Representatives. Comments were also received from the Independent Regulatory Review Commission (IRRC). The comments received on the proposed rulemaking are summarized in this section and are more extensively addressed in a comment and response document which is available from the Department.

IRRC comments—consistency with the intent of the General Assembly

IRRC noted that the proposed rulemaking implements Act 50 by rescinding Chapter 126, Subchapter C and four related definitions from § 121.1. IRRC further noted that the preamble to the proposed rulemaking stated that if the rulemaking was published as a final-form rulemaking, it would be submitted to the EPA for approval as

a SIP revision. IRRC commented that the Board’s plan for implementation of Act 50 would appear to conflict with the legislative directive in Act 50 to promulgate the required regulations after approval of revisions to the Commonwealth’s SIP by the EPA.

IRRC asked why the Board was proceeding with this rulemaking prior to securing approval of the Commonwealth’s SIP revisions from the EPA. IRRC further asked how this plan for implementation was consistent with the intent of the General Assembly. IRRC requested that the Board provide an explanation in the preamble of this final-form rulemaking to explain the Board’s implementation plan and why it believes the plan is consistent with Act 50.

In response, the proposed rulemaking attempted to satisfy both the intent of the General Assembly and the policy in place in EPA Region 3 at the time to accomplish the two substantive requirements of Act 50: rescinding the regulation; and demonstrating commensurate emission reductions. Prior to a recent decision by EPA Region 5 regarding Ohio’s repeal of its low RVP gasoline volatility regulation, it was the policy of the EPA not to approve the removal of a regulation from a state’s SIP unless the regulation had first been repealed at the state level and then submitted as a revision to the state’s SIP. In Ohio, rather than repealing its low RVP gasoline volatility regulation, Ohio amended its regulation to make it no longer effective upon approval by EPA Region 5 of a SIP revision removing the provisions from Ohio’s SIP. The Department discussed this decision with EPA Region 3 and, with the concurrence of EPA Region 3, recommended using Ohio’s approach in this final-form rulemaking.

This final-form rulemaking adds § 126.301(d) to make Chapter 126, Subchapter C no longer applicable to the Pittsburgh-Beaver Valley Area upon the effective date of approval by the EPA of the removal, suspension or replacement of Chapter 126, Subchapter C as a part of the Commonwealth’s SIP. The Department is separately preparing for submittal to the EPA a Non-Interference Demonstration SIP revision that will show continued compliance with the applicable NAAQS and protection of the public health and welfare through the use of commensurate emission reductions to offset the slight increases in VOC and NO_x emissions that will likely result in the near term from removing Chapter 126, Subchapter C as a Federally-enforceable control measure from the SIP and making Chapter 126, Subchapter C no longer effective in this Commonwealth. This Non-Interference Demonstration SIP revision will include a request for the EPA to remove Chapter 126, Subchapter C from the Commonwealth’s Federally-approved SIP.

The coordination of this final-form rulemaking and the Non-Interference Demonstration SIP revision submittal to the EPA allows for the regulated industry and affected citizens to benefit immediately upon the EPA’s approval of the Non-Interference Demonstration SIP revision, which is consistent with the goals of the General Assembly in Act 50. The Department will publish a notice in the *Pennsylvania Bulletin* to inform the public following SIP approval. After publication of the notice in the *Pennsylvania Bulletin*, the Department plans to rescind Chapter 126, Subchapter C.

IRRC comment—protection of the public health, safety and welfare

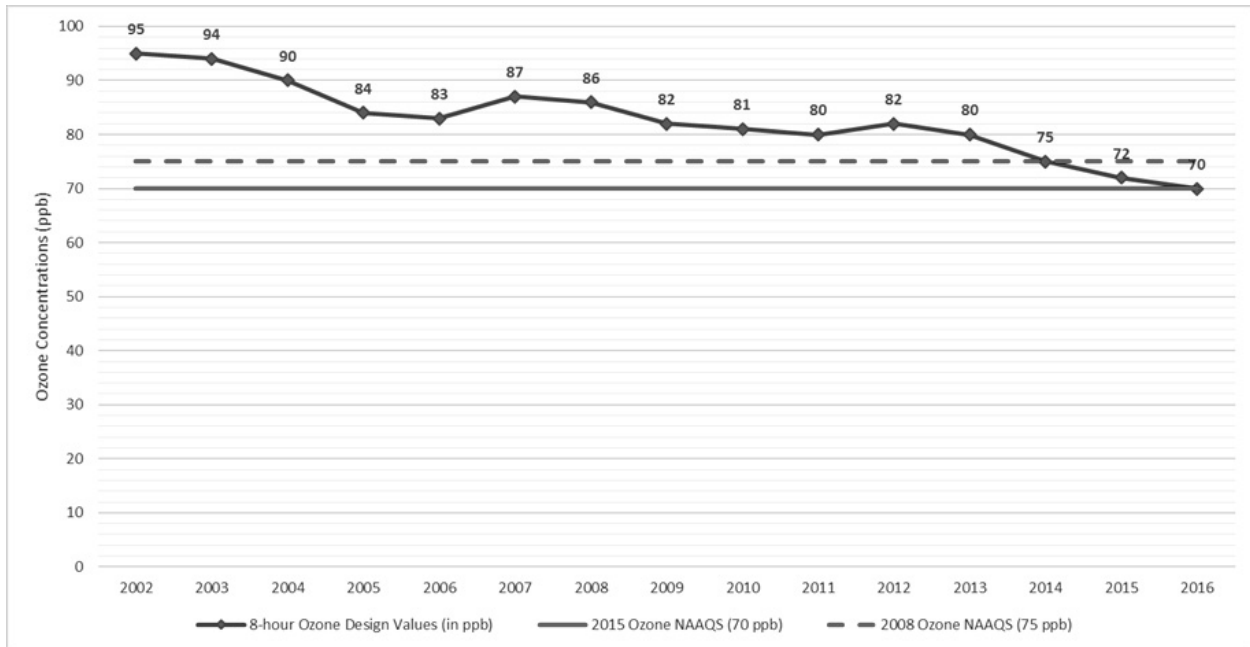
IRRC asked if the health, safety and welfare of the citizens of this Commonwealth would be adequately protected if the proposed rulemaking was adopted as a

final-form rulemaking and the EPA did not approve revisions to the Commonwealth's SIP.

This final-form rulemaking is designed to ensure that Chapter 126, Subchapter C will not be applicable under Commonwealth or Federal law when the EPA approves the necessary Non-Interference Demonstration SIP revision to the Commonwealth's SIP. Significant adverse impact on the health, safety or welfare of the citizens of this Commonwealth is not anticipated from removing the low RVP requirements for the Pittsburgh-Beaver Valley Area. Ambient air monitoring in the Pittsburgh-Beaver

Valley Area has demonstrated decreasing levels of ozone concentrations since 2002. Figure 1 shows the downward trend in ozone design values for the Pittsburgh-Beaver Valley Area for 2002–2016. The design value is the annual fourth-highest daily maximum 8-hour ozone concentration measured at an ambient air quality monitor averaged over 3 years. In 2014, the Pittsburgh-Beaver Valley Area came into compliance with the 2008 Ozone NAAQS and in 2016 came into compliance with the more stringent 2015 Ozone NAAQS.

Figure 1. Trend in 8-hour Ozone Design Values from 2002–2016 for the Pittsburgh-Beaver Valley Area



Although the Department projects a small increase in emissions in the affected area in the near term from switching from low RVP gasoline to conventional RVP gasoline, the emission reduction benefits achieved by low RVP gasoline have been declining and will continue to decline steadily in future years, decreasing from 1.63 tons of VOC per day in 2017 to 1.33 tons of VOC per day by 2030. The decline in emission reduction benefits achieved by the low RVP gasoline is due to the implementation of technologies such as electric vehicles and onboard refueling vapor recovery canisters in gasoline-powered vehicles, as well as permanent and enforceable control measures established by the EPA's multiple tiers of fuel and vehicle emission standards that have been implemented beginning in the early 2000s. In addition to the emission reduction benefits of the mobile source control measures, permanent and enforceable control measures for industry and stationary sources have contributed to the consistent downward trend in monitored ozone design values for the Pittsburgh-Beaver Valley Area. Therefore, the removal of the low RVP gasoline volatility requirements as an ozone pollution control measure is very unlikely to have an adverse impact on ozone air quality and the public health and welfare in the Pittsburgh-Beaver Valley Area.

The revised approach taken in this final-form rulemaking will ensure that the health, safety and welfare of the citizens of this Commonwealth will not be negatively impacted if the EPA does not approve the Non-Interference Demonstration SIP revision to the SIP that the Department is preparing to submit. The amendment to § 126.301 ensures that Chapter 126, Subchapter C will remain in effect and the emission reduction benefits from the existing regulation will continue to occur until the EPA approves the Non-Interference Demonstration SIP revision.

Compliance with Act 50

Twenty members of the House of Representatives commented that the proposed rulemaking continued to carry out the General Assembly's directive from Act 50. They also commented that Act 50, which was enacted with substantial bipartisan support in the General Assembly, was enacted in response to the concerns expressed by residents of western Pennsylvania. The Board thanks the Representatives for their support and agrees that the proposed rulemaking complied with the intent of the General Assembly's directive in Act 50. Although this final-form rulemaking alters the approach being used to carry out Act 50 in response to other comments received, the amended approach achieves the goals of Act 50.

General support

Several commentators expressed general support for the proposed rescission of Chapter 126, Subchapter C, referred to by some commentators as low RVP gasoline or summer gas requirements. The Board thanks the commentators for the support.

Reduce costs and improve operations

Several commentators stated that rescinding the gasoline volatility requirements in Chapter 126, Subchapter C will help to reduce the cost of gasoline to the consumer. The Department's analysis of refining costs and terminal and retail prices shows that costs may be reduced for refiners and distributors and possibly gasoline retailers and consumers if the upstream cost savings are passed through the gasoline supply chain. The exact cost savings benefit that may result from the rescission of Chapter 126, Subchapter C is difficult to quantify due to the many factors used to establish the price of petroleum products, as well as the evolving nature of the petroleum products industry in the United States.

The Department's analysis of terminal prices indicated that during the summer months (May 1—September 15) of 2006—2012 (excluding summer 2009), seasonal average rack (terminal) prices in the Pittsburgh metropolitan area ranged from \$0.095 below to \$0.032 above the Statewide average rack (terminal) prices. See Table 6 in the Regulatory Analysis Form for this final-form rulemaking. The Department's analysis of retail gasoline prices indicated that during the summer months (June—September) of 2005—2014, seasonal average retail gasoline prices in the Pittsburgh metropolitan area ranged from \$0.037 below to \$0.092 above the Statewide average retail gasoline prices. In the winter months (October—May), seasonal average retail gasoline prices in the Pittsburgh metropolitan area ranged from \$0.015 below to \$0.101 above the Statewide average retail gasoline prices. See Table 7 in the Regulatory Analysis Form for this final-form rulemaking.

In the most recent 5 years of data, Pittsburgh metropolitan area average retail gasoline prices have been higher than the Statewide average retail gasoline prices in summer and winter. Because winter and summer prices have been higher, it is unclear how much of the summer price differential is due to the low RVP gasoline requirement and how much is due to local market forces and other factors. It is also difficult to determine if the cost savings that may result from this final-form rulemaking action will be passed on to the consumer when Chapter 126, Subchapter C is no longer applicable.

Further, if Chapter 126, Subchapter C is no longer applicable, this may allow for petroleum products to be supplied to western Pennsylvania from Midwestern refineries due to repurposing and switching directions of product flow in the gasoline supply pipelines. These and other potential changes for the area's gasoline supply could influence the price for gasoline blends in the Pittsburgh-Beaver Valley Area going forward as much as, or more than, Chapter 126, Subchapter C becoming no longer applicable.

Two commentators did not agree with the statement in the executive summary of the proposed rulemaking that businesses involved in gasoline transport and storage are unlikely to see much impact, if any, as the type of gasoline being transported does not directly affect the business operation. The commentators stated that logistics companies must set aside tanks each summer and, on an annual basis, segregate batches of the boutique 7.8 psi RVP gasoline for the Pittsburgh-Beaver Valley Area,

resulting in resupply limitations, constrained assets and an ongoing need to protect the restrictive 7.8 psi RVP of the Pittsburgh fuel along the pipeline. The commentators stated that less tank segregation would create efficiencies in distribution, which should improve the flow of petroleum products within this Commonwealth. The Board appreciates the insight provided by these commentators. The executive summary and Regulatory Analysis Form for this final-form rulemaking have been revised to reflect this clarification.

One commentator stated that the Board's analysis in the Regulatory Analysis Form severely underestimated the total amount of low RVP gasoline consumed in the Pittsburgh-Beaver Valley Area in the summer months. The estimate was that fuel consumption was 16.7 million gallons for the summer months (June—September) of 2013. The Board thanks the commentator for this information. The Department determined that the data source it used for estimating the 2013 Statewide retail gasoline sales during the development of the proposed rulemaking was inaccurate. The Department used Statewide retail gasoline sales data collected by the Department of Revenue for this final-form rulemaking. Total estimated Commonwealth retail gasoline sales during the low RVP season (May 1—September 15) based on 2016 Department of Revenue data were approximately 1.92 billion gallons. As in the original analysis, Statewide retail gallons sold were apportioned to the Pittsburgh-Beaver Valley Area based on the percentage of vehicle miles travelled by gasoline-powered vehicles in the Pittsburgh-Beaver Valley Area as a portion of Statewide gasoline-powered vehicle miles travelled, which is about 18.3%. Based on this percentage, the 2016 total for low RVP gasoline retail sales during the summer months in the Pittsburgh-Beaver Valley Area is estimated at approximately 352 million gallons. This does not change the Department's estimates of emission reductions, because the emission reductions were developed independently of gallons of gasoline sold. Emissions were estimated with a computer model. Highway vehicles emissions were estimated using the EPA's MOVES2014 Model. Nonroad emissions were estimated using MOVES2014a. The model estimates emissions using a variety of inputs, including, among other factors, traffic volumes, vehicle speeds, vehicle fleet mix, fuel characteristics and parameters of the Commonwealth's vehicle inspection and maintenance testing program. Gasoline consumption is not used as an input into the computer model.

Another commentator estimated that the historical difference in retail price between the 7.8 psi low RVP gasoline and 9.0 psi (with a 1.0 psi waiver) RVP gasoline in the surrounding Pennsylvania counties to be approximately 9 cpg. The commentator estimated that the savings for the area could be as much as \$8.9 million for the May 1—September 15 time frame. This estimate appears to be based on the volume of fuel delivered to the area by this commentator only and does not include fuel delivered by other entities. The Department's examination of retail prices for the proposed rulemaking indicated that retail prices for low RVP fuel in the Pittsburgh metropolitan area were 9 cpg more on average than the Statewide average retail gasoline price during the June—September 2014 summer season. However, retail prices for low RVP gasoline were between 1.6 cpg and 9.2 cpg more on average for the most recent 5 years of available data (2011—2015). The Department updated its estimates of potential cost savings in the Regulatory Analysis Form for this final-form rulemaking based on the revised data relating to fuel consumption in the affected area. For the

purposes of this estimate, the Department assumed that consumers in the Pittsburgh metropolitan area will be paying the Statewide average retail gasoline prices if Chapter 126, Subchapter C is no longer applicable. Based on the most recent 5 years of available data, consumers would potentially save from 1.6 cpg to 9.2 cpg. Using a summer season (May 1—September 15) fuel consumption estimate of approximately 352 million gallons in the Pittsburgh-Beaver Valley Area, the Department estimated that the potential total cost savings for consumers resulting from this final-form rulemaking would range from \$5.632 million (1.6 cpg × 352 million gallons × \$1/100 cents) to \$32.384 million (9.2 cpg × 352 million gallons × \$1/100 cents). This calculation is based on the assumption that consumers may be purchasing low RVP fuel as early as the May 1 compliance date for refiners and terminals, rather than the later June 1 compliance date for retailers and wholesale purchaser-consumers. Potential cost savings for an individual consumer would be directly dependent on how much low RVP gasoline a consumer would purchase from a retail entity subject to Chapter 126, Subchapter C from June 1—September 15; low RVP fuel may be available for purchase from retailers as early as May 1, which would increase the period in which consumers could experience cost savings from the rescission of Chapter 126, Subchapter C. For example, a consumer that purchases a total of 100 gallons of low RVP gasoline could potentially save from \$1.60 (1.6 cpg × 100 gallons × \$1/100 cents) to \$9.20 (9.2 cpg × 100 gallons × \$1/100 cents) for the season.

Several commentators stated that requiring the use of a boutique gasoline blend has a direct economic cost on the residents of western Pennsylvania. The Board agrees that making Chapter 126, Subchapter C no longer applicable may result in cost savings for affected entities in the Pittsburgh-Beaver Valley Area. However, as previously mentioned, many factors influence the pricing of gasoline.

Many commentators stated that improved emission controls on vehicles and new requirements for fuel content eliminate the need for the low RVP gasoline requirements. As mentioned previously, the Board notes that improvements in vehicle technology, such as onboard refueling vapor recovery systems, and more stringent regulations for vehicle emission controls and fuel content, such as EPA's Tier 3 regulations published at 79 FR 23414 (April 28, 2014) will likely result in diminishing emission reduction benefits from the low RVP gasoline blend. Although the emission reduction benefits diminish over time, the Department plans to demonstrate that the remaining lost emission reduction benefits from making Chapter 126, Subchapter C no longer applicable are offset by commensurate emission reductions in the Non-Interference Demonstration SIP revision submitted to the EPA.

Issues concerning air quality

Several commentators stated that there will likely be minimal adverse impact on local air quality due to the rescission of the low RVP gasoline requirement. The Board agrees that the environmental benefits of the low RVP gasoline requirements will likely diminish over the next 10—15 years. Using EPA-approved computer models, the Department modeled the change in emissions that would result from 7.8 psi RVP gasoline being replaced by 10.0 psi RVP gasoline. The modeling indicated that emissions from gasoline-powered highway and nonroad sources using 10.0 psi RVP gasoline in the Pittsburgh-Beaver Valley Area would increase by 1.63 tons of VOC emissions and 0.35 ton of NO_x emissions per summer day

in 2017, compared to the baseline emissions of these sources when using 7.8 psi RVP gasoline. The modeling indicates that these increased emissions will diminish to 1.33 tons per day of VOC emissions and 0.01 ton per day of NO_x emissions by 2030. The Department plans to demonstrate through a Non-Interference Demonstration SIP revision submittal to the EPA that removing the low RVP gasoline volatility requirements from the Commonwealth's SIP will not interfere with attainment or reasonable further progress for any applicable NAAQS, by offsetting the lost emission reductions with emission reductions from other control measures and projects.

A commentator stated that the emission reduction benefits of the low RVP gasoline volatility program in the Pittsburgh market have diminished due to the EPA implementing the requirements in 40 CFR Part 63, Subpart BBBBBB (relating to National emission standards for hazardous air pollutants for source category: gasoline distribution bulk terminals, bulk plants, and pipeline facilities). This subpart requires more stringent controls, monitoring, recordkeeping and reporting for gasoline distribution bulk terminals, bulk plants and pipeline facilities. The Board agrees that emissions from gasoline storage tanks are well controlled. The Department's emissions inventory indicates that total emissions in the Pittsburgh-Beaver Valley Area from storage tanks that store gasoline, both fixed roof and floating roof tanks, are less than 10 tons of VOCs per year or 0.03 ton per day. The methodology for estimating these emissions indicates that the change in total emissions resulting from storing gasoline with an RVP of 10.0 psi instead of 7.8 psi will be minimal.

G. Benefits, Costs and Compliance

Benefits and costs of this final-form rulemaking, and compliance with it, will occur when §§ 126.301—126.303 become no longer applicable as a result of the EPA approving the Non-Interference Demonstration SIP revision.

Benefits

The benefits of this final-form rulemaking are expected to outweigh the costs and short-term environmental effects of making the requirements for low RVP gasoline no longer applicable upon the effective date of the EPA's approval of the removal, suspension or replacement of Chapter 126, Subchapter C as a Federally-enforceable control measure in the Commonwealth's SIP. The VOC emission reduction benefits from requiring low RVP gasoline in the Pittsburgh-Beaver Valley Area steadily decline in future years, decreasing from VOC emission reductions of 1.63 tons per day in 2017 to VOC emission reductions of 1.33 tons per day by 2030. The NO_x emission reduction cobenefits of low RVP gasoline decline from 0.35 ton per day in 2017 to 0.01 ton per day in 2030. The Commonwealth plans to demonstrate to the EPA through a Non-Interference Demonstration SIP revision that these small increases in VOC emissions will be offset with VOC emission reductions achieved from other control measures when the low RVP gasoline requirements are no longer effective.

One potential benefit of this final-form rulemaking is the elimination of the costs for blending gasoline with an RVP of 7.8 psi or less to be exchanged, supplied or sold in the Pittsburgh-Beaver Valley Area between May 1 and September 15 of each year. These cost savings may be passed down through the gasoline supply chain, potentially lowering costs for consumers. Another potential benefit may be a reduction in the recordkeeping and

reporting obligations experienced by the regulated community to comply with Chapter 126, Subchapter C.

As previously discussed, owners and operators of facilities and infrastructure in the gasoline supply chain, including refineries, bulk gasoline stations and terminals, other gasoline wholesaler facilities, gasoline stations with and without convenience stores, tanker trucks and petroleum pipelines, may benefit from this final-form rulemaking financially and through reduced recordkeeping and reporting obligations. As many as 84% of these entities may be small businesses.

The population of the Pittsburgh-Beaver Valley Area was approximately 2,353,045 in 2015. Most gasoline consumers in the Pittsburgh-Beaver Valley Area likely use gasoline for operating gasoline-powered vehicles and off-road equipment. Gasoline consumers in the Pittsburgh-Beaver Valley Area, consumers in the adjacent counties who purchase gasoline in the Pittsburgh-Beaver Valley Area and consumers traveling through the Pittsburgh-Beaver Valley Area may benefit economically if cost savings are passed through to the retail establishments and the ultimate consumers.

Compliance costs

For the reasons previously discussed, this final-form rulemaking is expected to result in cost savings or little to no adverse financial impact for most affected entities. Businesses involved in the sale of gasoline, including gas stations, bulk terminals and wholesalers, will likely see an economic benefit from the elimination of the requirement to obtain and sell gasoline with an RVP of 7.8 psi or less if the cost savings of blending the special fuel are passed down the supply chain from the refinery and terminal to the retail gas station. The ultimate consumer may or may not see a cost savings at the pump. Businesses involved in gasoline transport and storage will likely see some cost reductions due to the increased efficiency resulting from not having to segregate the 7.8 psi RVP gasoline.

Recordkeeping requirements for all affected entities may be reduced or simplified since the businesses will not be required to document the transfer of gasoline with an RVP of 7.8 psi. This may or may not lead to cost savings as the records kept are likely to continue to be kept for business purposes by terminals and retailers.

Compliance assistance plan

The Department does not anticipate that compliance assistance will be required, as this final-form rulemaking will make requirements, including recordkeeping and reporting requirements, no longer applicable upon the effective date of the EPA approval of the removal, suspension or replacement of Chapter 126, Subchapter C as a part of the Commonwealth's SIP. The Department will respond to questions that affected facilities may have about transitioning from 7.8 psi RVP gasoline to 9.0 or 10.0 psi RVP gasoline through the Department's ongoing compliance assistance program.

In addition, the Department will rescind policy document # 273-4000-008, "Policy for Sampling and Determination of Compliance with Low RVP Gasoline Requirements in the Pittsburgh-Beaver Valley Ozone Non-attainment Area," when Chapter 126, Subchapter C is no longer applicable.

Paperwork requirements

The owner or operator of a facility subject to Chapter 126, Subchapter C is required to maintain records sufficient to demonstrate compliance with the applicable

requirements. This final-form rulemaking will make the recordkeeping and reporting requirements for owners and operators of affected facilities no longer applicable upon the effective date of the EPA approval of the removal, suspension or replacement of Chapter 126, Subchapter C as a part of the Commonwealth's SIP.

H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

Although slight increases in VOC and NO_x emissions are expected with the ending of the low RVP gasoline requirements, the emission increases are expected to be offset by emission reductions from other control measures. The ozone air quality in the Pittsburgh-Beaver Valley Area has consistently improved since the first Ozone NAAQS was implemented and is expected to continue to do so as a result of current permanent and enforceable control measures and regulations. To demonstrate compliance with Act 50 and with the Non-Interference Clause, the Commonwealth plans to identify equivalent emission reductions to offset the emission reductions that will be lost in future years after Chapter 126, Subchapter C is no longer applicable.

I. Sunset Review

Upon the effective date of the EPA approval of the removal, suspension or replacement of Chapter 126, Subchapter C as a part of the Commonwealth's SIP, Chapter 126, Subchapter C will no longer be applicable.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 10, 2017, the Department submitted a copy of the notice of proposed rulemaking, published at 47 Pa.B. 1157, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC, the House Committee, and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on February 21, 2018, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 22, 2018, and approved this final-form rulemaking.

K. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 47 Pa.B. 1157.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

L. Order

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 126, are amended by amending § 126.301 to read as set forth in Annex A.

(Editor's Note: The proposed amendment of § 121.1 and the proposed rescission of §§ 126.301—126.303 have been withdrawn by the Board. The amendment to § 126.301 was not included in the proposed rulemaking published at 47 Pa.B. 1157.)

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the House and Senate Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

(d) The Chairperson of the Board shall certify this order and Annex A, as approved for legality and form, and deposit them with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking will be submitted to the EPA as a revision to the Pennsylvania SIP.

(f) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,
Chairperson

(Editor's Note: See 48 Pa.B. 1482 (March 10, 2018) for IRRC's approval order.)

Fiscal Note: Fiscal Note 7-529 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES
CHAPTER 126. MOTOR VEHICLE AND FUELS PROGRAMS
Subchapter C. GASOLINE VOLATILITY REQUIREMENTS

§ 126.301. Compliant fuel requirement.

(a) This subchapter applies to gasoline which is sold or transferred into or within the Pittsburgh-Beaver Valley Area during the period May 1 through September 15, 1998, and continuing every year thereafter.

(b) A refiner, importer, distributor, reseller, terminal owner and operator or carrier, may not:

(1) Sell, exchange or supply gasoline that is not a compliant fuel during the period described in subsection (a).

(2) Blend, mix, store or transport or allow blending, mixing, storing or transporting of compliant fuel with noncompliant fuel during the period described in subsection (a).

(c) A retailer or wholesale purchaser-consumer may not sell, exchange or supply gasoline that is not a compliant fuel during the period June 1 through September 15, 1998, and continuing every year thereafter.

(d) This subchapter will no longer be applicable to the Pittsburgh-Beaver Valley Area upon the effective date of approval by the EPA of the removal, suspension or replacement of this subchapter as a part of the Commonwealth's SIP.

[Pa.B. Doc. No. 18-526. Filed for public inspection April 6, 2018, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

SUSQUEHANNA RIVER BASIN COMMISSION

[25 PA. CODE CH. 801]

General Policies

Summary: This document contains rules that amend the regulations of the Susquehanna River Basin Commission (Commission) to codify the Commission's Access to Records Policy providing rules and procedures for the public to request and receive the Commission's public records.

Dates: The rule is effective March 19, 2018.

Addresses: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

For Further Information Contact: Jason E. Oyler, Esq., General Counsel, 717-238-0423, ext. 1312; joyler@srbc.net. Also, for further information on the final rule, visit the Commission's website at <http://www.srbc.net>.

Supplementary Information: Notice of proposed rulemaking was published in the *Federal Register* on October 12, 2017 (82 FR 47407); *New York Register* on October 25, 2017; *Pennsylvania Bulletin* on October 21, 2017; and *Maryland Register* on October 27, 2017. The Commission convened a public hearing on November 2, 2017, in Harrisburg, Pennsylvania. A written comment period was held open through November 13, 2017.

The Commission received one comment on the proposed rule, which was supportive of the Commission's efforts to formalize its Access to Records Policy. The Commission also received two comments after the close of the official public comment period suggesting some changes to rulemaking.

Based upon input from the Commission's member jurisdictions, subsection (b)(4) is amended and a new subsection (f) is added to create an exception to records subject to public access for those internal, pre-decisional deliberations between staff and member jurisdictions working in cooperation with the Commission. The Commission will also modify § 801.14(b)(1) to clarify that it does not prohibit the Commission from providing salary information in response to records requests, as the Com-

mission has historically released these records upon request. Section 801.14(b)(8) is also modified to exclude the provision of financial documents related to critical infrastructure.

Based on public input the Commission clarifies the following:

- The Commission does intend to review and revisit its Access to Records Policy after adoption of the final rule to update its procedures.
- The final rule, § 801.14(c)(3), provides that the Commission must respond in a reasonable time frame. The Commission works with requesters and generally responds to records requests within 30 days of the request. The reasonable timeframe language allows the Commission to deal with requests varying in complexity and magnitude while continuing to balance prompt access to records with the agency's other obligations and limitations.

Through this final rule, the Commission continues its long tradition of transparency by formalizing the key elements of its Access to Records Policy in duly promulgated regulations. The Commission's 2009 Access to Records Policy, which remains in effect, can be found at: http://www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf. The Commission's current records processing fee schedule can be found at: <http://www.srbc.net/pubinfo/docs/RecordsProcessingFeeScheduleUpdatedAddress.pdf>.

List of Subjects in 18 CFR Part 801

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR part 801 as follows:

PART 801—GENERAL POLICIES

1. The authority citation for part 801 is revised to read as follows:

Authority: Secs. 3.1, 3.4, 3.5(1), 15.1 and 15.2, Pub.L. 91-575 (84 Stat. 1509 et seq.)

2. Add § 801.14 to read as follows:

§ 801.14 Public access to records.

(a) *Purpose.* The Commission, as an independent compact agency, is not subject to any of its member jurisdictions' laws regarding public access to records. Nevertheless, the Commission wishes to assure, to the maximum extent practicable, the availability of Commission records consistent with the Susquehanna River Basin Compact. The Commission shall maintain an "Access to Records Policy" that outlines the details and procedures related to public access to the Commission's records. Any revisions to this policy shall be consistent with this section and undertaken in accordance with appropriate public notice and comment consistent with requirements of 18 CFR 808.1(b).

(b) *Scope.* This section shall apply to all recorded information, regardless of whether the information exists in written or electronic format. There is a strong presumption that records shall be public, except where considerations of privacy, confidentiality, and security must be considered and require thoughtful balancing. The Commission shall identify types of records that are not subject to public access:

(1) Personnel or employment records, excluding salary information;

(2) Trade secrets, copyrighted material, or any other confidential business information;

(3) Records exempted from disclosure by statute, regulation, court order, or recognized privilege;

(4) Records reflecting internal pre-decisional deliberations, including deliberations between the commission and representatives of member jurisdictions;

(5) Records reflecting employee medical information, evaluations, tests or other identifiable health information;

(6) Records reflecting employee personal information, such as social security number, driver's license number, personal financial information, home addresses, home or personal cellular numbers, confidential personal information, spouse names, marital status or dependent information;

(7) Investigatory or enforcement records that would interfere with active enforcement proceedings or individual due process rights, disclose the identity of public complainants or confidential sources or investigative techniques or endanger the life or safety of Commission personnel; or

(8) Records related to critical infrastructure, excluding financial records, emergency procedures, or facilities.

(c) *Procedures.* The Access to Records Policy will detail the necessary procedures for requesting records and processing records requests:

(1) Requests shall be in writing and shall be reasonably specific;

(2) The Commission shall identify an Access to Records Officer to handle requests;

(3) The Commission shall respond to a records request within a reasonable time and in consideration of available resources and the nature of the request;

(4) The Commission shall not be required to create a record that does not already exist, or to compile, maintain, format or organize a public record in a manner in which the Commission does not currently practice;

(5) A procedure shall be identified for electronic transfer, copying or otherwise providing records in a manner that maintains the integrity of the Commission's files; and

(6) A procedure shall be identified for handling review of requests that seek access to information that has been identified as confidential and for notifying the person(s) who submitted the confidential information that it is subject to a records request.

(d) *Fees.* The Commission shall adopt and maintain a "Records Processing Fee Schedule." The fees shall be calculated to reflect the actual costs to the Commission for processing records requests and may include the costs of reproducing records and the cost to search, prepare and/or redact records for extraordinary requests.

(e) *Appeals.* Any person aggrieved by a Commission action on a records request shall have 30 days to appeal a decision in accordance with 18 CFR 808.2.

(f) *Disclosure to consultants, advisory committees, and State and local government officials and employees.* Data and information otherwise exempt from public disclosure may be disclosed to Commission consultants, advisory committees, and state and local government officials and employees for use only in their work in cooperation with the Commission. Such persons are thereafter subject to the same restrictions with respect to the disclosure of such data and information as any other Commission employee.

Dated: March 13, 2018.

ANDREW D. DEHOFF,
Executive Director

Fiscal Note: Fiscal Note 72-14 remains valid for the final adoption of the subject regulation.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART IV. SUSQUEHANNA RIVER BASIN
COMMISSION
CHAPTER 801. GENERAL PROVISIONS**

Sec.
801.14. Incorporation by reference.

§ 801.14. Incorporation by reference.

The regulation set forth in 18 CFR 801.14 (relating to public access to records) is incorporated by reference and made part of this title.

[Pa.B. Doc. No. 18-527. Filed for public inspection April 6, 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 27, 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

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-23-2018	Community Bank Carmichaels Greene County Application for approval to merge Progressive Bank, National Association, Wheeling, WV, with and into Community Bank, Carmichaels, PA.	Approved
3-26-2018	First Commonwealth Bank Indiana Indiana County Application for approval to merge Foundation Bank, Cincinnati, OH, with and into First Commonwealth Bank, Indiana, PA.	Approved

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-26-2018	Reliance Savings Bank Altoona Blair County	209 South Walnut Street Martinsburg Blair County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-26-2018	PeoplesBank, A Codorus Valley Company York York County	To: 140 North Main Street Bel Air Harford County, MD From: 126 North Main Street Bel Air Harford County, MD	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
3-21-2018	Hyperion Bank Philadelphia Philadelphia County Amendment to Article VI of the institution's Articles of Incorporation provides for an increase in number of authorized shares.	Filed
3-26-2018	Hershey Trust Company Hershey Dauphin County Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	Filed

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-21-2018	Service 1st Federal Credit Union Danville Montour County Application for approval to merge NU Community Credit Union, Milton, with and into Service 1st Federal Credit Union, Danville.	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
3-21-2018	NU Community Credit Union Milton Northumberland County Amendment to Article VIII of the institution's Articles of Incorporation provides for a change to the credit union's field of membership.	Filed

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 18-528. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Weatherization Assistance Program; Proposed State Plan; Public Hearing

The Department of Community and Economic Development (Department) will hold a public hearing at 2:30 p.m. on Wednesday, April 18, 2018, in PUC Hearing Room 4, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the proposed Pennsylvania 2018-2019 annually appropriated United States Department of Energy (DOE) Weatherization Assistance Program (WAP) State Plan (Plan).

The proposed 2018-2019 Plan will authorize the current 2018-2019 formula-based distribution for each county. Specific performance goals emphasize production, quality of the work product, prompt, accurate and complete reporting, and compliance with WAP standards and regulations.

The Plan includes the following changes:

- Updated DOE WAP requirements for the Health and Safety Plan as proposed in WPN 17-7, Weatherization Health and Safety Guidance.
- Final implementation of the Hancock Software System Manufactured/Mobile Home Energy Audit Tool that has been approved for use by DOE.
- The ongoing plan of work to receive DOE approval of the Commonwealth's multifamily weatherization to include a multifamily audit tool and finalized policy and process.
- The Commonwealth's responses to the American Customer Satisfaction Index survey to include more Plan input and increased communication to the weatherization field.
- Suggestion of a yearlong planning strategy with the Commonwealth's weatherization network of agencies and the Policy Advisory Council to address the shifts and changes in poverty data, heating degree days, allocation

distribution and agency capacity to sustain a viable weatherization program for this Commonwealth.

There is a continued National focus on coordination of efforts where other health and safety, lead-abatement, utility weatherization and housing rehab services are coordinated locally with weatherization services.

Copies of the proposed 2018-2019 Plan may be obtained beginning April 6, 2018, by contacting the Department of Community and Economic Development, Center for Community Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 425-7597 or it can be downloaded from the Department's web site at www.dced.pa.gov. Written comments may be submitted to Lynette Praster, Director, Center for Community Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120 until 5 p.m. on April 18, 2018.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings should contact Yvonne Adams at (717) 425-7597 to discuss how the Department may accommodate their needs.

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 18-529. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATRUAL RESOURCES

Retention of Environmental Engineering Firms; Project Reference No. FDC-500-810

The Department of Conservation and Natural Resources (Department) is seeking proposals from interested and qualified professional engineering firms for open-end contracts for various environmental, civil and site engineering services as well as geological services for various 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 Department infrastructure and facilities.

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.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering 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 engineering in this Commonwealth.

Background

Established on July 1, 1995, the Department is charged with: maintaining and preserving 121 State Parks; managing 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 of Facility Design and Construction (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 Engineering; Environmental Engineering and Architecture; and Field Engineering and Contracts 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.* The open-end design services work will primarily be environmental engineering in nature but may also include associated architectural, site, civil, landscape, structural, mechanical, plumbing and electrical disciplines. It may occasionally include other related engineering work such as bridges, roadway, geotechnical and alternative energy. Project types may include water and sewage conveyance and treatment systems, stormwater management, site design, public bathing places (for example, swimming pools and water playgrounds), environmental and wetland assessments, environmental studies, environmental permitting and other civil/environmental engineering related work as assigned by the Department.

The services anticipated under the contract may include project planning, scoping and programming; budget estimating; site visits; existing facility review, assessment and documenting; perform necessary field surveys; plot topography and cross sections; procure core borings; provide soil, infiltration and foundation engineering reports; investigate utility involvement; evaluate alternatives using benefit/cost analysis; inspect simple, major and unusual structures; develop rehabilitation strategies; conceptual design; design development; construction documentation including preparation of drawings and specifications; cost estimating; permit preparation and submission; and construction administration including construction submission review and construction inspection. Permitting services may include 25 Pa. Code Chapters 102 and 105 (relating to erosion and sediment control; and dam safety and waterway management) permits, sanitary permits, National Pollutant Discharge Elimination System permits, erosion and sediment control plans, water encroachment plans, storm water management plans and land development plans, and Pennsylvania Uniform Construction Code building permits.

Areas of related environmental studies associated with these design projects may include wetlands, soil, geology, 25 Pa. Code Chapters 102 and 105, Army Corps of Engineers 404 permits, Act 537 planning and the Department of Environmental Protection's water quality management requirements. The environmental studies shall be conducted in accordance with accepted analysis techniques and methodologies and may include any or all of the following to ensure a complete environmental investigation has been performed; provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, prepare reports and design mitigation plans. The reports and other graphic material to be prepared may include, but are not limited to, plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports, and wetland and floodplain findings.

Projects will be located throughout this Commonwealth. Travel to the project sites will be required. Project assignment will be through individual project Work Orders. The scope of the Work Order may range from full responsibility for all aspects of the design to a collaborative design effort with Department in-house staff when only one or more specific design discipline is required. Work Orders may be for a single phase or portion of a project such as conceptual design, or for all phases of the entire project. The work shall be identified in the Work Order by a series of tasks that encompass the full scope of the project. The number and description of the tasks will vary based on a project's scope and complexity. A

typical Work Order will require formal submissions at the end of the sketch (10%), preliminary (50%), prefinal (95%) and final (100%) design stages. Complexity may require more or less submissions for certain projects. The Consultant will be required to develop and maintain a detailed project schedule showing all related project tasks including design phases, submissions, review periods and timelines for required permits. The project schedule shall identify the critical path for completion for the project. A Bureau Project Coordinator will be assigned to each Work Order. The Project Coordinator may change from project to project. A Performance Review may be performed by the Project Coordinator at the completion of the Work Order and used in assigning additional projects to the Consultant.

The Department's standard contract method is multiple prime, design-bid-build, although other nonbid construction methods, including construction by Department staff and volunteer organizations, may be used. The Consultant will be required to prepare construction documents appropriate to the construction method selected by the Department.

The Consultant will be required to submit project data and documents in written and electronic form. Drawings will be required to comply with the Department's computer aided drafting (CAD) standard. Three dimensional drawings will be expected throughout the design process; presentation renderings may be required at the completion of design.

I-2. *Qualifications.* The Consultant shall have staff available to provide rapid services associated with assigned projects. The Consultant may be called upon to provide services on multiple projects at the same time. The Consultant shall have demonstrated knowledge of the building design and construction method.

The following minimum qualification will be expected of all Consultants:

- Possess current professional registrations required to perform required services.
- Be licensed to conduct business in this Commonwealth.
- Have sufficient staff or subconsultants experienced in the various required services.
- Have an established quality control and assurance program for checking documents for accuracy, consistency, coordination, quality and compliance with all necessary codes and regulations.
- Have experience in the field of sustainable design and a demonstrated ability to comprehensively integrate the concept of sustainability into the project.
- Have design capabilities in digital format (AutoCAD).
- Have the ability to produce three-dimensional drawings to further illustrate design intent.

I-3. *Addenda to the Request for Proposal (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.state.pa.us>. 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.

PART II PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal.

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

- Letter of Interest including the Consultant's Federal identification number and the project reference number.
- A description of the Consultant's understanding of the Department's needs and the services required. This description shall include why and how the Consultant is qualified to provide these services.
- A description of the Consultant's project approach and methodology, including the approach to the managerial, technical and administrative aspects of the project. Describe how the scope, schedule, budget, and quality of a project are managed and controlled. Address communication and coordination strategies internal to the design team, with the client and with other outside agencies. Describe how an integrated design process is approached and has been used on past projects.
- A description of the Consultant's sustainable design experience, including specialized knowledge and expertise in as many of the following areas of sustainable design as possible: environmentally sound site design and planning, sustainability performance standards for energy efficiency, water efficiency, environmentally sound materials, construction waste management and prevention, low maintenance design and materials. Include a description of how sustainable design is made an integral part of the Consultant's design process.
- A detailed description of the Consultant's quality control and assurance program, including how subconsultants are included in this program. Describe what steps are taken to assure accurate, fully-coordinated construction documents. Provide the name of the person responsible for quality control and describe their qualifications to perform this task.
- A description of the Consultant's qualifications to complete the required services. Include firm history and experience on similar projects. Describe the resources of the firm, including number/discipline of personnel, ability to respond to schedule acceleration, and the like. Describe roles and experience of proposed subconsultants.
- Resumes of personnel who will be involved in providing the services described herein to the Department. Describe their relevant experience, years of experience, what roles they will fill in providing the required services and percent of time they will be committing to Department-assigned projects. The resumes must include their professional education and professional registrations and licenses. Provide resumes of subconsultant's personnel.
- A description of the Consultant's ability to work on multiple projects of various sizes at the same time.
- A list of at least three of the Consultant's most recent completed projects similar to the projects anticipated under the contract. In addition to photographs and a descriptive narrative, the list shall include the client, contact person and contact information, the completion

date, the estimated or actual total construction cost, the estimated or actual construction cost of the portion of the work which the firm designed, the firm's project manager and the names of all of the firm's personnel who made contributions to the project.

- A standard Department of General Services (DGS) Form 150-ASP indicating the individual in charge. The Form 150-ASP is available to download from the DGS web site at www.dgs.state.pa.us. Form 150-ASP shall be submitted in hard copy format 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.

II-2. *Number of Copies.* Two copies of the small diverse business participation section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than May 9, 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 readvertise solicitation for this service.

II-3. *Small Diverse Business (SDB) Participation Submittal General Information.* The Issuing Office encourages participation by SDBs and small businesses (SB) as prime contractors, and encourages all prime contractors to make significant commitments to use SDBs and SBs as subcontractors and suppliers.

An SB 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:
 - o Procurement goods and services: \$20 million.
 - o Construction: \$20 million.
 - o Building design services: \$7 million.
 - o Information technology goods and services: \$25 million.

For credit in the RFP scoring process, an SB must complete the 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 SB, woman-owned SB, veteran-owned SB, service-disabled veteran-owned SB, lesbian, gay bisexual and transgender-owned SB, disability-owned SB or other SBs 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 an SB 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 SB may be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

The Department's directory of self-certified SBs 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 SB 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.

II-4. *SDB and SB Participation Submittal.* All Offerors are required to submit two copies of the SDB and SB Participation Submittal Form (Appendix A) and related Letters of Intent (Appendix B). The submittal must be sealed in its own envelope, separate from the remainder of the proposal, and must be provided on the SDB and SB Participation Submittal Form, with information as follows:

A. Offerors must indicate their status as an SDB and as an SB through selection of the appropriate checkboxes.

B. Offerors must include a numerical percentage which represents the total percentage of the total cost in the Cost Submittal that the Offeror commits to paying to SDBs and SBs as subcontractors.

C. Offerors must include a listing of and required information for each of the SDBs or SBs with whom they will subcontract to achieve the participation percentages outlined on the SDB and SB Participation Submittal.

D. Offerors must include a Letter of Intent (Appendix B is a Letter of Intent template which may be used to satisfy these requirements) signed by both the Offeror and the SDB or SB for each of the SDBs and SBs identified in the SDB and SB Participation Submittal Form. At minimum, the Letter of Intent must include the following:

1. The fixed numerical percentage commitment and associated estimated dollar value of the commitment made to the SDB or SB.

2. A description of the services or supplies the SDB or SB will provide.

3. The time frame during the initial contract term and any extensions, options and renewals when the SDB or SB will perform or provide the services or supplies, or both.

4. The name and telephone number of the Offeror's point of contact for SDB and SB participation.

5. The name, address and telephone number of the primary contact person for the SDB or SB.

E. Each SDB and SB commitment which is credited by BDISBO along with the overall percentage of SDB and SB commitments will become contractual obligations of the selected Offeror.

Note: Offerors will not receive credit for any commitments for which previously listed information is not included in the SDB and SB Participation Submittal. Offerors will not receive credit for stating that after the contract is awarded they will find a Small Diverse or SB.

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of SDB or SB status or entitle an Offeror to receive credit for SDB or SB participation.

II-5. *Contract Requirements—SDB and SB Participation.* All contracts containing SDB and SB participation must contain the following contract provisions to be maintained through the initial contract term and any subsequent options or renewals:

A. Each SDB and SB commitment which was credited by BDISBO and the total percentage of the SDB and SB commitments made at the time of proposal submittal, best and final offer or contract negotiations, as applicable, become contractual obligations of the selected Offeror upon execution of its contract with the Commonwealth.

B. All SDB and SB subcontractors credited by BDISBO must perform at least 50% of the work subcontracted to them.

C. The individual percentage commitments made to SDBs and SBs cannot be altered without written approval from BDISBO.

D. SDB and SB commitments must be maintained in the event the contract is assigned to another prime contractor.

E. The selected Offeror and each SDB and SB for which a commitment was credited by BDISBO must submit a final, definitive subcontract agreement signed by the selected Offeror and the SDB or SB to BDISBO within 30 days of the final execution date of the Commonwealth contract. A Model Subcontract Agreement which may be used to satisfy this requirement is provided in the Model Form of Small Diverse and Small Business Subcontract Agreement (Appendix C). The subcontract must contain:

1. The specific work, supplies or services the SDB or SB will perform; location for work performed; how the work, supplies or services relate to the project; and the specific timeframe during the initial term and any extensions, options and renewals of the prime contract when the work, supplies or services will be provided or performed.

2. The fixed percentage commitment and associated estimated dollar value that each SDB or SB will receive based on the final negotiated cost for the initial term of the prime contract.

3. Payment terms indicating that the SDB or SB will be paid for work satisfactorily completed within 14 days of the selected Offeror's receipt of payment from the Commonwealth for the work.

4. Commercially reasonable terms for the applicable business/industry that are no less favorable than the terms of the selected Offeror's contract with the Commonwealth and that do not place disproportionate risk on the

SDB or SB relative to the nature and level of the SDBs' or SBs' participation in the project.

F. If the selected Offeror and an SDB or SB credited by BDISBO cannot agree upon a definitive subcontract within 30 days of the final execution date of the Commonwealth contract, the selected Offeror must notify BDISBO.

G. The selected Offeror shall complete the Prime Contractor's Quarterly Utilization Report and submit it to the contracting officer of the Issuing Office and BDISBO within 10 business days at the end of each quarter of the contract term and any subsequent options or renewals. This information will be used to track and confirm the actual dollar amount paid to SDB and SB subcontractors and suppliers and will serve as a record of fulfillment of the contractual commitment. If there was no activity during the quarter, the form must be completed by stating "No activity in this quarter." A late fee of \$100 per day may be assessed against the selected Offeror if the Utilization Report is not submitted in accordance with the previously listed schedule.

H. The selected Offeror shall notify the Contracting Officer of the Issuing Office and BDISBO when circumstances arise that may negatively impact the selected Offeror's ability to comply with SDB or SB commitments and to provide a corrective action plan. Disputes will be decided by the Issuing Office and DGS.

I. If the selected Offeror fails to satisfy its SDB or SB commitments, it may be subject to a range of sanctions BDISBO deems appropriate. The sanctions include one or more of the following: a determination that the selected Offeror is not responsible under the Contractor Responsibility Program; withholding of payments; suspension or termination of the contract together with consequential damages; revocation of the selected Offeror's SDB status or SB status; or suspension or debarment from future contracting opportunities with the Commonwealth.

II-6. *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 engineering consulting firm will be evaluated upon the following criteria:

A. Consultant's experience on past projects of similar scope, type and size.

B. Consultant's staff qualifications, experience and ability to perform the required services, including available manpower to perform the required services. This includes the qualifications, experience and abilities of subconsultant's staff.

C. Consultant's understanding of the problem and the services required.

D. Consultant's project approach and methodology.

E. Knowledge and experience with environmentally sustainable design.

F. Quality control and assurance program and procedures.

G. Equitable distribution of contracts.

H. *SDB and SB Participation*: BDISBO has established the minimum evaluation weight for the SDB and SB participation criterion for this RFP as 20% of the total points.

1. The Small Diverse and SB point allocation is based entirely on the percentage of the contract cost committed to SDBs and SBs.

2. A total combined SDB/SB commitment less than 1% of the total contract cost is considered de minimis and will not receive SDB or SB points.

3. Two thirds of the total points are allocated to SDB participation (SDB %).

4. One third of the total points is allocated to SB participation (SB %).

5. Based on a maximum total of 200 available points for the SDB and SB Participation Submittal, the scoring mechanism is as follows:

$\text{Small Diverse Business and Small Business Raw Score} = 200 (\text{SDB \%} + (1/3 \times \text{SB \%}))$
--

6. Each Offeror's raw score will be pro-rated against the Highest Offeror's raw score by applying the formula set forth at http://www.dgs.pa.gov/Businesses/Materials%20and%20Services%20Procurement/Procurement-Resources/Pages/RFP_SCORING_FORMULA.aspx.

7. The Offeror's prior performance in meeting its contractual obligations to SDBs and SBs will be considered by BDISBO during the scoring process. To the extent the Offeror has failed to meet prior contractual commitments, BDISBO may recommend to the Issuing Office that the Offeror be determined nonresponsible for the limited purpose of eligibility to receive SDB and SB points.

III-2. *Number of Contracts*. The Department may select more than one firm.

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 Shawn Beeler at (717) 772-0299 for general information concerning this RFP.

CINDY ADAMS DUNN,
Secretary

**APPENDIX A
SMALL DIVERSE BUSINESS (SDB) AND SMALL BUSINESS (SB)
PARTICIPATION SUBMITTAL**

Project: _____
Offeror Firm: _____
Offeror Contact Name: _____ Email: _____

OFFEROR INFORMATION: Is your firm a DGS-Verified Small Diverse Business? <input type="checkbox"/> Yes <input type="checkbox"/> No (MUST check one) Is your firm a DGS-Self-Certified Small Business? <input type="checkbox"/> Yes <input type="checkbox"/> No (MUST check one)

SUBCONTRACTING INFORMATION: Percentage Commitment for SDB and SB Subcontracting Participation After examination of the contract documents, which are made a part hereof as if fully set forth herein, the Offeror commits to the following percentages of the total contract cost for Small Diverse Business and Small Business subcontracting participation.
--

Small Diverse Business Subcontracting percentage commitment:
_____ % _____ Percent
(Figure) (Written)

Small Business Subcontracting percentage commitment:
_____ % _____ Percent
(Figure) (Written)

Listing SDB and SB Subcontractors

The Offeror must list in the chart below the SDBs and SBs that will be used to meet the percentage commitments provided above. Include the SDB/SB firm name, SDB or SB designation, SDB/SB Primary Contact Information, a description of the service or supplies the SDB/SB will provide, fixed percent of total contract cost committed, estimated dollar value of each commitment, and an indication as to the Offeror's intent to utilize the SDB/SB subcontractor for contract options or renewals. Include as many pages as necessary. Offerors must also include a Letter of Intent as indicated in RFP Part II, Section II-5 for each SDB/SB listed.

<i>SDB/SB Name</i>	<i>SDB or SB</i>	<i>Primary Contact Name & Email</i>	<i>Description of Services or Supplies to be provided</i>	<i>% of total Contract Cost Committed</i>	<i>Estimated \$ value of Commitment</i>	<i>Will SDB/SB be used for options/renewals (yes/no)</i>

**APPENDIX B
SMALL DIVERSE AND SMALL BUSINESS
LETTER OF INTENT**

[DATE]

[SDB/SB Contact Name
Title
SDB/SB Company Name
Address
City, State, Zip

Dear [SDB/SB Contact Name]:

This letter serves as confirmation of the intent of [Offeror] to utilize [Small Diverse Business (SDB) or Small Business (SB)] on RFP [RFP number and Title] issued by the [Commonwealth agency name].

If [Offeror] is the successful vendor, [SDB or SB] shall provide [identify the specific work, goods or services the SDB/SB will perform] during the initial term of the prime contract and during any extensions, options or renewal periods of the prime contract exercised by the Commonwealth, as more specifically set forth below: [identify the specific time periods during the initial contract term and any extensions, options and renewals when the component work, goods or services will be provided or performed.]

These services represent [identify fixed numerical percentage commitment] of the total cost in the [Offeror's] cost submittal for the initial term of the contract. Dependent on final negotiated contract pricing and actual contract usage or volume, it is expected that [SDB or SB] will receive an estimated [identify associated estimated dollar value that the fixed percentage commitment represents] during the initial contract term.

[SDB/SB] represents that it meets the small or small diverse business requirements set forth in the RFP and all required documentation has been provided to [Offeror] for its SDB/SB submission.

We look forward to the opportunity to serve the [Commonwealth agency name] on this project. If you have any questions concerning our small business or small diverse business commitment, please feel free to contact me at the number below.

Sincerely,

Offeror Name
Title
Company
Phone number

Acknowledged,

SDB or SB Name
Title
Company
Phone number

APPENDIX C
MODEL FORM OF SMALL DIVERSE AND SMALL BUSINESS
SUBCONTRACTOR AGREEMENT

This Subcontractor Agreement (“Subcontract”) is made effective as of _____, 20____, by and between _____, (“Contractor”) and _____, a Small Diverse Business or Small Business (“Subcontractor”) (collectively referred to as the “Parties”).

RECITALS

Contractor has entered into a contract dated _____ (the “Prime Contract”) with the Department of _____ of the Commonwealth of Pennsylvania (“Commonwealth”). Under the Prime Contract, Contractor has agreed to provide certain supplies, services or construction (“Services”) to the Commonwealth.

In connection with the Procurement leading to the Prime Contract, Contractor and Subcontractor entered into a letter agreement dated _____ (“Letter of Intent”) whereby the Contractor committed a certain percentage of work (“Small Diverse Business or Small Business Commitment”) under the Prime Contract to the Subcontractor.

As contemplated by the Letter of Intent and in accordance with the provisions of the Procurement and Prime Contract, the Parties have agreed to enter into this Subcontract to fulfill the Small Diverse Business or Small Business Commitment expressed in the Letter of Intent and as required by the Prime Contract.

DEFINITIONS

The following words and terms when used in this Subcontract shall have the following meanings:

Bureau—The Department’s Bureau of Diversity, Inclusion and Small Business Opportunities.

Contracting Officer—The person authorized to administer and make written determinations for the Commonwealth with respect to the Prime Contract.

Department—The Department of General Services of the Commonwealth of Pennsylvania.

Issuing Office—The department, board, commission or other agency of the Commonwealth of Pennsylvania that issued the Procurement.

Procurement—The Invitation for Bids, Request for Quotes, Request for Proposals or other solicitation and all associated final procurement documentation issued by the Commonwealth to obtain proposals from firms for award of the Prime Contract.

Small Business—A business in the United States which is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees, and earns less than \$7 million in gross annual revenues for building design, \$20 million in gross annual revenues for sales and services and \$25 million in gross annual revenues for those businesses in the information technology sales or service business.

Small Diverse Business—A Department-verified minority-owned small business, woman-owned small business, veteran-owned small business, service-disabled veteran-owned small business, LGBT-owned small business, or disability-owned small business.

AGREEMENT

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Parties hereby agree as follows:

1. *Subcontractor Representations.* Subcontractor represents and warrants to Contractor as follows:

(a) Subcontractor is self-certified as a Small Business in accordance with the requirements and procedures established by the Bureau of Diversity, Inclusion and Small Business Opportunities; [Subcontractor is also verified as a Small Diverse Business by the Bureau of Diversity, Inclusion and Small Business Opportunities in accordance with the requirements and procedures established by the Bureau;]

(b) Subcontractor possesses the necessary knowledge, experience, expertise, capital, resources and personnel required to perform the Services it will provide under this Subcontract;

(c) Subcontractor (i) is duly organized, validly existing and in good standing under the laws of its state of incorporation or organization, (ii) has the power and authority to own its properties and to carry on business as now being conducted, and (iii) has the power to execute and deliver this Subcontract;

(d) The execution and performance by Subcontractor of the terms and provisions of this Subcontract have been duly authorized by all requisite action, and neither the execution nor the performance of this Subcontract by Subcontractor will violate any provision of law, any order of any court or other agency of government, the organizational documents of Subcontractor or any indenture, agreement or other instrument to which Subcontractor is a party, or by which Subcontractor is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under, or except as may be provided by this Subcontract, result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of Subcontractor pursuant to, any such indenture agreement or instrument;

(e) Subcontractor has obtained all licenses, permits and approvals required to perform the Services it will provide under this Subcontract; and

(f) Subcontractor is not under suspension or debarment by the Commonwealth or any other governmental entity, instrumentality or authority.

2. *Contractor Representations.* Contractor represents and warrants to Subcontractor as follows:

(a) Contractor (i) is duly organized, validly existing and in good standing under the laws of its state of incorporation or organization, (ii) has the power and authority to own its properties and to carry on business as now being conducted, and (iii) has the power to execute and deliver this Subcontract;

(b) The execution and performance by Contractor of the terms and provisions of this Subcontract by Contractor have been duly authorized by all requisite action, and

neither the execution nor the performance of this Subcontract will violate any provision of law, any order of any court or other agency of government, the organizational documents of Contractor or any indenture, agreement or other instrument to which Contractor is a party, or by which Contractor is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under, or except as may be provided by this Subcontract, result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of Contractor pursuant to, any such indenture agreement or instrument;

(c) Contractor has obtained all licenses, permits and approvals required to perform the Services to be provided by Contractor under the Prime Contract; and

(d) Contractor is not under suspension or debarment by the Commonwealth or any other governmental entity, instrumentality or authority.

3. *Relationship of the Parties.* The provisions of this Subcontract are not intended to create, nor shall be deemed or construed to create, any joint venture, partnership or other relationship between Contractor and Subcontractor, other than that of independent entities contracting with each other solely for the purpose of carrying out the provisions of this Subcontract. Neither of the Parties to this Subcontract, nor any of their respective employees, agents, or other representatives, shall be construed to be the agent, employee or representative of the other party. Neither party shall have the authority to bind the other party, nor shall a party be responsible for the acts or omissions of the other party, unless otherwise stated in this Subcontract. Similarly, the Parties expressly acknowledge that neither the Contractor nor the Subcontractor is an agent, employee or representative of the Commonwealth and each party covenants not to represent itself accordingly.

4. *Prime Contract Flow-Down.*

(a) *General.* This agreement is a subcontract under the Prime Contract and all provisions of the Prime Contract and any amendments thereto applicable to the Services being performed by the Subcontractor shall extend to and be binding upon the Parties as part of this Subcontract.

(b) *Specific.* The Parties agree to comply with the following provisions of the Prime Contract, which are incorporated herein by reference:

- (1) The Americans with Disabilities Act Provisions.
- (2) Nondiscrimination/Sexual Harassment Clause.
- (3) Contractor Integrity Provisions.
- (4) Contractor Responsibility Provisions.

(c) *Termination.* Should the Prime Contract be terminated pursuant to the terms and conditions provided in the Procurement, such termination shall have the same effect on this Subcontract. Payment for Services provided as of the date of termination must be made in accordance with the Section 13 of this Subcontract.

(d) *Audit Provisions.* The Commonwealth shall have the right, at reasonable times and at a site designated by the Commonwealth, to audit the books, documents, and records of the Parties to the extent that the books, documents, and records relate to the Parties' compliance with the provisions set forth in subsection (b) above or to the Small Diverse Business or Small Business Commitment effectuated through this Subcontract. The Parties shall preserve such books, documents, and records for a

period of three years from the date of final payment hereunder. The Parties shall give full and free access to all such records to the Commonwealth and/or its authorized representatives.

5. *Order of Precedence.* The Letter of Intent, Procurement and Prime Contract are incorporated herein by reference into this Subcontract. In the event of any conflict or inconsistency among the individual components of this Subcontract, such conflict or inconsistency shall be resolved by observing the following order of precedence:

- (a) This Subcontract;
- (b) The Letter of Intent;
- (c) The Prime Contract; and
- (d) The Procurement.

6. *Further Action.* The Parties shall take such actions and complete, execute and deliver any and all documents or instruments necessary to carry out the terms and provisions of this Subcontract, to effectuate the purpose of this Subcontract, and to fulfill the obligations of each party hereunder.

7. *Description of Services.* Subcontractor will perform the following Services for the Contractor which Contractor is obligated to provide to the Commonwealth under the Prime Contract:

[DESCRIBE IN DETAIL THE SPECIFIC SUPPLIES, SERVICES OR CONSTRUCTION THE SUBCONTRACTOR WILL PROVIDE OR PERFORM]

8. *Small Diverse Business or Small Business Commitment.* The above-referenced Services represent ___ % of the final negotiated total cost for the initial term of the Prime Contract. Any proposed change to the Small Diverse Business or Small Business Commitment must be submitted in writing to the Bureau which will make a recommendation to the Commonwealth Contracting Officer regarding a course of action.

9. *Performance of Services.* Subcontractor may not subcontract more than 50% of the work subcontracted to it hereunder without written permission from the Bureau. Subcontractor will perform the Services strictly in accordance with any applicable plans and specifications as contained in the Prime Contract and the reasonable deadlines set by Contractor in view of the requirements of the Prime Contract, and in a good workmanlike manner consistent with industry standards, meeting all applicable local, state and federal laws, regulations and policies.

10. *Location of Services.* Subcontractor will provide the Services at the following address(es):

11. *Timeframe for Performance of Services.* The Services will be provided by Subcontractor during the initial term of the Prime Contract, and during any extensions, options or renewal periods of the Prime Contract exercised by the Commonwealth, as more specifically set forth below:

[IDENTIFY THE SPECIFIC TIME PERIODS DURING THE INITIAL CONTRACT TERM AND EXTENSIONS, OPTIONS AND RENEWALS WHEN THE SUBCONTRACTOR WILL PERFORM COMPONENT SERVICES]

12. *Pricing of Services.* Subcontractor shall provide or perform the Services at the pricing specified in Exhibit to this Subcontract. [ATTACH A BILL OF MATERIALS, RATE CARD OR OTHER APPROPRIATE COST SHEET COVERING THE SERVICES TO BE PROVIDED.]

13. *Payment for Services.* Contractor shall exert reasonable and diligent efforts to collect prompt payment from the Commonwealth. Contractor shall pay Subcontractor in proportion to amounts received from the Commonwealth which are attributable to the Services performed by Subcontractor. Contractor shall pay Subcontractor within fourteen (14) days after the Contractor receives such payment from the Commonwealth, unless the parties expressly agree upon a different payment schedule or structure as set forth below:

14. *Utilization Reports.* Both the Contractor and Subcontractor shall complete Quarterly Utilization Reports (or similar type documents containing the same information) and submit them to the Contracting Officer and to the Bureau within ten (10) business days at the end of each quarter. This information will be used to determine the actual dollar amount paid to Subcontractor and will also serve as a record of fulfillment of Contractor's Small Diverse Business and Small Business Commitments. If there was no activity during the quarter, then the form must be completed by stating "No activity in this quarter." A late fee of \$100.00 per day may be assessed against the Contractor if its Utilization Report is not submitted in accordance with the schedule above.

15. *Change Orders.* If the Commonwealth issues any change order or other formal contract instrument either expanding or limiting the work to be performed under the Prime Contract, the Parties shall accept such Change Orders. Contractor agrees to provide Subcontractor with written notice of any such change orders that affect the Services to be provided by the Subcontractor hereunder as soon as practical after Contractor receives such notice. Any resulting increase or decrease in the Services, Small Diverse Business or Small Business Commitment provided for in Paragraphs 7 or 8 above must be in writing, mutually agreed to, and signed by both Parties and communicated to the Bureau. If the Parties are unable to reach an agreement regarding any adjustment to the Services, Small Diverse Business or Small Business Commitment necessitated by a Commonwealth Change Order, the Parties must submit the matter in writing to the

Bureau which will make a recommendation to the Contracting Officer regarding a course of action.

16. *Force Majeure.* Neither party will incur any liability to the other if its performance of any obligation under this Subcontract is prevented or delayed by causes beyond its control and without the fault or negligence of either party. Causes beyond a party's control may include, but are not limited to, acts of God or war, changes in controlling law, regulations, orders or the requirements of any governmental entity, severe weather conditions, civil disorders, natural disasters, fire, epidemic and quarantines, general strikes throughout the trade, and freight embargoes. The existence of such causes beyond a party's control shall extend the period for performance to such extent as may be necessary to enable complete performance in the exercise of reasonable diligence after the causes have been removed.

17. *Dispute Resolution.*

(a) The Parties will attempt to resolve any dispute arising out of or relating to this Subcontract through friendly negotiations.

(1) The Parties expressly acknowledge and confer upon the Bureau and Contracting Officer the authority to adjudicate disputes that the Parties cannot resolve amicably concerning the Parties' compliance with their Small Diverse Business and Small Business Commitments as provided in the Prime Contract and this Subcontract.

(2) The Bureau may recommend to the Contracting Officer a range of sanctions it deems appropriate if the Bureau determines a party has failed to satisfy or perform its Small Diverse Business or Small Business commitment. Such sanctions include, but are not limited to, one or more of the following: a determination that the party is not responsible under the Contractor Responsibility Program; withholding of Prime Contract and/or Subcontract payments; suspension or termination of the Prime Contract and/or Subcontract together with consequential damages; revocation of the party's Small Business self-certification status and/or Small Diverse Business verification status; and/or suspension or debarment of one or both parties from future contracting opportunities with the Commonwealth.

(3) The Parties' acknowledge that their prior performance in meeting their Small Diverse Businesses and Small Businesses contractual obligations will be considered by the Bureau during future procurement scoring processes. To the extent a party has failed to meet prior contractual commitments, the Bureau may recommend to the Issuing Office that the party be determined non-responsible for the limited purpose of eligibility to receive SDB/SB points or consideration as a qualified Small Diverse Business or Small Business.

(b) Nothing herein shall be construed to prevent either party from seeking such relief as provided by law in a court or tribunal of competent jurisdiction.

18. *Notices.* Any written notice to any party under this Subcontract shall be deemed sufficient if delivered personally, or by facsimile, telecopy, electronic or digital transmission (provided such delivery is confirmed), or by a recognized overnight courier service (e.g., DHL, Federal Express, etc.) with confirmed receipt, or by certified or registered United States mail, postage prepaid, return receipt requested, and sent to the following:

If to Contractor:

If to Subcontractor:

Commonwealth is assigned to another contractor, the new contractor must maintain the Small Diverse Business and Small Business Commitment set forth in the Prime Contract as implemented through this Subcontract.

22. *Applicable Law.* This Subcontract shall be governed by the laws of the Commonwealth of Pennsylvania.

23. *Entire Agreement.* This Subcontract constitutes the entire agreement of the Parties regarding the subject of this Subcontract as of the date of execution. No other agreement or understandings, verbal or written, expressed or implied, are a part of this Subcontract unless specified herein.

24. *Amendment.* This Subcontract may be modified or amended only if made in writing and signed by both Parties. Any proposed change to the Contractor's Small Diverse Business or Small Business Commitment to Subcontractor must be submitted in writing to the Bureau which will make a recommendation to the Contracting Officer regarding a course of action.

25. *Binding Effect.* This Subcontract shall be binding upon, and inure to the benefit of, the Parties and their respective heirs, representatives, successors and assigns.

26. *Counterparts.* This Subcontract may be executed by the Parties in counterparts, each of which together shall be deemed an original but all of which together shall constitute one and the same instrument. A party's delivery of a duly executed signature page of this Subcontract in electronic format shall have the same force and effect as delivery of an original signature page.

19. *Waiver.* No waiver by either party of any breach of this Subcontract shall be deemed to waive any other breach. No acceptance of payment or performance after any breach shall be deemed a waiver of any breach. No failure or delay to exercise any right by a party upon another's default shall prevent that party from later exercising that right, nor shall such failure or delay operate as a waiver of any default.

20. *Severability.* If any provision of this Subcontract shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Subcontract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

21. *Assignment.* Neither party may assign or transfer this Subcontract without the prior written consent of the Commonwealth. If Contractor's Prime Contract with the

ADDITIONAL TERMS AND CONDITIONS

[THE PARTIES MAY INCLUDE ADDITIONAL TERMS AND CONDITIONS APPROPRIATE FOR THE SERVICES TO BE PROVIDED SO LONG AS THEY ARE COMMERCIALY REASONABLE TERMS FOR THE APPLICABLE BUSINESS OR INDUSTRY, ARE NO LESS FAVORABLE THAN THE TERMS OF THE PRIME CONTRACT, AND DO NOT PLACE DISPROPORTIONATE RISK ON THE SMALL DIVERSE BUSINESS OR SMALL BUSINESS RELATIVE TO THE NATURE AND LEVEL OF THE SMALL DIVERSE BUSINESS' OR SMALL BUSINESS' PARTICIPATION IN THE PROJECT. SUCH TERMS MAY INCLUDE:

- Background Checks
- Confidentiality/Disclosure of Information
- Data Security
- Insurance
- Invoicing Requirements
- Environmental Protection
- Intellectual Property Rights
- Record Retention/Audits
- Service Level Agreements (SLAs) (consistent with Prime Contract SLAs)
- Public Works Construction Requirements (including Bonding, E-Verify, Prevailing Wage, and Prompt Payment provisions)

IN WITNESS WHEREOF, the Parties hereto have caused this Subcontract to be executed by their duly authorized officers as set forth below.

Contractor
Insert Company Name
By: _____
Signature

Subcontractor
Insert Company Name
By: _____
Signature

Printed Name

Printed Name

Title

Title

Date

Date

[Pa.B. Doc. No. 18-530. Filed for public inspection April 6, 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. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081396— SEW	Laurelwood MHP PO Box 506 Elizabethtown, PA 17022	York County/ Newberry Twp	UNT Bennett Creek/7-F	Y
PA0036285— SEW	ATG Properties, LLC Brookhaven MHP PO Box 677 Morgantown, PA 19543	York County/ Hellam Twp	Dee Run/7-H	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0033391— SEW	ATG Properties, LLC Pine Manor MHP PO Box 677 Morgantown, PA 19543	Dauphin County/ Londonderry Township	UNT Lynch Run/7-G	Y

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

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

PA0088668, Sewage, SIC Code 4952, **Metal Township Municipal Authority**, 17001 Fannettsburg Road E, Fannettsburg, PA 17221. Facility Name: Metal Township STP. This existing facility is located in Metal 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), West Branch Conococheague Creek, is located in State Water Plan watershed 13-C 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 0.04 MGD.—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 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
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	8.0	13.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	10.0	15.0	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report Daily Max	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameter</i>	<i>Mass Units (lbs)</i>		<i>Effluent Limitations</i>		
	<i>Quarterly</i>	<i>Annual</i>	<i>Quarterly Average</i>	<i>Concentrations (mg/L) Maximum</i>	<i>Instant. Maximum</i>
Ammonia—N	Report	Report	Report	XXX	XXX
Kjeldahl—N	Report	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	Report	XXX	XXX
Total Phosphorus	Report	Report	Report	XXX	XXX

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

- Spray Irrigation conditions
- Chesapeake Bay nutrients monitoring
- Solids management for non-lagoon system
- Notification of designation of responsible operator
- Hauled-in waste restriction

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

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

PA0252808, Industrial, SIC Code 4911, **Robinson Power Co. LLC**, PO Box 127, Burgettstown, PA 15021-0127. Facility Name: Beech Hollow Energy Project. This existing facility is located in Robinson Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary to Little Raccoon Run and Unnamed Tributary of Little Raccoon Run, are located in State Water Plan watershed 20-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.00084 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	XXX	1.17
BOD ₅	XXX	XXX	XXX	10.0	XXX	20.0
TSS	XXX	XXX	XXX	10.0	XXX	20.0
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	200
				Geo Mean		Geo Mean
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0.30 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 Max</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.09	XXX	0.21
TSS	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Cadmium, Total (µg/L)	XXX	XXX	XXX	0.30	0.47	XXX
Chromium, Hexavalent (µg/L)	XXX	XXX	XXX	13.7	21.4	XXX
Nickel, Total (µg/L)	XXX	XXX	XXX	71.4	111.4	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	7.0
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total (µg/L)	XXX	XXX	XXX	4.4	6.8	XXX
Silver, Total (µg/L)	XXX	XXX	XXX	3.3	5.2	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total (µg/L)	XXX	XXX	XXX	120.0	164.1	XXX
1,4-Dioxane (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Temperature (°F)						
Jan 1-31	XXX	XXX	XXX	XXX	41.4	XXX
Feb 1-29	XXX	XXX	XXX	XXX	41.5	XXX
Mar 1-31	XXX	XXX	XXX	XXX	49.6	XXX
Apr 1-15	XXX	XXX	XXX	XXX	56.0	XXX
Apr 16-30	XXX	XXX	XXX	XXX	62.0	XXX
May 1-15	XXX	XXX	XXX	XXX	66.6	XXX
May 16-31	XXX	XXX	XXX	XXX	76.4	XXX
Jun 1-15	XXX	XXX	XXX	XXX	83.4	XXX
Jun 16-30	XXX	XXX	XXX	XXX	87.4	XXX
Jul 1-31	XXX	XXX	XXX	XXX	88.8	XXX
Aug 1-15	XXX	XXX	XXX	XXX	88.6	XXX
Aug 16-31	XXX	XXX	XXX	XXX	88.6	XXX
Sep 1-15	XXX	XXX	XXX	XXX	85.2	XXX
Sep 16-30	XXX	XXX	XXX	XXX	79.2	XXX
Oct 1-15	XXX	XXX	XXX	XXX	73.2	XXX
Oct 16-31	XXX	XXX	XXX	XXX	67.2	XXX
Nov 1-15	XXX	XXX	XXX	XXX	59.4	XXX
Nov 16-30	XXX	XXX	XXX	XXX	51.1	XXX
Dec 1-31	XXX	XXX	XXX	XXX	43.0	XXX

The proposed effluent limits for Internal Monitoring Point 105 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)						
Internal Monitoring Point	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)						
Internal Monitoring Point	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids						
Internal Monitoring Point	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease						
Internal Monitoring Point	XXX	XXX	XXX	XXX	Report	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Aluminum, Total						
Internal Monitoring Point	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total						
Internal Monitoring Point	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total						
Internal Monitoring Point	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 205 are based on a design flow of 0.30 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)						
Internal Monitoring Point	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)						
Internal Monitoring Point	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids						
Internal Monitoring Point	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease						
Internal Monitoring Point	XXX	XXX	XXX	15.0	20.0	XXX

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

- The permittee shall inform PA DEP of their intent to commence discharge a minimum of 60 days in advance of the onset of discharge.
- The permittee is required to sample, analyze, and submit data for both industrial wastewater (Pollutant Groups 1 through 5) and stormwater within 60 days of commencement of discharge.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

PA0255394, Sewage, **Ritenour Caryl E**, 1174 Claridge Elliott Road, Jeannette, PA 15644. Facility Name: Ritenour Properties SRSTP. This proposed facility is located in Penn Township, **Westmoreland 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 of Brush Creek, is located in State Water Plan watershed 19-A 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 (GPD)	Report					XXX
pH (S.U.)	Annl Avg		6.0 Inst Min		XXX	9.0
Total Residual Chlorine (TRC)				Report	XXX	Report
Biochemical Oxygen Demand (BOD ₅)				Avg Mo	10.0	20.0
Total Suspended Solids				10.0	XXX	20.0
Fecal Coliform (No./100 ml)				200	XXX	1,000

The EPA Waiver is in effect.

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

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

WQM Permit No. WQG02151803, Sewage, **Westtown Township**, 1039 Wilmington Pike, PO Box 79, West Chester, PA 19382.

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

Description of Action/Activity: 15 lot single residential subdivision to be serviced with public sewers via grinder pumps and a low pressure force main.

WQM Permit No. 4618402, Sewage, **Lower Perkiomen Valley Regional Sewer Authority**, 101 Station Avenue, PO Box 297, Oaks, PA 19456.

This proposed facility is located in Collegeville Township, **Montgomery County**.

Description of Action/Activity: Installation of 42", 48", 54" and 60" sanitary sewer interceptor approximately 17,200 feet in length.

WQM Permit No. 4618403, Sewage, **Worcester Township**, 1721 Valley Forge Road, PO Box 767, Worcester, PA 19490.

This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station and gravity collection system.

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

WQM Permit No. 6374406 A-6, Sewage, **Canonsburg Houston Joint Authority**, 68 E Pike Street, Canonsburg, PA 15317-1375.

This existing facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Upgrades to existing CHJA WWTP.

WQM Permit No. 6518401, Sewage, **Ritenour Caryl E**, 1174 Claridge Elliott Road, Jeannette, PA 15644.

This proposed facility is located in Penn Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of SRSTP to replace malfunctioning on-lot system.

WQM Permit No. 3018200, Industrial, **Hill Top Energy Center LLC**, 17 Terra Mar Drive, Huntington Bay, NY 11743.

This proposed facility is located in Cumberland Township, **Greene County**.

Description of Proposed Action/Activity: Construction of new treatment systems.

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

WQM Permit No. 1018403, Sewage, **Wanda Kesner**, 198 McBride Road, Slippery Rock, PA 16057.

This proposed facility is located in Brady Township, **Butler County**.

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

WQM Permit No. WQG02431801, Sewage, **Pine Township Mercer County**, 545 Barkeyville Road, Grove City, PA 16127.

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

Description of Proposed Action/Activity: Construction of 46 grinder pumps, 7,287 LF of pressure main and 8,688 LF of pressure service lines.

IV. NPDES Applications for Stormwater Discharges from MS4.

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

PAI132277, MS4, **Hazleton City**, 40 North Church Street, Hazleton, PA 18201-5862. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Hazleton City, **Luzerne County**. The receiving streams, Dreck Creek and Hazle Creek, are located in State Water Plan watershed 2-B and are classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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 570-826-5472.

The EPA waiver is in effect for small MS4s, and is not in effect for large MS4s.

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

Northwest 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.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD350007	Lackawanna Heritage Valley National & State Heritage Area 213 South 7th Ave Scranton, PA 18505	Lackawanna	Dickson City Borough	Lackawanna River (CWF, MF)

Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390063	Bruce Fosselman Lower Macungie Twp 3400 Brookside Rd Macungie, PA 18062	Lehigh	Lower Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)
PAD390062	Minu Kumar Desai Paarth Corp 5650 W Tilghman St Allentown, PA 18104	Lehigh	Upper Macungie Twp	Cedar Creek (HQ-CWF, MF)
PAD390037	Alexander Tamerler 1628 Barkwood Dr Orefield, PA 18069	Lehigh	Lower Milford Twp	UNT to Unami Creek (HQ, TSF)

Northampton County Conservation District, 14 Gracedale Ave.—Greystone Building, Nazareth, PA 18064-9211.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480061	Jim Faust Estates at Sullivan Trail, LLC 4562 Stueben Rd Bethlehem, PA 18020	Northampton	Bushkill Twp Plainfield Twp	Bushkill Creek (HQ-CWF, MF)
PAD480058	Galen Martin 721 E Lincoln Ave Myerstown, PA 17067	Northampton	Williams Twp	Fry's Run (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360028	Drumore Crossings, L.P. 120 West Germantown Pike Plymouth Meeting, PA 19462	Lancaster	Drumore Township	Fishing Creek and Conowingo Creek Susquehanna Watershed (HQ-CWF)

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

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD600002	David Iddings 900 Chestnut Street Mifflinburg, PA 17844	Union	West Buffalo Twp	UNT to Muddy Run HQ-CWF

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD260002 (Renewal)	Deer Lake Improvement Association P.O. Box 112 Chalk Hill, PA 15421	Fayette County	Wharton Township	Meadow Run (HQ-CWF)
PAD560003	Pennsylvania Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Somerset County	Brothersvalley Township	Tubs Run (CWF); Millers Run (CWF)

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

Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, 814-825-6403.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD250001 (Major Amendment)	Mid-Atlantic Interstate Transmission, LLC A Firstenergy Company 341 White Pond Drive A-WAC-B2 Akron, OH 44320	Erie	North East Township	Twelve Mile Creek HQ-CWF; MF

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

PAG-12 CAFOs

MS4 PAG-13 Notices of Intent Received.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG132279	Freeland Borough Luzerne County 705 Ingham Street Freeland, PA 18224-1517	Freeland Borough Luzerne County	Y	N
PAG132320	Port Clinton Borough P.O. Box 246 Port Clinton, PA 19549	Port Clinton Borough Schuylkill County	Y	N
PAG132297	Pringle Borough 89 Evans Street Pringle, PA 18704	Pringle Borough Luzerne County	N	Y
PAG132272	Wilkes-Barre City 40 East Market Street Wilkes-Barre, PA 18711	Wilkes-Barre City Luzerne County	N	Y
PAG132219	Wilkes-Barre Township 150 Watson Street Wilkes-Barre Twp., PA 18702	Wilkes-Barre Township Luzerne County	N	Y
PAG132220	Plymouth Borough 162 W. Shawnee Avenue Plymouth, PA 18651	Plymouth Borough Luzerne County	N	Y
PAG132217	Edwardsville Borough 470 Main Street Edwardsville, PA 18704	Edwardsville Borough Luzerne County	N	Y
PAG132224	Ashley Borough 149 Cemetery Street Ashley, PA 18706	Ashley Borough Luzerne County	N	Y
PAI132275	Pittston Township 421 Broad Street Pittston Township, PA 18640	Pittston Township Luzerne County	N	Y
PAG132251	West Wyoming Borough 464 W. 8th Street West Wyoming, PA 18644	West Wyoming Borough Luzerne County	N	Y
PAG132245	Wyoming Borough 277 Wyoming Avenue Wyoming, PA 18644	Wyoming Borough Luzerne County	N	Y
PAG132266	Yatesville Borough 33 Pittston Avenue Yatesville, PA 18640	Yatesville Borough Luzerne County	N	Y
PAG132221	Pittston City 35 Broad Street Pittston, PA 18640	Pittston City Luzerne County	N	Y

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG132265	West Pittston Borough 555 Exeter Avenue West Pittston, PA 18643	West Pittston Borough Luzerne County	N	Y
PAG132229	Jenkins Township 46 1/2 Main Street Jenkins Township, PA 18640	Jenkins Township Luzerne County	N	Y
PAG132277	Hughestown Borough 42 Center Street Hughestown, PA 18640	Hughestown Borough Luzerne County	N	Y
PAG132243	Exeter Borough 1101 Wyoming Avenue Exeter, PA 18643	Exeter Borough Luzerne County	N	Y
PAG132206	Duryea Borough 315 Main Street Duryea, PA 18642	Duryea Borough Luzerne County	N	Y
PAG132225	Forty Fort Borough 1271 Wyoming Avenue Forty Fort, PA 18704-2215	Forty Fort Borough Luzerne County	N	Y
PAG132223	Sugar Notch Borough 742 Main Street Sugar Notch, PA 18706	Sugar Notch Borough Luzerne County	N	Y
PAG132207	Clarks Summit Borough 304 S. State Street Clarks Summit, PA 18411-1543	Clarks Summit Borough Lackawanna County	N	Y
PAG132205	Taylor Borough 122 Union Street Taylor, PA 18617	Taylor Borough Lackawanna County	N	Y
PAG132212	Slatington Borough 125 S. Walnut Street Slatington, PA 18080	Slatington Borough Lehigh County	N	N
PAG132316	Glenburn Township P.O. Box 694 Dalton, PA 18414	Glenburn Township Lackawanna County	Y	Y
PAG132298	Glendon Borough 24 Franklin Street Glendon, PA 18042	Glendon Borough Northampton County	Y	N
PAG132255	Lower Mount Bethel Township P.O. Box 257 Martins Creek, PA 18063	Lower Mount Bethel Township Northampton County	Y	N
PAG132303	Upper Mount Bethel Township 387 Ye Olde Highway Mount Bethel, PA 18343	Upper Mount Bethel Township Northampton County	Y	N
PAG132317	Washington Township 7951 Center Street Emerald, PA 18080	Washington Township Lehigh County	N	Y
PAG132213	Coopersburg Borough 5 N. Main Street Coopersburg, PA 18036	Coopersburg Borough Lehigh County	N	Y
PAG132237	Northampton Borough 1401 Laubach Avenue Northampton, PA 18067	Northampton Borough Northampton County	N	Y
PAG132263	Pen Argyl Borough 11 North Robinson Avenue Pen Argyl, PA 18072	Pen Argyl Borough Northampton County	Y	Y
PAG132242	Swoyersville Borough 675 Main Street Swoyersville, PA 18704	Swoyersville Borough Luzerne 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>
Huber Villa Farm John Huber 2701 Fruitville Pike Lancaster, PA 17601	Perry	0	1,000.22	Swine	NA	Renewal
Swatara Swine Farm Swatara Creek Swine Company—Dave Heckel 1921 Blacks Bridge Road Annville, PA 17003	Lebanon	7.5	670.20	Swine	NA	Renewal
MACH Farm Swatara Creek Swine Company—Dave Heckel 651 Pine Road Palmyra, PA 17078	Lebanon	8.0	684.75	Swine	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act.

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Application No. 3918502, Public Water Supply.

Applicant **Nestle Waters North America, Inc.**
305 Nestle Way
Breinigsville, PA 18031

Municipality Upper Macungie Township

County **Lehigh**

Responsible Official Michael Franceschetti, Plant Manager

Type of Facility Public Water Supply

Consulting Engineer Edward E. Davis, Sr., P.E.
Miller Bros. Construction, Inc.
PO Box 472
Schuylkill Haven, PA 17972

Application Received Date March 12, 2018

Description of Action This application for a permit amendment proposes addition of the existing Nature's Way Springs bulk water source, located in Foster Township, Luzerne County, to the existing Nestle Waters North America (NWN) Public Water Supply permit. NWN proposes to utilize this water at its existing bottling plants (NPL East and Deer Park) located in Breinigsville, PA.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Application No. 5918501—Construction—Public Water Supply.

Applicant **Osceola Township Municipal Authority**

Township/Borough Osceola Township

County **Tioga County**

Responsible Official Mr. Larry Miller, Water Operator
2021 Horseshoe Road
Lancaster, PA 17602

Type of Facility Public Water Supply

Consulting Engineer Mr. Scott M. Rights, P.E.
Steckbeck Engineering & Surveying, Inc.
279 N. Zinns Mill Road
Suite A
Lebanon, PA 17042

Application Received 03/20/2018

Description of Action Authorizes the removing of the Sequester corrosion control that suspended iron & manganese in the water & replace it with Greensand Iron & Manganese removal system. Maintaining existing water sources, 4-Log disinfection calculations, distribution, & water storage.

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

Permit No. 0415504-A2, Public Water Supply.

Applicant **Center Township Water Authority**
224 Center Grange Road
Aliquippa, PA 15001

[Township or Borough] Center and Potter Townships

Responsible Official Bill DiCioccio, Jr., Operational Supervisor
Center Township Water Authority
224 Center Grange Road
Aliquippa, PA 15001

Type of Facility Water system

Consulting Engineer Lennon, Smith, Souleret Engineering, Inc.
846 Fourth Avenue
Coraopolis, PA 15108

Application Received Date March 23, 2018

Description of Action Installation of a chemical feed station at the proposed Ohio River intake.

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.

Permit No. 0415504-A1, Minor Amendment.

Applicant **Center Township Water Authority**
224 Center Grange Road
Aliquippa, PA 15001

[Township or Borough] Center and Potter Townships

Responsible Official Bill DiCioccio, Jr., Operational Supervisor
Center Township Water Authority
224 Center Grange Road
Aliquippa, PA 15001

Type of Facility Water system

Consulting Engineer Lennon, Smith, Souleret Engineering, Inc.
846 Fourth Avenue
Coraopolis, PA 15108

Application Received Date March 23, 2018
 Description of Action Replacement of existing parallel transmission lines with a single 18-inch diameter transmission main.

Permit No. 5618502MA, Minor Amendment.

Applicant **Somerset Township Municipal Authority**
 PO Box 247
 Somerset, PA 15501
 [Township or Borough] Somerset Township
 Responsible Official Carolyn Zambanini, Manager
 Somerset Township Municipal Authority
 PO Box 247
 Somerset, PA 15501
 Type of Facility Water system
 Consulting Engineer Somerset Planning & Engineering Services, LLC
 222 West Main Street
 Suite 100
 Somerset, PA 15501
 Application Received Date March 23, 2018
 Description of Action Installation of approximately 1,290 feet of transmission main and appurtenances (Friedline Waterline Project).

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

Application No. 2498502-MA6, Minor Amendment.

Applicant **St. Marys Water Authority**
 Township or Borough City of St Marys
 County **Elk**
 Responsible Official Dwight Hoare
 Type of Facility Public Water Supply
 Consulting Engineer Craig Bauer, PE
 KLH Engineers
 5173 Campbells Run Road
 Pittsburgh, PA 15205
 Application Received Date March 22, 2018
 Description of Action Removal existing coating system of 0.5 MG tank and recoating.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
 PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An

acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Baughman's U-Pull-It Auto Parts, 441 Eberts Lane, York, PA 17403, York City, **York County**. Independence Environmental Consulting, LLC, 1750 Kaylor Road, Hummelstown, PA 17036, on behalf of John Baughman, 3631 Trout Run Road, York, PA 17406, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with volatile and semivolatile organic compounds. The site will be remediated to the Residential Statewide Health and Site-Specific Standards. Future use of the site is to be used as an auto salvage yard. The Notice of Intent to Remediate was published in the *The York Dispatch/York Sunday News* and *York Daily Record* on February 27, 2018.

Thomas J. & Betty C. DiLullo Property, 448 Imperial Drive, Mohnton, PA 19540, Cumru Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Thomas J. and Betty C. DiLullo, 23500 537th Lane, Chariton, IA 50049, submitted a Notice of Intent to Remediate site groundwater contaminated with chlorinated solvents from historical use. The site will be remediated to the Site-Specific Standard. Future use of the site will be used for commercial and light industrial purposes. The Notice of Intent to Remediate was published in the *The Reading Eagle* on March 5, 2018.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Pinpoint Federal Credit Union (Former Warshow Site), 250 Mahoning Street, Milton Borough, **Northumberland County**. Molesevich Environmental, LLC, PO Box 654, Lewisburg, PA 17837, on behalf of Pinpoint Federal Credit Union, 603 Center Street, Milton, PA 17847 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with petroleum and solvents. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was published in the *Standard-Journal.Com* on March 13, 2018.

Kerstetter Property, 320 McLaughlin Road, Milton, Turbot Township, **Northumberland County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Randy and Susan Kerstetter, 320 McLaughlin Road, Milton, PA 17847, has submitted a Notice of Intent to Remediate site soil contaminated with fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Standard-Journal* on February 8, 2018.

RESIDUAL WASTE GENERAL PERMITS

Renewal Application(s) Received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Application No. WMGR103. Ridgewood Soils, Inc. has submitted a general permit renewal application for its facility located at Angstadt Lane, Birdsboro, PA 19508 in Cumru Township, **Berks County**. This general permit authorizes the processing by (i) grinding, mixing, screening and biological decomposition of tree stumps, roots, leaf waste, stump grindings, and grubbing material for the beneficial use as a mulch material, and (ii) grinding, screening and mixing of freshwater dredged material from Seyferts basin, spent mushroom substrate, leaf waste, water treatment residual and waste foundry sand (authorized under WMGR019 or WMGR098) with uncontaminated soil for beneficial use as a manufactured topsoil. The application for renewal was determined to be complete on March 26, 2018.

Persons interested in obtaining more information about the general permit renewal application may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-

4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

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

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

23-0223: LCP Generation Partners, LLC (170 North Radnor Chester Road, Suite 101, Radnor, PA 19087) for installation of a 2-MW Combined Heat and Power System at Villanova University, in Radnor Township, **Delaware County**. The facility has taken a fuel limitation to emit less than the major source thresholds, with the projected actual emissions expected to be no more than 15.9 tons of NO_x, 12.8 tons of VOCs, and 2.12 tons of total HAPs per year. This project does not trigger applicability toward PADEP's NSR regulations or the federal PSD regulations. The engine is subject to 40 CFR Part 60, Subpart JJJJ. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05025A: Texas Eastern Transmission LP, Marietta (1462 River Road, Marietta, PA 17547) for the installation of two (2) new 7,700 HP natural gas-fired turbines equipped with dry low NO_x technology and oxidation catalysts to replace six (6) existing 1,760 HP compressor engines at the natural gas compressor station located in East Donegal Township, **Lancaster County**. The replacement will result in a substantial reduction in potential air emissions from the facility. The expected facility potential emissions as a result of the changes proposed will be the following: NO_x 60 tpy, CO 106 tpy, PM₁₀ 8 tpy, SO₂ 16 tpy, VOC 37 tpy and HAPs 5 tpy. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines and 40 CFR Part 60, Subpart OOOOa—Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the

plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

67-05118A: Harley-Davidson Motor Company Operations, Inc. (1425 Eden Road, York, PA 17402) for the modification of its motorcycle manufacturing facility (York Vehicle Operations) located in Springettsbury Township, **York County**. The modification will involve the following: installation of additional infrared paint drying oven capacity (via oven lengthening) to facilitate an increase in the line speed of Source ID 245's two existing cosmetic spray paint lines from 8 fpm to 9 fpm to accommodate a production increase; and the construction of two additional Source ID MTBS motorcycle test booths to increase the number of test booths from 4 to 6. Source ID 245's VOC emissions are controlled by a regenerative thermal oxidizer (RTO) and a carbon adsorption unit. Source ID 245's PM/PM₁₀/PM_{2.5} emissions are controlled by a scrubber. Source ID MTBS's emissions are uncontrolled. The maximum expected increases in facility emissions as a result of the proposed modification are the following: 21.1 TPY VOC; 5.4 TPY CO; 1.9 TPY PM₁₀; 1.9 TPY PM_{2.5}; 0.4 TPY NO_x; 0.5 TPY xylenes; 0.3 TPY toluene; 0.2 TPY MEK; 0.2 TPY ethyl benzene; 0.2 TPY glycol ethers; and 1.4 TPY total HAPs. The facility is a State-Only facility. The Department's review of the information submitted by the applicant indicates that the air contamination source as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, and the miscellaneous metal parts surface coating requirements of 25 Pa. Code § 129.52d (Source ID 245). Based on these findings, the Department proposes to issue a plan approval for the proposed construction/modification. If, after the project has been implemented, the Department determines that the sources are constructed/modified and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval will be incorporated into the facility's State-Only Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450(a)(5).

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

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

PA-30-00235A: APV Renaissance Partners Opco, LLC (232 Chestnut Ave., Bernardsville, NJ 07924). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection ("Department") intends to issue Air Quality Plan Approval: PA-30-00235A to APV Renaissance Partners Opco, LLC ("APV") for the construction of a natural gas-fired combined cycle power plant named the Renaissance Energy Center Project ("Project") and to be located in Monongahela Township, **Greene County**, directly off State Route 21 (E. Furman Highway) in Carmichaels, PA.

Air contamination sources and controls to be authorized at this site include:

- Two (2) Siemens, SGT6-8000H (or equivalent), natural gas-fired combustion turbines 3,580 MMBtu/hr heat input rating (LHV) each (controlled with low NO_x burners), including natural gas-fired duct burners, 914.1 MMBtu/hr heat input rating each; controlled by Ultra-low NO_x combustors, SCR, and oxidation catalysts; 1,127 MW total net generating capacity.

- One (1) natural gas-fired auxiliary boiler, 90 MMBtu/hr heat input rating.
- One (1) Cummins model # CFP15E-F20 (or equivalent), diesel-fired fire pump engine, 411 bhp rating.
- One (1) diesel fuel storage tank, 2,175 gallons
- One (1) Caterpillar 3516 (or equivalent), diesel-fired emergency generator engine rated at 2,000 kW.
- Miscellaneous components in natural gas service, and circuit breakers; controlled by leak detection and repair (“LDAR”).
- One (1) aqueous ammonia (19%) storage vessel rated at 19,000 gallons (or as determined during final design).
- Vehicle and truck traffic on paved roads.
- Cooling Tower # 2 with a maximum rated capacity of 200,000 gallons per minute.

Potential to emit from the facility will be limited to not exceed the following:

Table 1: Facility Wide Potential to Emit

<i>Air Contaminant</i>	<i>Emission Rate (tpy)</i>
Nitrogen Oxides (NO _x)	224.96
Carbon Monoxide (CO)	189.59
Total Particulate Matter (PM)	123.93
Particulate Matter Less Than 10 Microns In Diameter (PM ₁₀)	123.93
Particulate Matter Less Than 2.5 Microns In Diameter (PM _{2.5})	122.42
Sulfur Oxides (SO _x)	17.80
Sulfuric Acid (H ₂ SO ₄) Mist	5.98
Volatile Organic Compounds (VOC)	55.51
Hazardous Air Pollutants (HAP)	12.73
Formaldehyde (HCHO)	6.96

<i>Air Contaminant</i>	<i>Emission Rate (tpy)</i>
Ammonia (NH ₃)	196.16
Carbon Dioxide Equivalents (CO _{2e})	3,443,763

This authorization is subject to Prevention of Significant Deterioration (PSD) requirements of 40 CFR 52.21; adopted in its entirety by the Department and incorporated by reference under 25 Pa. Code § 127.83; for nitrogen dioxide (NO₂), CO, PM, PM₁₀, PM_{2.5}, H₂SO₄, and CO_{2e}. In accordance with the PSD rules in 40 CFR 52.21 and 25 Pa. Code § 127.83, APV has performed an air quality analysis which utilizes dispersion modeling. APV’s air quality analysis satisfies the requirements of the PSD rules and is consistent with the U.S. Environmental Protection Agency’s (EPA) Guideline on Air Quality Models (40 CFR Part 51, Appendix W) and the EPA’s air quality modeling policy and guidance.

In accordance with 40 CFR 52.21(k) through (n), APV provided air quality analyses of the Renaissance Energy Center’s emissions of carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter less than or equal to 2.5 micrometers in diameter (PM_{2.5}), and particulate matter less than or equal to 10 micrometers in diameter (PM₁₀). APV’s source impact analyses demonstrate that the Renaissance Energy Center’s emissions would not cause or contribute to air pollution in violation of the National Ambient Air Quality Standards for CO, nitrogen dioxide (NO₂), PM_{2.5} or PM₁₀. Additionally, APV’s source impact analyses demonstrate that the Renaissance Energy Center’s emissions would not cause or contribute to air pollution in violation of the Class II or Class I PSD increments for NO₂, PM_{2.5}, or PM₁₀.

In accordance with the public notice requirements in 25 Pa. Code § 127.45(b)(4), the degree of Class II and Class I PSD increment consumption expected to result from the operation of the Renaissance Energy Center is provided in the following tables:

Degree of Class II PSD Increment Consumption from Operation of APV’s Renaissance Energy Center

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class II PSD Increment Consumption</i>		<i>Class II PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class II PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 0.88893	< 3.56%	25
PM _{2.5}	24-hour	< 4.48593	< 49.85%	9
	Annual	< 0.57331	< 14.34%	4
PM ₁₀	24-hour	< 4.55068	< 15.17%	30
	Annual	< 0.58639	< 3.45%	17

Degree of Class I PSD Increment Consumption from Operation of APV’s Renaissance Energy Center

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class I PSD Increment Consumption</i>		<i>Class I PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class I PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 0.00340	< 0.14%	2.5
PM _{2.5}	24-hour	< 0.03239	< 1.62%	2
	Annual	< 0.00220	< 0.22%	1
PM ₁₀	24-hour	< 0.03356	< 0.42%	8
	Annual	< 0.00228	< 0.06%	4

In accordance with 40 CFR 52.21(o), APV provided additional impact analyses of the impairment to visibility, soils, and vegetation that would occur as a result of the Renaissance Energy Center and general commercial, residential, industrial, and other growth associated with the Renaissance Energy Center.

In accordance with 40 CFR 52.21(p), written notice of the proposed Renaissance Energy Center has been provided to the Federal Land Managers of nearby federal Class I areas as well as initial screening calculations to demonstrate that the Renaissance Energy Center's emissions would not adversely impact air quality related values and visibility in nearby federal Class I areas.

This authorization is subject to New Source Review (NSR) requirements of 25 Pa. Code Chapter 127, Subchapter E for NO_x. This air contaminant is subject to Lowest Achievable Emission Rate (LAER) requirements. Prior to commencing operation, APV will be required to secure 259 tons of NO_x and 64 tons of VOC emission reduction credits (ERCs) in order to offset emission increases from this air contaminant.

This authorization is subject to State regulations including 25 Pa. Code Chapters 123, 124, 127, 129, 135, 139 and 145. State standards for contaminants and sources are superseded in most cases by more stringent BACT and LAER requirements. This authorization is also subject to Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subparts Dc, IIII, KKKK, and TTTT; and National Emission Standards for Hazardous Air Pollutants (NESHAP) including 40 CFR Part 63 Subparts A and ZZZZ. Other applicable Federal regulations include 40 CFR Parts 52—Approval and Promulgation of Implementation Plans (specifically 40 CFR 52.21—Prevention of Significant Deterioration of Air Quality), 68—Chemical Accident Prevention Provisions; 72, 73, and 75—Permits Regulation, Sulfur Dioxide Allowance System, and Continuous Emission Monitoring; Part 97—Federal NO_x Budget Trading Program, CAIR NO_x and SO₂ Trading Programs, and CSAPR NO_x and SO₂ Trading Programs, and Part 98—Mandatory Greenhouse Gas Reporting.

Plan approval conditions will include source specific and facility-wide emission limitations, operational restrictions, compliance testing and monitoring requirements, work practice standards, and associated recordkeeping and reporting requirements. The Department has determined that the proposed facility satisfies BACT, LAER, and the Department's Best Available Technology (BAT) requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a Title V Operating Permit (TVOP) application in accordance with 25 Pa. Code Subchapters F and G.

A person may oppose the proposed plan approval by filing a written protest with the Department through Sheri Guerrieri via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to shguerrieri@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-30-00235A) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

APV's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project 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 APV Plan Approval 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 Plan Approval for this project, a person may contact Sheri Guerrieri at shguerrieri@pa.gov or 412.442.4169.

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

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

OPERATING PERMITS

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

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

06-05065: Glen-Gery Corporation (423 South Pottsville Pike, PO Box 340, Shoemakersville, PA 19555) to issue a Title V Operating Permit for the brick manufacturing plant located in Perry Township, **Berks County**. The actual emissions from the facility in 2016 are estimated at 110.5 tons CO; 25.9 tons NO_x; 37.8 tons PM₁₀; 12.5 tons PM_{2.5}; 59.7 tons SO_x; and 6.6 tons VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart ZZZZ and 25 Pa. Code § 129.63.

01-05042: NRG REMA, LLC (1731 Hunterstown Road, Gettysburg, PA 17325) to issue a Title V Operating Permit for the Hunterstown Peaking Station located in Straban Township, **Adams County**. The actual emissions from the facility in 2016 were reported to be 11.2 tons NO_x; 2.5 tons CO; 0.1 ton SO_x; 0.1 ton VOC; 0.1 ton PM₁₀; and 0.1 ton PM_{2.5}. 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 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source IDs 701, 702 and 703).

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

18-00030: First Quality Tissue, LLC (904 Woods Avenue, LLC, Lock Haven, PA 17745-3348) to issue a renewal Title V operating permit for their facility located in Castanea Township, **Clinton County**. The facility is currently operating under Title V Operating Permit 18-00030. The facility's sources include two (2) 68 million Btu per hour, natural gas fired boilers, two (2) paper machines incorporating wet-end, dryer and dry-end sections, with the dryer sections equipped with natural gas-fired burners rated at 142 million Btu per hour, an adhesive operation, a printing operation, a wastewater treatment operation and a 300 horsepower, diesel fire pump. The facility has the potential to emit 143.16 tons of nitrogen oxides (NO_x) per year, 206.45 tons of carbon monoxide (CO) per year, 123.99 tons of volatile organic compounds (VOCs) per year, 1.63 ton of sulfur oxides (SO_x) and 220.36 tons of particulate matter (PM, including PM₁₀) per year. No emission or equipment changes are being proposed by this action. 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 Subpart Dc of 40 CFR Part 60, Subpart ZZZZ of 40 CFR Part 63 and 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00059: Handelok Bag Co. (701A West Fifth Street, Lansdale, PA 19446) for renewal of their State Only, Synthetic Minor Operating Permit in Lansdale Borough, **Montgomery County**. The permit is for a non-Title V (State-only) facility. 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 includes four (4) aqueous-based flexographic printing presses and one (1) aqueous-based laminator. There have been no changes since the last permit was issued in May 2013. 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.

15-00095: Longwood Gardens (410 Street Rd., Kennett Square, PA 19348), for a non-Title V, State-Only, Synthetic Minor Operating Permit in East Marlborough Township, **Chester County**. This action is for the third renewal of the State Only Operating Permit. The permit was initially issued on 5-21-2003 and was subsequently renewed on 8-26-2008 and on 6-27-2013. Longwood Gar-

dens is a non-profit business activity focused on horticulture. The primary emission sources include three (3) dual fuel-fired (natural gas and No. 6 fuel oil) backup boilers that are used to heat the greenhouses in the cool months of the year, four (4) emergency generators that are used in the event of a power interruption and two 2,250-kW standby (backup) generators. The renewed permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable 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.

39-00046: New Enterprise Stone and Lime Co., Inc. (3724 Crescent Court West, Whitehall, PA 18052). The Department intends to issue a renewal State-Only Synthetic Minor Permit for the New Enterprise Stone and Lime Co. located in Lower Macungie Township, **Lehigh County**. The processes at this facility are Asphalt Batch Plants with Recycled Asphalt Pavement. The control devices are Baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. 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.

48-00059: Keystone Food Products, Inc. (3767 Hecktown Road, Lower Nazareth Township, PA 18044-0326). The Department intends to issue a renewal State-Only Natural Minor Permit for the facility located in Nazareth Township, **Northampton County**.

The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, or William Weaver, Regional Air Quality Manager, 717-705-4702.

06-03091: Rose Acquisition Co., LLC (PO Box 15208, Reading, PA 19612-5208) to issue a State-Only Operating Permit for the operation of a steel structure fabrication facility including a painting operation controlled by dry filters in the City of Reading, **Berks County**. Potential particulate matter emissions from the facility are estimated to be 37.5 tpy. Actual VOC emissions from the facility have historically been less than 2.7 tpy. The Operating Permit will include emission limits and work practice standards along with performance testing, monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52d and 40 CFR 63, Subpart HHHHHH—National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.

06-03091: Craig Manufacturing, LLC (700 Henry Circle, Sinking Spring, PA 19608) to issue a State-Only Operating Permit for the operation of their fiberglass manufacturing operations in Spring Township, **Berks County**. Potential emissions from the facility are estimated to be 8.45 tpy of a single HAP (styrene). The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for adhesives and sealants derived from 25 Pa. Code § 129.77.

05-03003: Chestnut Ridge School District/Chestnut Ridge Middle School (3281 Valley Road, Fishertown, PA 15539) for operation of two coal-fired boilers, 4.26 MMBtu per hour each, at the Chestnut Ridge Middle School facility in East Saint Clair Township, **Bedford County**. The potential emissions of the facility are 3.4 tons of CO, 3.3 tons of NO_x, 4.5 tons of PM, 22.4 tons of SO_x, and 0.5 ton of TOC. 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 from 40 CFR 63 Subpart JJJJJ—National Emission Standard for Area Sources of Hazardous Air Pollutants (HAPs) for Industrial, Commercial, and Institutional Boilers, and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

67-03001: Frito-Lay, Inc. (3553 Gillespie Drive, York, PA 17404) for the operation of a snack food manufacturing facility in West Manchester Township, **York County**. This is for renewal of the existing state-only permit. Potential air emissions from the facility are estimated at 16 tpy PM, 58 tpy NO_x, 34 tpy CO, 3 tpy VOC, and less than 1 tpy SO₂. 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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

49-00029: Clarks Feed Mills, Inc. (PO Box W, Shamokin, PA 17872-0923) to issue a renewal State Only Operating Permit for their Shamokin facility located in Ralpho Township, **Northumberland County**. The facility's main sources include one (1) natural gas/# 2 fuel oil fired boiler, one (1) Forsberg cleaner, one (1) pellet machine, two (2) hammermills, truck and railcar receiving stations and truck loadout operation. The facility has potential to emit under 39.05 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 14.66 tpy of nitrogen oxides, 1.33 tpy of carbon monoxide, 0.14 tpy of volatile organic compounds, 0.02 tpy of hazardous air pollutants and 20.93 tpy of sulfur oxides. The potential particulate matter emissions reduced from 50 tons per year to 39.05 tons per year due to removal of a pellet mill operated under Source ID P104. The potential emission of all other criteria pollutants remained same at the facility. The # 2 fuel oil fired boiler is subject to 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area

Sources. 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 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.

17-00069: The Pennsylvania State University (Office of Physical Plant Building, University Park, PA 16802-1118) a State Only permit for their WPSU Tower facility located in the Lawrence Township, **Clearfield County**. The air contaminant source currently in operation at this facility is a diesel/No. 2 oil-fired Generator Engine (Source ID P101) rated at approximately 587 horsepower (hp) which is used to generate peak-shave power. Maximum engine operation is limited to 500 hours in any 12 consecutive month period. The source is also subject to Maximum Achievable Control Technology (MACT) pursuant to 40 CFR Part 63 Subpart ZZZZ and Best Available Technology (BAT) pursuant to 25 Pa. Code §§ 127.1 and 127.12. The State Only permit contains the applicable Subpart ZZZZ requirements including, but not limited to, the applicable CO MACT standard, the required operating parameters and associated monitoring, the subsequent stack (performance) testing requirements. Emissions of nitrogen oxides (NO_x, expressed as NO₂) are limited during the ozone season period to 2.75 tons to satisfy BAT, and the applicant is subject to periodic stack testing to demonstrate compliance with BAT. Based on the application provided by the applicant, this State Only Permit No: 17-00069 contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with the applicable requirements. The applicable requirements in the renewal were derived from 25 Pa. Code Chapters 121—145. Emission calculation of potential to emit for the Generator Engine was determined, as follows: 1.0 ton per year (tpy) for carbon monoxide, 4.5 tpy for NO₂, 0.3 tpy for sulfur oxides (expressed as SO₂), 0.3 tpy for PM₁₀, 0.3 tpy for PM_{2.5}, 0.4 tpy for volatile organic compounds (expressed as propane), 0.1 tpy for hazardous air pollutants, and 169 tpy for carbon dioxide (CO₂). 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.

63-00936: Markwest Liberty Midstream & Resources, LLC (4600 J Barry CT, Suite 500, Canonsburg, PA 15317-5854), for a facility-wide initial State Only Operating Permit for the operation of a natural gas processing plant, known as the Houston Natural Gas Processing Plant, in Chartiers Township, **Washington County**. The facility contains air contamination sources consisting of four depropanizers, a deethanizer, three hot oil heaters (113.2, 148, and 148 MMBtu/hr), four regen-

erative gas heaters (4.14—9.19 MMBtu/hr), three, natural gasoline storage tanks (444,780 gallons each), two, 250-bhp, emergency fire pump engines, and rail and truck loadouts. Emissions are controlled by ultra-low NO_x burners, flue gas recirculation, and staged combustion on the hot oil heaters, and three flares to control vented gas. Facility emissions are 89.5 tons of CO, 63.3 tons of NO_x, 48.8 tons of VOC, 11.3 tons of PM₁₀, and 11.3 tons of PM_{2.5} and 6.3 tons of HAPs and 255,480 tons of CO_{2e}, on an annual basis. The facility is subject to the applicable requirements of 40 CFR Part 60 and 25 Pa. Code Chapters 121—145. The permit includes operational, monitoring, testing, reporting, and recordkeeping requirements for the facility.

Markwest Liberty's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project 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 State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Thomas Kaminski at thkaminski@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 63-00936) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, mhochhause@pa.gov, fax 412-442-4194.

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

Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6131.

10-00309: Harsco Metals (Route 8 South, Butler, PA 16001), the Department intends to issue the renewal of the State-Only Operating Permit to a facility, located in the City of Butler, **Butler County**, that processes slag produced from steelmaking operations of another plant. Permitted sources at the facility are the slag processing and handling activities, an electric-powered screen, a torch cutting unit, and a degreaser. With PTE of 13.17 TPY for PM₁₀ and less than 0.1 TPY each for other regulated pollutants (SO_x, CO, NO_x, VOC), the slag processing facility is Natural Minor. In this renewal, the degreaser is added as a permitted source and subject to 25 Pa. Code § 129.63. For clarity, source name for screening unit is revised and terminology in the torch cutting unit's testing requirement is corrected. A compliance schedule is also added to meet the testing requirement for the torch cutting unit's particulate matter emissions.

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.

30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317. To revise the permit for the Harvey Mine in Richhill and Morris Townships, **Greene County** and related NPDES Permit to install a degas borehole. Surface Acres Proposed 4.4. No additional discharges. The application was considered administratively complete on March 20, 2018. Application received September 29, 2017.

63091301 and NPDES No. PA0236004. Tunnel Ridge, LLC, 2596 Battle Run Road, Triadelphia, WV 26059. To revise the permit for the Tunnel Ridge Mine in Donegal and West Finley Townships, **Washington County** and related NPDES Permit. Application also includes a request for a Section 401 Water Quality Certification to revise the permit for the Tunnel Ridge Mine in Donegal Township, Washington County, ACOE Pittsburgh, (Claysville, PA and Valley Grove, WV Quadrangles, located approximately 40° 04' 46" N, -80° 29' 57"). This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream restoration to approximately 408 linear feet of unnamed tributary # 32469 to Middle Wheeling Creek and 407 linear feet of unnamed tributary # 32471 to Middle Wheeling Creek to restore and regrade the channels due to the affects from longwall mining. This notice is being republished to reflect the application includes a request for a Section 401 Water Quality Certification. No additional discharges. The application was considered administratively complete on December 22, 2017. Application received October 7, 2017.

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

Permit No. 56070201. Robindale Energy Services, Inc., P.O. Box 228, 224 Grange Hall Road, Armagh, PA

15920, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 23 acres. Receiving stream: unnamed tributary to Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 13, 2018.

Permit No. 56180101 and NPDES No. PA0279633, PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Stonycreek Township, **Somerset County**, affecting 348.3 acres. Receiving streams: unnamed tributary to Glades Creek and Schrock Run, classified for the following uses: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 19, 2018.

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

Permit No. 40940203T2. Susquehanna Coal Company, P.O. Box 27, Nanticoke, PA 18634, transfer of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and coal preparation plant operation in Jenkins Township, **Luzerne County** affecting 174.1 acres, receiving stream: Susquehanna River, classified for the following uses: cold water and migratory fishes. Application received: March 8, 2018.

Permit No. 40-305-017GP12. Susquehanna Coal Company, P.O. Box 27, Nanticoke, PA 18634, application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40940203 in Jenkins Township, **Luzerne County**. Application received: March 8, 2018.

Permit No. 54070201R2. Whitey Wash Enterprises, P.O. Box 47, Ashland, PA 17921, renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Reilly Township, **Schuylkill County** affecting 56.2 acres, receiving stream: Muddy Branch, classified for the following uses: cold water and migratory fishes. Application received: March 12, 2018.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

Permit No. 4275SM20A and NPDES Permit No. PA0125334, US Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17052, renewal of an NPDES Permit, located in Brady Township, **Huntingdon County**. Receiving streams: unnamed tributary to Shaughnessy Run, Saddler Creek and unnamed tributary to Flush Run and Juniata River

classified for the following uses: high quality cold water fishes, cold water fishes, trout stocked fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 19, 2018.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

08120307 and NPDES PA0269646. Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16803. Renewal for an existing NPDES on a large noncoal surface mining site located in Athens Township, **Bradford County** affecting 77.0 acres. Receiving stream(s): Buck Creek, Wolcott Creek, and Susquehanna River classified for the following use(s): WWF. Application received: March 12, 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 publicnotice. 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. PA0215431 (Mining Permit No. 63141301 (formerly 63851702)), Consol Mining Company LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317-6505. A renewal to the NPDES and mining activity permit for the Westland Mine in Chartiers Township, **Washington County**. Surface Acres Affected 17.9. Receiving stream: UNT 37110 of Chartiers Creek, classified for the following use: WWF. Chartiers Creek Watershed TMDLs. The application was considered administratively complete on January 29, 2016. Application received October 19, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

Outfall 001 discharges to: UNT 37110 of Chartiers Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 13' 09" Long: -80° 16' 00") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
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 ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	100	100

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.

E54-368. Andrew Lehatto, 301 Gay Street, Tamaqua, PA 18252, in Tamaqua Borough, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-foot wide single-span, steel beam, wood deck, concrete abutment pedestrian bridge, having a 30-foot span and a 4-foot underclearance across Owl Creek (HQ-CWF, MF). The project is located

approximately 1.1 mile northeast of Route 309 and Owl Creek Road intersection. (Tamaqua, PA Quadrangle, Latitude: 40°47'26.98"; Longitude: -75°56'36.94").

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

E57-138. Pennsylvania Department of Conservation and Natural Resources, Rachel Carson State Office Building, Harrisburg, PA 17105-8451. Flood Repairs—DR 4292 Area 1 in Fox Township, **Sullivan County**, ACOE Baltimore District (Barbours, PA Quadrangles N: 41° 29' 37" W: -76° 46' 20").

DCNR has applied for a Small Projects—Joint Permit to construct, operate and maintain a new permanent stream crossing over Middle Branch Mill Creek along

Camels Road in Fox Township, Sullivan County. The work involves the replacement of an existing Aluminum Arch Culvert with a single-span 28.25' × 8.583' Single Radius Aluminum Arch plate box culvert. Additionally, approximately 116 lineal feet of debris removal along Mill Creek Road will be included in Fox Township, Sullivan County.

A total of two (2) permanent and one (1) temporary stream impacts are proposed to Middle Branch Mill Creek (HQ-CWF, EV) and West Branch Mill Creek (HQ-CWF, EV). Project watercourse impacts shall include and be limited to a total of 200 linear feet (6,100 square feet) of permanent stream impacts and 96 linear feet (4,512 square feet) of temporary stream impacts.

There are no wetland impacts being proposed.

This project proposes to have the following impacts:

STREAM IMPACT TABLE:

<i>Resource Name</i>	<i>Municipality</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Middle Branch Mill Creek	Fox	Bridge Replace	HQ-CWF, EV	Wild	96	4,512	84	3,780	41.493611 76.772222
West Branch Mill Creek	Fox	Debris Removal	HQ-CWF, EV	Wild			116	2,320	41.4825 76.769167
Total					96	4,512	200	6,100	

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

E03-473, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, Kittanning Township, **Armstrong County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Remove the existing 75' long 24" pipe carrying SR 422 over an unnamed tributary to Mill Run (WWF) (stream 2) having a drainage area less than 100 acres; construct and maintain a replacement 110' long 30" pipe enclosure on an adjacent alignment.

2. Remove the existing 50' long 15" pipe carrying SR 422 over a second unnamed tributary to Mill Run (WWF) (stream 3) having a drainage area less than 100 acres; construct and maintain a replacement 145' long 18" pipe enclosure on the same alignment.

3. Remove the existing 75' long 24" pipe carrying SR 422 over a third unnamed tributary to Mill Run (WWF) (stream 5) having a drainage area less than 100 acres; construct and maintain a replacement 75' long 30" pipe on the same alignment.

4. Remove the existing 75' long 30" pipe carrying a residential driveway over a fourth unnamed tributary to Mill Run (WWF) (stream 6) having a drainage area less than 100 acres; construct and maintain a replacement 75' long 30" pipe on an adjacent alignment.

5. Remove the existing 100' long 18" pipe carrying SR 422 over a fifth unnamed tributary to Mill Run (WWF) (stream 7) having a drainage area less than 100 acres; construct and maintain a replacement 100' long 18" pipe on an adjacent alignment.

6. Place and maintain fill in 236' of Rupp Run (WWF) having a drainage area of 2.13 square miles; construct and maintain 236' of relocated replacement channel.

7. Place and maintain fill in 0.055 acre of PEM wetland.

8. In addition, construct and maintain associated stormwater facilities and temporarily impact 300' of stream for the purpose of constructing these encroachments. Wetland mitigation will occur via debiting from PennDOT District 10-0's Armstrong County Wetland Bank. Stream mitigation will occur onsite.

This project involves the realignment of SR 422 to form a new intersection with SR 2012 (Silvis Hollow Road) and includes the addition of a left turn lane from SR 422 to SR 2012. It is located in Kittanning Township approximately 5 miles southeast of Kittanning, PA, beginning just south of the intersection of SR 422 and Rupp Church Road and ending just north of the intersection of SR 422 and SR 2014. The Rupp Run stream relocation is located in Manor Township along SR 2012 (Silvis Hollow Road) approximately 2.6 miles west of the intersection of SR 422 and SR 2012. The project is located in Armstrong County (Mosgrove, PA Quadrangle; approximate center of SR 422 project area: Latitude: 40° 46' 42.84"; Longitude: -79° 26' 39.76"; approximate center of Rupp Run slide repair: Latitude: 40° 47' 10.9", Longitude: -79° 29' 14.90").

E30-258, Columbia Gas Transmission, LLC, 1700 MacCorkle Avenue, SE, Charleston, WV 25314, Gilmore Township, **Greene County**, Pittsburgh ACOE District.

The applicant proposes to:

Place and maintain fill in a de minimus amount of palustrine emergent (PEM) wetland (approximately 0.01 acre), adjacent to White Creek (WWF), for the purpose of protecting and increasing safety and accessibility, for the operation and maintenance of the existing Hero Main

Line Valve. The project is located just south of the intersection of Jollytown Road and Hero Road (Wadestown, PA Quadrangle, N: 17.5 inches; W: 14.0 inches; Latitude: 39°-43'-17"; Longitude: 80°-21'-1.2") in Gilmore Township, Greene County.

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

E4129-120: ARD Operating, LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one single-span steel beam bridge having a span of 24 feet and an under-clearance of 4 feet and associated fill impacting 96 linear feet of an unnamed tributary to Salt Run (EV) and 1,832 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'14" N 76°53'16" W);

2) fill for the permanent access road and a temporary mat bridge impacting 1,877 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'20" N 76°53'15" W);

3) one single-span steel beam bridge having a span of 53 feet and an under-clearance of 3.7 feet, three 24-foot-long 42" x 29" overflow culverts, and associated fill impacting 67 linear feet of Salt Run (EV) (Picture Rocks, PA Quadrangle 41°27'21" N 76°53'15" W).

The project will result in a total of 163 linear feet of stream impacts and 0.09 acre of wetland impacts all for the purpose of installing a permanent access roadway to a natural gas well site for Marcellus well development.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D33-066EA. William Cvecko, Assistant General Manager, National Fuel Gas Corporation, 1100 State Street, P.O. Box 2081, Erie, PA 16512, Heath Township, **Jefferson County**, USACOE Pittsburgh District.

Project proposes to remove the Johns Run Dam to eliminate a threat to public safety and to restore approximately 300 feet of stream channel to a free-flowing condition. The project is located across Johns Run (HQ-CWF) (Sigel, PA Quadrangle, Latitude: 41.3439; Longitude: -79.0133).

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

Consol Pennsylvania Coal Company, LLC, 1525 Pleasant Grove Road, P.O. Box J, Claysville, PA 15323. Consol is proposing to construct six jurisdictional dams (containing one slurry impoundment and one sediment basin) within the proposed Bailey Mine Coal Refuse Disposal Area No. 7. The total disposal area will impact 13.56 acres of wetlands (PEM, PSS, PFO) and 43,390

lineal feet of stream, providing a minimum of 13.56 acres of replacement wetlands and appropriate stream compensation.

D30-089. Bailey No. 7 Slurry Impoundment Dam.

To construct, operate, and maintain Bailey No. 7 Slurry Impoundment Dam across a tributary to Enlow Fork (TSF) for the purpose of disposal of coal refuse generated by Bailey, Enlow Fork, and BMX Mines. Bailey No. 7 Slurry Impoundment Dam will impact 12.11 acres of wetlands (PEM, PSS, PFO) and 38,568 lineal feet of stream, providing a minimum of 12.11 acres of replacement wetlands and appropriate stream compensation.

(Rogersville, PA Quadrangle Lat: 39° 58' 09", Long: 80° 21' 57") Morris Township, Greene County.

D30-090. Bailey No. 7 Saddle A Dam. To construct, operate, and maintain Bailey No. 7 Saddle A Dam for the purpose of disposal of coal refuse generated by Bailey, Enlow Fork, and BMX Mines. Bailey No. 7 Saddle A Dam will be constructed at a low area along the perimeter of the Bailey No. 7 Slurry Impoundment and will prevent discharges into Browns Creek.

(Rogersville, PA Quadrangle Lat: 39° 58' 42", Long: 80° 20' 45") Morris Township, Greene County.

D30-091. Bailey No. 7 Saddle B Dam. To construct, operate, and maintain Bailey No. 7 Saddle B Dam for the purpose of disposal of coal refuse generated by Bailey, Enlow Fork, and BMX Mines. Bailey No. 7 Saddle B Dam will be constructed at a low area along the perimeter of the Bailey No. 7 Slurry Impoundment and will prevent discharges into a tributary to Patterson Creek.

(Rogersville, PA Quadrangle Lat: 39° 58' 20", Long: 80° 21' 22") Morris Township, Greene County.

D30-092. Bailey No. 7 Saddle C Dam. To construct, operate, and maintain Bailey No. 7 Saddle C Dam for the purpose of disposal of coal refuse generated by Bailey, Enlow Fork, and BMX Mines. Bailey No. 7 Saddle C Dam will be constructed at a low area along the perimeter of the Bailey No. 7 Slurry Impoundment and will prevent discharges into Patterson Creek.

(Rogersville, PA Quadrangle LAT: 39° 58' 13", LONG: 80° 21' 30") Morris Township, Greene County.

D30-093. Bailey No. 7 Saddle D Dam. To construct, operate, and maintain Bailey No. 7 Saddle D Dam for the purpose of disposal of coal refuse generated by Bailey, Enlow Fork, and BMX Mines. Bailey No. 7 Saddle D Dam will be constructed at a low area along the perimeter of the Bailey No. 7 Slurry Impoundment and will prevent discharges into a tributary to Patterson Creek.

(Rogersville, PA Quadrangle LAT: 39° 58' 08", LONG: 80° 21' 42") Morris Township, Greene County.

D30-094. Bailey No. 7 Sediment Pond. To construct, operate, and maintain Bailey No. 7 Sediment Pond across a tributary to Enlow Fork (TSF) for the purpose of providing sediment control for the disposal area. Bailey No. 7 Sediment Pond will impact 1.45 acre of wetlands (PEM, PSS) and 4,822 lineal feet of stream, providing a minimum of 1.45 acre of replacement wetlands and appropriate stream compensation.

(Wind Ridge, PA Quadrangle Lat: 39° 57' 60", Long: 80° 22' 32") Morris Township, Greene County.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, 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.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PAS120001 (Stormwater)	Darling Ingredients Inc. d.b.a. Bakery Feeds 4221 Alexandria Pike Cold Springs, KY 41076-1821	Chester County Honey Brook Township	West Branch Brandywine Creek 3-H	Y
PAR800034 (Industrial)	SEPTA 1234 Market Street 6th Floor Philadelphia, PA 19107	Philadelphia County City of Philadelphia	Unnamed Tributary to Plymouth Creek 3-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS232213 (Storm Water)	Royal Chemicals Co. Ltd Plant 1336 Crowe Road East Stroudsburg, PA 18301	Monroe County Stroud Township	Brodhead Creek (1-E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0070424 (SEW)	Caernarvon Township Municipal Authority P.O. Box 291 Morgantown, PA 19543	Caernarvon Township, Berks County	Conestoga River in Watershed(s) 7-J	N
PA0083879 (IW)	WSI Sandy Run Landfill LLC 995 Landfill Road Hopewell, PA 16650-8653	Broad Top Township, Bedford County,	To UNT to Sandy Run and Sandy Run in Watershed(s) 11-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS314805 (Storm Water)	Keane FRAC, LP Mill Hall Facility 1050 17th Street Suite 2300 Denver, CO 80265-2080	Clinton County Lamar Township	Unnamed Tributary of Fishing Creek (9-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0222674 (Sewage)	McKean Township Sewer Authority STP 9231 Edinboro Road P.O. Box 88 McKean, PA 16426	Erie County McKean Township	Elk Creek (15-A)	Yes

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.

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

NPDES Permit No. PA0276057, Sewage, SIC Code 4952, **Larksville Borough Luzerne County**, 211 East State Street, Larksville, PA 18704.

This proposed facility is located in Larksville Borough, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage, replacing previous NPDES Permit.

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

NPDES Permit No. PA0265446, Sewage, SIC Code 8800, **Brian Abbey**, 8933 Williams Road, North East, PA 16428.

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

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

NPDES Permit No. PA0265519, Sewage, SIC Code 8800, **Anthony Brunecz**, 1675 North Road, Sugar Grove, PA 16350.

This proposed facility is located in Sugar Grove Township, **Warren County**.

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

NPDES Permit No. PA0265462, Sewage, SIC Code 8800, **Martin Sanders**, 1036 Chestnut Ridge Road, Emlenton, PA 16373.

This proposed facility is located in Richland Township, **Clarion County**.

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

NPDES Permit No. PA0265357, Sewage, SIC Code 8800, **Christine Daliman**, 530 Blossom Avenue, Campbell, OH 44405.

This proposed facility is located in Green Township, **Forest County**.

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

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

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

WQM Permit No. 4616402, Sewage, Amendment, **Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446.

This proposed facility is located in Towamencin Township, **Montgomery County**.

Description of Action/Activity: Maintenance replacement of 2 interceptor pipe segments.

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

WQM Permit No. 5216401-A1, Sewage, **Route 739, LLC**, 800 Mt. Vernon Hwy, Suite 140, Atlanta, GA 30328.

This proposed facility is located in Delaware Township, **Pike County**.

Description of Proposed Action/Activity: This permit is for an amendment to WQM Permit No. 5216401 for modifications to the previous sewage collection system design. No changes to the treatment process or drip irrigation system are proposed. The wastewater treatment plant, sewage collection system and drip irrigation system will serve a proposed commercial development to be known as Delaware Plaza. The effluent from the proposed wastewater treatment plant will be discharged to a drip irrigation field for land application and disposal of the treated wastewater. The hydraulic design capacity of the treatment system is 4,570 gpd which includes flow contributions from a proposed grocery store, two retail users, a fast food restaurant, a community bank and a coffee/donut shop. The proposed project is located along S.R. 0739, approximately 0.5 mile southeast of Nichecronk Road.

WQM Permit No. 4017405, Sewage, SIC Code 4952, **Larksville Borough Luzerne County**, 211 East State Street, Larksville, PA 18704.

This proposed facility is located in Larksville Borough, **Luzerne County**.

Description of Proposed Action/Activity: Replacement 2,000 GPD Sewage Treatment Plant and rehabilitated/reused sewage collection system area.

WQM Permit No. 5418401, Sewage, SIC Code 4952, **Greater Pottsville Area Sewer Authority Schuylkill County**, 401 N Centre Street, Pottsville, PA 17901-1745.

This proposed facility is located in Pottsville City, **Schuylkill County**.

Description of Proposed Action/Activity: Rehabilitate a manhole at 8th and Market Street by expanding and inserting a diversion baffle. The purpose is to direct high flow to the existing Market Street by-pass line.

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

WQM Permit No. 2217403 Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109.

This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity:

This permit approves the construction/modification of an existing sanitary sewer facility consisting of a sewer main along with associated manholes, laterals, and building sewers. The scope of work includes three (3) stream crossings and one (1) wetland crossing, relocation and construction/installation of nine (9) manholes, replacement of Asbestos Cement Pipe and Cast-Iron Pipes with Polyvinyl Pipes and Ductile Iron pipes.

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

WQM Permit No. 3017200, Industrial, SIC Code 4911, **APV Renaissance Partners Opco LLC**, 232 Chestnut Avenue, Bernardsville, NJ 07924.

This proposed facility is located in Monongahela Township, **Greene County**.

Description of Proposed Action/Activity: Construction and operation and industrial waste and sewage treatment facilities at the proposed APV Renaissance Energy Center.

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

WQM Permit No. 6217415, Sewage, **Anthony Brunecz**, 1675 North Road, Sugar Grove, PA 16350.

This proposed facility is located in Sugar Grove Township, **Warren County**.

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

WQM Permit No. 2517413, Sewage, **Brian Abbey**, 8933 Williams Road, North East, PA 16428.

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

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

WQM Permit No. 1617405, Sewage, **Martin Sanders**, 1036 Chestnut Ridge Road, Emlenton, PA 16373.

This proposed facility is located in Richland Township, **Clarion County**.

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

WQM Permit No. 2717401, Sewage, **Christine Daliman**, 530 Blossom Avenue, Campbell, OH 44405.

This proposed facility is located in Green Township, **Forest County**.

Description of Proposed Action/Activity: Single Residence Sewage 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 & 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>
PAI136121	Westmont Borough Cambria County 1000 Luzerne Street Johnstown, PA 15905	Westmont Borough, Cambria	Elk Run, Unnamed Tributary to Saint Clair Run, Unnamed Tributary to Mill Creek, and Stonycreek River/WWF, CWF, and HQ-CWF	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.

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 & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136346	Eastvale Borough 510 2nd Avenue E Beaver Falls, PA 15010-4808	Eastvale Borough, Beaver	Unnamed Tributary to Beaver River/Beaver River/Ohio River WWF
PAG136293	East Rochester Borough Beaver County 760 Spruce Avenue East Rochester, PA 15074	East Rochester Borough, Beaver	Lacock Run/WWF
PAG136126	Vanderbilt Borough P.O. Box 486 Vanderbilt, PA 15486-0486	Vanderbilt Borough, Fayette	Dickerson Run/WWF
PAG136228	Bridgewater Borough 199 Boundry Lane Bridgewater, PA 15009	Bridgewater Borough, Beaver	UNT of Beaver River/ Beaver River/Ohio River WWF
PAG136318	Penn Borough P.O. Box 352 Penn, PA 15675-0352	Penn Borough, Westmoreland	Brush Creek/TSF
PAG136302	Adamsburg Borough P.O. Box 16 Adamsburg, PA 15611-0016	Adamsburg Borough, Westmoreland	Unnamed Tributary of Brush Creek/TSF
PAG136295	Koppel Borough P.O. Box 1 Koppel, PA 16136-0001	Koppel Borough, Beaver	Beaver River and Stockman Run/WWF
PAG136383	West Brownsville Borough 100 Courson Hill Road Washington, PA 15301	West Brownsville Borough, Washington	Monongahela River/WWF
PAG136183	Port Vue Borough Allegheny County 1191 Romine Avenue Port Vue, PA 15133	Port Vue Borough, Allegheny	Youghiogheny River and Unnamed Tributary to Youghiogheny River/WWF
PAG136387	Gilpin Township Armstrong County 589 State Route 66 Leechburg, PA 15656	Gilpin Township, Armstrong	Elder Run and Brady Run/WWF

<i>NPDES Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136386	Parks Township Armstrong County 26 Jackson Avenue Vandergrift, PA 15690	Parks Township, Armstrong	Unnamed Tributary to Kiskiminetas River/WWF
PAG136393	Menallen Township 427 Searights Herbert Road Uniontown, PA 15401	Menallen Township, Fayette	Saltlick Run/WWF

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510019	PennDot District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAD510023	Philadelphia Regional Port Authority 3460 North Delaware Avenue Philadelphia, PA 19134-6311	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAD090024	Sal Lapio Homes 104 Mill Road Sellersville, PA 18960	Bucks	Nockamixon Township	Rapp Run/Tinicum Creek EV
PAD090013	Toll PA XIV, L.P. 250 Gibraltar Road Horsham, PA 19044	Bucks	Warrington Township	Unnamed Tributary to Mill Creek TSF-MF

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

Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390044	Parkland School District 1210 Springhouse Rd. Allentown, PA 18104	Lehigh	Upper Macungie Township	Breinig Run & Schaeffer Run (HQ-CWF, MF)
PAD390054	Jaindl Land Company c/o Mr. David Jaindl 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township and Lower Macungie Township	Schaeffer Run (HQ-CWF, MF) and Spring Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450043	DE&S Properties, Inc. c/o Mrs. Janet Farole 2621 Route 940 Pocono Summit, PA 18346	Monroe County	Ross Township	Princess Run, CWF Lake Creek HQ, CWF
PAD450036	Mount Airy # 1 LLC 312 Woodland Road Mount Pocono, PA 18344	Monroe	Paradise Township	Forest Hills Run (HQ-CWF, MF)
PAD450051	CBK Lodge, LP P.O. Box 168 Tannersville, PA 18372	Monroe	Pocono Township	Coolmoor Creek (HQ-CWF, MF)
PAD450045	Pocono Hospitality, LLC 265 N. Hershey Road Harrisburg, PA 17112	Monroe	Pocono Township	UNT to Scot Run (HQ-CWF, MF)

Northampton County Conservation District, 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064-9211.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480037	Lehigh Valley Brennan Farms, L.P. c/o Mr. Joe Correia 171 Route 173 Suite 201 Asbury, NJ 08802	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)
PAD480040	James and Sharon Carty 454 Saint James Court Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek (HQ-CWF, MF)
PAD480046	Nic Zawarski & Sons Developers, Inc. c/o Taras Zawarski 1441 Linden Street Bethlehem, PA 18018	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)
PAD480045	Sterling Crossing, LLC c/o Mr. David Farkas 600 South Livingston Avenue Suite 102 Livingston, NJ 07039	Northampton	Lower Nazareth Township	Monocacy Creek (HQ-CWF, MF)
PAD480044	Stone Creek Development Corp. c/o Mr. Charles Tuskes 4511 Falmer Drive Bethlehem, PA 18020	Northampton	Upper Nazareth Township	Monocacy Creek (HQ-CWF, MF)

Pike County Conservation District, 556 Route 402, Suite 1, Hawley, PA 18428.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD520006	Finan Family Irrevocable Trust 830 Twin Lakes Rd Shohola, PA 18458	Pike	Shohola Twp	Walker Lake Creek (HQ-CWF, MF) Twin Lakes Creek (HQ-CWF, MF) Delaware River (WWF, MF)
PAD520009	Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661	Pike	Lackawaxen Township	UNT to West Falls Creek (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD6700008 Issued	Glenview Alliance Church 10037 Susquehanna Trail South Glen Rock, PA 17327	York	Springfield Township	UNT Seaks Run (HQ-CWF) On-site Wetlands
PAD670018 Issued	Timothy Pasch 2645 Carnegie Road York, PA 17402	York	Dover Township	Fox Run (TSF)

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360016 Issued	PPL Electric Utilities Corporation 2 North Ninth Street Allentown, PA 18101	Lancaster	Paradise, Leacock, Earl, and East Earl Townships	Mill Creek (WWF, MF) UNT Mill Creek (CWF, MF) UNT Groff Run (WWF, MF) Wetlands, Groff Run (WWF, MF) UNT Umbles Run (HQ-CWF, MF) UNT Pequea Creek (CWF, MF) Pequea Creek (WWF, MF) Houston Run (CWF, MF) Londonland Run (CWF, MF)
PAD360027 Issued	Turkey Hill Dairy 2601 River Road Conestoga, PA 17516	Lancaster	Manor Township	UNT Susquehanna River (WWF) Wissler's Run (HQ-CWF, MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140022	State College Area School District 131 W. Nittany Avenue State College, PA 16801	Centre	State College Boro	UNT-Thompson Run HQ-CWF

VII. Approvals to Use NPDES and/or Other General Permits.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types.

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Hilltown Township Bucks County	PAC090144	Toll PA VI, LP 250 Gibraltar Road Horsham, PA 19044-2323	Morris Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAC460157	Jack Barbary Michael Anthony Homes, Inc. 100 Springhouse Drive Suite 205 Collegeville, PA 19426	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAC460148	Prestige Property Partners, LLC 1126 Horsham Road Maple Glen, PA 19002	Pine Run Tributary to Sandy Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Londonderry Township Penn Township New London Township Franklin Township Chester County	ESG00029170003	Eastern Shore Natural Gas Company 1110 Forrest Avenue Suite 201 Dover, DE 19904-2788	White Clay Creek EV Big Elk Creek HQ-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Phoenixville Borough Chester County	PAC150030	113 Corporation 615 Old Lancaster Avenue Bryn Mawr, PA 19010	Unnamed Tributary to French Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Easttown Township Chester County	PAC150044	Stonehaven Berwyn, LLC 354 West Lancaster Avenue Suite 201 Wayne, PA 19087	Unnamed Tributary to Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Uwchlan Township East Caln Township Chester County	PAC150046	305 MHP, LP P.O. Box 431 Malvern, PA 19355	Tributary to East Branch of Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Sadsbury Township Chester County	PAC150049	Parsons Coatesville, LLC 1373 Enterprise Drive West Chester, PA 19380	Unnamed Tributary to Buck Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Easttown Township Chester County	PAC150054	Boathouse Realty Associates, LP 1595 Paoli Pike West Chester, PA 19380	Unnamed Tributary to Darby Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Oxford Borough Chester County	PAC150057	Starr Road Farms, Inc. P.O. Box 1037 Kennett Square, PA 19348	Tweed Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAC150062	Craig Novak, Owner 114 Carlton Drive Chadds Ford, PA 19317	Burrows Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Throop Borough Lackawanna County	PAC350036	BGM Enterprises, LLC 930 Dunmore St Throop, PA 18512	Eddy Creek (WWF, MF)	Lackawanna County Conservation District 570-382-3086
Blakely Borough Lackawanna County	PAC350032	Blakely Ridge, LLC 1300 Old Plank Rd Mayfield, PA 18433	Wildcat Creek (CWF, MF)	Lackawanna County Conservation District 570-382-3086
Dickson City Borough Lackawanna County	PAC350037	Bell Mt Land Development Corp 7 Oakwood Dr Scranton, PA 18504	UNT To Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-382-3086
City of Allentown Lehigh County	PAC390043	Two City Center, OP, LP & City Center Investment Corp 645 Hamilton St Ste 600 Allentown, PA 18101	Jordan Creek (TSF, MF)	Lehigh County Conservation District 610-391-9583
Hazle Twp Luzerne County	PAC400048	The Hershey Company Marc Soucy 19 E Chocolate Ave Hershey, PA 17033	Stony Creek (CWF, MF)	Luzerne County Conservation District 570-674-7991
West Brunswick Twp Schuylkill County	PAC540019	Kevin Melocheck Miller Group Holdings, LP P.O. Box 472 Schuylkill Haven, PA 17972	Schuylkill River (CWF, MF)	Schuylkill County Conservation District 570-622-3742
Washington Twp Schuylkill County	PAC540015	Jim Miller Sr Edgewood Farms, LP P.O. Box 472 Schuylkill Haven, PA 17972	UNT Lower Little Swatara Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742
West Brunswick Twp Schuylkill County	PAC540017	John Smith Forino Company 555 Mountain Home Rd Sinking Spring, PA 19608	Pine Creek (CWF, MF) Mahannon Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Littlestown Borough Adams County Issued	PAC010045	Littlestown Area School District 162 Newark Street Littlestown, PA 17340	UNT Alloway Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Marion Township Berks County Issued	PAC060103	Marlin Ray Martin 7627 Lancaster Avenue Myerstown, PA 17067	UNT Little Swatara Creek (CWF) Owl Creek (CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
Bethel Township Berks County Issued	PAC060099	Bethel Group, LLC 875 Berkshire Boulevard Suite 102 Wyomissing, PA 19610	UNT Little Swatara Creek (CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Oley Township Berks County Issued	PAC060090	DePaul Development 409 Stenton Avenue Flourtown, PA 19031	Monocacy Creek (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
Lower Swatara Township Dauphin County Issued	PAC220085	Lower Swatara Township 1499 Spring Garden Drive Middletown, PA 17057-3271	UNT Susquehanna River (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Middle Paxton Township Dauphin County Issued	PAC220077	Calabria Estates, LLC 49 Groff Road Annville, PA 17003	Fishing Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
East Cocalico Township Lancaster County Issued	PAC360164	Lee Kasun P.O. Box 10 East Petersburg, PA 17520	Little Muddy Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
South Lebanon Township Lebanon County Issued	PAC380052	Carl W. Reist 1315 South 5th Avenue Lebanon, PA 17042	UNT Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
North Towanda Twp, Bradford Cnty	PAC080017	Kyle Lane, Towanda Municipal Authority 724 Main Street Towanda, PA 18848	Susquehanna River—WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
North Towanda Twp, Bradford Cnty	PAC080018	Kyle Lane, Towanda Municipal Authority 724 Main Street Towanda, PA 18848	Susquehanna River—WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
Towanda Twp, Bradford Cnty	PAC080016	Bradford County Airport Authority 415 Airport Road Towanda, PA 18848	UNT to Towanda Cr—CWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
North Centre Twp, Columbia Cnty	PAC190003	Steven Wright 830 Catch Basin Rd Sellersville, PA 18960	West Briar Creek Susquehanna River	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Millville Boro & Greenwood Twp, Columbia Cnty	PAC190016	Mill Green United Methodist Church P.O. Box 470 Millville, PA 17846	Little Fishing Creek	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Derry Twp, Montour Cnty	PAC470009	United States Gypsum Company 86 PPL Road Danville, PA 17821	Mud Creek—WWF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140
Kelly Twp, Union Cnty	PAC600025	AgChoice Farm Credit Guy Heckman 300 Winding Creek Blvd Mechanicsburg, PA 17050	UNT to West Branch of the Susquehanna River—WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Marshall Township	PAC020199	VT Partners, LLC 6031 Wallace Road Extension Suite 202 Wexford, PA 15090	UNT to Brush Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Municipality of Monroeville	PAC020166	A & L Motor Sales 3780 William Penn Highway Monroeville, PA 15146	Thompson Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Borough of Wilkinsburg	PAC020191	Borough of Wilkinsburg 605 Ross Avenue Wilkinsburg, PA 15221	Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Pittsburgh	PAC0202204	Midpoint Group of Companies, Inc. 112 Washington Place Suite 300 Pittsburgh, PA 15219	Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Ohio Township	PAC020194	McGinley Residence 1296 Highpoint Road Sewickley, PA 15143	Toms Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
South Fayette Township	PAC020210	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	Millers Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Upper Saint Clair Township	PAC020208	Upper Saint Clair School District 1820 McLaughlin Run Road Upper Saint Clair, PA 15241	UNT to McLaughlin Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Collier Township	PAC020159	Cozza Enterprises, Inc. P.O. Box 453 Carnegie, PA 15106	Robinson Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Municipality of Monroeville	PAC020176	Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	UNT to Turtle Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
South Fayette Township	PAC020205	Peoples Natural Gas, LLC 375 North Shore Drive Pittsburgh, PA 15212	UNT to Coal Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Municipality of Monroeville	PAC020201	Allegheny Health Network 2570 Haymaker Road Monroeville, PA 15146	UNT to Turtle Creek (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Findlay Township	PAC020187	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	UNT to Montour Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Jefferson Hills Borough; Elizabeth Borough	PAC020216	Jefferson Hills Borough 925 Old Clairton Road Jefferson Hills, PA 15025	UNT to Lobbs Run (WWF); UNT to Monongahela River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Baldwin Borough	PAC020162	Pancha-Oti, LLC 126 Woodhill Drive Pittsburgh, PA 15236	Lick Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Robinson Township	PAC020212	Somma Funeral Home 5405 Steubenville Pike McKees Rocks, PA 15136	Moon Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Plum Borough	PAC020220	Joseph B. Fay Company 100 Sky Drive Tarentum, PA 15084	Blacks Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Moon Township	PAC020219	Maronda Homes, Inc. 1383 State Route 30 Clinton, PA 15026	Montour Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Findlay Township	PAC020230	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	UNT to Montour Run (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Harrison Township	PAC020224	Lindy Paving 1807 Shenango Road New Galilee, PA 16141	UNT to Little Bull Creek (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
McCandless Township	PAC020213	Pohl Construction P.O. Box 11066 Pittsburgh, PA 15237	UNT to Pine Creek (TSF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Hopewell Township	PAC040038	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	UNT to Ohio River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
German Township	PAC260021	Advanced Disposal Services Chestnut Valley Landfill, LLC 1184 McClellandtown Road McClellandtown, PA 15458	UNT to Dunlap Creek (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township	PAC260001	South Union Township 151 Township Drive Uniontown, PA 15401	Redstone Creek (WWF); Lick Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township	PAC260002	Redevelopment Authority of Fayette County 86 West Main Street Uniontown, PA 15401	Jennings Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Somerset Township	PAC560014	Beech Construction, Inc. 1 Veterans Way Carnegie, PA 15106	UNT to East Branch of Coxes Creek (TSF)	Somerset Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Saegertown Borough, Crawford County	PAC200044	Lord Corporation 601 South Street Saegertown, PA 16433	Woodcock Creek CWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
Cherry Township, Butler County	PAC100042	Iron Mountain Informational Management 1137 Branchton Road Boyers, PA 16016	UNT to South Branch Slippery Rock Creek CWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Lancaster Township, Butler County	PAC100074	Scenic Ridge Partners, LLC c/o Brett Schultz P.O. Box 449 Mars, PA 16046	Yellow Creek CWF & Scholars WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Jackson Township, Butler County	PAC100018	Hurstock Holdings, LLC 307 West New Castle Street Zelienople, PA 16063	Connoquenessing Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Jackson Township, Butler County	PAC100079	Spring Valley Partners II, LP P.O. Box 449 Mars, PA 16046	Tributary to Glade Run WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Greencastle Borough, Franklin County	PAG033575	Concrete Pipe & Precast LLC 401 S Carlisle Street Greencastle, PA 17225-1565	Paddy Run in Watershed(s) 13-C	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Manchester Township, York County	PAG033581	Durham School Services LP 2601 Navistar Bldg 5 Lisle, IL 60532	UNT of Codorus Creek in Watershed(s) 7-H	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Manheim Township, Lancaster County	PAG033574	Burnham Commercial 1237 Harrisburg Pike Lancaster, PA 17603	UNT to Little Conestoga Creek in Watershed(s) 7-J	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Thompson Township, Fulton County	PAG033577	Winfield Salvage Company LLC 860 Wolf Hollow Road Big Cove Tannery, PA 17212	UNT to Tonoloway Creek in Watershed(s) 13-B	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-7

<i>Facility Location & County/ Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Ephrata Borough Wastewater Treatment Plant # 2 43 Springhouse Road Ephrata, PA 17522	PAG073502	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Ephrata Borough Wastewater Treatment Plant # 2 43 Springhouse Road Ephrata, PA 17522	DEP—SCRO— Clean Water Program 909 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4707
Ephrata Township/Lancaster County				

General Permit Type—PAG-8

<i>Facility Location & County/ Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Taylor Township/ Fulton County	PAG083602	Hustontown Joint Sewer Authority P.O. Box 606 171 Spring Street Hustontown, PA 17229	Hustontown Joint Sewer Authority WWTP P.O. Box 606 171 Spring Street Hustontown, PA 17229	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Derry Township/ Dauphin County	PAG083518	Derry Township Municipal Authority 670 Clearwater Road Hershey, PA 17033	Derry Township Clearwater Road Facility 670 Clearwater Road Hershey, PA 17033	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford Township/ Bedford County	PAG083582	Municipal Authority of the Borough of Bedford 244 West Penn Street Bedford, PA 15522-1226	Bedford Wastewater Treatment Plant 653 East John Street Bedford, PA 15522	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
West Hanover Township/ Dauphin County	PAG083519	West Hanover Township Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112	West Hanover Township WWTP 7901 Jonestown Road Harrisburg, PA 17112	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
West Lampeter Township, Lancaster County	PAG123641	Andrews Randall S 421 Penn Grant Road Lancaster, PA 17602	Watershed 7-K	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-13

<i>Facility Location & Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Morrisville Borough Bucks County	PAG130104	Morrisville Borough Bucks County 35 Union Street Morrisville, PA 19067-6246	Unnamed Tributary of Delaware River and Delaware River—2-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

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<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Frederick Township Montgomery County	PAG130116	Lower Frederick Township Montgomery County 53 Spring Mount Road Schwenksville, PA 19473	Mine Run, Unnamed Tributary to Goshenhoppen Creek, Scioto Creek, Unnamed Tributary to Perkiomen Creek, and Swamp Creek—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Jenkintown Borough Montgomery County	PAG130149	Jenkintown Borough Montgomery County 700 Summit Avenue Jenkintown, PA 19046-3236	Tacony Creek and Unnamed Tributary to Tacony Creek—3-J	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Tinicum Township Delaware County	PAG130097	Tinicum Township Delaware County 629 N Governor Printz Boulevard Essington, PA 19029-1732	Long Hook Creek and Unnamed Tributary to Darby Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Highspire Borough, Dauphin County	PAG133544	Highspire Borough Dauphin County 640 Eshelman Street Highspire, PA 17034-1610	Burd Run and Buser Run in Watershed(s) 7-C	Southcentral Region: Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110. Phone 717-705-4707
Paxtang Borough, Dauphin County	PAG133554	Paxtang Borough Dauphin County 3423 Derry Street Harrisburg, PA 17111-1813	UNT to Spring Creek in Watershed(s)7-C	Southcentral Region: Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 Phone 717-705-4707
North Union Township Fayette County	PAG136311	North Union Township 7 S Evans Station Road Lemont Furnace, PA 15456-1077	Bennington Spring Run, Gist Run, Redstone Creek, Unnamed Tributary to Cove Run, and Unnamed Tributary of Shutes Run—19-D and 19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
East Deer Township Allegheny County	PAG136229	East Deer Township 927 Freeport Road Muni Bldg Creighton, PA 15030-1049	Crawford Run, Bailey Run, Clarks Run, Days Run, and Allegheny River—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Oakmont Borough Allegheny County	PAG136238	Oakmont Borough Allegheny County 767 5th Street Oakmont, PA 15139-0767	Falling Springs Run, Plum Creek and Allegheny River All WWF—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Arnold City Westmoreland County	PAG136326	Arnold City 1829 Fifth Avenue Arnold, PA 15608	Allegheny River—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cranberry Township Butler County	PAG138318	Cranberry Township Butler County 2525 Rochester Road Cranberry Township, PA 16066	Unnamed Tributary to Wolfe Run, Brush Creek, Unnamed Tributary to Kaufman Run, Unnamed Tributary to Brush Creek, and Wolfe Run—20-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

CAFO NMP PUBLIC NOTICE SPREADSHEET—APPLICATIONS (Submission)

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Keith Heimbach 129 Don Packard Road Granville Summit, PA 16926	Bradford	324.6	713.16	Swine, Beef, Bison	NA	Renewal
McClellan Farms Inc. Matt McClellan 443 Coolbaugh Hill Rd. Granville Summit, PA 16926	Bradford	153	509.69	Finishing Swine	NA	Renewal
Makin Bacon LLC 1808 Bailey Corners Road Granville Summit, PA 16926	Bradford	141.1	726.9	Swine	NA	Renewal

NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproval</i>
Mattern Farms (Dennis & Aaron Mattern) 197 Mattern Hill Rd Dornsife, PA 17823	Schuylkill/ Northumberland	266.1	365.45	Poultry (Layers) & Beef	N/A	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. 2660603, Operation Permit, Public Water Supply.

Applicant	Tunkhannock Hospital Company LLC 5950 S.R. 6 Tunkhannock, PA 18657
Municipality	Tunkhannock Township
County	Wyoming County
Type of Facility	PWS
Consulting Engineer	Francis Mark Voyack Quad Three Group, Inc 37 North Washington Street Wilkes-Barre, PA 18701
Permit to Operate Issued	March 14, 2018

Permit No. 2409011, Public Water Supply.

Applicant	PA American Water 800 W. Hershey Park Drive Hershey, PA 17033
[Township or Borough]	Plain Township Luzerne County

Responsible Official	Mr. David Kaufman Vice President-Engineering
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Richard Dudek, PE PA American Water Company 2699 Stafford Avenue Scranton, PA 18505
Operation Permit Issued	03/15/2018

Permit No. 5418502MA, Public Water Supply.

Applicant	Greater Hazleton Can Do, Inc. 1 South Church Street Suite 200 Hazleton, PA 18201
[Borough or Township]	Banks Township
County	Carbon
Type of Facility	PWS
Consulting Engineer	Mr Donnell V Duncan PE Utility Service Co Inc 1230 Peachtree St NE Suite 1100, 11th Floor Promenade II Bldg Atlanta, GA 30309
Permit to Construct Issued	3/19/2018

Permit No. 4518506MA, Public Water Supply.

Applicant	Brodhead Creek Regional Authority 410 Mill Creek Rd. East Stroudsburg, PA 18301
[Borough or Township]	Tobyhanna Township
County	Monroe
Type of Facility	PWS
Consulting Engineer	Chris A. Borger, PE Brodhead Creek Regional Authority 410 Mill Creek Rd. East Stroudsburg, PA 18301
Permit to Construct Issued	March 19, 2018

Permit No. 5218501MA, Public Water Supply.

Applicant	Pike County Commissioners Office Pike County Jail & Complex 175 Pike County Boulevard Lords Valley, PA 18428
[Borough or Township]	Blooming Grove Township
County	Pike
Type of Facility	PWS
Consulting Engineer	Mr. Matthew J. Sickler, PE MH&E Consulting Engineers, DPC 111 Wheatfield Dr. Suite 1 Milford, PA 18337
Permit to Construct Issued	3/20/2018

Permit No. 2450054, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
1 Aqua Way
White Haven, PA 18661

[Borough or Township] Chestnuthill Township
County **Monroe**

Type of Facility PWS

Consulting Engineer Patrick R. Burke, P.E.
Aqua Pennsylvania, Inc.
1 Aqua Way
White Haven, PA 18661

Permit to Operate Issued 3/20/2018

Permit No. 2580024, Public Water Supply.

Applicant **PA American Water**
800 W. Hershey Park Drive
Hershey, PA 17033

[Township or Borough] Susquehanna Borough
Susquehanna County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Bruce Brubaker, PE
PA American Water Company
2699 Stafford Avenue
Scranton, PA 18505

Construction Permit Issued 03/20/2018

Permit No. 2450015, Operation Permit, Public Water Supply.

Applicant **Lake of the Pines Community Association**
P.O. Box 305
Gouldsboro, PA 18424

Municipality Middle Smithfield Township
County **Monroe**

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit to Operate Issued March 26, 2018

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

Permit No. 6718501, Public Water Supply.

Applicant **The York Water Company**

Municipality East Manchester Township
County **York**

Responsible Official Mark S. Snyder, Engineering Manager
130 East Market Street
P.O. Box 15089
York, PA 17405-7089

Type of Facility A 500-gallon per minute (gpm) pump will be added to the existing Starview Booster Station to increase the firm capacity of the station from 150 gpm to 330 gpm.

Consulting Engineer Mark S. Snyder, P.E.
The York Water Company
130 East Market Street
P.O. Box 15089
York, PA 17405-7089

Permit to Construct Issued 3/26/2018

Permit No. 2118502 MA, Minor Amendment, Public Water Supply.

Applicant **Middlesex Township Municipal Authority**

Municipality Middlesex Township
County **Cumberland**

Responsible Official Rory Morrison, Operations Manager
350 North Middlesex Road
Suite 2
Carlisle, PA 17013

Type of Facility The Authority's 1.5-million gallon finished water storage tank will be taken offline, drained, and inspected. The seams will be resealed as needed, and the sacrificial anodes will be replaced.

Consulting Engineer N Peter Fleszar, P.E.
Glace Associates, Inc.
3705 Trindle Road
Camp Hill, PA 17011

Permit to Construct Issued 3/26/2018

Permit No. 3117502 MA, Minor Amendment, Public Water Supply.

Applicant **Broad Top City Water Authority**

Municipality Wood Township
County **Huntingdon**

Responsible Official Lynn Duvall, Vice President
P.O. Box 183
Broad Top City, PA 16621

Type of Facility Broad Top City Water Authority has submitted an application to modify 55' of existing chlorine contact piping by installing 24" piping in place of the existing 4" piping, which will be abandoned.

Consulting Engineer Joshua D. Gunnett, P.E.
Gwin Dobson & Foreman
3121 Fairway Drive
Altoona, PA 16602

Permit to Construct Issued 3/27/2018

Operation Permit No. 0617518 MA issued to: **D & S Enterprises, Inc. (PWS ID No. 3060455)**, Upper Tulpehocken Township, **Berks County** on 3/26/2018 for facilities at PA Dutch Campground approved under Construction Permit No. 0617518 MA.

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

Operations Permit issued to: **Marion Center Area School District**, P.O. Box 199, 22810 Route 403 Highway

North, Marion Center, PA 15759, (PWSID # 4110023) Cambria Township, Cambria County on March 14, 2018 for the operation of facilities approved under Construction Permit # 1115510.

Operations Permit issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID # 5020039) North Strabane Township, Washington County on March 23, 2018 for the operation of facilities approved under Construction Permit # 0216537.

Operations Permit issued to: **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717, (PWSID # 5650069) St. Clair and East Wheatfield Townships, Westmoreland and Indiana Counties on March 23, 2018 for the operation of facilities approved under Construction Permit # 6517524MA.

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

Operation Permit issued to **Reynoldsville Water Authority**, PWSID No. 6330011, Reynoldsville Borough, Jefferson County. Permit Number 3391503-MA3 issued March 27, 2018 for the operation of the previously unpermitted finished water storage tank known as "Stone Quarry Hill Tank."

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.

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

WA 43-61C. Water Allocations. **Aqua Pennsylvania Inc. Shenango Division**, City of Sharon, Mercer County. Withdrawal of 16,100,000 gallons per day as a peak daily flow rate from the Shenango River.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Lampeter Township	852 Village Road Lampeter, PA 17537	Lancaster

Plan Description: Approval of a revision to the official plan of West Lampeter Township, Lancaster County. The project is known as Lime Valley Road Mill Development. The plan provides for a proposed small flow treatment facility to treat and discharge 400 gpd in sewage flows to Pequea Creek to serve a mill residential property. The proposed development is located at 914 Lime Valley Road in West Lampeter Township, Lancaster County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-36961-290-3s and the APS Id is 956995. Any permits must be obtained in the name of the property owner.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Avonmore Borough	619 Allegheny Avenue P.O. Box 620 Avonmore, PA 15618	Westmoreland

The Plan provides for the Municipal Authority of Westmoreland County (MAWC) to plan for the upgrading of the Avonmore Borough Sewage Treatment Plant to meet the new effluent limits in their NPDES Permit as of July 2017. The project proposes the construction of a new Sequencing Batch Reactor (SBR) treatment system and a new ultraviolet disinfection system. Also, the project will address the excessive wet weather flows that are occurring in the Avonmore Borough's collection system. The submission is consistent with the planning requirements in Chapter 71 of the Department's regulations.

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>
Southwest Madison Township	94 Bistline Bridge Road Loysville, PA 17047	Perry

Plan Description: The planning module for Falcon Ventures I, LLC, DEP Code No. A3-50924-095-2E, APS Id 963352, consisting of one residential lot using an individual onlot sewage disposal system, is disapproved. The proposed development is located at Couchtown Road. This plan is disapproved because the submission does not qualify as an exemption from the requirement to revise the Official Plan because the subdivision proposes the use of onlot sewage disposal systems in an area within a high quality or exceptional value watershed as per Chapter 71, Section 71.51(b)(1)(iii).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 2**

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors,

a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

International Boiler Works, 460 Birch Street, Borough of East Stroudsburg, **Monroe County**. Mobile Environmental Analytical Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of the Borough of East Stroudsburg, 24 Analomink Street, East Stroudsburg, PA 18301, submitted a Final Report concerning remediation of site soils and groundwater from historical operations at this site. The report is intended to document remediation of the site to meet Statewide Health Standards.

DeNaples Auto Parts Diesel Spill, 249 Dunham Drive, Dunmore Borough, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of DeNaples Auto Parts, Inc., 400 Mill Street, Dunmore, PA 18512, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet non-residential Statewide Health Standards.

J. Foltz Pad 2, 773 Zicks Hill Road, Brooklyn Township, **Susquehanna County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of site soils contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, zinc and chlorides as the result of a brine release. The report is intended to document remediation of the site to meet a combination of the Statewide Health and Background Standards.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Reading Equipment and Distribution, 1363 Bowmansville Road, Bowmansville, PA 17507, Brecknock Township, **Lancaster County**. Liberty Environmental, 50 North 5th Street, Reading, PA 19601, on behalf of The Reading Group, P.O. Box 650, Reading, PA 19607-0650,

submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

LaSalle Bristol, Intersection of 8th Street Drive & Susquehanna Trail, Delaware Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of LaSalle Bristol, 601 County Road 17, Elkhart, IN 46516, has submitted a Final Report concerning remediation of site soil contaminated with motor oil and antifreeze. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Gallaher Supply, MM215 On-ramp to I-80 Eastbound from State Route 254, Milton, Turbot Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Gallaher Supply, Inc., 82 Little Bear Road, Irvona, PA 16656, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Marathon New Castle Site (MPC No. 3670), 718 East Washington Street, City of New Castle, **Lawrence County**. ARCADIS U.S., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of Marathon Petroleum Company, LP, 539 South Main Street, Findlay, OH 45840, submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, naphthalene, 1-methylnaphthalene, 2-methylnaphthalene, 1,2,4-trimethylbenzene (TMB), 1,3,5-TMB, 1,2-dibromoethane, 1,2-dichloroethane, anthracene, acenaphthene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[g,h,i]perylene, chrysene, dibenzo[a,h]anthracene, indeno[1,2,3-cd]pyrene, acenaphthylene, fluoranthene, fluorene, phenanthrene, pyrene, and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a de-

scription of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Bethlehem Village Shoppes, 3650 Nazareth Pike, Bethlehem Township, **Northampton County**. Leidos Inc., 6310 Allentown Boulevard, Suite 110, Harrisburg, PA 17112, on behalf of Bethlehem Village Associates, c/o Danella Realty & Management Company, P.O. Box 1017, Blue Bell, PA 19422, submitted a combined Remedial Investigation and Final Report concerning remediation of soil and groundwater contaminated with chlorinated solvents, including PCE and its breakdown compounds, associated with the former One Hour Express Dry Cleaners. The report was intended to document remediation of the site to meet non-residential, Site-Specific Standards, but was disapproved by the Department on March 26, 2018.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Richard Diffenderfer Property/Kerosene Release, 573 Path Valley Road, Peters Township, **Franklin County**. Environmental Products & Services, of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Elizabeth Helman, 561 Path Valley Road, Fort Loudon, PA 17224, and Richard E. and Candie S. Diffenderfer, 142 Nob Hill Road, McConnellsburg, PA 17233 submitted a Final Report concerning remediation of soil contaminated with kerosene from an aboveground storage tank. The

Final Report demonstrated attainment of the Residential Statewide Standard, and was approved by the Department on March 23, 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.

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 (35 P.S. §§ 6018.101—6018.1003) 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.

Regulated Medical and Chemotherapeutic Waste Transporter License Issued

Graf Brothers Leasing, Inc., 166 Lafayette Road, Salisbury, MA 01952. License No. PA-HC 0275. Effective Mar. 27, 2018.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permit(s) issued, under the Solid Waste Management Act and Regulations to Operate or for the closure and post-closure care of a Hazardous Waste Treatment, Storage or Disposal Facility.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

Permit No. PAD004810222: Kelly Run Sanitation, Inc., 1500 Hayden Boulevard, Elizabeth, PA 15037. Post-closure permit for continued post-closure care and monitoring of the Western Disposal Area facility located at 1500 Hayden Boulevard, Forward Township, **Allegheny County** issued by the Regional Office on March 23, 2018.

MUNICIPAL WASTE GENERAL PERMIT WMGM061

Permit Modification Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Number WMGM061. The Department of Environmental Protection (Department) has reissued revised general permit WMGM0061, which authorizes the following: (1) Salvaging, storage and processing of ferrous/non-ferrous metal that is coated with ash

residue from resource recovery facilities to recover recyclable metals; (2) storage and processing of bulk ash residue from resource recovery facilities to recover recyclable metals or coarse or fine aggregate for use as a construction material; and (3) beneficial use of coarse or fine aggregate as a construction material that has been processed for this in accordance with a permit issued by the Department.

This action merges two existing permits WMGM020, and WMGM061 into one permit WMGR061, providing clarity for the regulated community, public and the Department.

General Permit Number WMGM061 was created and General Permit Number WMGM020 was revoked.

Persons interested in reviewing a general permit should be directed to Chris Solloway at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Issued 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.

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

General Permit Application No. WMGR081D007. AERC Acquisition Corporation d.b.a. AERC Recycling Solutions, A Clean Earth Company, 2330 Southwest 26th Street, Allentown, PA 18103. An ownership change/permit reissuance for this electronics recycling operation located in City of Allentown, **Lehigh County**. The application was approved by the Regional Office on March 20, 2018.

Persons interested in reviewing the permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued under the Solid Waste Management Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 (relating to authorization for general permit)).

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit No. WMGR081D039. Wade Material Recoveries International, Inc., 382 Jackson Rd, Atco, NJ 08004-1604. The Department of Environmental Protection has issued a Determination of Applicability under General Permit WMGR0081, authorizing the processing and beneficial use of uncontaminated and source separated electronics equipment and components by sort-

ing, disassembling or mechanical processing (sizing, shaping, separating and volume reduction only) at 5250 Unruh Avenue, **Philadelphia County**. This Determination of Applicability was issued on March 8, 2018.

Persons interested in reviewing the general permit may contact Kevin Beer, Environmental Group Manager, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. 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.

GP1-23-0159: Wawa Beverage Company (1393 West Baltimore Pike) on March 27, 2018 for a small Natural Gas-fired Boiler in Middletown Township, **Delaware County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Norman Frederick, P.E., Environmental Engineer—Telephone: 570-826-2409.

GP1-35-007B: DPW/Clarks Summit State Hospital (1451 Hillside Drive, Clarks Summit, PA 18411) on March 15, 2018, for the operation of two (2) natural gas/No. 2 oil fired boilers at facility located in Newton Twp., **Lackawanna 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.

GP19-67-03147: Kloeckner Metals (500 Manchester Court, York, PA 17408) on March 20, 2018, for the existing dry abrasive blasting unit, under GP19, at the facility located in West Manchester Township, **York County**. The general permit authorization was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

GP1-60-00007B: U.S Dept. of Justice—Federal Bureau of Prisons (2400 Robert F. Miller Drive, Lewisburg, PA 17837) on March 16, 2018, for the reactivation and operation of a Burnham 16.7 MMBtu/hr natural gas/# 2 fuel oil-fired combustion unit pursuant to the General Plan Approval and/or General Operating Permit (BAQ-GPA/GP-1) Small Gas and No. 2 Oil Fired Combustion Units at the Lewisburg Penitentiary located in Kelly Township, **Union County**.

GP5-17-517 Greylock Production LLC (101 Heritage Run Road, Suite 1, Indiana, PA 15701) on March 9, 2018, for authorization to operate one (1) 400 bhp Waukesha F18GL (S/N C-17686/1) four-stroke lean-burn compressor

engine, one (1) 50 bbl (2,100-gallon) produced fluids/waste oils storage tank, one (1) 550-gallon engine lube oil tank, and one (1) 550-gallon compressor lube oil tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Ansonville Compressor Station located in Jordan Township, **Clearfield County**.

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

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

GP5-61-194c: Range Resources Appalachia LLC, Toonerville Compressor Station (3000 Town Center Blvd., Canonsburg, PA 15317) on March 16, 2018, for the authority to continue operation of the natural gas production facility (BAQ-GPS/GP5) located at their facility in Cherrytree Township, **Venango County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

23-0038F: Delcora (P.O. Box 999, 100 E 5th Street, Chester, PA 19016) On March 22, 2018 for construction and operation of a new air pollution control system for each of the two multiple hearth incinerations, comprising quench, multi-venturi scrubber, wet electrostatic precipitator and regenerative thermal oxidizer in Chester City, **Delaware County**.

23-0119E: Sunoco Partners Market & Term LP (100 Green Street, Marcus Hook, PA 19061-4800) On March 23, 2018 to construct and operate three distillation units (two depropanizers and one debutanizer) to separate and purify the natural gas liquids and pipeline trans mix into propane, butane, and C5+ products in Marcus Hook Borough, **Delaware County**.

09-0196H: Abington Reldan Metals LLC (550 Old Bordentown Road, Fairless Hills, PA 19030-4510) On March 20, 2018 for installation and operation of a Melt Furnace and associated dry lime injection system in Falls Township, **Bucks County**.

09-0236: Covanta Metals Market LLC (445 South Street, Morristown, NJ 07960-6475) On March 27, 2018 for a non-Ferrous Metal recovery facility in Falls Township, **Bucks 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.

06-05069Y: East Penn Manufacturing Co., Inc. (P.O. Box 147, Lyon Station, PA 19536) on March 20, 2018, for modifying the A-4 Facility production lines at the lead-acid battery manufacturing facility in Richmond Township, **Berks County**. The plan approval was extended.

28-05004F: Grove US, LLC (1565 Buchanan Trail East, Shady Grove, PA 17256) on March 20, 2018, for two new coating booths, a drying oven and a new dry abrasive

blasting booth at the Shady Grove facility located in Antrim Township, **Franklin County**. The plan approval was extended.

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

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

65-00990C, D, and E: Tenaska Pennsylvania Partners, LLC (14302 FNB Parkway, Omaha, NE 68154) on March 21, 2018, to allow continued construction of the Tenaska Westmoreland Generating Station in South Huntingdon Township, **Westmoreland County**.

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

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

20-037B: US Bronze Foundry & Machine Inc. (18649 Brakeshoe Rd., P.O. Box 458, Meadville, PA 16335) on March 21, 2018, effective March 31, 2018, has issued a plan approval extension to construct, modify or operate two (2) 2,000 lb. capacity electric induction furnaces, two (2) 80 lb. aluminum/bronze crucible furnaces, grinding operations, a sand handling system, and a rotary drop media surface abrader in Woodcock Township, **Crawford County**. This will expire September 30, 2018. This is a State Only facility.

43-363B: Pennex Aluminum Company (93 Werner Road, Greenville, PA 16125-9499) on March 21, 2018, effective March 31, 2018, will issue a plan approval extension for the reclassification of source 103 (# 1 Melting Furnace, 20 MMBtu/hr, Group 2) from a Group 2 furnace to a Group 1 furnace in accordance with 40 CFR Part 63, Subpart RRRR in Sugar Grove Township, **Mercer County**. This will expire September 30, 2018.

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.

47-00014: United States Gypsum Company (60 PPL Road, Danville, PA 17821) was issued on March 23, 2018, a Title V Permit for their Washingtonville Plant facility located in Derry Township, **Montour County**. All applicable Federal and State regulatory requirements including monitoring, recordkeeping, reporting and work practice conditions in order to demonstrate compliance with the applicable requirements have been included in the Title V operating permit for this facility.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

48-00085: Piralal Critical Care, Inc./Hanover Township (3950 Schelden Circle, Bethlehem, PA 18017-8936). On March 20, 2018, the Department issued a renewal State-Only (Natural Minor) Permit for this pharmaceutical preparation facility located in Hanover Town-

ship, **Northampton County**. The main sources at this facility consists of three (3) Halogenated Ether Process Lines. The control devices for the sources are a thermal oxidizer and packed tower scrubber. The sources are considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

39-00021: Lehigh Valley Health Network, Lehigh Valley Hospital (1628 Chew Street, Allentown, PA 18102-3649). On March 20, 2018, the Department issued a renewal State-Only (Synthetic Minor) Permit for the General Medical and Surgical Hospitals facility located in Allentown City, **Lehigh County**. The main sources at this facility consist of boilers and emergency generators. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The operating 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.

01-03002: Vulcan Construction Materials, LLC (875 Oxford Avenue, Hanover, PA 17331-7743) on March 20, 2018, for the quarrying operations located in Oxford Township, **Adams County**. The State-only permit was renewed.

07-03036: Forsht Products, Inc. (787 Forsht Lane, Altoona, PA 16601-7112) on March 20, 2018, for the two existing human crematories at the facility located in Logan Township, **Blair County**. The State-only permit was renewed.

22-03091: Harrisburg Mall LP (3501 Paxton Street, Harrisburg, PA 17111-1403) on March 19, 2018, for the boilers and generator at the Harrisburg Mall located in Swatara Township, **Dauphin County**. The State-only permit was renewed.

22-03014: Stewart Amos Steel, Inc. (4400 Paxton Street, P.O. Box 4259, Harrisburg, PA 17111-0259) on March 19, 2018, for the steel product fabrication facility located in Swatara Township, **Dauphin County**. The State-only permit was renewed.

06-05001: Adelphi Kitchens, Inc. (300 East Penn Avenue, Robesonia, PA 19551-8902) on March 22, 2018, for the wood kitchen cabinet manufacturing facility located in Heidelberg Township, **Berks County**. The State-only permit was renewed.

21-03101: Hoffman Funeral Home & Crematory (219 North Hanover Street, Carlisle, PA 17013-2424) on March 22, 2018, for the human crematory at the facility located in Carlisle Borough, **Cumberland County**. The State-only permit was renewed.

38-03036: Cargill, Inc. (320 North 16th Street, Lebanon, PA 17046-4511) on March 22, 2018, for the feed mill located in Lebanon City, **Lebanon County**. The State-only permit was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

49-00025: Pennsylvania Department of Corrections (P.O. Box 598, Camp Hill, PA 17001-0598) on March 22, 2018, for the Coal Township State Correctional Institute located in Coal Township, **Northumberland County**. The air contaminant sources at the facility consist of twenty-seven (27) natural gas-fired heaters, five (5) natural gas/# 2 fuel oil-fired boilers, two (2) natural gas-fired emergency generators and two (2) # 2 fuel oil storage tanks. The operating permit includes 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.

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

Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

65-00962: CCF Industries, Inc. (190 State Route 66, Apollo, PA 15613) on March 19, 2018 a State Only Operating Permit (SOOP) renewal to CCF Industries, Inc. to authorize the manufacturing operation of their wooden dovetail drawers located in Washington Township, **Westmoreland County**.

03-00188: Carson Industries, Inc. (189 Forman Road, Freeport, PA 16229) on March 19, 2018 a State Only Operating Permit (SOOP) renewal to Carson Industries, Inc. to authorize the operation of their specialty aluminum castings manufacturing operation located in South Buffalo Township, **Armstrong County**.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

42-00198: Elkhorn Gas Processing (6307 Route 6, Kane, PA 16735-4235). On March 21, 2018, the Department issued a State Only Natural Minor Operating Permit for the natural gas processing station located in Wetmore Township, **McKean County**. The facility's primary emission sources include: a hot oil heater, three (3) existing lean-burn natural gas-fired compressor engines, one (1) new lean burn natural gas-fired engine (600 bhp), a 147 bhp natural gas-fired emergency generator, a glycol natural gas dehydrator, five (5) 30,000-gallon storage tanks, and facility fugitives. The potential emissions of the primary pollutants from the facility are as follows: PM₁₀ and PM_{2.5}: 4.21 TPY, NO_x: 53.86 TPY, SO_x: 0.06 TPY, CO: 35.59 TPY, VOC: 26.99 TPY, and combined HAPs: 6.82 TPY; thus, the facility is a natural minor. The three existing compressor engines and the emergency generator are subject to 40 CFR Part 63, Subpart ZZZZ, NESHAP for stationary RICE, the new 600 HP engine is subject to 40 CFR 60, Subpart JJJJ, NSPS for stationary spark ignition ICE, and the facility is subject to 40 CFR Part 60, Subpart KKK, NSPS for equipment leaks of VOC. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00041: Graphic Packaging International, Inc. (1035 Longford Road, Phoenixville, PA 19460) On March 27, 2018 for an Administrative Amendment to their Title V Operating Permit to change the Responsible Official from Jim Jackmore to Anthony Bates, Operations Manager for this facility located in Upper Providence Township, **Montgomery County**.

09-00161: Foley Incorporated (2975 Galloway Road, Bensalem, PA 19020) On March 27, 2019, for an Administrative Amendment for a change of ownership and operation from Giles & Ransome Inc. (Tax ID 23-1279362) to Foley Incorporated (Tax ID 22-0917100) for this facility located in Bensalem Township, **Bucks 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.

36-05142: Mars Wrigley Confectionery US LLC (295 South Brown Street, Elizabethtown, PA 17022-2127) on March 16, 2018, for the candy manufacturing facility located in Elizabethtown Borough, **Lancaster County**. The Title V permit was administratively amended in order to reflect a name change.

67-03117: GEA Systems North America LLC (3475 Board Road, York, PA 17406-8414) on March 14, 2018, for the refrigeration equipment manufacturing facility located in Manchester Township, **York County**. The State-only permit was administratively amended in order to reflect a change of ownership.

06-05033: Texas Eastern Transmission LP (2601 Market Place, Suite 400, Harrisburg, PA 17110-9363) on March 16, 2018, for the Bernville natural gas compressor station, located in the North Heidelberg Township, **Berks County**. The Title V permit underwent a significant modification to incorporate approval of a Reasonably Available Control Technology 2 (RACT 2) plan to supersede the existing RACT 1 plan for the facility. These RACT changes will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Requirements that are not part of the RACT approval will be excluded from the SIP submittal.

22-05010: Texas Eastern Transmission LP (P.O. Box 1462, Houston, TX 77251-1642) on March 16, 2018, for the Grantville natural gas compressor station, located in the East Hanover Township, **Dauphin County**. The Title V permit underwent a significant modification to incorporate approval of a Reasonably Available Control Technology 2 (RACT 2) plan to supersede the existing RACT 1 plan for the facility. These RACT changes will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Requirements that are not part of the RACT approval will be excluded from the SIP submittal.

22-05005: NRG Energy Center Paxton, LLC (100 N. 10th Street, Harrisburg, PA 17101-2440) on March 16, 2018, for the boilers and engines at the facility located in the City of Harrisburg, **Dauphin County**. The Title V

permit underwent a significant modification to incorporate approval of a Reasonably Available Control Technology 2 (RACT 2) plan for certain sources, and modification of the existing RACT 1 plan for the facility. These RACT changes will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Requirements that are not part of the RACT approval will be excluded from the SIP submittal.

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

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17120103. Swisher Contracting, Inc., P.O. Box 1223, Clearfield, PA 16830. Permit revision for land use change from Forestland & Unmanaged Natural Habitat to Industrial/Commercial on 25.7 acres to a bituminous surface and auger mine in Bradford Township, **Clearfield County**, affecting 199.9 acres. Receiving streams: Valley Fork Run to Roaring Run classified for the following use(s): CWF MF. There are no potable water supply intakes within 10 miles downstream. Application received: November 21, 2017. Permit issued: March 22, 2018.

17170101 and NPDES PA0269786. Swisher Contracting, Inc., P.O. Box 1223, Clearfield, PA 16830. Commencement, operation, and restoration of a bitumi-

nous coal surface mine located in Lawrence Township, **Clearfield County** affecting 8.0 acres. Receiving stream(s): Unnamed Tributary to Wolf Run classified for the following use(s): CWF, MF and Unnamed Tributary to Lick Run classified for the following use(s): HQ-CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: June 28, 2017. Permit issued: March 9, 2018.

17160104 and NPDES PA0269778. RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920. Commencement, operation, and restoration of a bituminous coal surface and auger mine located in Decatur Township, **Clearfield County** affecting 91.4 acres. Receiving stream(s): Unnamed Tributaries to Shimel Run and Shimel Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 17, 2017. Permit issued: March 20, 2018.

Noncoal Permits Issued

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

PAM418015-GP104. Benjamin E. Dum, 44 Meadow Lane, Elliptsburg, PA 17024. General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. 4-00644-1 located in Spring Township, **Perry County**. Receiving stream: unnamed tributary to Montour Creek classified for the following uses: cold water fishes, migratory fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: March 5, 2018. Coverage Approved: March 20, 2018.

PAM418016-GP104. Barbara Beers, 1360 Newport Road, Duncannon, PA 17020. General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. 50850804 located in Miller Township, **Perry County**. Receiving stream: unnamed tributary to Losh Run classified for the following uses: warm water fishes, migratory fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: March 5, 2018. Coverage Approved: March 20, 2018.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

18000802. James W. Johnson, 471 Shoemaker Road, Lock Haven, PA 17745. Final bond release for small industrial minerals surface mine located in Wayne Township, **Clinton County**. Restoration of 1.0 acre completed. Receiving stream(s): Henry Run. Application received: March 8, 2018. Final bond release approved: March 20, 2018.

4775SM10 and NPDES PA0596639. Hanson Aggregates Pennsylvania LLC, 7660 Imperial Way, Allentown, PA 18195. Permit revision to increase the permitted depth by 50 feet to +910-foot mean sea level, revised erosion and sedimentation controls including self-monitoring and requirements, addition to minerals being extracted, and remove 12.2 acres from permit area on an existing large noncoal surface mine in College Township, **Centre County**, affecting 315.2 acres. Receiving streams: Spring Creek to Bald Eagle Creek classified for the following use(s): HQ-CWF, MF. There are no potable

water supply intakes within 10 miles downstream. Application received: October 7, 2016. Permit issued: March 20, 2018.

08170802. Abell Daniel M. Jr., 208 Brink Rd, Warren Center, PA 18851. Commencement, operation and restoration of a small noncoal industrial minerals surface mine permit (bluestone) in Warren Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Wappasening Creek classified for the following use(s): CWF, MF. Application received: August 21, 2017. Permit Issued: March 15, 2018.

PAM217016. Abell Daniel M. Jr., 208 Brink Rd, Warren Center, PA 18851. General NPDES permit for stormwater discharge associated with mining activities on Surface Mining Permit No. 08170802 in Warren Township, **Bradford County**. Receiving stream(s): Wappasening Creek. Application received: August 21, 2017. Permit Issued: March 15, 2018.

41110301 and NPDES PA0257591. Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803. Revision to increase permit area from 25.0 to 42.2, increase the quarry depth approximately 100 feet to an elevation of 1,916 feet MSL, revise the erosion and sedimentation controls, and change the land use from forestland to unmanaged natural habitat on a large noncoal surface mining site located in McNett Township, **Lycoming County** affecting 42.2 acres. Receiving stream(s): Unnamed Tributary to North Pleasant Stream and North Pleasant Stream classified as the following use(s): HQ—CWF. Application received: April 27, 2017. Permit issued: March 15, 2018.

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

Permit No. 7775SM9A2C11 and NPDES Permit No. PA0595659. Glen-Gery Corporation, P.O. Box 7001, Wyomissing, PA 19610. Renewal of NPDES permit for discharge of treated mine drainage in Perry Township, **Berks County**, receiving stream: unnamed tributary to Pigeon Creek and unnamed tributary to Schuylkill River. Application received: December 1, 2017. Renewal issued: March 20, 2018.

Permit No. 7775SM6C12 and NPDES Permit No. PA0225690. Glen-Gery Corporation, P.O. Box 7001, Wyomissing, PA 19610. Renewal of NPDES permit for discharge of treated mine drainage in Perry Township, **Berks County**, receiving stream: Schuylkill River. Application received: December 4, 2017. Renewal issued: March 20, 2018.

Permit No. PAM113027R. Riverview Block, Inc., 1507 Salem Boulevard, Berwick, PA 18603. General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40920301 in Salem Township, **Luzerne County**, receiving stream: unnamed tributary to Susquehanna River. Application received: September 13, 2017. Renewal issued: March 26, 2018.

Permit No. PAM117043. Eureka Stone Quarry, Inc., P.O. Box 249, Chalfont, PA 18914. General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 7975SM3 in Falls Township, **Bucks County**, receiving stream: Delaware River. Application received: October 5, 2017. Permit issued: March 26, 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

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

41184001. Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365. Blasting on project Track 726 FW I located in Plunketts Creek Township, **Lycoming County** with an expiration date of December 30, 2019. Permit issued: March 16, 2018.

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

Permit No. 48184101. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, construction blasting for FedEx Hub warehouse in Allen Township, **Northampton County** with an expiration date of December 31, 2018. Permit issued: March 19, 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

Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E09-1016. Langhorne Borough, 114 E. Maple Avenue, Langhorne, PA 19047, Middletown Township, **Bucks County**, ACOE Philadelphia District.

To the restoration of Catawissa Nature Preserve. Includes the restoration of Catawissa Creek at the Catawissa Nature Preserve. The proposed project will have 455 linear feet of permanent waterway impact.

The site is approximately at the intersection 215 West Maple Ave and across from 203 West Watson Ave, along the Catawissa Creek along a trail that goes from West Maple Avenue to West Watson Avenue. The head of the stream is from the stormwater pile off of West Maple Avenue (Langhorne Latitude. 40° 40' 38"; Longitude 74° 55' 26").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E13-190. Carbon County, P.O. Box 129, Jim Thorpe, PA 18229, in Nesquehoning, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with a 27-foot wide access road and utilities serving the Carbon County Emergency Operations and Training Center:

1) A 55-foot long, 48-inch diameter reinforced concrete pipe crossing of an Unnamed Tributary to Nesquehoning Creek (HQ-CWF, MF) and 0.04 acre of wetlands (EV) consisting of concrete wingwalls, riprap apron blended with natural streambed material, and having an invert depressed 1-foot below streambed elevation.

2) A 50-foot long, 48-inch diameter reinforced concrete pipe crossing of an Unnamed Tributary to Nesquehoning Creek (HQ-CWF, MF) and 0.02 acre of wetlands (EV) consisting of concrete wingwalls, riprap apron blended with natural streambed material, and having an invert depressed 1-foot below streambed elevation.

3) A 2-inch diameter ductile iron water pipe, a 1.5-inch diameter PVC sewer line, and two (2) 4-inch diameter PVC electric conduits crossing of an Unnamed Tributary to Nesquehoning Creek (HQ-CWF, MF) and adjacent wetlands (EV).

4) A 2-inch diameter ductile iron water pipe, a 1.5-inch diameter PVC sewer line, and two (2) 4-inch diameter

PVC electric conduits crossing of an Unnamed Tributary to Nesquehoning Creek (HQ-CWF, MF) and adjacent wetlands (EV).

The permittee is required to provide 0.06-acre of replacement wetlands.

The project is located directly east of the Carbon County Correctional Facility, approximately 0.4 mile east of the intersection of S.R. 93 (Hunter Street) and Broad Street (Weatherly, PA Quadrangle Latitude: 40° 52' 42.75"; Longitude: -75° 46' 46.27").

E40-802. Butler Township, 415 West Butler Drive, Drums, PA 18222, Dennison Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a sediment basin in wetlands and on a tributary to Oley Creek (CWF) for the purpose of reducing sediment loading to Oley Creek and Beech Mountain Lake. The project includes the construction of a 70-foot long boulder step-pool channel immediately upstream of the basin and includes the removal of sediment from approximately 170 feet of riprap-lined channel immediately downstream of the basin. The project will permanently impact approximately 0.24 acre of PEM wetlands. The activities were previously authorized by Permit No. E40-686 which expired prior to commencement of the project. The permittee is required to provide 0.24 acre of replacement wetlands. The project is located 0.4 mile east and 0.3 mile north of the intersection of Four Seasons and Shingle Mill Drives (Freeland, PA Quadrangle, Latitude: 41°03'04"; Longitude: -75°54'40") in Dennison Township, Luzerne County.

E40-792. Kenneth M. Pollock, 340 Hunstville Idetown Road, Dallas, PA 18612, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 1,240 sq. ft., pile-supported dock addition to the existing lakehouse/dock in the basin of Harveys Lake (HQ-CWF). The project is located at Pole 247 along Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 34.2"; Longitude: -76° 2' 22.78").

E45-610. Aqua Pennsylvania Inc., 1 Aqua Way, White Haven, PA 18661. Polk Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Robin Hood Lakes Water System Improvements project.

1. An 8-inch DIP water line crossing of Sterners Run (EV, MF).
2. A 6-inch HDPE water line crossing of Sterners Run (EV, MF).
3. A 6-inch DIP water line crossing of Sterners Run (EV, MF).

STREAM IMPACT TABLE:

<i>Impact #</i>	<i>Resource Name</i>	<i>Municipality</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
2	UNT Hoagland Run	Lycoming	Cofferdam & Pump	HQ-CWF	Wild	9	30	0	0	41.34222 77.13139

4. An 8-inch HDPE water line crossing of a UNT to Sterners Run (EV, MF).
5. A 6-inch DIP water line crossing of a UNT to Sterners Run (EV, MF).
6. A 6-inch DIP water line crossing of a UNT to Sterners Run (EV, MF).
7. A 6-inch HDPE water line crossing of a UNT to Sterners Run (EV, MF).
8. An 8-inch HDPE water line crossing of a UNT to Sterners Run (EV, MF).
9. A 6-inch DIP water line crossing of a UNT to Sterners Run (EV, MF).
10. A 6-inch DIP water line crossing of a UNT to Sterners Run (EV, MF).
11. A 6-inch DIP water line crossing of a UNT to Sterners Run (EV, MF).
12. A 6-inch DIP water line crossing of a UNT to Sterners Run (EV, MF).
13. An 8-inch HDPE water line crossing of a UNT to Sterners Run (EV, MF).
14. A 6-inch HDPE water line crossing of a UNT to Sterners Run (EV, MF).

The project is throughout the Robin Hood Lakes Development at various locations (Pohopoco Mountain, PA Quadrangle Latitude: 40° 51' 58"; Longitude: -75° 31' 48") in Polk Township, Monroe County.

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

E41-690. Water Works Transport, LLC, Borough of Muncy, 1912 John Brady Drive, Muncy, PA 17756. Water Works Hoagland Run Road Cleanup in Lycoming Township, **Lycoming County**, ACOE Baltimore District (Sal-ladasburg, PA Quadrangles N: 41° 20' 30" W: -77° 07' 53").

Water Works Transport has applied for a Small Projects—Joint Permit to construct, operate and maintain a temporary treatment facility along Hoagland Run in Lycoming Township, Lycoming County. The permit is proposing the remediation of elevated concentrations of brine-related target compounds in surface water and groundwater caused by a tanker accident.

A cofferdam will be constructed along UNT to Hoagland Run to divert flow into the mainstem of Hoagland Run and isolate an existing downstream impoundment. Water will be pumped from this impoundment and sent to a treatment facility to remove brine-related compounds. Following successful cleanup, the cofferdam, pump system and treatment facility will be removed and normal flow restored to the UNT to Hoagland Run.

Impact #	Resource Name	Municipality	Activity	Chapter 93	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
5	UNT Hoagland Run	Lycoming	Pump, 3-inch Hose & dewater	HQ-CWF	Wild	357	4,489	0	0	41.34167 77.13139
TOTAL						366	4,519	0	0	

FLOODWAY IMPACT TABLE:

Impact #	Resource Name	Municipality	Activity	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
1	Hoagland Run	Lycoming	4-inch Hose	Wild	0	25	0	0	41.34222 77.13167
2	UNT Hoagland Run	Lycoming	Cofferdam & Pump	Wild	0	84	0	0	41.34222 77.13139
3	UNT Hoagland Run	Lycoming	Pump & Berm	Wild	0	140	0	0	41.34222 77.13139
4	UNT Hoagland Run	Lycoming	4-inch Hose	Wild	0	30	0	0	41.34222 77.13167
6	UNT Hoagland Run	Lycoming	3-inch Hose	Wild	0	60	0	0	41.34194 77.13111
7	UNT Hoagland Run	Lycoming	Treatment Facility	Wild	0	1,090	0	0	41.34222 77.13139
TOTAL					0	1,429	0	0	

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

E20-604, Lord Corporation, 2455 Robinson Rd, Erie, PA 16509. Lord Saegertown Chemical Manufacturing Facility Expansion, in Saegertown Boro, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 41°, 42', 42"; W: -80°, 8', 35").

To Permanently impact 0.21 acre of Palustrine Emergent (PEM) wetland for expansion of the chemical manufacturing facility along the south side of SR 198 approximately 500 feet east of SR 19 (Meadville, PA Quadrangle 41°, 42', 42"; W: -80°, 8', 35") in Saegertown Borough, Crawford County. Mitigation for the permanent impact is through contribution of \$2,500 to the National Fish and Wildlife Foundation, PA Wetland Replacement Fund, NA 1237.

ENVIRONMENTAL ASSESSMENTS

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

EA25-054, Willow Farm, LLC, 110 Saffron Lane, Greensburg, PA 15601. Willow Farm Wetland and Wildlife Enhancement Project, in Franklin Township, **Erie County**, ACOE Pittsburgh District (Albion and Edinboro North, PA Quadrangles N: 41°, 54', 23"; W: 80°, 15', 07").

To increase wildlife habitat diversity by enhancing vegetative and hydrologic diversity via the creation of 2 seasonal wetlands in upland areas and degraded, existing wetlands, as well as increasing the amount and quality of

shoreline habitat in an existing pond by creating a peninsula and an island. The wetland enhancement areas will result in permanent impact to 1.64 acre of wetland due to the construction of berms, and the pond shoreline enhancement will result in permanent impact to 0.64 acre of the existing pond. The overall restoration project is anticipated to enhance 3.1 acres of existing, degraded PEM wetland, create 2.56 acres of new wetland area, create 750 linear feet of shoreline in the existing pond, restore/enhance hydrology to 3 acres of partially drained PFO wetland, enhance 8 acres of PFO wetland by adding woody plant diversity, enhance 3 acres of existing PEM wetland with shrub plantings, and enhance 4 acres of riparian area along the existing pond and its tributary through vegetation planting and management. This project is being reviewed as a restoration plan to qualify for waiver of permit requirements under 105.12(a)(16).

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 # ESX17-005-0006
Applicant Name Snyder Bros, Inc
Contact Person Carl Rose
Address P.O. Box 1022
City, State, Zip Kittanning, PA 16201
County Armstrong County
Township(s) East Franklin Township
Receiving Stream(s) and Classification(s) Glade Run (TSFF)

ESCGP-2 # ESX17-059-0032
Applicant Name Rice Drilling B, LLC
Contact Person Todd Klaner
Address 2200 Energy Drive
City, State, Zip Canonsburg, PA 15317
County Greene County
Township(s) Wayne Township
Receiving Stream(s) and Classification(s) UNTs to Calico Creek (WWF)

ESCGP-2 # ESX17-125-0043
Applicant Name EQT Production Company
Contact Person Todd Klaner
Address 2400 Ansys Drive, Suite 200
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) Whiteley Township
Receiving Stream(s) and Classification(s) UNT to Whitley Creek (TSF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESX17-007-0013—Fay Wells to Mazure Pipeline Project
Applicant MarkWest Liberty Midstream and Resources LLC
Contact Rick Lowry
Address 4600 J Barry Court Suite 500
City Canonsburg State PA Zip Code 15317
County Beaver and Washington Township(s) Hanover
Receiving Stream(s) and Classification(s) UNT to Raccoon Creek and Wingfield Run (WWF)

ESCGP-2 # ESX18-019-0002—Monoceros Well Pad
Applicant EM Energy Pennsylvania, LLC
Contact Hugh Caperton
Address 1800 Main Street # 220
City Canonsburg State PA Zip Code 15317
County Butler Township(s) Parker
Receiving Stream(s) and Classification(s) North Branch Bear Creek (CWF)

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX29-115-18-0014
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) Springville
Receiving Stream(s) and Classification(s) Thomas Ck (CWF-MF)

ESCGP-2 # ESX29-115-17-0038(01)
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) Bridgewater, Brooklyn & New Milford
Receiving Stream(s) and Classification(s) Martins Ck (CWF-MF) and UNTs thereto; Hop Bottom Ck (CWF-MF) and UNTs thereto; Meshoppen Ck (CWF-MF) and UNTs thereto

ESCGP-2 # ESX29-115-18-0012
Applicant Name Williams Field Services Co LLC
Contact Person Matt Anderson
Address 310 SR 29 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna
Township(s) Lathrop
Receiving Stream(s) and Classification(s) UNTs to Horton Ck (CWF-MF)

ESCGP-2 # ESX12-115-0161(01)
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) Lenox
Receiving Stream(s) and Classification(s) UNTs to Martins Ck (CWF-MF)

ESCGP-2 # ESX29-115-18-0005
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) Springville
Receiving Stream(s) and Classification(s) Monroe Ck (CWF-MF) and UNTs thereto

ESCGP-2 # ESG29-115-17-0027
Applicant Name Chief Oil & Gas LLC
Contact Person Jeffrey Deegan
Address 1720 Sycamore Rd
City, State, Zip Montoursville, PA 17754
County Susquehanna
Township(s) Lenox
Receiving Stream(s) and Classification(s) Willow Brook (CWF-MF); Utlely Brook (CWF-MF)

ESCGP-2 # ESG29-081-17-0059
Applicant Name PA General Energy Co
Contact Person Doug Kuntz
Address 120 Market St
City, State, Zip Warren, PA 16365
County Lycoming
Township(s) Plunketts Ck & Upper Fairfield

Receiving Stream(s) and Classification(s) Kaiser Hollow (EV); Little Mill Ck (HQ-CWF); UNTs to Little Painter Run (EV)
 Secondary—Loyalsock Ck (EV); Mill Ck (TSF); Little Painter Run (EV)

ESCGP-2 # ESX29-115-18-0004
 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) Field Brook (CWF-MF); E Branch Field Brook (CWF-MF)

pre-consumer and post-consumer food residuals; yard waste; land clearing and grubbing material; untreated wood waste (wood waste materials cannot be derived from wood that was treated, painted, laminated or engineered); gypsum wallboard; paper; cardboard; waxed cardboard; virgin paper mill sludge; and spent mushroom substrate. The beneficial uses of the finished compost approved in this permit are for use, marketing or distribution as a soil conditioner, soil amendment, fertilizer, mulch or for erosion control. The general permit was renewed by Central Office and became effective on February 10, 2018.

The Department, at the time of renewal, also re-organized and re-formatted General Permit No. WMGR025 for overall clarity and ease of use.

SPECIAL NOTICES

RESIDUAL WASTE GENERAL PERMITS

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

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR025 Base. This general permit authorizes the composting and beneficial use of the following categories of source-separated wastes: agricultural waste other than mortalities; butcher waste other than whole carcass; food processing waste;

A person or municipality that proposes to compost and beneficially use source-separated wastes authorized under this general permit by operating under the terms and conditions of this general permit after the date of permit renewal must apply for and obtain a Registration prior to commencing authorized activities under this general permit. A completed application on forms available from the Department must be submitted to the appropriate Department Regional Office (see the last page of the general permit for a list of regional offices).

Persons interested in obtaining a copy of the renewed general permit can download a copy at http://files.dep.state.pa.us/Waste/Bureau%20of%20Waste%20Management/lib/landrecwaste/residual_waste/gp/WMGR025%20Final%202010_18.pdf or may request a copy by contacting the Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Request for Comments on the Total Maximum Daily Load (TMDL) Developed for Spring Run, Fulton County

The Department of Environmental Protection (Department) will accept comments as of April 7, 2018, for the proposed A Total Maximum Daily Load (TMDL) was developed to address aquatic life use impairments in Spring Run as noted in 2016 Pennsylvania Integrated Water Quality Monitoring and Assessment Report, initially listed in 2002. A separate TMDL was calculated for sediment and another for total phosphorus to address the nutrient sources. Spring Run is a Coldwater Fishery (CWF) and a tributary of Big Cove Creek, and a tributary of the larger Licking Creek, and the Potomac River Basin. The watershed is in Ayr Township, Fulton County. The impairments were noted during bioassessments in the watershed (SCRO, 2001). Grazing-related agriculture, as well as, habitat modification has been identified as the causes of these impairments in Spring Run. PA does not currently have water quality criteria for excess siltation or nutrients, so a TMDL endpoint for sediment and total phosphorus endpoint was identified using a reference watershed approach.

Based on a comparison to a similar watershed in land use, yet biologically non-impaired, the maximum sediment loading should still allow water quality objectives to be met. The headwaters of Big Cove Creek, also a CWF, was chosen for comparison. This proposed TMDL sets allowable sediment loadings within the specifically impaired stream segments of the Spring Run watershed. The loading was allocated among the land uses of cropland, hay/pasture land, associated stream banks, and farm animal contribution present in the watershed. Data used in these TMDLs was generated using a watershed analysis model (Mapshed-E-GWLF) designed by the Penn State University. The following table shows the estimated current loadings for the watershed.

<i>Summary of TMDL for Spring Run in lbs./yr.</i>						
<i>Pollutant</i>	<i>TMDL</i>	<i>WLA</i>	<i>MOS</i>	<i>LA</i>	<i>LNR</i>	<i>ALA</i>
Sediment	2,489,429.4	24,894.3	248,942.9	2,215,592.2	13,200.0	2,202,392.2

<i>Summary of TMDL for Spring Run in lbs./day</i>						
<i>Pollutant</i>	<i>TMDL</i>	<i>WLA</i>	<i>MOS</i>	<i>LA</i>	<i>LNR</i>	<i>ALA</i>
Sediment	3,250.5	32.5	325.1	2,892.9	26.8	2,866.1

TMDL—Total Maximum Daily Load, WLA—Waste Load Allocation, MOS—Margin of Safety

LA—Load Allocation, LNR—Loads Not Reduced, ALA—Adjusted Load Allocation

Load allocations were distributed to nonpoint sources, specifically all land use sources other than National Pollutant Discharge Elimination System (NPDES) permitted point source discharges with 10% of the TMDL reserved explicitly as a margin of safety (MOS). A search of the Department's online, GIS database, EMAP, identified no point source discharges within the Spring Run. One percent (1%) of the TMDL was incorporated into the WLA as a bulk reserve to take in account future permit activity. Loads not reduced (LNR) are the portion of the LA associated with nonpoint sources other than agricultural (croplands, hay/pasture), and associated stream banks. It is equal to the sum of modeled loading on forested land use, wetlands and development. The adjusted load allocation (ALA) represents the remaining portion of the LA distributed among agricultural land, associated stream banks, and farm animals. The TMDL developed for the Spring Run watershed worked out to a reduction in the overall, current sediment loading to 48.8% and a 30.7% reduction in the current total phosphorus loading (or the equal percent reduction, and the like, the ALA divided by the summation of the baselines). The data and all supporting documentation used to develop the proposed TMDLs are available from the Department.

To submit comments or request a copy of any of the proposed TMDLs contact Scott Alexander, Water Program Specialist, Bureau of Clean Water, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 772-5670, salexander@pa.gov.

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for final approval. Written comments will be accepted 30 days after publication in the *Pennsylvania Bulletin*, as of April 7, 2018.

Request for comments on the Total Maximum Daily Load (TMDL) Developed for Warble Run, Juniata County

The Department of Environmental Protection (Department) will accept comments as of April 7, 2018, for the proposed A Total Maximum Daily Load (TMDL) was developed to address aquatic life use impairments in Warble Run as noted in 2016 Pennsylvania Integrated Water Quality Monitoring and Assessment Report, initially listed in 1999. Warble Run is a tributary of Tuscarora Creek and the greater Juniata River basin. The watershed lies in Tuscarora and Spruce Hill Townships, Juniata County. Biological impairments were originally noted during bioassessments in the watershed (SCRO, 1999). The source of degradation is related to agricultural activities effecting the Coldwater Fishery (CWF) attributes of Warble Run. PA does not currently have water quality criteria for excess siltation, so a sediment TMDL endpoint was identified using a reference watershed approach.

Based on a comparison to a similar watershed in land use, yet biologically non-impaired, the maximum sediment loading should still allow water quality objectives to be met. McKinley Run, another CWF, was chosen for comparison and is also a tributary of Tuscarora Creek, in Tuscarora Township, Juniata County. This proposed TMDL sets allowable sediment loadings within the specifically impaired stream segments of the Warble Run watershed. The loading was allocated among the land uses of cropland, hay/pasture land, and associated stream banks present in the watershed. Data used in these TMDLs was generated using a watershed analysis model (Mapshed-E-GWLF) designed by the Penn State University. The following table shows the estimated current loadings for the watershed.

<i>Summary of TMDL for Warble Run in lbs./yr.</i>						
<i>Pollutant</i>	<i>TMDL</i>	<i>WLA</i>	<i>MOS</i>	<i>LA</i>	<i>LNR</i>	<i>ALA</i>
Sediment	897,759.7	8,977.6	89,776.0	799,006.1	9,800.0	789,206.1

<i>Summary of TMDL for Warble Run in lbs./day</i>						
<i>Pollutant</i>	<i>TMDL</i>	<i>WLA</i>	<i>MOS</i>	<i>LA</i>	<i>LNR</i>	<i>ALA</i>
Sediment	2,459.6	24.6	246.0	2,189.1	26.8	2,162.2

TMDL—Total Maximum Daily Load, WLA—Waste Load Allocation, MOS—Margin of Safety

LA—Load Allocation, LNR—Loads Not Reduced, ALA—Adjusted Load Allocation

Load allocations were distributed to nonpoint sources, specifically all land use sources other than National Pollutant Discharge Elimination System (NPDES) permitted point source discharges with 10% of the TMDL reserved explicitly as a margin of safety (MOS). A search of the Department's online, GIS database, EMAP, identified no point source discharges within the Warble Run. One percent (1%) of the TMDL was incorporated into the WLA as a bulk reserve to take in account future permit activity. Loads not reduced (LNR) are the portion of the LA associated with nonpoint sources other than agricultural (croplands, hay/pasture), and associated stream banks. It is equal to the sum of modeled loading on forested land use, wetlands and development. The adjusted load allocation (ALA) represents the remaining portion of the LA distributed among agricultural land and associated stream banks. The TMDL developed for the Warble Run watershed worked out to a reduction in the overall, sediment loading to 54.7% (or the equal percent reduction, and the like, the ALA divided by the summation of the baselines). The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. To submit comments or request a copy of any of the proposed TMDLs contact Scott Alexander, Water Program Specialist, Bureau of Clean Water, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 772-5670, salexander@pa.gov.

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for final approval. Written comments will be accepted 30 days after publication in the *Pennsylvania Bulletin*, as of April 7, 2018.

[Pa.B. Doc. No. 18-531. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Citizens Advisory Council Meeting Cancellation

The April 17, 2018, meeting of the Citizens Advisory Council (Council) is cancelled. The next regular meeting of the Council is scheduled for Wednesday, May 16, 2018, at 10 a.m. at the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17101.

The agenda and meeting materials for the May 16, 2018, meeting will be available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov. Questions concerning the Council's next scheduled meeting may be directed to Lee Ann Murray at (717) 787-8171 or leemurray@pa.gov.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Lee Ann Murray at (717) 787-8171 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-532. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of Public Comment Period for Technical Guidance Documents

The Department of Environmental Protection's (Department) "Draft Act 537 Program Guidance; Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing Onlot Sewage Disposal" and "Draft Onlot Wastewater Technology Verification Protocol" technical guidance documents were published at 48 Pa.B. 1476 (March 10, 2018). The notice stated that the comment period for these documents would end on April 9, 2018.

The Department is, by this notice, extending the public comment period for both draft technical guidance documents by 30 days. Comments will now be accepted through May 8, 2018.

Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment web site at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments may be mailed to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105 2063.

Draft Technical Guidance—New Guidance

DEP ID: 385-2207-001. *Title:* Act 537 Program Guidance; Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing Onlot Sewage Disposal. *Description:* The act of July 20, 2017 (P.L. 321, No. 26) (Act 26) amended the Pennsylvania Sewage

Facilities Act (Act 537) (35 P.S. §§ 750.1—750.20a) to allow alternate onlot systems to satisfy sewage planning requirements in the establishment of new lots. Act 26 became effective on September 18, 2017. The Department considers a wide range of available onlot sewage system technologies, including emerging technologies, in the Act 537 new land development planning process. This authorization is contingent upon the applicability of given technology to site conditions and assurance and availability of adequate operation and maintenance support mechanisms. The existing regulations do not allow for the consideration of alternate system to establish general site suitability. The purpose of this guidance is to provide a systematic approach to site suitability determinations and sewage facilities alternatives analysis when encountering marginal conditions for the long-term use of onlot sewage systems or when incorporating alternate onlot sewage disposal technologies into the Act 537 new land development planning process described in 25 Pa. Code Chapter 71 (relating to administration of Sewage Facilities Planning Program). This guidance covers the onlot sewage planning process in general and not just alternate system planning.

Draft Technical Guidance—Substantive Revision

DEP ID: 385-2208-003. *Title:* Draft Onlot Wastewater Technology Verification Protocol. *Description:* Act 26 amended Act 537 to allow alternate onlot systems to satisfy sewage planning requirements in the establishment of new lots. It also required the Department to evaluate the latest scientific, technical and field-testing information concerning alternate systems and to evaluate the existing alternate systems based on that information. Act 26 became effective on September 18, 2017. The revised guidance establishes the scientific, technical and field-testing standards for alternate onlot systems. Much of the existing guidance has been completely changed or removed.

Contact: Brian Schlauderaff, (717) 772-5620 or bschlauder@pa.gov.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-533. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Radiation Protection Advisory Committee Rescheduled Meeting

The Radiation Protection Advisory Committee meeting that was previously scheduled for March 22, 2018, has been rescheduled to Thursday, April 19, 2018. The meeting will begin at 9 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

For additional information, contact John Chipppo, Bureau of Radiation Protection, at jchippo@pa.gov or (717) 783-9730. The agenda and meeting materials for the April 19, 2018, meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov> (select "Public Participation," then "Advisory Committees," then "Radiation Advisory Committees," then "Radiation Protection Advisory Committee (RPAC)").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-534. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Small Business Compliance Advisory Committee Meeting Cancellation

The April 25, 2018, Small Business Compliance Advisory Committee (Committee) meeting is cancelled. The next Committee meeting is scheduled for Wednesday, July

25, 2018, at 10 a.m. on the 12th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

For additional information, contact Nancy Herb, Bureau of Air Quality, at (717) 783-9269 or nherb@pa.gov. The agenda and materials for the July 25, 2018, meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov> (select "Public Participation," then "Advisory Committees," then "Air Advisory Committees").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Kaylene Wance at (717) 787-9257 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-535. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Premier at Exton Surgery Center	28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery)
Jefferson Endoscopy Center at Bala, LLC	28 Pa. Code § 551.21(d)(1)
Chambersburg Endoscopy Center	28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of "classification levels," regarding Class B facilities PS III patients
AFP Surgery Center	28 Pa. Code § 553.31(a) (relating to administrative responsibilities)
Rhawn Street Endoscopy Center	28 Pa. Code § 553.31(a)

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 18-536. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved and Required Medications Lists for Emergency Medical Service Agencies and Emergency Medical Service Providers

Under 28 Pa. Code §§ 1027.3(c) and 1027.5(b) (relating to licensure and general operating standards; and medication use, control and security), the Department of Health (Department) has approved the following medications for

administration by emergency medical responders (EMR), emergency medical technicians (EMT), advanced emergency medical technicians (AEMT), paramedics, prehospital registered nurses (PHRN), prehospital physician extenders (PHPE) and prehospital emergency medical services physicians (PHP) when functioning on behalf of an emergency medical service (EMS) agency. The approvals are based upon the type of EMS service an EMS agency is licensed to provide under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies). This notice also specifies the minimum required medications to be stocked on a specified EMS vehicle based upon the type of EMS service the EMS agency is licensed to provide.

Under 28 Pa. Code § 1027.5(d), EMS providers, other than a PHP, may administer to a patient, or assist the patient to administer medications previously prescribed for that patient, as specified in the Statewide EMS protocols or as authorized by a medical command physician. An EMS provider may administer medications contained on this list if the EMS provider is credentialed to do so and the EMS vehicle on which they are providing EMS is properly licensed to carry the medication.

Unless otherwise stated or restricted to a specific level of provider, listed medications may be given by any acceptable route as listed in protocol or as ordered by a medical command physician.

Medications that are listed as required must be carried on the specified EMS vehicle and must be carried in a quantity sufficient to treat at least one adult using the Statewide EMS protocols. If the protocol identifies repeat doses, then additional medication must be carried. When a pediatric dose option is available (for example, a pediatric EPINEPHrine autoinjector), then both the adult and pediatric options must be carried.

During interfacility transport, all medications given by continuous infusion (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be regulated by an electronic infusion pump. For prehospital transport, continuous infusions of crystalloid solutions containing medication (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) and all vasoactive medications must be rate controlled by electronic IV pump or a manual flow control device capable of setting specific numeric flow rates. Nitroglycerin infusion must be regulated with an electronic pump.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0710, (717) 787-8740, 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).

Table 1. Medications that may be administered by EMS providers when functioning on behalf of an EMS agency based upon the type of EMS service an EMS agency is licensed to provide.

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Abciximab	NO	NO	NO	YES ⁴	YES ⁴ or ⁵	YES ⁴ or ⁵
Acetaminophen	NO	NO	NO	YES	YES	YES
Acetylcysteine	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Activated charcoal	NO	YES	YES	YES	YES	YES
Adenosine	NO	NO	NO	YES	YES	YES
Albumin	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Albuterol (nebulizer solution)	NO	NO	YES	YES	YES	YES
Albuterol with ipratropium bromide (nebulizer solution)	NO	NO	YES	YES	YES	YES
Amiodarone	NO	NO	NO	YES	YES	YES
Anti-coagulants/Platelet Inhibitors: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Anticonvulsants: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁵	YES ⁵
Anti-emetics: all types (not otherwise specifically listed)	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Anti-hypertensives: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁵	YES ⁵
Antimicrobials: all types	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Antivenom: all types	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Aspirin, oral	NO	YES	YES	YES	YES	YES
Atenolol	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Atropine sulfate	NO	NO	NO	YES	YES	YES
Barbiturates: all types	NO	NO	NO	NO	YES ⁵	YES ⁵
Benzocaine, topical	NO	NO	NO	YES	YES	YES
Bivalirudin	NO	NO	NO	YES ⁴	YES ⁵	YES ⁵
Blood products: all types	NO	NO	NO	NO	YES ⁵	YES ⁵
Bronchodilators, short-acting medications listed in Statewide BLS protocol and contained in multidose inhaler (MDI), assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Calcium chloride/calcium gluconate	NO	NO	NO	YES	YES	YES
Captopril	NO	NO	NO	YES	YES	YES
Clopidogrel	NO	NO	NO	NO	YES ⁵	YES ⁵
Crystalloid solutions (the following solutions may be administered separately or in combination in various concentrations of each: dextrose, Lactated Ringers, Normosol, saline (NaCl)) (unless otherwise specifically listed). <i>Note</i> —Normal Saline Solution listed separately	NO	NO	NO	YES	YES	YES
Crystalloid solution containing potassium, interfacility transport only, potassium concentration may not exceed 20 mEq/kg unless managed by qualified CCT or Air Medical provider	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Dexamethasone sodium phosphate	NO	NO	NO	YES	YES	YES
Dextran	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Dextrose (for intravenous bolus in concentrations between 10%—50%)	NO	NO	YES	YES	YES	YES
Diazepam	NO	NO	NO	YES	YES	YES
Digoxin	NO	NO	NO	NO	YES ⁵	YES ⁵
Diltiazem	NO	NO	NO	YES	YES	YES
DiphenhydrAMINE HCl	NO	NO	NO	YES	YES	YES
DOBUtamine	NO	NO	NO	YES	YES	YES
DOPamine	NO	NO	NO	YES	YES	YES
Enalapril	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl 1 mg/mL (unless otherwise specifically listed)	NO	NO	YES ²	YES	YES	YES
EPINEPHrine HCl 0.1 mg/mL solution and diluted concentrations for intravenous infusion	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl autoinjector, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES

NOTICES

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<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
EPINEPHrine HCl autoinjector (adult and pediatric dose sizes), (unless otherwise specifically listed)	NO	NO	YES	YES	YES	YES
EPINEPHrine HCl autoinjector (adult and pediatric dose sizes), applies only to EMTs in BLS services approved for EMT EPINEPHrine program	NO	YES	N/A	N/A	N/A	N/A
EPINEPHrine HCl, including racemic (by nebulizer)	NO	NO	NO	YES	YES	YES
Eptifibatide	NO	NO	NO	YES ⁴	YES ⁴ or ⁵	YES ⁴ or ⁵
Esmolol	NO	NO	NO	NO	YES ⁵	YES ⁵
Etomidate	NO	NO	NO	YES ³	YES ³	YES ³
FentanNYL	NO	NO	NO	YES	YES	YES
Fibrinolytics/thrombolytics: all types	NO	NO	NO	NO	YES ⁵	YES ⁵
Furosemide	NO	NO	NO	YES	YES	YES
Flumazenil	NO	NO	NO	NO	YES ⁴	YES ⁴
Glucagon	NO	NO	YES ⁹	YES	YES	YES
Glucocorticoids/mineralcorticoids (unless otherwise specifically listed)	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Glucose, oral	NO	YES	YES	YES	YES	YES
Heparin (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁵	YES ⁵
Heparin (by continuous intravenous infusion)	NO	NO	NO	YES ⁴	YES ⁴ or ⁵	YES ⁴ or ⁵
Hespan	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Hydralazine	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Hydrocortisone sodium succinate	NO	NO	NO	YES	YES	YES
HYRDROmorphone	NO	NO	NO	YES ⁴	YES ⁴ or ⁵	YES ⁴ or ⁵
Hydroxocobalamin	NO	NO	NO	YES	YES	YES
Ibuprofen	NO	NO	NO	YES	YES	YES
Insulin	NO	NO	NO	NO	YES ⁵	YES ⁵
Isoproterenol HCl	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Ketamine	NO	NO	NO	YES ³	YES ^{3, 4, 5}	YES ^{3, 4, 5}
Ketorolac	NO	NO	NO	YES	YES	YES
Labetolol	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Levalbuterol	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Lidocaine HCl	NO	NO	NO	YES	YES	YES
LORazepam	NO	NO	NO	YES	YES	YES
Magnesium sulfate	NO	NO	NO	YES	YES	YES
Mannitol	NO	NO	NO	NO	YES ⁵	YES ⁵
Metaproterenol	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
MethylPREDNISolone	NO	NO	NO	YES	YES	YES
Metoprolol	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Midazolam	NO	NO	NO	YES	YES	YES
Milrinone	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Morphine sulfate	NO	NO	NO	YES	YES	YES
Naloxone (unless otherwise specifically listed). <i>Note</i> —autoinjector listed separately	NO	NO	YES ⁹	YES	YES	YES
Naloxone, intranasal or autoinjector. <i>Note</i> —EMRs and EMTs must complete additional required education with QRS or BLS service participating in naloxone program	YES ¹	YES ¹	YES ⁹	YES	YES	YES
Nerve agent antidote kit, autoinjector only (may include atropine, pralidoxime and diazepam)	NO	YES ^{6, 7}	YES ^{6, 7}	YES	YES	YES
Non-depolarizing neuromuscular blocking agents: all types, intravenous bolus during rapid sequence induction, assisting PHRN, PHPE or PHP	NO	NO	NO	NO	YES ⁵	YES ⁵
Non-depolarizing neuromuscular blocking agents: all types, intravenous infusion during interfacility transport	NO	NO	NO	NO	YES ⁴	YES ⁴
Nitroglycerin, intravenous and topical	NO	NO	NO	YES	YES	YES
Nitroglycerin, sublingual (unless otherwise specifically listed)	NO	NO	YES	YES	YES	YES
Nitroglycerin, sublingual, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Nitrous oxide	NO	NO	YES	YES	YES	YES
Norepinephrine	NO	NO	NO	NO	YES ⁵	YES ⁵
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)	NO	NO	YES	YES	YES	YES
Ondansetron	NO	NO	NO	YES	YES	YES
Oxygen, delivered by devices within the published scope of practice for the EMS provider	YES	YES	YES	YES	YES	YES
Oxytocin	NO	NO	NO	YES	YES	YES
Phenylephrine	NO	NO	NO	NO	YES ⁵	YES ⁵
Potassium Cl (in concentrations above 20 mEq/L)	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Plasmanate	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Pralidoxime	NO	NO	NO	YES	YES	YES
Procainamide	NO	NO	NO	YES	YES	YES
Propofol	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Propranolol	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Prostaglandins: all types	NO	NO	NO	NO	YES ⁵	YES ⁵
Quinidine sulfate/quinidine gluconate	NO	NO	NO	NO	YES ⁵	YES ⁵
Sodium bicarbonate	NO	NO	NO	YES	YES	YES
Sodium thiosulfate	NO	NO	NO	YES	YES	YES
Sterile water, for injection	NO	NO	NO	YES	YES	YES
Succinylcholine	NO	NO	NO	NO	YES ⁵	YES ⁵
Terbutaline	NO	NO	NO	YES	YES	YES

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Tetracaine, topical	NO	NO	NO	YES	YES	YES
Theophylline	NO	NO	NO	NO	YES ^{4, 5}	YES ^{4, 5}
Tirofiban	NO	NO	NO	YES ⁴	YES ^{4 or 5}	YES ^{4 or 5}
Tocolytics: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁵	YES ⁵
Total Parenteral Nutrition	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Tranexamic Acid	NO	NO	NO	YES ⁴	YES ^{4 or 5}	YES ^{4 or 5}
Verapamil	NO	NO	NO	YES	YES	YES
Medications not listed above, but within Department-approved air ambulance service protocol for use by PHRN, PHPE and PHP.	NO	NO	NO	NO	NO	YES ⁵

Table 2. Medications required to be carried by a specified EMS vehicle based upon the type of EMS service an EMS agency is licensed to provide. (R=Required)

<i>Medication</i>	<i>QRS</i>	<i>BLS</i>	<i>IALS</i>	<i>ALS</i>	<i>CCT</i>	<i>Air</i>
Adenosine				R	R	R
Aspirin, oral		R	R	R	R	R
Atropine sulfate				R	R	R
Benzodiazepines (diazepam, lorazepam or midazolam)—At least one type must be carried.				R ^{10, 12}	R ^{10, 12}	R ^{10, 12}
Bronchodilators (nebulizer solution), (albuterol or albuterol with ipratropium bromide)—At least one type must be carried.			R ⁸	R ⁸	R ⁸	R ⁸
Dextrose (for intravenous bolus in concentration between 10%—50%)			R	R	R	R
DiphenhydrAMINE HCl				R	R	R
EPINEPHrine HCl, 1 mg/mL concentration (IALS may meet requirement with EPINEPHrine as autoinjector—both adult and pediatric dose sizes—or as solution in vial/ampoule; ALS, CCT and Air must carry 1 mg/mL in vial or ampoule)			R	R	R	R
EPINEPHrine HCl, 0.1 mg/mL concentration				R	R	R
EPINEPHrine, autoinjector (adult and pediatric dose sizes)—applies only to BLS services approved for EMT EPINEPHrine program		R ³				
Etomidate—applies only to ALS services approved by regional etomidate program				R ³	R ³	R ³
Glucagon			R		R	R
Glucose, oral		R	R	R	R	R
Lidocaine HCl				R	R	R
Naloxone (restrictions on forms for QRS/BLS services listed separately)			R	R	R	R
Naloxone, intranasal kit or intramuscular autoinjector—applies only to QRS/BLS services that meet training requirements.	R ³	R ³				

<i>Medication</i>	<i>QRS</i>	<i>BLS</i>	<i>IALS</i>	<i>ALS</i>	<i>CCT</i>	<i>Air</i>
Narcotic analgesics (fentaNYL or morphine sulfate)—At least one type must be carried.				R ^{11, 12}	R ^{11, 12}	R ^{11, 12}
Nitroglycerin, sublingual			R	R	R	R
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)			R	R	R	R
Oxygen		R	R	R	R	R
Sodium bicarbonate				R	R	R
Medication within Department-approved air ambulance service protocol for use by PHRN, PHPE or PHP on crew						R

QRS—Quick Response Service; BLS—Basic Life Support ambulance service; IALS—Intermediate Advanced Life Support ambulance service; ALS—Advanced Life Support ambulance service; CCT—Critical Care Transport ambulance service; Air—Air ambulance service.

- EMRs and EMTs are restricted to administering this medication by intranasal and intramuscular autoinjector routes only, consistent with Statewide BLS protocols.
- AEMTs are restricted to administering this medication by intramuscular route only, consistent with Statewide AEMT protocols. AEMTs may not administer this medication by intravenous or intraosseous route.
- Permitted for services that meet Department requirements for training, medication stocking, and any agency or quality improvement requirements, as verified by the agency's assigned regional EMS council.
- During interfacility transport, paramedics who are authorized to function for an EMS agency that has been licensed as an ALS, CCT or air ambulance service are restricted to the maintenance and monitoring of medication administration that is initiated at the sending medical facility.
- This medication must be carried on a CCT ambulance so that it is only accessible when a PHRN, PHPE or PHP is part of the crew. Paramedics who are authorized to function for an EMS agency that has been licensed as a CCT or air ambulance service may only administer this medication when in the direct physical presence of, and supervised by, a PHRN, PHPE or PHP.
- May administer to a patient when assisting an EMS provider above the level of AEMT who has determined the dose for the patient consistent with Statewide ALS protocols.
- For self or peer rescue only.
- One listed type of bronchodilator medication must be carried on each licensed vehicle.
- AEMTs are restricted to administering this medication by intranasal, intramuscular or subcutaneous routes only, consistent with Statewide AEMT protocols. AEMTs may not give this medication by intravenous route.
- One benzodiazepine class medication must be carried on each licensed vehicle.
- One opioid class medication must be carried on each licensed vehicle.
- For additional information relating to security and medication tracking requirements for controlled substances, see 28 Pa. Code § 1027.5.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-537. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
WellSpan Good Samaritan Hospital	28 Pa. Code § 107.12(11) (relating to content of bylaws, rules and regulations)
Abington Memorial Hospital	28 Pa. Code § 107.26(b)(3) (relating to additional committees)

<i>Facility Name</i>	<i>Regulation</i>
Geisinger—Bloomsburg Hospital	28 Pa. Code § 119.11 (relating to principle)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Eagleview Hospital	2.6-2.3.2.1	Activities of daily living unit	2014
Jefferson Hospital	2.1-8.5.2.2	Size (TDRs)	2014
	2.2-3.3.2.1	Space requirements (operating rooms)	2014
	2.2-3.5.2.1	Space requirements (interventional imaging procedure rooms)	2014
Meadville Medical Center	2.2-3.4.5.4(1)	Space requirements (ultrasound facilities)	2014

All previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or 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. 18-538. Filed for public inspection April 6, 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 § 205.38(b) (relating to toilet facilities):

Sunbury Community Health and Rehabilitation Center
350 North 11th Street
Sunbury, PA 17801
FAC ID # 450302

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing-impaired persons, 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. 18-539. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public meeting on Thursday, April 26, 2018, from 10 a.m. to 3 p.m. at the Radisson Hotel Harrisburg, 1150 Camp Hill Bypass, Camp Hill, PA.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact John

Haines, Special Pharmaceutical Benefits Program, Bureau of Communicable Diseases, Department of Health, Room 611, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (800) 922-9384, 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).

This meeting is subject to cancellation without prior notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-540. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2018, through June 30, 2018, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.	\$1.35
Beans/Peas—Dry—16 oz.	\$2.18
Canned Fish—Pink Salmon	\$2.20
Canned Fish—Sardines	\$1.50
Canned Fish—Tuna	\$1.29
Cereal (per oz.)	\$0.33
Cheese, 16 oz.	\$7.31
Eggs	\$2.35
Infant Cereal—8 oz.	\$2.55
Infant Fruits, 100%—4 oz.	\$1.07
Infant Vegetables, 100%—4 oz.	\$1.07
Infant Meats, 100%—2.5 oz.	\$1.16
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.25
Juice—64 oz.	\$3.99
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.27
Milk, Dry—25.6 oz.	\$9.55
Milk, Evaporated—12 oz.	\$1.53
Milk, Lowfat and 2%—quart	\$1.36
Milk, Lowfat and 2%—1/2 gallon	\$2.29

Description	Maximum Allowable Price
Milk, Lowfat and 2% Lactose Free—quart	\$2.32
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$3.99
Milk, Whole—quart	\$1.45
Milk, Whole—1/2 gallon	\$2.29
Milk, Whole Lactose Free—quart	\$2.57
Milk, Whole Lactose Free—1/2 gallon	\$4.09
Peanut Butter—16—18 oz.	\$3.29
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.29
Soy Beverage—8th Continent 64 oz.	\$3.59
Tofu—16 oz.	\$2.57
Whole Grain—Bread, 16 oz.	\$3.49
Whole Grain—Bread, 24 oz.	\$3.95
Whole Grain—Brown Rice, 16 oz.	\$1.80
Whole Grain—Brown Rice, 24 oz.	\$3.32
Whole Grain—Oats, 16 oz.	\$2.44
Whole Grain—Oats, 24 oz.	\$5.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.57
Whole Wheat Pasta	\$1.37
Yogurt Nonfat	\$3.10
Yogurt Lowfat	\$3.10
Yogurt Wholefat	\$3.20
Boost RTF Formula—8 oz.	\$1.79
EnfaCare RTF Formula—32 oz.	\$7.30
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.00
Nutramigen Concentrate Formula—13 oz.	\$7.59
Nutramigen RTF Formula—32 oz.	\$10.39
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$26.40
Pediasure RTF Formula—8 oz.	\$1.93
Pediasure w/Fiber RTF Formula—8 oz.	\$2.09
Pediasure Sidekicks RTF Formula—8 oz.	\$1.95
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.15
Similac Advance RTF Formula—Blue—32 oz.	\$7.65
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.06
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.39
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.39
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.99
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.95
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$18.29
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$22.49
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.05
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.69
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.49
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$16.59
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.51
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.09
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.69
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.69

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that

exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, April 1, 2018, through June 30, 2018, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.29
Beans/Peas—Dry—16 oz.....	\$1.98
Canned Fish—Pink Salmon.....	\$2.19
Canned Fish—Sardines.....	\$1.43
Canned Fish—Tuna.....	\$1.19
Cereal (per oz.).....	\$0.31
Cheese, 16 oz.....	\$6.84
Eggs.....	\$2.29
Infant Cereal—8 oz.....	\$2.44
Infant Fruits, 100%—4 oz.....	\$0.94
Infant Vegetables, 100%—4 oz.....	\$0.94
Infant Meats, 100%—2.5 oz.....	\$1.15
Juice—11.5/12 oz.....	\$2.39
Juice—48 oz.....	\$3.10
Juice—64 oz.....	\$3.59
Kosher Cheese—16 oz.....	\$7.79
Kosher Lowfat Milk—1/2 gallon.....	\$3.15
Kosher Whole Milk—1/2 gallon.....	\$3.19
Milk, Lowfat—1/2 gallon.....	\$2.15
Milk, Whole—1/2 gallon.....	\$2.22
Peanut Butter—16—18 oz.....	\$3.20
Whole Grain—Bread, 16 oz.....	\$3.35
Whole Grain—Brown Rice, 16 oz.....	\$1.69
Whole Grain—Oats, 16 oz.....	\$2.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.43
Whole Wheat Pasta.....	\$1.35
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.15
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$16.06
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.51
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$16.69

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2018, through June 30, 2018, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.45
Beans/Peas—Dry—16 oz.....	\$2.26
Canned Fish—Pink Salmon.....	\$2.26

<i>Description</i>	<i>Maximum Allowable Price</i>
Canned Fish—Sardines.....	\$1.59
Canned Fish—Tuna.....	\$1.35
Cereal (per oz.).....	\$0.34
Cheese, 16 oz.....	\$7.33
Eggs.....	\$2.45
Infant Cereal—8 oz.....	\$2.65
Infant Fruits, 100%—4 oz.....	\$1.10
Infant Vegetables, 100%—4 oz.....	\$1.10
Infant Meats, 100%—2.5 oz.....	\$1.22
Juice—11.5/12 oz.....	\$2.71
Juice—48 oz.....	\$3.39
Juice—64 oz.....	\$4.28
Kosher Cheese—16 oz.....	\$8.40
Kosher Lowfat and 2% Milk—quart.....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.46
Milk, Dry—25.6 oz.....	\$9.65
Milk, Evaporated—12 oz.....	\$1.63
Milk, Lowfat and 2%—quart.....	\$1.42
Milk, Lowfat and 2%—1/2 gallon.....	\$2.32
Milk, Lowfat and 2% Lactose Free—quart.....	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon.....	\$4.19
Milk, Whole—quart.....	\$1.50
Milk, Whole—1/2 gallon.....	\$2.49
Milk, Whole Lactose Free—quart.....	\$2.66
Milk, Whole Lactose Free—1/2 gallon.....	\$4.29
Peanut Butter—16—18 oz.....	\$3.49
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.35
Soy Beverage—8th Continent 64 oz.....	\$3.69
Tofu—16 oz.....	\$2.62
Whole Grain—Bread, 16 oz.....	\$3.55
Whole Grain—Bread, 24 oz.....	\$4.00
Whole Grain—Brown Rice, 16 oz.....	\$1.95
Whole Grain—Brown Rice, 24 oz.....	\$3.39
Whole Grain—Oats, 16 oz.....	\$2.55
Whole Grain—Oats, 24 oz.....	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.59
Whole Wheat Pasta.....	\$1.64
Yogurt Nonfat.....	\$3.15
Yogurt Lowfat.....	\$3.15
Yogurt Wholefat.....	\$3.25
Boost RTF Formula—8 oz.....	\$1.85
EnfaCare RTF Formula—32 oz.....	\$7.44
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$18.04
Nutramigen Concentrate Formula—13 oz.....	\$7.65
Nutramigen RTF Formula—32 oz.....	\$10.49
Nutramigen w/Enflora Powder Formula— 12.6 oz.....	\$26.45
Pediasure RTF Formula—8 oz.....	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.15
Pediasure Sidekicks RTF Formula—8 oz.....	\$2.04
Similac Advance Concentrate—Blue Formula— 13 oz.....	\$5.20
Similac Advance RTF—Blue Formula—32 oz.....	\$7.75
Similac Advance Powder—Blue Formula— 12.4 oz.....	\$16.18
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.....	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz.....	\$8.09

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Expert Care NeoSure RTF Formula—32 oz.	\$9.07
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$18.49
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$22.55
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.15
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.99
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.70
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$16.79
Similac Soy Isomil Concentrate—Pink Formula—13 oz.	\$5.69
Similac Soy Isomil RTF—Pink Formula—32 oz.	\$8.29
Similac Soy Isomil Powder—Pink Formula—12.4 oz.	\$16.99
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.79

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2018, through June 30, 2018, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon.	\$2.25
Canned Fish—Sardines.	\$1.49
Canned Fish—Tuna.	\$1.27
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.86
Eggs.	\$2.39
Infant Cereal—8 oz.	\$2.50
Infant Fruits, 100%—4 oz.	\$0.99
Infant Vegetables, 100%—4 oz.	\$0.99
Infant Meats, 100%—2.5 oz.	\$1.20
Juice—11.5/12 oz.	\$2.52
Juice—48 oz.	\$3.17
Juice—64 oz.	\$3.85
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon.	\$3.19
Kosher Whole Milk—1/2 gallon.	\$3.25
Milk, Lowfat—1/2 gallon.	\$2.19
Milk, Whole—1/2 gallon.	\$2.25
Peanut Butter—16—18 oz.	\$3.30
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.45
Whole Wheat Pasta.	\$1.60

<i>Description</i>	<i>Competitive Prices</i>
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.20
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.18
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.69
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.99

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2018, through June 30, 2018, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.47
Beans/Peas—Dry—16 oz.	\$2.35
Canned Fish—Pink Salmon.	\$2.30
Canned Fish—Sardines.	\$1.65
Canned Fish—Tuna.	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.35
Eggs.	\$3.05
Infant Cereal—8 oz.	\$2.70
Infant Fruits, 100%—4 oz.	\$1.15
Infant Vegetables, 100%—4 oz.	\$1.15
Infant Meats, 100%—2.5 oz.	\$1.27
Juice—11.5/12 oz.	\$2.76
Juice—48 oz.	\$3.50
Juice—64 oz.	\$4.37
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart.	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon.	\$3.30
Kosher Whole Milk—quart.	\$1.80
Kosher Whole Milk—1/2 gallon.	\$3.37
Milk, Dry—9.6 oz.	\$4.55
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.70
Milk, Lowfat and 2%—quart.	\$1.47
Milk, Lowfat and 2%—1/2 gallon.	\$2.62
Milk, Lowfat and 2% Lactose Free—quart.	\$2.49
Milk, Lowfat and 2% Lactose Free—1/2 gallon.	\$4.29
Milk, Whole—quart.	\$1.57
Milk, Whole—1/2 gallon.	\$2.69
Milk, Whole Lactose Free—quart.	\$2.76
Milk, Whole Lactose Free—1/2 gallon.	\$4.39
Peanut Butter—16—18 oz.	\$3.59
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.45
Soy Beverage—8th Continent 64 oz.	\$3.86
Tofu—16 oz.	\$2.72
Whole Grain—Bread, 16 oz.	\$3.63
Whole Grain—Bread, 24 oz.	\$4.07
Whole Grain—Brown Rice, 16 oz.	\$2.09
Whole Grain—Brown Rice, 24 oz.	\$3.59
Whole Grain—Oats, 16 oz.	\$2.70
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64

<i>Description</i>	<i>Maximum Allowable Price</i>
Whole Wheat Pasta	\$2.17
Yogurt Nonfat	\$3.20
Yogurt Lowfat	\$3.20
Yogurt Wholefat	\$3.30
Boost RTF Formula—8 oz.	\$1.89
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.81
Nutramigen Concentrate Formula—13 oz.	\$7.69
Nutramigen RTF Formula—32 oz.	\$10.59
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$26.55
Pediasure RTF Formula—8 oz.	\$2.30
Pediasure w/Fiber RTF Formula—8 oz.	\$2.40
Pediasure Sidekicks RTF Formula—8 oz.	\$2.16
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.35
Similac Advance RTF Formula—Blue—32 oz.	\$7.85
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.97
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.69
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.19
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.29
Similac Expert Care NeoSure RTF Formula—32 oz.	\$9.24
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$18.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.29
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.29
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$17.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$8.19
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$16.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.79
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.49
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$17.19
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$17.29

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2018, through June 30, 2018, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.39
Beans/Peas—Dry—16 oz.	\$2.12
Canned Fish—Pink Salmon	\$2.29

<i>Description</i>	<i>Competitive Prices</i>
Canned Fish—Sardines	\$1.54
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$6.88
Eggs	\$2.99
Infant Cereal—8 oz.	\$2.55
Infant Fruits, 100%—4 oz.	\$1.02
Infant Vegetables, 100%—4 oz.	\$1.02
Infant Meats, 100%—2.5 oz.	\$1.25
Juice—11.5/12 oz.	\$2.57
Juice—48 oz.	\$3.39
Juice—64 oz.	\$4.00
Kosher Cheese—16 oz.	\$8.30
Kosher Lowfat Milk—1/2 gallon	\$3.29
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Lowfat—1/2 gallon	\$2.49
Milk, Whole—1/2 gallon	\$2.52
Peanut Butter—16—18 oz.	\$3.40
Whole Grain—Bread, 16 oz.	\$3.45
Whole Grain—Brown Rice, 16 oz.	\$2.05
Whole Grain—Oats, 16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.58
Whole Wheat Pasta	\$2.10
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.35
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.97
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.79
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$17.19

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2018, through June 30, 2018, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.38
Beans/Peas—Dry—16 oz.	\$2.20
Canned Fish—Pink Salmon	\$2.27
Canned Fish—Sardines	\$1.60
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.45
Eggs	\$2.45
Infant Cereal—8 oz.	\$2.62
Infant Fruits, 100%—4 oz.	\$1.09
Infant Vegetables, 100%—4 oz.	\$1.09
Infant Meats, 100%—2.5 oz.	\$1.20
Juice—11.5/12 oz.	\$2.65
Juice—48 oz.	\$3.34
Juice—64 oz.	\$4.05
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.43
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.59
Milk, Lowfat and 2%—quart	\$1.40
Milk, Lowfat and 2%—1/2 gallon	\$2.32
Milk, Lowfat and 2% Lactose Free—quart	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.09
Milk, Whole—quart	\$1.52
Milk, Whole—1/2 gallon	\$2.49
Milk, Whole Lactose Free—quart	\$2.65
Milk, Whole Lactose Free—1/2 gallon	\$4.19
Peanut Butter—16—18 oz.	\$3.40
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.35
Soy Beverage—8th Continent 64 oz.	\$3.65
Tofu—16 oz.	\$2.61
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Bread, 24 oz.	\$3.99
Whole Grain—Brown Rice, 16 oz.	\$1.95
Whole Grain—Brown Rice, 24 oz.	\$3.39
Whole Grain—Oats, 16 oz.	\$2.52
Whole Grain—Oats, 24 oz.	\$5.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59
Whole Wheat Pasta	\$1.47
Yogurt Nonfat	\$3.15
Yogurt Lowfat	\$3.15
Yogurt Wholefat	\$3.25
Boost RTF Formula—8 oz.	\$1.85
EnfaCare RTF Formula—32 oz.	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.24
Nutramigen Concentrate Formula—13 oz.	\$7.63
Nutramigen RTF Formula—32 oz.	\$10.45
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$26.60
Pediasure RTF Formula—8 oz.	\$2.04
Pediasure w/Fiber RTF Formula—8 oz.	\$2.15
Pediasure Sidekicks RTF Formula—8 oz.	\$1.99
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.30
Similac Advance RTF Formula—Blue—32 oz.	\$7.69
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.39
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.09
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$9.09
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$18.59
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.17
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.09
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$17.19
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.79
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$16.89
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.61
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.29

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$17.05
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$17.09

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2018, through June 30, 2018, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.48
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.91
Eggs	\$2.39
Infant Cereal—8 oz.	\$2.49
Infant Fruits, 100%—4 oz.	\$0.98
Infant Vegetables, 100%—4 oz.	\$0.98
Infant Meats, 100%—2.5 oz.	\$1.19
Juice—11.5/12 oz.	\$2.45
Juice—48 oz.	\$3.16
Juice—64 oz.	\$3.66
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.29
Milk, Whole—1/2 gallon	\$2.35
Peanut Butter—16—18 oz.	\$3.29
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.50
Whole Wheat Pasta	\$1.40
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.30
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.39
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.61
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$17.05

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2018, through June 30, 2018, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.	\$1.45
Beans/Peas—Dry—16 oz.	\$2.30
Canned Fish—Pink Salmon.	\$2.30
Canned Fish—Sardines	\$1.72
Canned Fish—Tuna	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.55
Eggs	\$2.65
Infant Cereal—8 oz.	\$2.76
Infant Fruits, 100%—4 oz.	\$1.11
Infant Vegetables, 100%—4 oz.	\$1.11
Infant Meats, 100%—2.5 oz.	\$1.27
Juice—11.5/12 oz.	\$2.76
Juice—48 oz.	\$3.53
Juice—64 oz.	\$4.34
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.50
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.65
Milk, Lowfat and 2%—quart	\$1.44
Milk, Lowfat and 2%—1/2 gallon	\$2.42
Milk, Lowfat and 2% Lactose Free—quart	\$2.50
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.25
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.59
Milk, Whole Lactose Free—quart	\$2.70
Milk, Whole Lactose Free—1/2 gallon	\$4.35
Peanut Butter—16—18 oz.	\$3.56
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.40
Soy Beverage—8th Continent 64 oz.	\$3.85
Tofu—16 oz.	\$2.68
Whole Grain—Bread, 16 oz.	\$3.59
Whole Grain—Bread, 24 oz.	\$4.05
Whole Grain—Brown Rice, 16 oz.	\$1.99
Whole Grain—Brown Rice, 24 oz.	\$3.69
Whole Grain—Oats, 16 oz.	\$2.88
Whole Grain—Oats, 24 oz.	\$5.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$1.74
Yogurt Nonfat	\$3.20
Yogurt Lowfat	\$3.20
Yogurt Wholefat	\$3.30
Boost RTF Formula—8 oz.	\$1.91
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.38
Nutramigen Concentrate Formula—13 oz.	\$7.69
Nutramigen RTF Formula—32 oz.	\$10.55
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$27.00
Pediasure RTF Formula—8 oz.	\$2.06
Pediasure w/Fiber RTF Formula—8 oz.	\$2.19
Pediasure Sidekicks RTF Formula—8 oz.	\$2.07
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.55
Similac Advance RTF Formula—Blue—32 oz.	\$7.79

Maximum Allowable Price

Description	Maximum Allowable Price
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.49
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.59
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.29
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.49
Similac Expert Care NeoSure RTF Formula—32 oz.	\$9.14
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$18.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.40
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.19
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$17.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.89
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$16.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.79
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.39
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$17.20
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$17.29

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2018, through June 30, 2018, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

Description	Competitive Prices
Beans, Canned—15.5/16 oz.	\$1.33
Beans/Peas—Dry—16 oz.	\$2.13
Canned Fish—Pink Salmon.	\$2.29
Canned Fish—Sardines	\$1.62
Canned Fish—Tuna	\$1.32
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.00
Eggs	\$2.49
Infant Cereal—8 oz.	\$2.62
Infant Fruits, 100%—4 oz.	\$1.00
Infant Vegetables, 100%—4 oz.	\$1.00
Infant Meats, 100%—2.5 oz.	\$1.25
Juice—11.5/12 oz.	\$2.60
Juice—48 oz.	\$3.26
Juice—64 oz.	\$3.90
Kosher Cheese—16 oz.	\$8.00
Kosher Lowfat Milk—1/2 gallon	\$3.25
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Lowfat—1/2 gallon	\$2.35
Milk, Whole—1/2 gallon	\$2.39

Description	Competitive Prices
Peanut Butter—16—18 oz.	\$3.39
Whole Grain—Bread, 16 oz.	\$3.49
Whole Grain—Brown Rice, 16 oz.	\$1.90
Whole Grain—Oats, 16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.55
Whole Wheat Pasta	\$1.70
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.55
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.49
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$17.20

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2018, through June 30, 2018, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.	\$1.54
Beans/Peas—Dry—16 oz.	\$2.40
Canned Fish—Pink Salmon.	\$2.49
Canned Fish—Sardines	\$1.75
Canned Fish—Tuna	\$1.50
Cereal (per oz.)	\$0.37
Cheese, 16 oz.	\$7.70
Eggs	\$3.15
Infant Cereal—8 oz.	\$3.10
Infant Fruits, 100%—4 oz.	\$1.28
Infant Vegetables, 100%—4 oz.	\$1.28
Infant Meats, 100%—2.5 oz.	\$1.37
Juice—11.5/12 oz.	\$2.83
Juice—48 oz.	\$3.66
Juice—64 oz.	\$4.43
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.87
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.37
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.40
Milk, Dry—9.6 oz.	\$4.60
Milk, Dry—25.6 oz.	\$9.85
Milk, Evaporated—12 oz.	\$1.72
Milk, Lowfat and 2%—quart	\$1.59
Milk, Lowfat and 2%—1/2 gallon	\$2.72
Milk, Lowfat and 2% Lactose Free—quart	\$2.53
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.35
Milk, Whole—quart	\$1.74
Milk, Whole—1/2 gallon	\$2.79
Milk, Whole Lactose Free—quart	\$2.79
Milk, Whole Lactose Free—1/2 gallon	\$4.45
Peanut Butter—16—18 oz.	\$3.68
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.50
Soy Beverage—8th Continent 64 oz.	\$4.00
Tofu—16 oz.	\$2.75

Description	Maximum Allowable Price
Whole Grain—Bread, 16 oz.	\$3.65
Whole Grain—Bread, 24 oz.	\$4.10
Whole Grain—Brown Rice, 16 oz.	\$2.45
Whole Grain—Brown Rice, 24 oz.	\$3.79
Whole Grain—Oats, 16 oz.	\$3.00
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.70
Whole Wheat Pasta	\$2.77
Yogurt Nonfat	\$3.25
Yogurt Lowfat	\$3.25
Yogurt Wholefat	\$3.35
Boost RTF Formula—8 oz.	\$2.04
EnfaCare RTF Formula—32 oz.	\$8.04
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.81
Nutramigen Concentrate Formula—13 oz.	\$8.19
Nutramigen RTF Formula—32 oz.	\$10.65
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$27.30
Pediasure RTF Formula—8 oz.	\$2.35
Pediasure w/Fiber RTF Formula—8 oz.	\$2.45
Pediasure Sidekicks RTF Formula—8 oz.	\$2.45
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.78
Similac Advance RTF Formula—Blue—32 oz.	\$7.99
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.99
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.79
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$30.19
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.79
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$9.34
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$18.79
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.45
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.59
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$18.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$8.29
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$17.99
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$6.25
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.54
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$18.19
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$17.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2018, through June 30,

2018, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>	<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.50	Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.60
Beans/Peas—Dry—16 oz.....	\$2.15	Whole Wheat Pasta	\$2.70
Canned Fish—Pink Salmon.....	\$2.48	Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.78
Canned Fish—Sardines	\$1.68	Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.99
Canned Fish—Tuna	\$1.48	Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$6.25
Cereal (per oz.)	\$0.35	Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$18.19
Cheese, 16 oz.	\$7.20		
Eggs	\$3.09		
Infant Cereal—8 oz.....	\$2.96		
Infant Fruits, 100%—4 oz.....	\$1.15		
Infant Vegetables, 100%—4 oz.....	\$1.15		
Infant Meats, 100%—2.5 oz.....	\$1.35		
Juice—11.5/12 oz.....	\$2.70		
Juice—48 oz.	\$3.47		
Juice—64 oz.	\$4.20		
Kosher Cheese—16 oz.	\$8.40		
Kosher Lowfat Milk—1/2 gallon.....	\$3.35		
Kosher Whole Milk—1/2 gallon	\$3.39		
Milk, Lowfat—1/2 gallon	\$2.58		
Milk, Whole—1/2 gallon	\$2.70		
Peanut Butter—16—18 oz.	\$3.59		
Whole Grain—Bread, 16 oz.	\$3.55		
Whole Grain—Brown Rice, 16 oz.	\$2.40		
Whole Grain—Oats, 16 oz.....	\$2.99		

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, 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. 18-541. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), no contracts for public work shall be awarded to these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Louis Woyton, individually and d/b/a Thumbs Up Construction	609 Painter Avenue Ford Cliff, PA 16228	3/12/2018

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 18-542. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Internet Instant Games

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) Title 4 Amusements (4 Pa.C.S.A. §§ 501—505) and 61 Pa. Code § 876.3 (relating to notice of iLottery game rules), the Secretary of Revenue hereby provides public notice of the rules for internet instant games of the iLottery category of games:

1. *iLottery.* iLottery games is a category of games offered by the Pennsylvania Lottery which are played on the internet and through mobile sites, services, applications or platforms, including Pennsylvania Lottery's Official Mobile App. iLottery games can be played on a variety of devices that connect to the internet, and offer registered iLottery players a chance to win prizes based on the amount played for any individual game. iLottery games include internet instant games.

2. *Definitions.* The words and terms, when used in this notice, have the meanings ascribed to them under 61 Pa. Code § 876.2 (relating to definitions), unless the context clearly indicates otherwise.

3. *Operation of internet instant games.*

(a) Internet instant games give registered iLottery players the opportunity to win one prize per play.

(b) Internet instant games are games of chance the outcomes of which are determined by a random number generator.

(c) The outcome of an internet instant game is determined at the time the registered iLottery player purchases a play. Player selections, actions or choices in iLottery games do not affect the outcome of the game or the prize won.

4. *Eligibility Requirements.* To be eligible to participate in iLottery and purchase plays for internet instant games, a person must meet all of the following requirements:

(a) A person must become a registered iLottery player by establishing a lottery account with the Lottery through the Pennsylvania Lottery's iLottery website at <http://www.PAiLottery.com>, or by downloading the Pennsylvania Lottery's Official Mobile App.

(b) A registered iLottery player must be 18 years of age, or older.

(c) A registered iLottery player must be located within the physical boundaries of the Commonwealth of Pennsylvania to purchase a play.

(d) A registered iLottery player must agree to the terms and conditions for registration and participation in iLottery.

(e) A registered iLottery player shall abide by all other requirements of 4 Pa.C.S.A. §§ 501—505, as well as any regulations promulgated thereunder.

5. *Purchase Price.* The purchase price for a single play in any individual internet instant game is determined by the game selected. The purchase price for a play will range from \$0.01 to \$30. To determine the price of a play in any specific internet instant game, registered iLottery players should refer to that game's description, as provided for in section 12 (relating to location of individual game description).

6. *Procedures for Purchasing a Play.*

(a) To purchase a play, registered iLottery players must have a valid lottery account, as referenced in section 4(a) (relating to eligibility requirements).

(b) Registered iLottery players must fund the player's lottery account with money from an approved payment provider, as further detailed on PAiLottery.com or through the iLottery section in the Official PA Lottery Mobile App.

(c) Registered iLottery players may purchase a play using the player's own money, or using bonus or promotional money provided to the registered iLottery player by the Lottery at the Lottery's discretion, which is deposited into the player's lottery account.

7. *Procedures for Claiming and Payment of Prizes.*

(a) After purchasing a play for a specific internet instant game, the registered iLottery player must follow the instructions provided for that internet instant game to reveal whether a prize is awarded.

(b) Prizes won by playing internet instant games will be deposited into the registered iLottery player's lottery account and may be withdrawn from the player's account at the player's discretion, and as further detailed in the iLottery terms and conditions.

(c) The Lottery will report taxable events to the relevant taxing authorities based on established statutory thresholds and registered iLottery players will have the ability to view and print their tax statements within the registered iLottery player's lottery account.

(d) State and Federal withholding taxes, as further provided in section 10 (relating to withholding), will be automatically deducted from prizes meeting established statutory thresholds, and shall be remitted to the appropriate taxing authorities as required by law.

(e) Statutorily required offsets under 23 Pa.C.S.A. § 4308 (relating to lottery winnings intercept) and 72 P.S. § 215 (relating to lottery winnings intercept) shall be automatically deducted from prizes meeting statutory thresholds, and shall be paid to the relevant agencies as required by law.

8. *Funding for Prizes.*

(a) Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes.

(b) If the internet instant game is terminated for any reason, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

9. *Unclaimed Prizes.* For a period of 1 year from the date on which an internet instant prize is won, prize money from a winning play will be retained by the Secretary for payment to the person entitled thereto. If no claim is made within 1 year of the date on which a prize is won, the right of a player to claim the prize, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Withholding.* State and Federal withholding taxes will be withheld by the Lottery for prize payments in amounts required in accordance with applicable provisions of law.

11. *Purchase and Prize Restrictions.*

(a) A play may not be purchased by, and a prize will not be paid to, any individual failing to meet any of the requirements of section 4 (relating to eligibility requirements).

(b) A play may not be purchased by, and a prize will not be awarded to, an officer or employee of the Lottery, Lottery professional services contractors or subcontractors who are directly involved in the operation of iLottery and the provision of iLottery related services, or to a spouse, child, brother, sister or parent residing in the same household of the officer, employee, contractor, or subcontractor.

(c) During any period of self-exclusion as provided for under 61 Pa. Code § 876.16 (relating to self-exclusion from iLottery), no self-excluded registered iLottery player shall 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.

(d) A registered iLottery player may be prohibited from purchasing plays, depositing or withdrawing money from the player's account or otherwise participating in iLottery and iLottery promotions subject to any responsible gambling limits as set forth in the iLottery terms and conditions and as selected by the registered iLottery player, including deposit limits, spend limits, time-related limits or lottery account access limits.

12. *Location of Individual Game Description.* The description of each individual internet instant game, as required by 61 Pa. Code § 876.4 (relating to iLottery game description), as well as the instructions for playing each individual internet instant game, will be posted to the Pennsylvania Lottery's iLottery website.

13. *Governing Law.* By registering to participate in iLottery, the registered iLottery player agrees to comply with and abide by Federal and State law, the iLottery regulations, applicable game rules, the terms and conditions for registration and participation in iLottery, and final decisions of the Secretary.

14. *Termination of the Game.* The termination of specific internet instant games, or of the iLottery category of games, will be communicated through the Pennsylvania Lottery's Official website.

15. *Applicability.*

(a) This notice applies only to iLottery games and internet instant games as offered by the Lottery.

(b) Internet instant games are only offered through PAiLottery.com and the Pennsylvania Lottery's Official Mobile App.

(c) Internet instant games are not available through Lottery retailers.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-543. Filed for public inspection April 6, 2018, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Advisory Committee Meeting

The Transportation Advisory Committee will hold its quarterly meeting on Thursday, April 12, 2018, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Ellen E. Sweeney, (717) 787-2913, ellsweeney@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 18-544. Filed for public inspection April 6, 2018, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Rausch Creek Land, LP v. Department of Environmental Protection and Porter Associates, Inc., Permittee; EHB Doc. No. 2017-070-L

Rausch Creek Land, LP has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0595314 to Porter Associates, Inc., in conjunction with Surface Mining Permit No. 54890105R5, for the Porter Stripping operation located in Porter Township, Schuylkill County.

A hearing on the appeal has been scheduled to begin at 10 a.m. on October 9, 2018, at the Harrisburg offices of the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Any changes to the hearing schedule may be

found on the Environmental Hearing Board's (Board) web site at <http://ehb.courtapps.com>.

The appeal, and other filings related to the appeal, may be reviewed by any interested person on request during normal business hours at the Board's Harrisburg office, or through the Board's web site. 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.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 18-545. Filed for public inspection April 6, 2018, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, March 22, 2018, and announced the following:

Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective March 21, 2018

Department of Agriculture # 2-190: Commercial Kennel Canine Health Regulations (deletes 7 Pa. Code § 28a.8(5))

Action Taken—Regulation Approved:

State Board of Occupational Therapy Education and Licensure # 16A-6711: General Revisions (amends 49 Pa. Code Chapter 42)

Approval Order

Public Meeting Held
March 22, 2018

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Occupational Therapy Education and Licensure
General Revisions
Regulation No. 16A-6711 (# 3134)*

On February 5, 2016, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Occupational Therapy Education and Licensure (Board). This rulemaking amends 49 Pa. Code Chapter 42. The proposed regulation was published in the February 20, 2016 *Pennsylvania Bulletin* with a 30-day public comment period ending March 21, 2016. The final-form regulation was submitted to the Commission on February 9, 2018.

This regulation implements Act 138 of 2012 by requiring the maintenance of professional liability insurance by occupational therapists and establishing continued competency requirements for occupational therapy assistants.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 18-546. Filed for public inspection April 6, 2018, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-534	Environmental Quality Board Triennial Review of Water Quality Standards 47 Pa.B. 6609 (October 21, 2017)	2/16/18	3/19/18
7B-9	Department of Conservation and Natural Resources Snowmobile and All-Terrain Vehicle Grants 48 Pa.B. 515 (January 20, 2018)	2/20/18	3/22/18
11-256	Insurance Department Medicare Supplement Insurance Minimum Standards 48 Pa.B. 517 (January 20, 2018)	2/20/18	3/22/18

Environmental Quality Board Regulation # 7-534 (IRRC # 3182)

Triennial Review of Water Quality Standards March 19, 2018

We submit for your consideration the following comments on the proposed rulemaking published in the October 21, 2017 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other sources.

1. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA directs the Independent Regulatory Review Commission (Commission) to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and need. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the Regulatory Analysis Form (RAF).

Comparison to other states

RAF Question # 12 asks how this regulation compares to other states and how it will affect Pennsylvania's ability to compete with other states. This proposal includes updates to Table 5 of § 93.8(c), relating to human health and aquatic life criteria for toxic substances. The updates are based on Environmental Protection Agency

(EPA) recommendations issued in 2015 for 94 pollutants. Several commentators have noted that EQB is not obligated to incorporate the 2015 EPA recommendations and that EPA regulations found at 40 C.F.R. § 131.11(b) provide a state with flexibility on how it chooses to meet EPA requirements. Commentators point out that other states have developed a regulatory framework more reflective of their own environment. In the Preamble, EQB explains that for the 94 individual recommended criteria updates contained in EPA's 2015 guidance, it is adopting 73 recommendations, adding 11 new compounds and retaining 10 that are the same as EPA's. We ask EQB to provide a comparison of its approach to adopting the 2015 EPA guidance on human health water quality criteria to other states surrounding Pennsylvania. Have those states adopted the EPA guidance or taken another approach allowed by 40 C.F.R. § 131.11(b)?

Cost of compliance

RAF Question # 19 states that the costs and savings to the regulated community cannot be determined because each activity that will result in pollution to waters in the Commonwealth must be reviewed based on site-specific considerations. The Preamble indicates the proposed rulemaking may impose additional costs on the regulated community. Commentators have expressed concern with the lack of financial data related to costs imposed by this rulemaking. A particular concern raised relates to the revised criteria for ammonia found in Table 3 of § 93.7(a), relating to specific water quality criteria. We ask EQB to consult with members of the regulated community to gain a better understanding of the fiscal impact this rulemaking will have and to include a more complete fiscal analysis with the final-form rulemaking.

2. Section 93.7. Specific water quality criteria.—Reasonableness; Implementation procedures; Fiscal impact.

Ammonia

EQB is proposing to replace the current statewide aquatic life use criteria for ammonia found in Table 3 with the new federally recommended criteria. A commentator has stated the new criteria are designed to protect a sensitive mussel population that is only present in 15 of Pennsylvania's 67 counties. They believe that implementing the criteria on a statewide basis would be costly to the regulated community and provide no benefit to the environment. We ask EQB to explain the need to impose the more stringent Federal standard on a statewide basis. Has EQB considered a more site-specific approach to regulating ammonia?

Bacteria

EQB is proposing to amend its existing bacteria criteria by replacing the current fecal coliform based criteria for water contact sports during the swimming season (May 1 to September 30) with 2012 EPA Recreational Water Quality Criteria recommendations. We note that the existing regulations currently recognize a swimming season and a non-swimming season, and there are different standards for both. Some commentators have suggested that having different standards for each season could be confusing to the regulated community. We ask EQB to explain how it currently implements this standard and if it has had any problems with implementation of it. Will the new criteria require a different implementation strategy? If so, what will be required?

Other commentators are concerned that natural sources of bacteria could make it difficult for dischargers to meet the more stringent standard being proposed. Suggestions by these commentators include: an additional feasibility study conducted by the Department of Environmental Protection; review of scientific material submitted by a commentator; and adding a provision to the rulemaking to allow a discharger to provide scientific data to show they are not the cause of elevated levels of bacteria. We ask EQB to work with these commentators to gain a better understanding of their concerns and, if appropriate, amend the rulemaking accordingly.

3. Section 93.8c. Human health and aquatic life criteria for toxic substances.—Implementation procedures; Clarity.

Subsection (a)

A commentator has concerns with the following language that is being added to this subsection, "... instream measurements or best estimates, representative of the median concentrations or conditions of the receiving stream for the applicable time period and design conditions." They question how it will be implemented. We agree that the new language, as written, would be difficult to implement. In the final-form regulation, we ask EQB to amend the regulation to clarify implementation of this requirement.

Table 5 Water Quality Criteria for Toxic Substances

As noted above, EQB is adopting updated criteria for 73 compounds, adding 11 new human health compounds and retaining 10 criteria that are the same as EPA's recommended criteria. EQB states in the Preamble that it reviewed the EPA recommendations and determined the criteria are scientifically sound and applicable to the protection of Pennsylvania waters. Commentators argue that EPA used conservative default values when making

its determinations and that national standards are not necessarily applicable to Pennsylvania waters. In the Preamble to the final-form regulation, we ask EQB to explain why it believes the standards developed by EPA are appropriate for the protection of Pennsylvania waters instead of more site-specific standards or other scientifically defensible criteria.

4. Section 93.8d. Development of site-specific water quality criteria.—Implementation procedures; Clarity.

The following language is being added to Subsection (c): "The Department may require the use of the Biotic Ligand Model (BLM) for the development of new or updated site-specific criteria for copper in freshwater systems." A commentator has asked when the BLM will be required and whether other scientifically defensible methods will be allowed. We agree that EQB should identify in the final-form regulation the circumstances when the use of the BLM will be required. We also ask if other scientifically defensible methods were considered and why EQB believes the BLM is appropriate.

**Department of Conservation and Natural Resources
Regulation # 7B-9 (IRRC # 3188)**

Snowmobile and All-Terrain Vehicle Grants

March 22, 2018

We submit for your consideration the following comments on the proposed rulemaking published in the January 20, 2018 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Department of Conservation and Natural Resources (Department) to respond to all comments received from us or any other source.

Section 53.4. Grant selection process and criteria.—Clarity, feasibility and reasonableness of the regulation.

In part, Act 97 of 2016 created the ATV (All-Terrain Vehicle) Management Restricted Account into which all monies generated from ATV activities are deposited, and then from which monies are dispersed as grants that may only be used for ATV projects. Under this proposed regulation, the grant program funds projects for the planning, acquisition, rehabilitation or development of ATV trails.

A commenter raises concerns that ATV registration monies are being channeled toward non-trail-providing motocross facilities. The commenter suggests that the grant selection process and criteria be revised to include further qualifying criteria that prioritize projects providing ATV riding areas and trail mileage. We ask the Department to clarify how the grant selection process and criteria in the final-form regulation ensure that all funds from the ATV Management Restricted Account will be used for ATV projects. The Department should also explain the reasonableness of providing monies from the ATV Management Restricted Account to non-trail-providing motocross facilities if such facilities are eligible for grants under the final-form regulation.

**Insurance Department Regulation # 11-256
(IRRC # 3189)**

Medicare Supplement Insurance Minimum Standards

March 22, 2018

We submit for your consideration the following comments on the proposed rulemaking published in the January 20, 2018 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Insurance Department (Department) to respond to all comments received from us or any other source.

1. Section 89.777b. Standard Medicare supplement benefit plans for 2010 Standardized Medicare supplement benefit plan policies or certificates issued or delivered on or after June 1, 2010.—Clarity; Implementation procedures.

Relating to Paragraph (f)(7), Highmark requested a clarification of the Department's intent on the enrollment for a person eligible for Medicare Part B in 2019 and whether that person can enroll in the high deductible Plan G in 2019 or must wait until January 1, 2020. We ask the Department to explain in the final-form submittal the enrollment process envisioned and, to the extent necessary, to clarify the language of the regulation.

2. Section 89.781. Filing and approval of policies and certificates and premium rates.—Consistency with statute; Need; Reasonableness.

The Preamble states, in part:

Proposed § 89.781(g) (relating to filing and approval of policies and certificates and premium rates) pro-

hibits the practice referred to as “ladle rating,” when, for each year of age attained by an enrollee, the rate decreases until the insured reaches an age at which rates begin to increase significantly each year as age increases.

The response to Regulatory Analysis Form (RAF) question 15 states the Department is not currently aware of any company that practices “ladle rating.”

Subsection (g) does not directly use the term “ladle rating.” The language added as Subsection (g) addresses “attained age rating” by not allowing “grouping of attained ages greater than 1 year.”

The Insurance Federation of Pennsylvania (IFP) agrees that ladle rating is not currently used. However, the wording of Subsection (g) would prohibit not just ladle rating, but also “attained age rating greater than one year,” which is used. IFP believes the prohibitions imposed by Subsection (g) are not supported by evidence and would affect rate filings. IFP further questions the Department's citation to its statutory authority to add Subsection (g).

We recommend that the Department meet with affected insurers to discuss whether Subsection (g) is needed and, if so, how to best amend this subsection. In addition, we ask the Department to explain in the final-form regulation submittal its statutory authority to enforce this provision.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 18-547. Filed for public inspection April 6, 2018, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed at the Commission's web site at www.irrc.state.pa.us.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-522	Environmental Quality Board Handling and Use of Explosives	3/16/18	4/19/18

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 18-548. Filed for public inspection April 6, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Yorke Insurance Agency under Act 143; Penn National Insurance; Doc. No. AT18-03-013

Yorke Insurance Agency has requested review of an agency contract termination by Penn National Insurance under sections 1—6 of The Insurance Department Act of 1921 (40 P.S. §§ 241—246).

A pre-review telephone conference initiated by this office is scheduled for May 9, 2018, at 9:30 a.m. Each party shall provide the Hearings Administrator a tele-

phone number to be used for the telephone conference on or before May 7, 2018. A review shall occur on May 23, 2018, at 9:30 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 25, 2018, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to preliminary motions, protests, petitions to intervene or notices of intervention, if any, shall be filed on or before May 7, 2018.

Persons with a disability who wish to attend the previously-referenced administrative review and require an auxiliary aid, service or other accommodation to participate in the review should contact Human Resources at (717) 783-4308.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-549. Filed for public inspection April 6, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

Tokio Millenium Re AG, a reinsurer organized under Swiss law, has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on March 20, 2018, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-550. Filed for public inspection April 6, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Workers' Compensation Security Fund Assessment; Notice 2018-03

The Insurance Department (Department) has determined that no contributions will be required for the Workers' Compensation Security Fund (Fund).

Section 9(1) of the Workers' Compensation Security Fund Act (act) (77 P.S. § 1059(1)) states "[i]f, due to the payment of liabilities or claims, the balance of the fund is reduced below \$500,000,000, the department shall require contributions to maintain the actuarial soundness of the fund and to restore, in a timely manner, the balance of the fund to a level at or above \$500,000,000." As of the evaluation of December 31, 2017, the balance of the Fund exceeded \$500,000,000.

Therefore, insurers writing workers' compensation insurance in this Commonwealth will not be required to submit any contributions for the Fund in 2018.

The act may be viewed at www.ncigf.org (select "Resources," then "Publications," then a link under "Guaranty Fund Laws") and 31 Pa. Code Chapter 165 (relating to Workers' Compensation Security Fund) may be viewed at www.pacode.com. Additional information regarding the Fund is located on the Department's web site at www.insurance.pa.gov.

Acknowledgement of this notice is not required.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-551. Filed for public inspection April 6, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction

A-2018-3000763. MBS Holdings, Inc., Momentum Telecom, Inc. and Castle Intermediate Holdings, Inc. Joint application of MBS Holdings, Inc., Momentum Telecom, Inc. and Castle Intermediate Holdings, Inc. for approval of a general rule transaction involving a transfer of control.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 23, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: MBS Holdings, Inc.; Momentum Telecom, Inc.; Castle Intermediate Holdings, Inc.

Through and By Counsel: Michael A. Gruin, Esquire, Stevens & Lee, 16th Floor, 17 North Second Street, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-552. Filed for public inspection April 6, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Indirect Transfer of Control

A-2018-3000621, A-2018-3000622, A-2018-3000625, S-2018-3000626, S-2018-3000627 and S-2018-3000628. OHCP Northeastern Fiber Buyer Holdco, LP, TVC Albany, Inc., Finger Lakes Technologies Group, Inc., ION Holdco, LLC and Flight Group Holdings, LP. Joint application of OHCP Northeastern Fiber Buyer Holdco, LP, TVC Albany, Inc., Finger Lakes Technologies Group, Inc., ION Holdco, LLC and Flight Group Holdings,

LP for approval of a general rule indirect transfer of control. Also included are abbreviated securities certificates of TVC Albany, Inc., Finger Lakes Technologies Group, Inc. and ION Holdco, LLC concerning their participation in certain financing arrangements.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 23, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: OHCP Northeastern Fiber Buyer Holdco, LP; TVC Albany, Inc.; Finger Lakes Technologies Group, Inc.; ION Holdco, LLC; Flight Group Holdings, LP

Through and By Counsel: Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-553. Filed for public inspection April 6, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Internal Corporate Restructuring

A-2018-3000692 and A-2018-3000693. MCI Communications, Inc. and XO Communications Services, LLC. Pro forma joint application of MCI Communications, Inc. and XO Communications Services, LLC for approval of an internal corporate restructuring.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 23, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: MCI Communications Services, Inc.; XO Communications Services, LLC

Through and By Counsel: Suzan D. Paiva, Esquire, Verizon, 6th Floor, 900 Race Street, Philadelphia, PA 19107

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-554. Filed for public inspection April 6, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Review of Universal Service and Energy Conservation Programs; Doc. No. M-2017-2596907

Staff Report Summarizing Public Comments, Feedback and Suggestions Regarding Universal Service and Energy Conservation Programs

Introduction

By a December 16, 2016 Secretarial Letter at Docket No. L-2016-2557886, the Pennsylvania Public Utility Commission (Commission) opened an initiative to review and revise existing low-income usage reduction regulations. On April 6, 2017, the Commission adopted the Joint Motion of Commissioner David W. Sweet and Vice Chairman Andrew G. Place relative to universal service. The Commission's Order implementing the Joint Motion was entered on May 10, 2017 (May 10 Order), at Docket No. M-2017-2596907, initiating a comprehensive review of the entire universal service and energy conservation model, incorporating the Commission's on-going work on Low-Income Usage Reduction Programs (LIURPs). On May 5, 2017, the Commission commenced a proceeding to review energy burdens and affordability at Docket No. M-2017-2587711.

On July 14, 2017, the Commission published a report developed by the Law Bureau with the assistance of the Bureau of Consumer Services (BCS) on the statutory, regulatory and policy frameworks of existing universal service and energy conservation programs. The Law Bureau Report outlined the processes required to initiate any proposed changes to the existing USECP and LIURP frameworks.

The May 10 Order invited interested parties to submit written comments on their priorities, concerns, and suggestions for amending and improving any or all aspects of universal service programs by August 8, 2017.

On September 13-14, 2017, BCS coordinated a stakeholder meeting (SM) to gather feedback on the previously submitted comments and any other priorities, concerns, or suggested changes pertaining to the USECPs. Interested parties submitted reply comments on October 16, 2017.

Thereafter, BCS, in consultation with the Law Bureau, prepared this report summarizing all parties' comments, feedback, and suggestions.

List of Commenters

On or before August 8, 2017, Comments in this proceeding were filed at this docket by the following organizations:

- Blair County Community Action Agency;
- Commission on Economic Opportunity of Luzerne County (CEO Luzerne);
- Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA), Tenant Union Representative Network (TURN), and Action Alliance of Senior Citizens of Philadelphia (Action Alliance) (collectively Low Income Advocates or Advocates);
- Columbia Gas of Pennsylvania, Inc. (Columbia);
- Duquesne Light Company (DLC);
- Energy Association of Pennsylvania (EAP);

- Indiana County Community Action Program;
 - Keystone Energy Efficiency Alliance, Housing Alliance of Pennsylvania, Green and Healthy Homes Initiative, National Consumer Law Center, National Housing Trust, and Natural Resources Defense Council (collectively PA Energy Efficiency for All Coalition [PA-EEFA])
 - Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance, the Philadelphia Area Industrial Energy Users Group, the PP&L Industrial Customer Alliance, and the West Penn Power Industrial Intervenor (collectively Industrial Customers or Industrials);
 - Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), and West Penn Power Company (West Penn) (collectively FirstEnergy or FirstEnergy Companies);
 - National Fuel Gas Distribution Corporation (NFG);
 - Office of Consumer Advocate (OCA);
 - PECO Energy Company (PECO);
 - Pennsylvania Energy Marketers Coalition (PEMC);
 - Peoples Natural Gas Company LLC and Peoples Gas Company LLC, f/k/a Peoples TWP (collectively PNG);
 - AARP Pennsylvania; ACTION Housing, Inc.; Community Justice Project; Disability Rights Pennsylvania; Health, Education, and Legal Assistance Project: A Medical-Legal Partnership; Homeless Advocacy Project; Interim House, Inc.; Just Harvest; Laurel Legal Services; Legal Aid of Southeastern Pennsylvania; MidPenn Legal Services; Neighborhood Legal Services Association; North Penn Legal Services; Pennsylvania Coalition Against Domestic Violence; Pennsylvania Council of Churches; Pennsylvania Institutional Law Project; Pennsylvania Legal Aid Network; Philadelphia Legal Assistance; Regional Housing Services; SeniorLAW; Southwestern Pennsylvania Legal Services, Inc.; The Women's Center, Inc.; The Women's Resource Center; Stephen R. Krone; and Medna D. Makhlof (collectively Pennsylvania Service Providers);
 - PA Departments of Aging (Aging), Community and Economic Development (DCED), Environmental Protection (DEP), and Health and Human Services (HHS);
 - PA Energy Marketers Coalition (PEMC);
 - PA Weatherization Providers Taskforce;
 - Philadelphia Department of Human Services (PDHS);
 - Philadelphia Gas Works (PGW)
 - PPL Electric Utilities Corporation (PPL);
 - UGI Utilities, Inc.—Gas Division (UGI-GD), UGI Utilities, Inc.—Electric Division (UGI-ED), UGI Penn Natural Gas, Inc. (UGI-PNG), and UGI Central Penn Gas, Inc. (UGI-CPG) (collectively UGI or UGI companies);
 - United Way of Pennsylvania (United Way); and
 - Weatherization and Conservation Collaborative (WCC);
- On October 16, 2017, Reply Comments in this proceeding were filed at this docket by the following organizations:
- Commission on Economic Opportunity of Hazelton, PA (CEO Hazelton);
 - Commission on Economic Opportunity of Wyoming County (CEO Wyoming);
 - CEO Luzerne;
 - Low Income Advocates;
 - Columbia;
 - DLC;
 - Industrial Customers;
 - FirstEnergy;
 - Housing Authority of the County of Beaver;
 - Housing Development Corporation of NEPA (HDC);
 - NFG;
 - OCA;
 - Office of Small Business Advocate (OSBA);
 - PA Chamber of Business and Industry;
 - PA Weatherization Providers Taskforce,
 - PECO;
 - PEMC;
 - Peoples;
 - PDHS;
 - PGW;
 - PPL;
 - Scranton-Lackawanna Human Development Agency, Inc. (SLHDA);
 - UGI;
 - United Way; and
 - WCC.
- The following organizations attended the Commission's Stakeholder meeting, in person or via teleconference, on September 13th and 14th, 2017:
- Burke Vullo Reilly Roberts (representing CEO Luzerne)
 - CMC Energy
 - Columbia
 - Community Legal Services (CLS) (representing TURN)
 - Department of Human Services
 - Dollar Energy Fund (DEF)
 - DLC
 - EAP
 - Energy Coordinating Agency (ECA)
 - FirstEnergy
 - Keystone Energy Efficiency Alliance
 - McNees, Wallace, & Nurick LLC (representing Industrial Customers)
 - NFG
 - OCA
 - OSBA
 - PECO
 - Pennsylvania Utility Law Project (PULP) (representing CAUSE-PA)
 - Peoples
 - P.R. Quinlan
 - PGW
 - PPL

- SFE Energy
- UGI
- United Way

Executive Summary

In reviewing the many aspects of Universal Service Design and Implementation, the Commission staff finds that utilities, advocates, and community based organizations bring some very different and some very similar opinions and recommendations.

Participants in this proceeding have recognized that some of the original directives in the Customer Assistance Program (CAP) Policy Statement are outdated, some need further definition, and some commenters prefer CAP policy be placed into regulation.

Utilities have traditionally had discretion to define CAP eligibility, with some holding fast to a “payment troubled” requirement, some only requiring self-certification of income as eligibility, and others granting automatic enrollment when a customer receives a Low-Income Home Energy Assistance Program (LIHEAP) grant. Determining household income itself is open to further specification as there can be taxes and deductions from gross earned income that is not applied to gross unearned income; and household income can change drastically from year to year for a self-employed or seasonally employed customer.

As indicated in the comments and at the SM, utilities prefer, in general, to maintain the CAP payment plans each currently offer, although, depending on costs of change, some utilities are willing to consider a single payment plan option or two. However, most advocate maintaining flexibility in program design. Low Income Advocates stress affordability as the main goal of CAPs, noting the benefits of streamlining payment plans according to energy burden or percent of income.

Most utilities and advocates agree that there would be benefits to using a standard “no income form” for all energy assistance programs. This form would require customers to certify that they have no current income and explain how they meet their living expenses. Utilities and advocates also support the development of a common application form that can be used to qualify for all assistance programs.

Sharing data among utilities and the Department of Human Services’ (DHS) programs is recognized as a possible and positive accomplishment if customer permission is obtained and privacy concerns are addressed. Benefits to such income data sharing include utilities’ ability to more simply qualify and recertify customers for CAP, and customer’s ability to document income-eligibility once for multiple assistance program, increasing efficiencies for all. DHS acknowledges that it has had internal conversations on this issue.

Comments and SM discussions that relate to LIURP operations will be addressed as part of the Commission’s review of LIURP regulations at Docket No. L-2016-2557886. Summarized comments related to LIURP in this report generally relate to, or are intertwined with, the design, budgeting, administration, reporting, and evaluation of universal service programs.

Opinions on CARES programs varied, with some commenters’ stating it is merely a referral program, others requesting the program be staffed by trained social workers to provide more comprehensive case management, and some suggesting that referral outcomes be

tracked and reported to the Commission. Most had concerns with increased costs to implement those suggestions.

Utilities’ Hardship Fund Programs differ in both administration and implementation. Most utilities have varying options for fundraising, but few companies currently solicit customer contributions through electronic billing. Others, after discussion, are open to pursue implementing more online solicitations, depending on operational costs. Advocates strongly encourage increased fundraising. The general consensus was that hardship funds should not be derived from base rates.

Most utilities propose increasing the current three-year time-period between the filing of Universal Service and Energy Conservation Plans (USECPs), for several reasons, not the least of which was for increased time to implement recommendations made through third-party universal service evaluations conducted every six years.

There are differing opinions on the Commission’s review process for USECPs. Some would prefer they go before an Administrative Law Judge (ALJ) first to allow discovery and establish a certified record. Other parties prefer the Commission maintain the current review process administered by BCS. Opinions also differ as to whether USECP issues can or should be discussed or addressed in a rate case. Program costs are a common thread in these discussions.

Because of the increasing costs of universal service programs, there are very strong opinions as to whether there should be cross-class subsidization. Commercial and industrial advocates assert that since they cannot benefit from these programs, they should not be burdened with the costs. Other parties argue that most residential customers who currently pay for these programs do not benefit from them either and that affordable utility service is a public good that benefits the entire community. Some commenters advised that businesses might leave the utility (i.e., switch to deliverable fuels) if they were required to pay universal service costs.

Comments and SM discussion resulted in thoughtful consideration of issues raised and sometimes reconsidered through Reply Comments. Further stakeholder meetings and collaboratives were frequently recommended.

1. Customer Assistance Programs

Eligibility

Columbia proposes that CAPs should be restricted to income-eligible customers who demonstrate they cannot afford their utility bills. Columbia proposes customers should be required to apply for LIHEAP and Hardship Funds before enrolling for CAP. Sometimes, either Hardship Fund grants or LIHEAP grants may resolve a crisis for a low-income customer, making CAP unnecessary. This could help keep CAP costs down. Columbia Comments at 3.

PGW does not currently require customers to be “payment troubled” to qualify for its CAP. However, it is willing to consider adding this requirement. PGW Reply Comments at 3.

The Low-Income Advocates maintain that all customers with household incomes less than 150% of the Federal Poverty Income Guidelines (FPIGs) are payment-troubled. There should be no further payment-troubled requirement as proof. Low Income Advocate Comments at 34. The Advocates state that allowing all low-income customers to enroll in a CAP before accruing arrears will likely significantly improve payment behaviors—reducing debt

management, collections, and uncollectible costs. It is well documented that improved affordability significantly improves payment behavior, noting that when a household receives an affordable bill, they are far more likely to pay their bill. Low Income Advocates Reply Comments at 7-8.

OCA notes that when a confirmed low-income customer misses a monthly utility bill, that utility should initiate a process to enroll that customer in CAP. Utilities should not wait until a customer defaults on a payment agreement. OCA added that even though those with incomes at 151–200% of the FPIG struggle to afford the basic necessities, they are also burdened with helping to financially support universal service programs. According to 52 Pa. Code Section 69.262 Definitions, low-income payment-troubled customers are “those who have failed to maintain one or more payment arrangements.” OCA suggests that definition is too narrow. OCA Comments at 9-10.

EAP agrees that CAP eligibility could be redefined to include those who meet the program’s income guidelines in an effort to avoid increasing arrearages. However, it does not support automatically enrolling all low-income customers into a CAP because that assistance may not be needed by all customers and the increased costs to the program would further burden residential ratepayers. EAP Reply Comments at 5-6.

DLC states there is no need for a “payment troubled” requirement. DLC Reply Comments at 17. DLC suggests the Commission take steps to develop eligibility and acceptable documentation for income calculations for different income levels. DLC Reply Comments at 11-12.

PNG states that CAP eligibility should be based on whether the customer is low-income, not payment-troubled. PNG Reply Comments at 3.

PPL Electric Utilities Corporation (PPL) has found that a “payment-troubled” requirement is a barrier to CAP enrollment. It agrees with the Low-Income Advocates that all income-qualified customers should be eligible for CAP. PPL Reply Comments at 3.

PNG strongly discourages a CAP enrollment limit or payment troubled requirement. PNG Reply Comments at 6.

Determining household income

OCA submits the CAP Policy Statement should reflect the fact that 30-, 60- or 90-day annualized income is an appropriate basis for establishing CAP eligibility. CAP eligibility should not be restricted to annual (12-month) income. OCA Comments at 23 and SM.

OCA offers several reasons why CAP should not rely on annual income only. First, it is inconsistent with LIHEAP policy. OCA’s understanding is that LIHEAP allows households to use an annualized income (30-, 60-, or 90-day income) or an annual income, whichever provides the greater benefit. OCA urges that the CAP income eligibility determination be reconciled with the LIHEAP income eligibility determination to the extent feasible. These reasons support the use of flexible standards for determining CAP eligibility based on current income. OCA Reply Comments at 5-6.

Second, while the use of tax returns can be a sufficient basis to establish annual income, it can be problematic for self-employed individuals. A low-income, self-employed individual may not be required to file a tax return under the law. Further, that individual is likely to have more dramatic changes of income from year to year. As such, the tax return information may be outdated. OCA Reply Comments at 5.

Third, seasonal laborers will have monthly variations in income that when viewed in isolation may look different than their annual incomes or incomes at the time of their initial application. These three reasons support the use of flexible standards for determining CAP eligibility based on current income. OCA Reply Comments at 5.

DLC would prefer more current income information for its calculation. SM. DLC recommends use of annualized or annual income, whichever is more beneficial to the customer. DLC Reply Comments at 18.

EAP agrees with OCA that annualized income is equivalent to annual income for CAP, but utilities should be permitted to exercise flexibility. EAP Reply Comments at 7.

The Low Income Advocates propose that an applicant/customer should have the choice of using last month’s income annualized or last year’s, whichever is more beneficial to the applicant. The Advocates would like the Commission to adopt flexible and consistent income documentation standards as many utility USECPs do not disclose how the utility calculates income and/or what documentation the utility requests from CAP applicants. The lack of clear guidelines for income documentation is particularly problematic for low-income populations, which often work “odd jobs,” receive inconsistent support from family or friends, or otherwise earn income through non-traditional employment. The Low-income Advocates recommend that income documentation issues be referred to a working group consisting of Commission staff and interested stakeholders, which could explore the issue more thoroughly and develop recommendations to the Commission in furtherance of a consistent and fair policy for the Commission’s adoption. Low Income Advocate Comments at 36-37.

The OCA agrees with the Low-Income Advocates on the recommendation for a working group. However, the Commission should look to the income documentation requirements imposed by Pennsylvania’s LIHEAP program for guidance. If the income documentation is sufficient to establish income eligibility to receive LIHEAP assistance, the OCA submits that the same documentation should be sufficient to establish income eligibility for CAP assistance. OCA Reply Comments at 10.

The Low Income Advocates note that customers with earned income may have harder time qualifying for CAP than customers with unearned income. To demonstrate the conundrum, the Advocates offer this example: a household of two persons that relies on a monthly Social Security check of \$2,030 would fall at exactly 150% of the Federal Poverty Income Guidelines and would be eligible for CAP. However, a household of two that receives a paycheck (i.e., net income) for \$2,030 for work performed would not be eligible for CAP because their higher gross income, including tax withholdings and other deductions, is above 150% FPIG. Both households have the same monthly spending power, yet one is eligible for CAP and the other is not. The Low Income Advocates are not suggesting that those with employment income should be given any advantage over non-working families but do assert that all low income households should be assessed for eligibility in CAP based on something closer to actual expendable income—not gross pre-tax income. Low Income Advocate Comments at 37-38.

The Low Income Advocates recommend adoption of a standard earned income disregard of 20% of income which would help place working families on level footing and would better ensure that needy families are able to access

the relief they need to meet their monthly expenses. They also recommend that households with fixed income sources—such as Social Security—be permitted to deduct their mandatory Medicare premiums from income, as it is deducted from benefits. Low Income Advocate Comments at 38.

OCA does not support the use of ‘income disregards’ into the income eligibility determination for CAP. Within the context of the Temporary Assistance for Needy Families (TANF) program, its earned income disregard cannot be separated from TANF’s new Work First program policy. TANF’s earned income disregard provides an additional incentive (i.e., disregarding 50% of earned income) for TANF recipients to seek jobs and eventually remove themselves from TANF. OCA asserts no such policy justification can (or should) be attached to utility CAP programs. OCA Reply Comments at 7.

If the Commission were to adopt a proposed earned income disregard and/or income deduction for mandatory Medicare premiums, it would, in fact, be relaxing its long-time definition of “low-income,” which references 150% of the Federal Poverty Level. CAP participation would extend to some but not all households with income exceeding 150% of Poverty Level. For these reasons, OCA does not recommend implementing earned income disregards into the CAP program. OCA Reply Comments at 9.

PNG supports applying a standard earned income disregard of an appropriate percentage of income to place working CAP customers on equal footing with those on assistance-based income. PNG Reply Comments at 4.

FirstEnergy’s income guidelines must be consistent with LIHEAP’s. For this reason, the FirstEnergy does not support including a 20% earned income disregard within the calculation of CAP household income. FirstEnergy Reply Comments at 5.

Asset testing

OCA submits that asset tests should not be used to determine CAP eligibility. OCA opines that requiring a low-income customer to dispose of assets at less than full value and to incur costs in the process of disposal as a requirement to enter a program such as CAP would be counter-productive in both the short- and long-term. OCA Comments at 22-23.

Opinions at the stakeholder meeting varied: PNG had no interest in asset testing as it noted that a customer may have a nice home but their income may not support it. Columbia, however, chooses not to weatherize homes (LIURP) valued over \$800,000. CLS of Philadelphia opposed asset testing and said there is no easy way to determine asset value. SM.

DLC does not support asset testing for CAP. DLC Reply Comments at 18.

PGW does not support asset tests for CAP enrollment but does look at asset valuation (e.g., determining property ownership and value) when investigating potential fraud in CAP. PGW Reply Comments at 5.

The Low Income Advocates agree with OCA and stand firmly opposed to asset testing for CAP eligibility. Low Income Advocates Reply Comments at 27.

Requiring Social Security Numbers

OCA submits that a utility should not require a customer to provide his or her Social Security Number (SSN) as prerequisite to program participation. Moreover, while the utilities may request such SSNs, before doing so, utilities should notify and educate consumers that the

request is not, and may not be, mandatory. Utilities should adopt alternatives to the provision of SSNs for those not likely to have SSNs. Finally, utilities should not provide access to SSNs to anyone not requiring access to determine program eligibility and should not maintain records of the SSN beyond the time required to use the SSN to determine program eligibility. OCA Reply Comments at 19—21.

The Low Income Advocates assert that SSNs should not be required to participate in universal service programs. SM

DLC accepts driver’s license or other government identification in lieu of SSNs. DLC Reply Comments at 18.

PGW does not require SSN for CAP enrollment, but does ask for it. Upon refusal, PGW permits other ways to verify identity. PGW Reply Comments at 4.

FirstEnergy does not consider a customer’s SSN mandatory for CAP but does request it as an efficient means to confirm a customer’s identity. FirstEnergy Reply Comments at 4.

Columbia agrees that SSNs should not be required but customers should be permitted to voluntarily provide SSNs. Columbia suggests that the CAP Policy Statement, if updated, clearly state that utilities cannot require an SSN for CAP enrollment but can ask for and use one when provided voluntarily. Columbia Reply Comments at 2-3.

Payment Plans

OCA and Low Income Advocates support percent of income payment plans (PIPs). OCA Comments at 11-12. Low Income Advocates Comments at 6.

NFG opposes a PIP as a uniform program design stating it is unnecessary and would negatively impact its customers. NFG’s CAP program (LIRA) encourages resource conservation and rewards consumption management. A PIP would not. Flexibility is key to program success. NFG Reply Comments at 4.

PGW does not support a PIP CAP that allows customers to pay either a percentage of income or the average bill amount, whichever is less. It argues that CAP customers paying the average bill amount have a lower energy burden than PIP customers and should not be subsidized with ratepayer dollars. PGW Reply Comments at 5.

FirstEnergy opposes a statewide requirement for PIP adoption. It maintains that a fixed credit CAP ensures that costs remain reasonable for other customers who are responsible for funding these programs through utility riders. FirstEnergy submits that a PIP design eliminates a customer’s responsibility to implement energy conservation behaviors. The legislature clearly intends for utilities to promote energy efficient customer behavior, and a PIP is inconsistent with this objective. FirstEnergy Reply Comments at 7-8.

Flexibility with other plans

PPL supports multiple payment options, including a PIP, that improve customer bill payments. PPL Comments at 10. PPL does not support a requirement that all utilities use the same payment plan design for CAP and specifically opposes a PIP-only mandate. The Commission should consider the costs of such change. PPL Reply Comments at 2. PPL currently offers more than one payment option and stated that if it must change to only offer a PIP, the change could raise program costs by \$500,000 per month. SM.

The Low Income Advocates suggest a PIP as a payment ceiling for alternate CAP payment plans. SM.

PECO and DLC note that it would be difficult to discuss PIPs without discussing an appropriate energy burden level, which is currently being reviewed in another proceeding.¹ SM.

OCA supports flexibility in CAP payment plan designs but argues that programs that explicitly tie CAP bills to an affordable percentage of income may be more effective. Variations on the PIP such as the fixed credit option (FCO) and other designs beyond the PIP should be permitted. OCA Comments at 12. If program designs other than PIP are in place, the OCA recommends that the bill payment patterns be monitored to ensure continued effectiveness. OCA Reply Comments at 36-37.

DLC supports a PIP but maintains that flexibility is needed for changing conditions. If CAP shopping is allowed, an FCO could work for portability. DLC Reply Comments at 18.

Energy Burden

An energy burden and affordability inquiry is proceeding on a separate track at Docket No. M-2017-2587711. Knowing there is a separate proceeding addressing this issue, stakeholders nevertheless made a few comments, emphasizing their positions.

As a quick overview, the Pennsylvania Service Providers, PA-EEFA, the Low Income Advocates, and the WCC recommend a 6% energy burden. Pennsylvania Service Providers Comments at 3; Low Income Advocates Comments at 16—19; PA-EEFA Comments at 6; and WCC Comments at 6. The Low Income Advocates propose 4% for gas heating and 2% for gas. Low Income Advocates Comments at 29-30.

PECO estimates that for every 1% decrease in the energy burden level, its CAP costs will increase by 20%. PECO Comments at 7.

The Low Income Advocates maintain that total payments must stay under 6% of energy burden, so customers can pay based on an ability to pay. Any add-ons like CAP Plus should be part of the program design, not added to the energy burden. Low Income Advocate Comments at 23-24.

UGI noted that it is currently a low-cost commodity and that its customers have choices for other sources of natural gas. It faces concerns that customers would leave its system if costs increase \$5—9 million should there be a 6% energy burden. SM.

EAP and DLC are waiting the results of the Commission's Energy Affordability proceeding at Docket No. M-2017-2587711 before commenting on this issue. SM; DLC Reply Comments at 19.

OCA notes that Pennsylvania is different from other states which have a 6% energy burden. Most other state universal service programs are only open to LIHEAP recipients. Pennsylvania is not the same size as other states, and others do not include similar amounts of ratepayer contributions. SM.

EAP points out that the energy assistance programs in New Jersey and Maryland, which have energy burdens closer to 6%, have a much smaller scope and cost than PA's utility-funded programs. It submits that universal service programs are not intended to be a "catch-all"

solution for every Pennsylvanian who might struggle to pay his energy bills. EAP Reply Comments at 3.

PGW asserts that universal service programs are not government programs to help solve poverty in PA. Reductions in energy burden would cost tens of millions of dollars for non-CAP PGW customers, and PGW's CAP costs would grow. It awaits the Commission's energy burden study results. PGW Reply Comments at 6—8.

UGI states that a decision regarding a correct energy burden for low-income customers should be discussed and evaluated after the release of the Energy Affordability Report. It estimates, based on 2016 figures, that lowering the energy burden to 6% for CAP would increase CAP credit expenses by 76%. UGI cautions against comparing Pennsylvania's energy burden to that of other states for several reasons, including differences such as PA does not make CAP a prerequisite for receiving LIHEAP, program scope, and costs. UGI Reply Comments at 3—5.²

PECO notes that if a 6% energy burden requirement is implemented, it would increase CAP Credit expenditures by \$72 million for electric and \$14 million for gas. PECO Reply Comments at 4.

FirstEnergy urges the Commission to use caution in reducing energy burden levels, as the projected increase in costs for other customers would likely be astronomical. Lowering the energy burden to 6% for all CAP participants would result in additional annual CAP costs of approximately \$5.2 million for Met-Ed, \$5.9 million for Penelec, \$1.5 million for Penn Power, and \$9.5 million for West Penn. These projected costs would increase the current level of CAP credit costs by 46% annually. FirstEnergy recommends that the Commission postpone a determination regarding energy burden levels until it completes its Energy Affordability proceeding. FirstEnergy Reply Comments at 10.

The Low Income Advocates respond to concerns of several stakeholders that the cost of providing adequate universal service programming to all those in need is simply too expensive, and cannot or should not be done. The Low Income Advocates assert that the stakeholders making such arguments have misinterpreted the Commission's legal obligation to ensure that universal service programs remain cost effective as a requirement that they not be too costly. Low Income Advocates Reply Comments at 2.

OCA submits that once the Energy Affordability proceeding is complete and the stakeholders have the opportunity to conduct a full analysis of the findings, further discussions on this issue will be necessary.³ OCA Reply Comments at 22—36.

The Low Income Advocates urge the Commission to continue its universal service inquiry and decision making process in tandem with the Energy Affordability proceeding. The Advocates maintain a delay in progress will simply result in continued hardship for low-income households and, thus, a failure to achieve the intended outcomes expected by the Choice Acts. Low Income Advocates Reply Comments at 17.

Minimum payments

DLC opined that the minimum charge provision in the CAP Policy Statement is outdated as it can be less than the basic service charge; if the utilities could charge both (minimum payment and the basic service charge), it

² UGI also provided an appendix to its reply comments comparing Pennsylvania to states with a 6% energy burden benchmark. UGI Reply Comments at Appendix A.

³ OCA provided extensive comments outlining information from Ontario and from three other states. OCA Reply Comments at 22—36.

¹ Energy Affordability for Low Income Customers, Docket No. M 2017-2587711.

would cover at least a part of the fixed system costs and some percent of energy costs. DLC Comments at 12. DLC supports continuation of minimum CAP payments. DLC Reply Comments at 19.

At the stakeholder meeting, the Low Income Advocates state that low-income customer protections may be lost if minimum payments are added to the distribution cost. SM.

PGW supports maintaining a minimum bill for low or no-income CAP customers. However, it would be willing to participate in a collaborative stakeholder process to establish new minimum payment amounts. PGW Reply Comments at 6.

OCA proposed that minimum payments should balance affordability and payment responsibility and be based on an objective set of factors. OCA submits it is very important to maintain a customer payment mindset as minimum payments help in controlling the costs of CAP programs. OCA Comments at 13—15 and SM. OCA supports the continued use of minimum payments in CAP program design. It has concerns with the proposal to specifically tie the minimum payment to a particular cost component, such as distribution costs or customer charge. It should be tied to CAP customer affordability and to establishing routine payments. OCA Reply Comments at 17.

OCA submits that the following principles should help determine a minimum payment:

- It should impose an obligation to make some payment toward utility bills;
- It should not be so high as to materially impede achieving the affordability objectives of CAP;
- It should reflect some empirical reality about utility service territories (i.e., there should be range for minimum payments);
- It should reflect the affordability ranges otherwise adopted by the Commission; and
- It should reflect the income for a three-person household living with income at 25% of the FPIG because the average household sizes in Pennsylvania are between two persons and three persons per household;
- It should reflect the average household size in its service territory, and
- It should reflect the household composition at the time of the triennial filing of the USECP.

OCA Reply Comments at 18.

PPL agrees with OCA that utilities should charge minimum payments and that they be uniform across utilities. PPL Reply Comments at 3.

FirstEnergy opposes a minimum payment requirement that would limit the CAP credits received by customers each month. An arrearage copayment is also not compatible with FirstEnergy's CAP design. Such changes would remove a portion of CAP customer benefits and would require a significant overhaul to CAP structure. As a result, to adopt either would require FirstEnergy to significantly modify the current CAP structure. FirstEnergy Reply Comments at 11-12.

Maximum CAP Credits

Columbia does not enforce a limit to CAP credits as its CAP customers should pay the maximum amount they can afford. It would worsen a customer's situation if the

customer were removed from CAP for exceeding a maximum amount. Columbia Comments at 4.

Columbia had a pilot program for CAP customers using \$1,000 in credits. It surveyed over 2,200 customers to determine the sources of high usage and to see if the customers met one of the existing exemptions. Only 117 accounts did not meet a policy exemption. Of those, Columbia increased the CAP payment amount for 30 customers. Columbia determined that the cost of implementing the pilot program was substantially greater than the benefits of overall reduced CAP credits. It refers customers to LIURP once they have reached \$1,000 in CAP credits. Columbia Reply Comments at 4.

The Low Income Advocates find limits to CAP credits unduly punitive. Low Income Advocates state that CAP credits need to be different for each income tier. Because the lowest-income customers receive the biggest discounts on CAP discounts, these customers can quickly deplete allowable credits. Low Income Advocates Comments at 6 and SM.

UGI eliminated maximum credits two years ago but the past two winters have been mild. UGI is still analyzing the impact of this change on its companies' CAP costs. SM.

DLC states that current control features such as minimum payments, consumption limits, and maximum CAP credits are appropriate. It suggests evaluating if these current features are effective in controlling program costs, and/or if other measures exist that should be considered. DLC states a CAP participant should have a maximum benefit that reflects the difference between payment assistance and payment of all usage. Duquesne Comments at 11, 13.

The OCA proposes that:

1. Instead of a fixed ceiling on CAP credits, the maximum CAP credits should be indexed to the individual utility's average annual rates, including the default service price (electric) or supplier of last resort price (natural gas), so that the amount of the maximum CAP credit makes sense given the fluctuations in energy costs in the service territory and distribution rate changes.

2. Limitations should be placed on the maximum CAP credits, and they need not be uniform across utilities due to differences in housing stock and participant income.

3. The maximum CAP credit should vary by FPIG level so that they do not disproportionately affect the lowest income customers. It suggested using the average of all companies' maximum credits.

4. Utilities should notify CAP participants when they are approaching the CAP credit ceiling and automatically evaluate them for LIURP.

5. Utilities should waive maximum limits if customers meet the usage exemptions in the CAP Policy Statement.⁴

OCA Comments 25—27.

DLC agrees with OCA that the maximum CAP Credit limit in the CAP Policy Statement needs to be updated or reviewed for inflation and need not be consistent among utilities. DLC Reply Comments at 20.

EAP generally agrees that if maximum CAP credits remain part of the CAP Policy Statement, they should be flexible and not part of a regulation. EAP Reply Comments at 8.

⁴ 52 Pa. Code § 69.265(3)(vi)

PPL believes that maximum CAP credits should be determined in USECPs, not in the CAP Policy Statement. PPL Comments at 11.

PECO states it has very few customers that reach its maximum CAP credits. It will waive the maximum limit for households experiencing health problems necessitating high energy usage. SM.

PGW does not currently set limits on CAP credit usage. PGW plans to initiate a study on the potential impact of implementing a CAP credit maximum as it may be a reasonable way to address concerns of other ratepayer costs. PGW Reply Comments at 10. PGW would support addressing this issue in a rulemaking. PGW Reply Comments at 11.

PNG opposes a setting an absolute limit on the level of CAP credits available to customers. Any regulation should continue to permit exceptions of the maximum for instances such as increased household members, inability to weatherize, and poor housing stock. PNG Reply Comments at 5.

LIHEAP as a prerequisite for CAP eligibility

OCA opposes LIHEAP participation as a prerequisite to CAP. OCA Comments at 32–34, Appendix A, Colton White Paper at 28. OCA recommends removal of the provision in the CAP Policy Statement that allows for a customer to be penalized for failure to apply for LIHEAP.⁵ OCA Comments at 12-13. OCA added that most other states only offer low-income programs to customers approved for LIHEAP, and their programs are much smaller than Pennsylvania's. SM.

EAP supports removing the LIHEAP participation requirement from the CAP Policy Statement. EAP Reply Comments at 9.

DLC opposes LIHEAP application as a requirement for eligibility. DLC Reply Comments at 17.

PNG does not support a requirement for LIHEAP or Hardship Fund eligibility before enrolling in CAP. PNG Reply Comments at 3.

PPL supports OCA's recommendation that the CAP Policy Statement be revised so that CAP customers are not penalized for not applying for LIHEAP. PPL Reply Comments at 3.

The Commission on Economic Opportunity (CEO) states that CAP customers should be encouraged but not required to apply for LIHEAP or Hardship Funds. CEO Reply Comments at 1.

Auto-enrollment of LIHEAP recipients into CAP

LIHEAP serves as an income qualifier for CAP enrollment for both Columbia and UGI. Columbia states, however, that sometimes the LIHEAP grant alone is enough to help the low-income customer out of a temporary hardship and that CAP is therefore not necessary. SM.

PGW supports auto-enrollment of LIHEAP recipients into CAP with an opt-out provision post enrollment. PGW would need access to income and household size to establish a correct CAP payment amount. PGW Reply Comments at 12.

OCA used to support CAP auto-enrollment for LIHEAP recipients before enactment of Chapter 14, which complicated any previous benefit. SM. OCA recommends the

CAP Policy Statement address what steps a utility must take when auto-enrolling a LIHEAP recipient into CAP. OCA Comments at 47-48.

The Low Income Advocates prefer use of a LIHEAP grant to certify income eligibility or as a qualification for recertification, not auto enrollment. SM.

FirstEnergy does not endorse auto-enrollment into CAP without both the customer's permission and assurances of customer education. FirstEnergy Reply Comments at 3.

Duquesne no longer auto-enrolls LIHEAP recipients into CAP. It is planning to change its CAP to a PIP and will need the specific income to place customers into the appropriate discount. SM. DLC opposes auto enrollment. Education is a necessary step. DLC Reply Comments at 13.

EAP cautions against a mandate for auto-enrolling every income-eligible customer into CAP as the costs would outweigh the benefits. Not all low-income customers are inherently payment troubled or would want to be in CAP. Increased costs could also cause gas customers to switch to deliverable fuels for heating. EAP encourages broadening of eligibility requirements without mandates. EAP Reply Comments at 6-7.

PNG supports using LIHEAP eligibility to verify income eligibility for CAP, but not for auto-enrollment. LIHEAP, without CAP, is sufficient to make gas service affordable for some customers. PNG Reply Comments at 3.

FirstEnergy proposes that the Commission initiate a stakeholder collaborative among DHS, utilities, and customer advocates to evaluate methods for expediting the CAP enrollment process and explore the viability of automatic enrollment of LIHEAP recipients into CAP. FirstEnergy Reply Comments at 4.

Impact of LIHEAP on CAP

Columbia commented that applying LIHEAP directly to the CAP customers asked-to-pay (ATP) amount allows customers to pay less than they can afford for utility service or it can lead to no payment responsibility for one or more months, disrupting monthly payment habits. Columbia Comments at 10-11.

OCA recommends the Commission should address how to resolve the \$0 payment problem identified in the Columbia comments. The problem occurs with the application of the LIHEAP grant to the ATP amount. Coordination with the DHS may be necessary to address how to resolve the problem. OCA Reply Comments at 50.⁶

OCA contends that in some other states, a 6% energy burden level is only available for LIHEAP recipients. The Low Income Advocates note that New York does not limit the availability of affordable bills, calculated as 6% of household income, solely to those customers who receive LIHEAP. Unlike in New York, Pennsylvania's Choice Acts⁷ require that all Pennsylvania low-income households have access to affordable utility services through the delivery of appropriately funded universal services—not simply those who are eligible to receive LIHEAP. See

⁶ OCA's consultant, Mr. Roger Colton, discussed in the White Paper attached to the OCA's Comments, Pennsylvania may want to examine in its CAP Policy Statement as to integrating LIHEAP and CAP programs. Mr. Colton identified many issues that should be reviewed regarding the integration of LIHEAP and CAP including: (1) LIHEAP auto-enrollment; (2) expedited recertification; (3) balancing non-participant burdens with LIHEAP participation; (4) impact of applying LIHEAP to asked-to-pay amounts; (5) mandatory LIHEAP participation as a CAP pre-requisite; and (6) LIHEAP Crisis Grant recipients targeted for CAP participation. OCA Comments at 34, Appendix A, Colton White Paper at 28.

⁷ The Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801–2812, and the Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201–2212.

⁵ Section 69.265(9)(iv).

66 Pa.C.S. § 2802(9)-(10), 2804(9), 2203(7)—(9). Low Income Advocates Reply Comments at 16.

FirstEnergy maintains that customers should receive their full CAP and LIHEAP benefits. FirstEnergy Reply Comments at 12.

PGW supports application of LIHEAP grants to the CAP credits, as opposed to the application to the CAP bill. PGW Reply Comments at 12.

Customer Information Data Sharing

EAP supports adding a check box on LIHEAP applications for customers to agree to share their income and household information with utilities to streamline qualification for available energy assistance programs. EAP Reply Comments at 13.

The Low-Income Advocates note that data sharing needs to occur both among some gas and electric companies, to coordinate enrollment, and between the companies and DHS. A customer consent process would need to be established as well. SM and Low Income Advocates at 41.

PGW recommends using DHS' COMPASS system to verify a household's eligibility for CAP, the same process used for the telephone Lifeline program. This could simplify and/or eliminate the need to recertify LIHEAP recipients for CAP. PGW Comments at 2-3.

Columbia states that requiring a customer to verify income once for all programs would save time and money, and increase efficiencies. The company suggests a central repository containing proof of income, household size, program participation, and utility service providers set up with customer permission to help alleviate confidentiality concerns. Utilities would need to share the cost of establishing and maintaining this database. Columbia Comments at 10.

FirstEnergy recommends that EDCs, NGDCs, and DHS should share customer income eligibility information via a data exchange program. Customers could grant explicit permission to release their information to the group. FirstEnergy Comments 8-9.

DHS relayed that it is having internal conversations about this topic, including what information it would need from the utilities. SM.

PNG already has an information sharing program in effect. PNG partners with the Dollar Energy Fund, so its CAP customers can link to the FirstEnergy and Pennsylvania American Water Co. CAP programs. Customers are given the option to consent to shared income documentation. PNG Comments at 10.

PNG recommends that both a uniform statewide application be used for CAP and that application should explicitly include consent to share the underlying income and household information with other utilities servicing the same territory for purposes of establishing CAP eligibility. PNG Comments at 10.

PA Energy Efficiency for All Coalition (PA-EEFA) believes that a LIURP work group could be effective in addressing coordination among utilities to streamline service and data sharing. PA-EEFA Comments at 9-10.

PGW would support a data exchange program, but is wary of costs. PGW would need to recover costs from all ratepayers through its Universal Service surcharge. PGW Reply Comments at 12.

Columbia favors greater coordination and data sharing between utilities and DHS, and implementation of a

common platform for income acceptance and calculation. Columbia Reply Comments at 8. It also supports a common income acceptance repository and income-level calculation for DHS and utilities to use to ensure the data sharing stream is relevant and accurate. Columbia Reply Comments at 9.

PECO supports bi-directional data sharing with DHS with customer consent, including (a) name, birthdate, and phone number of each household member; (b) household address; (c) income of each household member; and d) household income as a percent of the FPIG. PECO Reply Comments at 7.

The types of information FirstEnergy would seek within a DHS data-sharing program, with customer's verbal or written consent include: (a) date of last income review; (b) household names and ages; (c) household size; (d) household income amount by household member; (e) sources of household income; and (f) DHS benefits provided. FirstEnergy Reply Comments at 31.

OCA submits that so long as appropriate customer consent has been received, it makes administrative sense to use a uniform application and share data across utilities. It should streamline the application/recertification procedures to eliminate the need for CAP customers to verify information twice, particularly when it is with the same agency. In Columbia's 2015—2018 USECP, the Commission approved the development of a data sharing agreement between Columbia and FirstEnergy to share income and data information. A similar strategy could be developed statewide. OCA Reply Comments at 43-44, citing the Columbia 2015—2018 USECP Final Order, Docket No. M-2014-2424462 (Order entered July 8, 2015), at 32-33.

Arrearage forgiveness

OCA recommends the CAP Policy Statement be amended to specify that: (a) CAPs should include customers not receiving a discounted bill but qualifying for arrearage forgiveness; (b) Participants should receive arrearage forgiveness for each on-time and in-full monthly payment and retroactively for months missed once the CAP balance is completely paid; and (c) Tenants of public and/or assisted housing that receive Housing and Urban Development (HUD) energy bill subsidies could participate in CAP to receive pre-CAP arrearage forgiveness but not receive CAP credits. OCA Comments at 11-12, 17 and 28.

PNG prefers that forgiveness apply to all balances that exist on a customer's bill upon CAP enrollment. PNG Reply Comments at 4.

CLS prefers multiple opportunities for forgiveness so that customers can control debt. If arrears are not permitted to mount, the need for forgiveness would not be high. SM.

The Low-Income Advocates support multiple opportunities for forgiveness both for those removed from CAP because they did not recertify or for arrears accrued under previously unaffordable CAP designs. Low Income Advocate Comments at 34. They prefer that customer applicants in transition have arrears forgiven if they have never been in CAP, if they have been homeless, or if they are entering HUD housing. SM.

FirstEnergy is satisfied with its current arrearage forgiveness policy (i.e., offering one-time forgiveness for a balance at initial CAP enrollment). It is concerned with program sustainability if forgiveness is extended. SM. FirstEnergy states that if a customer is removed due to

failure to recertify his or her income, the customer may no longer be income-eligible for the program. FirstEnergy would not support allowing this customer to receive a second arrearage forgiveness opportunity. To the extent the Commission is interested in allowing for multiple opportunities of arrearage forgiveness, it should establish explicit frequency and eligibility limitations to ensure the costs associated with this change remain reasonable. FirstEnergy Reply Comments at 14.

DLC is not looking to make any changes to its arrearage forgiveness policy but will consider changes proposed by other stakeholders. DLC Reply Comments at 21.

PPL believes any proposed changes to maximum CAP credits, the reapplication process, and the arrearage forgiveness timeframe should be addressed through the triennial USECP proceeding, not through the CAP Policy Statement. PPL Comments at 11.

Recertification

OCA recommends the following changes to reduce the administrative burden and costs necessary for recertification of the entire CAP population on an annual basis.

1. Recertification should only require reverification of income, not catch-up bill payments as a recertification prerequisite.

2. Amend the CAP Policy Statement to allow for a longer income recertification period if the customer's income is not likely to change from year to year.

3. Annual recertification be waived when the customer receives a LIHEAP grant.

4. The recertification process should be the subject of collaborative discussions to identify best practices. Many utility recertification procedures present substantive barriers to the process of recertification (e.g., significant paperwork, mandatory personal appearances to recertify, unreasonably short recertification periods). Such requirements discourage rather than encourage recertification.

OCA Comments at 45-46.

FirstEnergy is evaluating whether to extend the recertification timeframe for customers with a fixed income or who receive a LIHEAP grant. FirstEnergy Reply Comments at 15.

DLC prefers a two-year cycle for recertification, with more frequent recertification for those reporting no income. SM.

UGI allows recertification once every three years if the CAP customer receives LIHEAP each year. SM.

Columbia notes recertification as its biggest reason for CAP drop outs, even though time limits are very lenient. SM.

The Low Income Advocates prefer coordination of enrollment and recertification with other state and federal assistance programs. They cite a study conducted by the Applied Public Policy Research Institute for Study and Evaluation (APPRISE) which stated that if a household is eligible for food or cash assistance, LIHEAP, or Lifeline, it should automatically be screened and/or enrolled in CAP. They note that in New Jersey, households receiving food assistance are automatically screened for CAP. Low Income Advocate Comments at 41.

DLC notes that a single application form used by all companies/agencies could provide info useful for recertification. DLC does not oppose recertification on a two-year cycle. DLC Reply Comments at 10-11.

DLC is open to OCA's suggestion to develop "best practices" to address common problems with recertification. DLC Reply Comments at 21-22.

EAP agrees with OCA that recertification could be streamlined and on a less-than-annual basis when income such as pension or Social Security is unlikely to change. EAP Reply Comments at 7.

PNG prefers limiting annual recertification to those with no LIHEAP benefit within a year and those with potentially changing income such as employment. Multiple-year recertification is sufficient for those on disability income or Social Security. PNG Reply Comments at 5.

FirstEnergy opines it would be more appropriate to determine recertification timeframes within utilities' USECPs rather than in the CAP Policy Statement. In general, the CAP Policy Statement should not establish specific funding levels or timing restrictions but should allow utilities to design their plans in a way that appropriately fits their customers' needs. FirstEnergy Reply Comments at 15.

PPL states that proposed changes to the recertification process should be addressed in a utility's three-year USECP. PPL Comments at 11. PPL uses an 18-month time for recertification. SM.

PGW recommends developing the recertification process through a collaborative. PGW Reply Comments at 13.

Zero Income Recertification

No stakeholder voiced opposition to a six-month recertification period for CAP customers reporting zero income. SM.

EAP agrees that customers reporting zero income should recertify on a more frequent basis. EAP Reply Comments at 7.

PGW recertifies zero-income customers after six months in CAP. SM. PGW does not agree that it should allow a customer reporting zero income to remain in CAP beyond six months as it would encourage and authorize fraud. PGW Reply Comments at 4.

PPL agrees with OCA that utilities should be consistent in requiring zero income customers to recertify income on a less than annual basis. PPL Reply Comments at 3.

DLC requires customers with zero income to fill out a form explaining how they meet their household expenses, and reviews the account every six months. It also requires customer permission to verify income with government agencies such as the IRS or bankruptcy proceedings. DLC Reply Comments at 18.

CLS requests a non-burdensome and consistent process for those with no income. Pennsylvania needs a standard no-income form for all utilities to use. SM.

Reinstatement

Columbia discourages customers from voluntarily leaving CAP. If a household requests removal from CAP, Columbia sends a letter explaining the household would not be able to re-enroll for 12 months and that the household must catch up missed payments to reinstate CAP. Customers must sign and return that letter for removal. SM.

PGW sends a letter and counsels customers who want to leave CAP. Customers must pay the CAP catch up amount (i.e., the amount they would have paid on CAP) prior to reinstatement. SM. CAP customers who request

to be removed from CAP must stay out for one year to prevent “churning.”⁸ PGW Reply Comments at 14.

PNG policy is to keep customers out for 12 months if they voluntarily leave CAP, but it often waives this requirement. It opposes a mandatory stay-out rule for those voluntarily leaving CAP. It prefers to have flexibility to address customers’ needs individually. SM and PNG Reply Comments at 5.

PPL supports flexibility in reinstating a customer into CAP to deal with unusual or extenuating customer circumstances. PPL Comments at 11.

OCA, in its initial comments at 17, recommends that the CAP Policy Statement require that voluntary removal should require a 12-month stay out provision to prevent “gaming the system” through churning and increasing costs to non-CAP customers. However, in its reply comments, OCA reflected that at the stakeholder meeting some utilities explained that it is often more effective to allow the customer to return to CAP if they have encountered payment difficulties while out of CAP rather than enforce a 12-month stay-out. Utilities such as Columbia maintain a CAP balance when the customer exits the program and require the customer to pay the CAP balance, if greater than the amount paid while being billed under residential retail rates. In this situation, it is as if the customer never left CAP in the first place. After considering this information, OCA supports allowing such flexibility. OCA Reply Comments at 20.

The Low-Income Advocates support flexibility. They inform customers that, even though bills may be lower in summer, leaving CAP may not be the wisest decision. The Advocates stress educating customers about the consequences of leaving CAP. SM.

FirstEnergy does not support a CAP stay-out period after voluntary removal. It supports allowing utilities the flexibility to determine the criteria for CAP reinstatement as opposed to establishing uniform criteria within the CAP Policy Statement. FirstEnergy Reply Comments at 16.

PECO does not have a stay-out provision for voluntary CAP removal. It does not require a CAP catch-up amount for reinstatement. Former CAP customers are no longer eligible for forgiveness for amounts accrued out of the program if they re-enroll. SM.

Termination

PGW does not remove customers from CAP due to missed payments prior to termination. PGW Reply Comments at 15.

Columbia requires CAP customers to satisfy any missed CAP payments (catch-up) to be reconnected as a CAP customer. SM.

DLC requires those who have a past due balance at time of service termination to pay the past due catch-up amount, curing the default. DLC Reply Comments at 23.

OCA recommends that utilities place CAP customers into the collection cycle for missed CAP payments, including termination of service. Disconnected CAP participants should pay unpaid CAP bills (not at full-tariff rate) and reconnection fees. OCA Comments at 16.

The Low Income Advocates note that termination notices do not explain anything about what may be needed to get back on CAP or to stay in the CAP program. The

⁸ “Churning” is the practice of enrolling in CAP when the program amount is lower than actual usage and then leaving the program when the program amount is higher than actual usage.

CAP Policy Statement says that the amount on the termination notice should generally be no more than two CAP bills.⁹ The Advocates recommend revising the CAP Policy Statement to prevent inconsistent statewide CAP termination practices leading to high up-front restoration costs for vulnerable households. SM.

CAP Costs

OCA recommends that utilities identify and report cost savings when a customer enrolls in CAP. OCA Comments at 43.

NFG and FirstEnergy believe it necessary to consider the residential ratepayers funding burden. NFG Comments at 13; FirstEnergy Comments at 3-4.

DLC suggests that current control features such as minimum payments, consumption limits, and maximum CAP credits are sufficient to control program costs. DLC Comments at 11 and 14.

EAP questions how much a utility is responsible to make energy affordable. SM.

The Low Income Advocates question how big is too big for program costs. The answer depends on having data as to whether CAPs are doing what they are designed to do (i.e., providing affordable monthly payments, establishing consistent payment habits, reducing debt, reducing collection costs, etc.). Pennsylvania enacted universal service provisions and required universal service programs to be appropriately funded. If the universal service programs are expensive but not cost-effective, that needs to be addressed. SM.

OCA, Columbia, and the Low Income Advocates oppose CAP participation limits to control program costs. SM.

FirstEnergy reports that customers have testified at its Public Input Hearings that their rates/bills are reaching the saturation point. SM.

PGW has a very high percentage of working poor customers and questions how much other residential ratepayers should have to pay to make CAP bills more affordable. SM.

DLC echoes PGW’s concern. DLC’s customer base is 89 percent residential, with many being low income. It recommends the Commission wait until the outcome of the energy burden study to make further decisions. SM.

CAP Shopping

The Low Income Advocates assert that everyone wants a statewide solution to CAP shopping. They encourage the Commission to create some level of consistency, weighing hardship versus benefits. SM.

DLC does not recommend a statewide solution. SM.

OCA recommends that consideration be given to fixed rate products that over the term of the contract that would be lower than the price to compare (PTC) for the same term, guaranteed lower than percentage discounts off the PTC rates, and a requirement of no cancellation fees. Effective communications and consumer education must be in place. OCA Comments at 44-45.

Pennsylvania Energy Marketers Coalition (PEMC) urges the Commission to allow time for lessons to be learned from the PPL CAP Standard Offer Program before proposing a universal policy that may limit low income customers from choosing products and services that may provide real and substantial value to them. It questions protecting low income customers vs. preventing

⁹ Low-Income Advocates Comments at 32, citing 52 Pa. Code § 69.265(7)(i).

them from exercising choices of energy efficiency audits and equipment, or value added services like home heating, ventilation, and air conditioning system repair. PEMC Comments at 2-3.

DLC submits that if EDCs had ownership of alternative energy systems, such as that proposed in House Bill 1799, introduced on September 21, 2017, an EDC could make renewable resources directly applicable to low-income customers. DLC Reply Comments at 7.

PGW supports imposing reasonable limits on CAP shopping and would allow time to evaluate through a separate stakeholder or rulemaking process. PGW Reply Comments at 13-14.

PECO states that the Commission should defer any CAP shopping related proposal until the Commonwealth Court reaches a decision in the PPL CAP Shopping Appeal of the cases at P-2012-2283641 and P-2016-2534980. PECO Reply Comments at 10.

The Low Income Advocates submit that data available in a number of current and pending proceedings show that unrestricted CAP shopping is responsible for millions of dollars in wasted program costs each year and has been a tremendous impediment to the ability of low income consumers to maintain affordable bills throughout the year. Low Income Advocates Reply Comments at 8.

2. CARES

Program Design

OCA proposes that the CARES program be expanded and better coordinated with community based organizations (CBOs). Utilities should refer customers to CARES after the first missed CAP payment. Utilities should have dedicated social worker staff for its CARES program. Utilities should also consider:

1. Trained, specialized staff to address the unique needs of low-income customers
2. Implementation of an “early identification program” (EIP) and
3. Creation of a process of special “skills-based routing” for low-income customers
4. Identify and track the referral outcomes (i.e., in terms of payment enrollments) for case management recipients; and
5. Track the utility bill, payment and arrearage outcomes associated with the CARES case management component.

OCA Comments at 56—58.

The Low Income Advocates support OCA’s proposal to adopt an EIP and specialized skills training, which would train utility frontline staff to recognize likely indicators of financial hardship to facilitate an appropriate referral to the utility’s universal service programs or to a specialized CARES staff person capable of assisting customers with unique hardships. Low Income Advocates Reply Comments at 32.

PGW notes that referring a customer to CARES with the first missed CAP payment would place additional strain on customer service reps. It recommends CARES exist mainly as a referral program unless a utility voluntarily elects otherwise. PGW recommends that this issue be addressed through a stakeholder working group. PGW Reply Comments at 17-18.

The Low Income Advocates maintain that referrals are part of CARES but not the only service provided. Case management services should remain a primary focal point of CARES to ensure the uniquely vulnerable households receive necessary services and benefits to maintain utility service. Low Income Advocate Reply Comments at 32.

The United Way notes the Commission designated use of the 2-1-1 number as a social service referral network. PA 2-1-1 has trained social workers connecting people to the resources they need. It is an all-in-one referral agency and has referral database of 11,000 agencies. Some customers are afraid to call utilities about termination of service and PA 2-1-1 fills that gap. The agency spends \$3 million per year and would like utilities to use its services and contribute 5% of utility universal service budgets to support PA 2-1-1’s work with utility customers. United Way Comments at 10.

PNG makes PA 2-1-1 referrals, stating that customers with utility problems normally have other problems. In addition to PNG’s two social workers on staff, it provides training support for PA 2-1-1 phone agents. SM.

EAP opposes any suggestion to mandate funding of PA 2-1-1 with universal service program dollars, particularly as PA 2-1-1 does not operate in all areas of the Commonwealth. EAP Reply Comments at 11.

FirstEnergy opposes the use of ratepayer dollars to fund a third-party organization, such as PA 2-1-1; the funding of PA 2-1-1 would represent a duplicative use of ratepayer dollars for the same services. PA 2-1-1 is not available in all counties served by the jurisdictional utilities. FirstEnergy Reply Comments at 23.

Columbia states PA 2-1-1 services are not available across all of Columbia’s service territory and is not in favor of substantially funding it. Columbia Reply Comments at 10.

UGI notes that United Way does not administer the PA 2-1-1 program in many parts of its service territory. Such partnerships should be left to the utility’s discretion. UGI Reply Comments at 6.

OCA reports it is unaware of any other state where utilities provide contributions to PA 2-1-1 with funds collected from ratepayers through utility rates. PA 2-1-1 services extend beyond utility services, and utility ratepayer dollars should not be used to address non-utility related issues. OCA Reply Comments at 42.

In reply comments, United Way clarifies its initial request: United Way and PA 2-1-1 respectfully requests that utilities be permitted to invest a portion of their universal service dollars to PA 2-1-1 services. Specifically, it suggests “that up to 5% of a utility’s universal service dollars may be directed for use by PA 2-1-1 to support the work [PA 2-1-1 does] with utility customers if the utility determines that such a partnership will allow them to assist financially struggling utility customers more effectively and efficiently.” United Way Reply Comments at 1.

The Low Income Advocates state that United Way’s request for 5% of universal service costs—or approximately \$20.9 million—would not only fully eclipse CARES services, it would also subsume nearly half of the aggregate LIURP budget. The Low Income Advocates strongly oppose any determination in this proceeding that one entity, i.e., PA 2-1-1, should be singled out for special treatment and provided with a percentage of total costs. This is particularly true without first determining that PA 2-1-1 actually contributes to energy affordability or

enrollment in utility assistance programs. Low Income Advocate Reply Comments at 31-32.

DLC prefers that universal service money remain with EDCs, as currently its CARES program is the most cost effective of its four universal service programs. DLC Reply Comments at 9, 25.

Staffing and Training

The Low Income Advocates proposes dedicated social work staff for CARES. Some utilities rely on call center lists for referrals to universal service program subcontractors with little to no follow-up. CARES funding is often used to pay for general universal service expenses, when it could provide case management and cultivate relationships with a broad range of local agencies and service providers to help households establish and maintain long-term economic stability. Low Income Advocate Comments at 7, 45-46.

Columbia states that having social work training for CARES staff provides a professional service. It does allow for longer call center call times for some CARES referrals. SM. Columbia employs two social service professionals who perform a myriad of services to customers. It is not able to segment the costs of outreach for CARES. Columbia spends \$45,000 in outreach efforts for all Universal Service Programs. Columbia Reply Comments at 5-6.

OCA does not believe that utilities should be required to staff CARES with licensed social workers, but the programs would likely benefit from such staffing. OCA recommends that utilities should target those customers with very clear and significant problems for CARES services. OCA Reply Comments at 19.

EAP and PGW oppose creating a mandate for utilities to have licensed social worker staff. EAP Reply Comments at 11; PGW Reply Comments at 18.

FirstEnergy does not consider long-term management of the customer's situation to be a primary objective of CARES. Utilities are not in the business of social work and cannot offer these services cost-effectively. FirstEnergy Reply Comments at 21-22.

PPL and NFG oppose the Low Income Advocates' and OCA's proposal to hire social work staff, as such staffing would add significant costs. PPL Reply Comments at 5; NFG Reply Comments at 5.

DLC's CBOs refer customers to CARES at CAP intake. It sees no need to expand staff at this time. DLC Reply Comments at 25.

PNG promotes use of CBOs to determine eligibility for multiple programs across utilities. PNG Comments at 10.

OCA and the Low Income Advocates propose that EDCs and NGDCs share CARES best practices in advisory and stakeholder groups. OCA Comments at 40-43 and SM.

Tracking Outcomes

OCA suggests creation of a process of special "skills-based routing" for low-income customers to (a) identify and track the referral outcomes (in terms of payment enrollments) for case management recipients, and (b) track the utility bill, payment and arrearage outcomes associated with the CARES case management component. OCA Comments at 56-58.

PECO would support tracking outcomes for CARES referrals but would be concerned about costs. SM.

UGI states its customer service group does struggle with this. Tracking outcomes would require program upgrades, and cost is also a question. SM.

EAP agrees that cost is a question and that tracking would be labor intensive as it may need to be done manually. SM.

Columbia has tried to track CARES as short term CRISIS management but found it difficult to do. SM.

United Way agrees tracking is difficult, but it did learn that by texting customers to determine outcomes, it received a much higher customer response rate than follow-up phone calls yielded. SM.

DLC maintains that CARES tracking beyond what's done now is not necessary. DLC Reply Comments at 26.

EAP states utilities cannot track outcomes for CARES but notes that they do report on energy assistance funds received by CARES participants through LIHEAP, Hardship Funds, and third parties in the Universal Services Report. EAP Reply Comments at 11-12.

PGW does not support using ratepayer funds to track referral outcomes. CARES is a short-term, crisis program, which does not always help with long term utility bill payments. PGW Reply Comments at 19.

PNG questions the viability of tracking referral outcomes due to privacy concerns and the staff time needed for updates. CARES information is already part of the Universal Service Report. PNG Reply Comments at 6-7.

PPL opposes OCA's recommendation to track outcomes, as it would be labor intensive, costly and possibly conflict with privacy policies. PPL Reply Comments at 5.

Columbia disagrees with OCA's recommendation to identify and track referral outcomes. Columbia does track and report payments on, and grants to, customer accounts. Additional non-payment assistance should not be tracked as it would overburden CARES representatives and create privacy concerns. Columbia Reply Comments at 6-7.

NFG submits outcome tracking would be inappropriate as it is outside the utilities' duties and would be functionally difficult to accomplish accurately and efficiently. NFG Reply Comments at 5.

3. Hardship Funds

Eligibility

OCA and the Low Income Advocates made several similar recommendations:

1. A CBO should not dictate eligibility requirements of a universal service program such as: recent payments, CAP enrollment, or providing SSNs. Outsourcing Hardship Fund administration to a third party should not hamper the Commission's oversight authority. OCA Comments at 50; Low Income Advocate Comments at 46.

2. Customer auto-pay and e-bill systems do not allow easy donations to Hardship Fund programs. Utilities should provide simple check-off options. OCA Comments at 52; Low Income Advocate Comments at 50.

3. Hardship Fund grants should be available to CAP participants even if the grant does not eliminate all arrears. OCA Comments at 49; Low Income Advocate at SM.

PNG agrees CAP customers should be eligible for Hardship Fund grants. SM.

DLC does not deny Hardship Fund eligibility when the grant amount does not eliminate all arrears and allows CAP customers to qualify for a grant. DLC Reply Comments at 26-27.

Columbia maintains it should be up to the utility's discretion whether CAP recipients should be eligible for hardship grants. Columbia states that CAP customers already receive other substantial discounts and it uses Hardship Fund grants to assist those who just need a little more help than just LIHEAP. Columbia Reply Comments at 7-8.

FirstEnergy maintains that a Hardship Fund recipient should have a good payment history leading up to the hardship; however, FirstEnergy is in the process of evaluating whether a different payment amount or timeframe for prior payments would be appropriate in the determination of Hardship Fund eligibility. FirstEnergy Reply Comments at 20-21.

Funding

The Low Income Advocates state there is increased need for Hardship funds as they periodically run out. The Commission should issue concise regulations, preventing later challenges, assigning pipeline credits, pro hac vice fees, and operation and maintenance expense reductions, fines, settlements, and terms of mergers and acquisitions to fund Hardship Fund programs. They also suggested raising funds from customers by allowing them to round up bill payment amounts, or add \$1.00. Low Income Advocate Comments at 49.

Columbia does have an e-bill button for customers to add a Hardship Fund donation. SM.

OCA submits that the Commission could require a Hardship Fund fundraising component. OCA Comments at 50–52. OCA does not support funding through base rates. It supports allocation of refunds, such as pipeline refunds, towards Hardship Fund programs, but believes there may be legal issues with funding through fines/contributions. SM; OCA Reply Comments at 11.

EAP, FirstEnergy, and DLC oppose the use of rate base dollars to fund Hardship Fund grants. EAP Reply Comments at 10; FirstEnergy Reply Comments at 20-21; DLC Reply Comments at 27.

OCA submits that the Hardship Fund is ultimately a voluntary charitable donation, and it is a long-held principle of ratemaking that charitable donations may not be recovered through rates. Instead of requiring a minimum threshold, the OCA recommends that utilities should be required to drive the fundraising efforts. OCA Comments at 50-51.

Conversely, Columbia would prefer the Commission allow Hardship Fund grants cost recovery through base rates. Even though it has increased fundraising activities, associated costs continue to increase, and donations continue to decrease. Columbia Comments at 13.

PGW supports recovery of Hardship Funds through the Universal Service surcharge or base rates. PGW Reply Comments at 20.

PPL states that although the information technology (IT) cost of implementing rounding up bill payments by \$1, \$5, or \$10 could be substantial, it could pay for itself. Recent changes to its annual golf tournament, mirroring PECO's, expanded participation, and both utilities now raise over \$50K each. PPL made adjustments to the timing of its employee donation period in an attempt to increase funds. SM.

United Way stated that funding for Universal Service programs varies statewide. PA 2-1-1 is a single entity to make the entire process as efficient as possible. SM.

ECA asserts that funding is inefficient and the process should be better coordinated. SM.

PGW comments that the City of Philadelphia funds the Utility Emergency Services Fund (USEF) which gives grant money to PGW customers. PGW matches USEF grants with ratepayer funds. The USEF would need to agree to any mandated changes to the Hardship Fund program for this partnership to continue. PGW Reply Comments at 19.

Within cost reasonableness, PGW supports enabling electronically billed customers to contribute to Hardship Funds and increasing program advertising. PGW Reply Comments at 20. PGW prefers the flexibility it has with its USEF program. SM.

WCC urges more advertising to increase Hardship Fund donations. WCC Comments at 5.

PPL disagrees with OCA's suggestion that the Commission needs to direct utilities to engage in or use specific marketing to promote donations to Hardship Funds. PPL Reply Comments at 4.

OCA recommends that the CAP Policy Statement should, at a minimum, provide that companies include a monthly option for customers to donate to the Hardship Fund, with attention to electronic donation capability. EDCs and NGDCs should also consider holding fundraising events and redouble efforts to encourage ratepayer, employee, community, and shareholder contributions. OCA Reply Comments at 11.

NFG continuously strives to expand voluntary contributions to its Hardship Fund and is considering methods to make it easier to donate online. NFG Reply Comments at 5.

EAP agrees that voluntary improvements would increase contributions, such as e-bill and automatic withdrawal payment methods. EAP opposes a mandate for funding changes. EAP Reply Comments at 10.

4. Universal Services Program Design

Statewide Approach—Allow Flexibility vs. Consistency Statewide

PGW comments that the Commission could develop statewide guidelines for universal programs. Utilities would report the costs of running these programs, and the Commission could determine the amount to charge all non-participating customers. A statewide administrator would collect and disburse funds to the utilities for the individual program costs. The Commission's Telecommunications Universal Service Fund (USF) could serve as a template for this model. PGW Comments at 6-7. PGW notes its concerns that differences in housing stock, population age, urban vs. rural areas, and concentration of poverty among utilities could have different cost effects. SM.

PECO has no stance on a statewide program other than if the state ran an income verification program, there could still be flexibility. SM.

The Low Income Advocates support a statewide program and encourage a continuing collaborative. They foresee benefits in areas such as decoupling of costs and collection, streamlined program intake, enrollment, rates, program rules, and referrals. A statewide program would simplify program messaging for outreach, education, and training. CBOs could still be the entry point, providing more consistency and avoiding duplication of costs. Resulting higher universal service enrollment will reduce uncollectible expenses, improve low income families' qual-

ity of life, and promote public health, welfare, and safety for the broader community. SM. A consolidated statewide delivery model would ensure universally available and cost-efficient universal service and energy conservation programming, co-administered at the State level, including CAP applications coordinated with a LIURP audit and services. Enrollment in an EDC's CAP should trigger enrollment in the NGDC's CAP and vice versa. The Commission should require a common application form to standardize eligibility, benefits, terms, and conditions across utility service territories. Low Income Advocate Comments at 40-41. The Commission should look to other states that have statewide programs. SM. The Low Income Advocates urge the Commission to either establish a bureau to administer and oversee implementation of a centralized universal service program or contract with a third party to administer a consolidated statewide program. Centralized delivery could continue to promote the use of CBOs to provide in-person intake options, local program outreach, and the delivery of coordinated LIURP services. Low Income Advocates Comments at 67-68.

CLS agrees that statewide programming is necessary, and that PUC jurisdiction is broad, so this could be achieved. SM.

ECA sees a benefit to statewide administration through consistency in applications and income verification. SM.

Columbia sees opportunities for statewide application and income verification but supports flexibility. SM.

UGI questions how a statewide program would work: who would manage it, would it require more utility funding, and would it require staff layoffs. UGI is not convinced it would reduce program costs. The consolidated nature of the four UGI companies' USECPs allows for efficient management of each company's program. SM. UGI Comments at 2-3.

NFG states that a one-size-fits-all approach is not appropriate as universal service programs require flexibility to address the needs of customers living in a specific service territory. There are many differing characteristics of residential housing stock, quality of appliances, usage rates, payment histories, cost of living, and poverty levels. Universal service programs are not intended to provide all resources that low-income homes may need. NFG Comments at 11-12.

PNG notes it is important not to lose sight of differences present in the utility programs across this large and geographically, as well as economically diverse, Commonwealth. It is diverse in terms of population, income levels, age of housing structures, age of residents, and availability of assistance. This impacts the manner in which a utility develops, funds, and delivers its USECP program. PNG opposes a single design for USECP programs across the Commonwealth. Any reworking of the regulations should continue to provide flexibility to the utilities to operate a program based on the needs of the citizens within its territory. PNG Comments at 9.

EAP questions whether any other state has changed from utility-run programs to a statewide model, noting that this would be challenging. SM. EAP opposes mandating uniformity in statewide USECPs. EAP Reply Comments at 5.

The Low Income Advocates assert that a statewide approach to program administration can be structured through either a uniform system benefit charge or statewide program administration. Each utility can set a budget, allocate costs, and account for expenditures based on the actual costs of service for its own customer

population. The design and administration of the programs should be consistent across the state to ensure that all low-income Pennsylvanians have access to equally affordable utility service. Low Income Advocates Reply Comments at 17-18.

DLC opposes a statewide administration of universal service programs which would ignore individual design features and lack flexibility. However, it would support the development of a statewide application form as a first step in creating a database to enable all utilities to confirm customer eligibility for programs. DLC is willing to participate in a collaborative to discuss these issues further. DLC Reply Comments at 10-11.

PGW supports a statewide application form for all programs. PGW Reply Comments at 20. PGW advocates that the Commission examine the use of a statewide program including administration and funding so no service territory is overburdened with Universal Service costs. The Commission could establish a uniform benefit for low-income customers based on an acceptable energy burden level. A fund, administered on a statewide basis by the Commission or an outside vendor, could collect from all PA EDCs and NGDCs. The precedent for such a fund is the statewide electric choice education program that collected funds through a Competitive Transition Charge, assessed on all consumers, established in 1998. In 2007, the Commission initiated a statewide consumer education campaign funded by allocating \$5 million from assessments to EDCs to the Commission. PGW Reply Comments at 9.

OCA recommends that a statewide administrator: (1) be a private entity, and (2) hold funding collected in support of universal service programs in trust for low-income ratepayers. OCA Reply Comments at 16.

Columbia disagrees with using a statewide administrator. It would be cost prohibitive and unnecessary to dismantle all individually improved and fine-tuned existing programs. Columbia Reply Comments at 10.

PECO comments that the Commission should carefully consider the costs of transitioning to statewide administration of universal service programs and weigh the customer benefits against the transition's substantial costs. PECO Reply Comments at 7.

FirstEnergy asserts that a single agency administering a CAP on a statewide basis would allow for better coordination among assistance programs and create cost efficiencies. FirstEnergy already took a step towards uniformity by engaging DEF as the USECP administrator for its four jurisdictional EDCs. A single administrator allows for better coordination and a more streamlined data exchange between the Companies and the USECP administrator. While CBOs are an important resource within the communities for providing assistance to those with financial or personal hardships, the involvement of multiple parties in the CAP application process can lead to increased inefficiency in the administration of the program. FirstEnergy recommends a CAP model that uses a central administrator due to the efficiencies and coordination opportunities such an arrangement creates. FirstEnergy Reply Comments at 12-13.

The Industrial Customers state that PULP's proposal for a statewide administrator invites a vast degree of waste and inefficiency into the process as bureaucratic programs are frequently rife with inefficiency and waste, citing PA's Energy Efficiency and Conservation program (Act 129). Joint Reply Comments of Industrial Customers at 18-19.

PGW supports permitting flexibility in utility program design absent statewide funding and administration. PGW Reply Comments at 20-21.

CEO Luzerne, CEO Hazelton, CEO Wyoming, the Housing Development Corporation (HDC) of Northeast Pennsylvania, and the PA Weatherization Providers Task Force recommend continued use of CBOs to administer Universal Service and Energy Conservation programs. CEO Luzerne Reply Comments at 1, CEO Hazelton Reply Comments at 1, CEO of Wyoming Reply Comments at 1, HDC Reply Comments at 1; and PA Weatherization Providers Task Force Reply Comments at 1.

The Housing Authority of Beaver County asks the Commission to consider requiring the energy utilities to prioritize the use of CBOs weatherization network. Housing Authority of Beaver County Reply Comments at 1.

The Wyoming County Commission on Economic Opportunity finds it imperative to maintain use of CBOs to administer Universal Service and Energy Conservation Programs. Wyoming County Commission on Economic Opportunity Reply Comments at 1.

The Commission on Economic Opportunity supports the OCA's recommendation to increase use of CBOs in outreach and intake initiatives for CAP. CEO Reply Comments at 2.

PGW does not rely on CBOs in the same manner as many other utilities.¹⁰ For assistance with utility bills, PGW customers contact the utility. PGW Reply Comments at 18.

PNG supports either information sharing for customer enrollment and a statewide application or an information warehouse to facilitate a streamlined enrollment process for low-income customers. Similar eligibility requirements and guidelines for documentation can provide a simpler process, increased access and a holistic approach for household needs. An organization such as PA 2-1-1 could refer customers for program enrollment and provide pre-screening for eligibility, sharing financial information with customer consent, and warm transfers to utility customer service centers for seamless enrollment. PNG Reply Comments at 7-8.

PECO recommends that the Commission defer substantive changes to USECP requirements until the energy burden investigation is complete. PECO Reply Comments at 3. However, it also notes that process oriented changes, such as a common application form, USECP reporting requirements, and data sharing, need not be deferred and could be explored by a stakeholder work group. PECO Reply Comments at 5.

The Low Income Advocates assert that the full portfolio of universal service programs should be made available to Pennsylvania water and wastewater consumers to ensure that water—an essential ingredient to life—remain affordable and accessible to all Pennsylvanians, regardless of income. Low Income Advocates Reply Comments at 33.

Needs Assessment

OCA has found that utilities have defined “confirmed low-income” customers in many different ways. OCA recommends that the definition should be interpreted broadly, including whether customers report they are low-income (self-declaration). OCA Comments at 59-60.

¹⁰ PGW explained in its 2017–2020 USECP proceeding that it does not contract with CBOs to help customers complete CAP applications/recertifications or to assist with outreach/referrals because those functions are “union-covered work provided pursuant to PGW's agreement with the Gas Works Employees' Union of Philadelphia Local 686, Utility Workers' Union of America AFL-CIO.” PGW 2017–2020 USECP Reply Comments at 5 & 8, Docket No. M-2016-2542415.

The OCA recommends that the time-period for which that designation applies to the customer should be longer than a year. OCA Comments at 60.

PECO does not count customers as confirmed low income if they self-declare. SM.

Columbia counts customers as confirmed low-income if they self-declare, are reported as having “level 1” income by BCS, or have otherwise documented that they are low-income (e.g., receive a LIHEAP grant). Income data for confirmed low-income customers can be older than 10 years. It is not clear when a utility must re-verify that a customer is still low-income. SM.

PULP agrees with Columbia that there is a need for standardization for identifying confirmed low-income customers. Some utilities will not count a customer as confirmed low-income if documentation is older than one year. SM

EAP comments that the Commission should reevaluate the definition of “confirmed low income”. Self-certification should not be counted. EAP agrees that when customers in CAP receive an income-qualified benefit, they can remain confirmed longer than one year. EAP recommends further discussion. EAP Reply Comments at 12-13.

FirstEnergy states that the definition for “confirmed low income” should not apply to customers who claim to be low-income without providing corroborating information. Utilities should also have the means to request written documentation confirming that the income levels for the household are correct. Consistent with these recommendations, FirstEnergy proposes the following modifying the definition of “confirmed low income” to include only “[a]ccounts where the EDC has obtained specific information that would reasonably place the account in a low-income designation, including household member names and ages, household size, household income by household member, and sources of income, which may be verified by the EDC through written documentation. Income information is valid for at least twelve months after it is confirmed by the EDC.” FirstEnergy Reply Comments at 30.

PGW allows self-declaration of income and uses data from the two prior years. Census data is not as current as a utility's current customer's records. PGW Reply Comments at 21. PGW states if the needs assessment is to set appropriate budgets for universal service programs, no useful purpose is served by counting anyone who is not actually eligible and/or not likely to need or accept the services. Using a needs assessment to set a budget for PGW, with the highest percentage of confirmed low income customers in the Commonwealth, could result in an outsized impact for non-CAP ratepayers. PGW Reply Comments at 22.

The Low Income Advocates assert that restricting confirmed low-income customer counts to only those who have recently participated in a universal service program wrongfully excludes large swaths of the low income population from a utility's needs assessment and skews the overall assessment of need. The Low Income Advocates urge the Commission to adopt clear and inclusive guidelines for utilities to more accurately assess the adequacy of services for the low-income population. Low Income Advocates Reply Comments at 25-26.

EAP asserts that census data do not provide an accurate count of “estimated low-income” customers in a service territory. The process and criteria should be updated and standardized. Any proposed regulations should clarify the purpose, as it should not be the sole

determinant of a utility's LIURP jobs, which could overburden the ratepayers of utilities with a high percentage of low-income customers. EAP supports needs assessment tests or tools that allow for flexibility to be reflective of the differences in service territories, income levels, and housing stock. EAP Comments at 6, 14. EAP also noted that some low-income customers do not want or need universal service programs. SM.

NFG has concerns with using census data to determine estimated low-income customers as many households in its service territory use propane for heating, not gas; most of its low-income customers are rural, which makes it difficult to balance need with ratepayer burden. SM.

The Low Income Advocates strongly assert that a "cost-benefit analysis" is an improper means to assess the universal services program need. The intent of the General Assembly was to ensure that PA's low-income families can afford to bring light and heat to their homes. The General Assembly charged the Commission with ensuring that universal service programs are adequately funded, cost-effective and available to those in need. The Low Income Advocates maintain that census data provide a good and universally accepted proxy for conducting an assessment of potential need and should continue to be used in assessing the full potential for program enrollment. Low Income Advocates Reply Comments at 23-24.

OCA recommends that the Commission develop a collaborative to discuss the best practices regarding the data sought to be included in a needs assessment, the appropriate use of the census data and the databases that are the most useful to capture the needed data. There may also be a need to collaboratively map the Public Use Micro-data Areas (PUMAs). This will allow the stakeholders to overlay the utility service territories on top of the census data in order to appropriately apply the census data to an individual service territory. OCA Reply Comments at 12-13.

DLC supports using census information and suggests other helpful data sources (e.g., families receiving free lunches, participants at food banks, and low-income housing). DLC would participate in a collaborative to address this issue. DLC Reply Comments at 11-12.

The Low Income Advocates note that low-income customers who reside in master-metered multifamily homes are not counted in a needs assessment proportionate to the number of residential accounts because they are not residential accounts. Low Income Advocates Reply Comments at 21-22.

PA-EEFA comments that a LIURP needs assessment should be fuel-neutral and be based on a realistic timeframe such as 10—12 years. All utility service territories and geographic regions should assess need universally but with allowances within a service territory for labor, housing types, heating/non-heating, budget adjustments, etc. PA-EEFA Comments at 3-4.

Cost Recovery

Industrial Customers want cost recovery for Universal Service Programs from only residential ratepayers as service programs such as CAP and LIURP are made available only to residential customers. Large commercial and industrial organizations neither benefit from nor are eligible for these programs. Principles of cost causation dictate that costs should be attributed to the customers causing costs to be incurred. The Industrials note that states which spread the cost of low-income programs

across all ratepayers do have exemptions and nuances regarding surcharges. Joint Comments of Industrial Customers at 2 and SM.

OCA stresses that Universal Service is for the public good. The literal interpretation of the cost causation argument (i.e., only ratepayers that benefit should pay for the program) would have only low-income customers support the cost of these universal service programs since they are the only customers that can participate. Societal poverty causes the cost, not all or only residential customers. Most states fund low-income energy programs through a system benefits charge that is passed to all ratepayers. CAP credits recovered through the universal service surcharge should be subtracted from base rates. Universal service programs are a public good in Pennsylvania that should be funded by all classes of ratepayers. The whole community benefits from universal service programs because providing affordable home energy addresses public health and safety costs that are borne by all taxpayers (e.g., homelessness). Businesses benefit from these programs because the programs provide help to low-wage employees and low-income customers. Small businesses require low wages employees to survive, but low wages also create a situation where the employees may need help to afford utility service. OCA Comments at 36—40, Appendix A, Colton White Paper at 11—20.

The Low Income Advocates state that, to their knowledge, Pennsylvania is the only state to establish a policy generally limiting cost recovery of universal service programs to the residential class. The Low Income Advocates cite 66 Pa.C.S. § 2206, the Gas Choice Act, which specifically prohibits recovery from the industrial customer for costs related to consumer education. However, there is no such restriction for cross class recovery for other universal service costs in the Gas Choice Act and no restrictions in the Electric Choice Act. The Low Income Advocates note the PUC has ample authority to approve cross-class recovery in its specific mandate to ensure that universal service programs are appropriately funded. Noting the public purpose goals of the Electric and Gas Choice Acts, the toll of poverty, and the consequences of unaffordable utility service, the Low Income Advocates state the safety of the community at large is improved by affordable utility service. Universal Service is the responsibility of all individuals and entities which benefit—either directly or indirectly—from the provision of universal service. Low Income Advocate Comments at 52, 55 and 59.

The Low Income Advocates recommend the Commission institute a uniform system benefit charge across utilities and customer classes. The system benefit charge could provide the greatest flexibility in terms of contracting for services and delivering benefits across utility service territories. It would also provide a consistent and understandable mechanism to recover program costs. Alternately, if the Commission continues to allow recovery through universal service riders, the Low Income Advocates urge the Commission to set forth guidance regarding an appropriate allocation of costs among rate classes. Low Income Advocate Comments at 51-52.

The Industrial Customers assert that utility service is not a 'public good.' They maintain that social policy ratemaking is a faulty approach that will erode time-tested, objective methods of utility ratemaking. A total assistance burden of \$360 million is an enormous one to add to the non-residential classes who are ineligible to participate in the CAP programs in Pennsylvania. Joint Reply Comments of Industrial Customers at 14, 16, 17-18.

The PA Depts. of Aging, DCED, DEP, DOH, DHS jointly recommend that the Commission expand recovery of universal service costs to other rate classes to allow for increased efficacy of the programs while avoiding the need for rate increases within a single rate class. Eleven other states authorize cross-class cost recovery, including OH, NJ, MD, and NY. Universal Service programs legally establish an obligation on public utilities. All utility customers should owe support, and non-residential classes do benefit as a whole. Joint Comments of PA Depts. of Aging, DCED, DEP, DOH, DHS at 3.

PGW, which as a city natural gas distribution company does not have stockholders, collects universal service costs from all ratepayers. All non-residential customers indirectly benefit from keeping the residents of the City of Philadelphia in their homes. Without residents living in the City, Philadelphia businesses may lose their workforce. People living and working in the City help businesses avoid financial losses, increase employee productivity, and retain viable consumers. As part of its current base rate case at Docket No. R-2017-2586783, PGW proposes to continue this allocation. PGW Reply Comments at 23.

The Low Income Advocates note the Choice Acts mandate that full and non-bypassable cost recovery be required to ensure universal service programs are appropriately funded and cost-effective across the Commonwealth. 66 Pa.C.S. §§ 2203(6), 2802(17), 2804(9). Given the statutory authority of the Commission over public utilities, the Low Income Advocates find no merit to the suggestion that the Commission's obligations concerning utility affordability may be referred to another governmental body, left to the General Assembly or Federal Government, or suspended in the hopes that charities will step in to assist in effectuating the statutory promise of universal service. The Advocates assert the Commission is fully and completely capable of requiring public utilities to implement new programs, establish lower energy burdens, and coordinate practices more effectively to ensure that low-income customers can maintain essential utility service. Low Income Advocates Reply Comments at 11-12.

OSBA echoes all comments made by the Industrials Customers and adds that PGW's universal service costs recovered from industrial and commercial accounts is currently in litigation before the PUC.¹¹ SM.¹² OSBA cites *Popowsky v. Pa. PUC*, 960 A.2d 189 (Pa. Cmwlth. 2008), in which the Commonwealth Court affirmed the Commission's decision with regard to allocating universal service costs solely to the residential class. OSBA Reply Comments at 3.

The Industrial Customers assert that underlying facts have not changed to justify a reversal of the 25-year Commission precedent of allocating Universal Service program costs solely to the residential class. In a 2004 PPL rate proceeding at R-00049255, the Commission found that Universal Service costs should be allocated to only residential customers and reaffirmed that position in a 2006 Final Order at Docket No. M-00051923. If the Commission makes this policy change, it should identify its reasons for doing so, including what facts or laws have changed to require a departure from established precedent. Joint Reply Comments of Industrial Customers at 4-5, 11.

The Industrial Customers state that if the Commission does reverse precedent, the only conceivable allocation

that could be used is a customer or meter allocation and recovery mechanism as opposed to a per-kWh or per-Mcf basis. Joint Reply Comments of Industrial Customers at 20, FN 41.

UGI contends that Universal Service program funding should remain from the class that directly benefits. It cautions against cross-class subsidization as customer choice is not limited to residential customers. Commercial and industrial ratepayers have alternatives to natural gas for energy needs. Some have the ability to bypass the UGI distribution system and directly connect to the interstate pipeline system. Should universal service costs be passed on to them, large customers can choose to procure energy services elsewhere. UGI Reply Comments at 7; SM.

The Low Income Advocates maintain that there is insufficient information or data to support UGI's claim that universal service costs would be a driving factor in the choice of energy service providers. The Advocates assert universal service costs have not caused residential customers to switch away from natural gas. Low Income Advocates Reply Comments at 10-11.

The PA Chamber of Business and Industry (Chamber) professes that the increase in gas production volume is commensurate with decreasing PJM prices. Prolific natural gas production has resulted in significant price decreases for gas utility customers. The Chamber contests the notion that low-income ratepayer assistance programs are in need of expanded investment financed by other rate classes. It strongly opposes proposals to expand cost recovery to all rate classes for these programs, as it would disadvantage the commercial and industrial sector. The Chamber's membership is more than 8,500 businesses of all sizes and industrial and commercial sectors. Its members require affordable, reliable, and competitively priced energy to sustain ongoing operations in the state. A rider on industrial user bills to finance universal service programs would diminish Pennsylvania's competitiveness to attract new investment into this sector, which would clearly run contrary to the Wolf administration's plain desire to attract and promote new investment in manufacturing in Pennsylvania. The Chamber states that in view of the filed comments, it is clear such changes are not needed. What is needed is more economic growth and continued support for competitive energy markets, which will expand economic opportunity and continue to drive down energy costs. PA Chamber of Business and Industry Reply Comments at 1-3.

PECO does not have a specific recommendation regarding the allocation of USECP costs among customer classes, but it offers a breakdown of cross-class allocation if a 6% energy burden would be implemented. The commercial customer class (gas and electric) would be allocated approximately \$33 million (14 percent of overall revenue requirement), and the industrial customer class (gas and electric) would be allocated approximately \$22 million (14.3 percent of its overall revenue requirement.) PECO Reply Comments at 6.

PGW's universal service and energy conservation surcharge does not recover lost revenues, CAP administrative costs, or hardship fund costs. Bad debt offset mechanisms in rate case proceedings further erode the ability of utilities to receive full cost recovery. PGW asks the Commission to clarify what Universal Service costs are recoverable and allow recovery without a USECP review or rate case proceeding. PGW Comments at 6.

¹¹ *Pennsylvania Public Utility Commission v. Philadelphia Gas Works*, Docket No. R-2017-2586783.

¹² OSBA also notes that PGW's universal service cost allocation (to all rate classes) was in place before PGW came under PUC oversight. OSBA Reply Comments at 4.

Reporting Requirements

Columbia, DLC, FirstEnergy, PGW, PECO, and OCA see merit in developing a working group collaborative to review universal service reporting requirements for clarity and data definition consistency. Columbia Comments at 14, Duquesne Comments at 10, DLC Reply Comments at 14, FirstEnergy Reply Comments at 30, PGW Comments at 4, PECO Reply Comments at 10-11, and OCA Reply Comments at 44-45.

DLC, PGW, and ECA request that the Commission define and identify the data points required to measure the effectiveness of universal service programs. PGW Comments at 3, DLC Comments at 10, and SM.

OCA notes that much of the universal service data reported to BCS is not publicly available. OCA often requests this data through discovery in a base rate proceeding. OCA Reply Comments at 44-45.

PGW asserts that the Commission staff regularly make changes to the LIURP codebook and expect utilities to comply even if the utility does not currently collect the necessary data. PGW recommends that the Commission initiate a stakeholder process to formulate a reportable data list with a subsequent rulemaking requiring that data. It also requests sufficient time to address data request adjustments and full cost recovery for these changes. PGW Comments 3-4.

The Low Income Advocates urge the Commission to make public the universal service data initially reported by utilities (before the BCS/Penn State University validation process). They state that information about CAP payment rates, the number of full on-time payments, and the percentage of CAP bills paid by a customer are missing from the Commission's annual report but are important to assessing whether a given CAP is producing an affordable bill and whether improvements need to be made to specific processes. Data regarding service rates and outcomes for LIURP, CARES, and Hardship Fund programs are withheld from the public. The Low Income Advocates also suggest disclosing other specific data points regarding CAP recertification, maximum CAP benefit levels, CAP shopping information, program coordination among utilities, and periodic termination and reconnection information. Low Income Advocate Comments at 73-74.

PGW does not support a requirement to publicly share the data provided to the Commission. The Commission should be the data clearinghouse for reported program data. PGW Reply Comments at 25.

EAP responded that the utilities have been working to submit more accurate data. They are not opposed to making it public but need further checks/validation first. SM.

WCC requests that BCS provide reported information in a format to facilitate outside data analysis. WCC Comments at 6. DLC agrees with WCC as long as the format ensures the data's security. DLC Reply Comments at 14.

USECP Filing Timeline

EAP, DLC, PGW, FirstEnergy, and PECO all recommend changes to the USECP filing schedule:

- Every 3 years after approval of USECP. EAP Comments at 8; PGW Comments at 7.
- Every 4 or 5 years. Duquesne Comments at 8.
- Every 5 years. PGW Comments at 7-8.

- Every 5 or 6 years. PECO Comments at 17-18.
- Every 4, 5, or 6 years. EAP Comments at 9.
- Every 6 years. FirstEnergy at 8, UGI Comments at 6.

Each of the above makes similar comments such as: needing time for utilities to evaluate a USECP's effectiveness before proposing a new USECP; having flexibility in implementing pilot programs; noting that the USECP approval process is lengthy, and USECPs are sometimes delayed past the starting date; providing BCS with sufficient time for initial review prior to formal Commission action; changing a utility's almost constant state of "planning"; allowing USECPs to be effective for a certain time period after approval before resubmitting the next proposed USECP; and reducing the Commission's workload. PGW Comments 7-8; PPL Comments at 9; PECO Comments at 17-18; FirstEnergy Comments at 8; UGI Comments at 6; Duquesne Comments at 8; DLC Reply Comments at 14; EAP Reply Comments at 12; PGW Reply Comments at 25; PECO Reply Comments at 9-10; and NFG Reply Comments at 6.

PNG does not support lengthening the period between USEC filings. It strongly supports continuing the current process with BCS leading the USECP reviews. PNG Reply Comments at 8.

EAP notes that USECP review requirements are not consistent for EDCs and NGDCs.¹³ EAP Comments at 10.

The Low Income Advocates would not object to extending the current triennial USECP review cycle if a more thorough exchange of data and information were discoverable in the context of a USECP review and if adequate time and process were provided for the nuanced details of universal service program design could be crafted more deliberately in the context of the USECP. They assert that expanded due process would become even more important if the Commission were to prolong its USECP review cycle to every 4, 5, or 6 years. Low Income Advocate Reply Comments at 20-21.

Current USECP approval process vs. a more litigated proceeding

The Low Income Advocates urge the Commission to adopt a more formal USECP review process that includes an opportunity for discovery and an exchange of information. The Advocates note that BCS has taken steps to bring transparency to USECP proceedings, such as hosting voluntary stakeholder meetings prior to the issuance of a Tentative Order. However, they maintain stakeholders continue to lack adequate access to relevant and timely data and sufficient time to review and analyze USECP proposals to make informed policy recommendations. Whether the Commission continues to administer programs on a utility-by-utility basis or consolidated programming into a statewide administrative model, the Low Income Advocates suggest the following procedural progression:

1. A utility files its triennial USECP, which is immediately referred to the OALJ for the creation of a record. The ALJ assigned to the case oversees the exchange of discovery and the admission of evidence and testimony.
2. The ALJ certifies the complete record to the Commission for a decision.

¹³ Pa. Code 52 § 54.74(b) and 62.4(b) identify the required contents of USECPs for EDCs and NGDCs, respectively. NGDCs are requested to provide information in their USECPs that are not requested for EDCs. Specifically, NGDC must additionally provide: (1) A description of outreach and intake efforts for each program component; (2) An identification of the specific steps used to identify low-income customers with arrears and to enroll them in appropriate universal service and energy conservation programs; and (3) An identification of the manner in which universal service and energy conservation programs operate in an integrated fashion.

3. The Commission refers the record to BCS, the Office of Special Assistants, and/or the Law Bureau (as appropriate) to draft a Tentative Order.

4. The Commission issues a Tentative Order, allowing interested stakeholders and the general public to provide comment.

5. At the conclusion of the comment period, the Commission issues a Final Order.

Low Income Advocate Comments at 71-72 and SM.

OCA agrees with the Low Income Advocates. The current review process does not allow discovery or data requests, which denies public service and due process. Twenty days to respond to a USECP Tentative Order is not sufficient. It notes that current base rate proceedings do not permit discussion of USECPs. SM. OCA recommends that a collaborative be developed to discuss and address the issues and concerns with the USECP review process. One critical element that is missing in the current process is the opportunity to exchange information before stakeholders are required to present their comments. There should be some requirement for the exchange of information and opportunity to request data regarding the USECP. Third-party evaluation recommendations should be included as a part of the USECP filing. OCA Reply Comments at 38-39.

CEO Luzerne would prefer a codified review process which allows more notice to and input from interested stakeholders on USECP filings with limited, but formal discovery or exchange of information. An ALJ should review and issue a recommended decision. It notes that a more robust USECP proceeding would prevent, but should not preclude, having Universal Services become an issue in rate cases. CEO Luzerne Comments at 2-3 and SM.

PGW does not support a mandatory litigated proceeding. Even a truncated process, such as a certified record, would still result in increased costs and raise complicated issues about staff's role in these proceedings. A process that sets clear Commission policy through a rulemaking and which enables discussions with the Commission's staff, would be more conducive to better universal service programs than a litigated proceeding which has the effect of shutting down the ability of utilities to informally discuss issues with staff and which results in a more adversarial, and significantly costlier, approach among interested stakeholders. PGW Reply Comments at 25-28.

Support for maintaining current USECP review process

EAP recommends the Commission continue with the current collaborative process regarding USECP plan approval. Should it be transferred to OALJ, BCS's expertise would be minimized and/or eliminated. A more formal, adjudicated proceeding would jeopardize the existing framework that encourages cooperation, collaboration, and compromise. EAP Comments 15-16; EAP Reply Comments at 12.

UGI values and supports the current USECP review process. Only the triennial USECP review process, with the input and oversight of BCS, has the purview to look at all impacts to a customer's energy burden—both due to base rates and commodity pricing—and accordingly make “holistic” recommendations on the propriety of a utility's universal service programs. UGI therefore recommends that the Commission ensure that utility universal service programs are reviewed in a consistent manner with the input of BCS. UGI Comments at 3-4.

FirstEnergy maintains that USECP reviews should be reserved for the triennial proceedings led by the BCS as opposed to being addressed within utilities' base rate cases. Any time an ALJ makes changes to a FirstEnergy company USECP on a piecemeal basis, the rest of the USECPs of the other FirstEnergy companies are impacted. The costs associated with a BCS-led review of USECPs are far lower than the costs of a fully litigated proceeding. BCS is best-suited for providing recommendations regarding the plans that consider the interplay of each of the programs and the impact on the many components of USECP administration. FirstEnergy Reply Comments at 27-28.

NFG supports the current USECP review process and states that a formal discovery process is unduly burdensome and unnecessary. NFG Reply Comments at 5.

DLC supports the current process without need for hearings or a Recommended Decision from OALJ. DLC Reply Comments at 14.

PECO states that BCS is the appropriate entity to manage the USECP approval process. Automatic referral to OALJ would lengthen USECP proceedings, imposing significant and unnecessary costs on stakeholders, utilities, and the Commission and ultimately on customers. PECO Reply Comments at 9.

Addressing universal service issues in Rate Cases

DLC states that the BCS has no role in base rate cases before an ALJ and cannot ensure that USECP modifications are consistent with the USECP currently in effect. If changes are made through the base rate proceeding, the OALJ should circulate a draft Recommended Decision to BCS for technical review before issuing the official Recommended Decision. DLC Reply Comments at 16-17.

CEO states that a formal ALJ procedure established for USECP review should not preclude a party in a rate case from addressing universal service issues. Rate cases are an appropriate forum in which to raise and address universal service and energy conservation issues, as an increase in rates would impact funding of universal service programs. CEO Luzerne Comments 2-3.

UGI has concerns with litigating USECPs in a rate case because the rate cases exclude BCS. A rate case is about funding; it is not the place for determining programmatic changes. SM.

PGW echoed UGI's comments and suggests the Commission set clear policy and rules through a CAP rulemaking to achieve a more transparent and streamlined USECP process. SM; PGW Reply Comments at 29.

UGI asserts that one of the largest hurdles to maintaining consistency among the UGI Companies for universal service offerings is the fact that the UGI NGDCs and EDC must each file on an individual basis for base rate relief pursuant to Section 1308(d) of the Public Utility Code, 66 Pa.C.S. § 1308(d) during which universal service offerings are the subject of testimony and recommendations. UGI Comments at 4.

PPL does not support a distribution base rate proceeding as the appropriate forum to address universal service related issues. It is more appropriate and effective to address these programs when the utilities file their proposed USECPs for Commission review and approval. PPL Comments at 9.

EAP notes that funding issues raised by advocates in base rate cases or rider proceedings do not have BCS as a party. At times, rate cases reopen issues previously

reviewed and resolved through the USECP proceeding. The Commission should consider how best to align these two processes to maintain consistency but repeats that it does not advocate a more formal, litigated process. EAP Comments at 16.

OCA submits that the Commission should establish by regulation that, in each base rate case, utilities should be required to apply bad debt and working capital offsets reflecting changes in the base CAP participation from the level used to establish base rates. OCA Comments 29—32.

FirstEnergy asserts that the fluctuation in the number of CAP enrollees has little, if any, direct relationship to uncollectible and working capital expenses. A fluctuation in the segment of customers enrolled in a FirstEnergy CAP who are actively receiving arrearage forgiveness has very little impact on both the total arrears and the working capital expense for any of the FirstEnergy EDCs. It is entirely inappropriate to prevent utilities from receiving full cost recovery for their customer assistance programs through USECP riders as required by statute. FirstEnergy Reply Comments at 17-18.

OCA does not agree that parties should be prohibited from raising universal service issues in a base rate proceeding or that all low-income customer issues would necessarily fall within the USECP. This incorrectly assumes that the universal service programs have no impact on a base rate proceeding. The converse is also true. OCA maintains the impact of base rate proceedings should also be addressed in a utility's USECP proceeding. OCA opines that the current base rate proceedings do not permit discussion of USECPs. This permits no discovery and no data exchange, precluding due process and resulting in significant cost to the rate base. OCA Comments at 43-44. A prohibition against raising issues related to universal service, however, would essentially prevent the parties from evaluating the impact of the rate case on the poorest of the utility's customers. In a base rate proceeding, all utility tariff provisions are at issue, including the surcharges through which universal service costs are passed on to ratepayers. OCA Reply Comments at 40.

The Low Income Advocates maintain it would be inappropriate to restrict consideration of rate affordability for the significant low-income customer base in proceedings which determine rates. They argue that universal service program issues are also relevant in rate cases: If rates increase, the corresponding need for universal service programming also increases. Furthermore, utility customer service functions, including the operation of universal service programs, are clearly relevant to assessing the reasonableness of a utility's request for any increase in rates. Base rate proceedings often present the only forum for parties to discover details and ask questions about a utility's program services. Low Income Advocate Reply Comments at 20-21.

Conclusion

The Commission's universal service initiative was commenced by order entered on May 10, 2017. It entails a comprehensive review of the Commission's universal service and energy conservation model. The May 10 Order invited interested parties to submit written comments, by August 8, 2017, on their priorities, concerns, and suggestions for amending and improving any or all aspects of universal service programs. Stakeholder meetings were held on September 13-14, 2017, to gather feedback on the previously submitted comments and any other priorities,

concerns, or suggested changes pertaining to energy utility USECPs. Interested parties submitted reply comments by October 16, 2017.

This staff report, notice of which will be published in the *Pennsylvania Bulletin*, comports with Ordering Paragraph No. 5 in the May 10, 2017 Order which required that BCS in consultation with the Law Bureau prepare a report summarizing all comments and reply comments as well as input from the stakeholder meeting. This staff report also provides a summary of all options proposed by stakeholders. However, no recommendations are made at this time. Nor is this staff report indicative of how the Commission may decide to act on the subject matter in this or other dockets.¹⁴ 52 Pa. Code § 1.96. The legal, policy, and procedural issues raised in this matter remain under Commission review and may be factored into a subsequent order at this or other dockets.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-555. Filed for public inspection April 6, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed in the event that there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 23, 2018. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2018-3000141. Express Taxi Service, LLC (241 South Main Street, Chambersburg, Franklin County, PA 17201) persons upon call or demand, between points within a 50-mile radius of 241 South Main Street, Chambersburg, PA 17201.

A-2018-3000142. Helping Out Services, LLC (189 North Milk and Water Road, Everett, Bedford County, PA 15537) in paratransit service, limited to persons with disabilities, from points in Bedford County, to points in Pennsylvania, and return.

¹⁴ Specifically-related universal service dockets include Initiative to Review and Revise the Existing LIURP Regulations at 52 Pa. Code §§ 58.1—58.18, Docket No. L-2016-2557886, and Energy Affordability for Low-Income Customers, Docket No. M-2017-2587711.

A-2018-3000310. Emery E. Gipe, t/a Gipe's Transport Service (785 Gebhart Road, Windsor, York County, PA 17366) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Lancaster and York, to points in Pennsylvania, and return.

A-2018-3000422. Kenneth Scott Cobb, t/a Yellow Cab Schuylkill County PA (920 North Front Street, Apartment 2, Wormleysburg, PA 17043) persons upon call or demand, from points in Schuylkill County, to points in Pennsylvania, and return.

A-2018-3000449. Tower-Porter Transport Association, Inc. (633 East Colliery Avenue, Tower City, Schuylkill County, PA 17980) in paratransit service from points in the County of Schuylkill to points in Pennsylvania, and return. *Attorney:* Christina Mellott, Esquire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

A-2018-3000529. U.S. Transit Authority, LLC, t/a Luxury Lift, t/a Cumberland Valley Transit (3625 Fulling Mill Road, Middletown, Dauphin County, PA 17057) in paratransit service, limited to persons requiring transportation for mental health services, between points in the City and County of Philadelphia. *Attorney:* Brian J. Hinkle, 3401 North Front Street, Harrisburg, PA 17110.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-2018-3000397. Grab-A-Cab, Inc. (5A Antietam Road, Temple, Berks County, PA 19605) upon call or demand, between points in the City of Reading, Berks County which is to be a transfer of all rights authorized under the certificate issued at A-00112718, to Michael Richard Grab, d/b/a Grab-A-Cab, subject to the same limitations and conditions.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-2018-3000555. Langhorne Cab Co., Inc., t/a Langhorne Cab Company (71 Durham Road, Penndel, Bucks County, PA 19047) persons upon call or demand service, from points in the Borough of Bristol and the Townships of Bristol, Bensalem, Lower Southampton and Wrightstown, all located in Bucks County, to points in Pennsylvania, and return.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2018-3000553. Brian Albert Clark, t/a Crystal Express (101 Ingram Avenue, Apartment C, Pittsburgh, Allegheny County, PA 15205) discontinuance of service and cancellation of his certificate, to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in Allegheny County including the Pittsburgh International Airport, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2018-3000624. Active Limousine, LLC (327 Par Drive, Philadelphia, Philadelphia County, PA 19115) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, and return; excluding points within Allegheny County and areas under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-556. Filed for public inspection April 6, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due April 23, 2018, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. New Millennium Contracting, LLC; Docket No. C-2017-2605661

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That New Millennium Contracting, LLC, Respondent, maintains its principal place of business at 152 Cypress Hill Drive, Penn Hills, PA 15235.

2. That Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property on May 23, 2017, at Application Docket No. A-2017-2589226.

3. That Respondent, by Commission Secretarial letter dated February 23, 2017, was informed to submit a copy of a current satisfactory safety rating from the U.S. Department of Transportation or another state, within 180 days, or complete a safety fitness review by a Commission enforcement officer. A satisfactory safety fitness rating must be achieved by Respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

4. That PUC Motor Carrier Enforcement Officer Andrew Rosenberger attempted to call Respondent by telephone to schedule a safety fitness review and left several

voice mail messages, but was unsuccessful at contacting Respondent. A letter sent by certified mail on September 19, 2017, directing Respondent to contact the PUC Western Regional Office within 10 days to schedule an appointment was returned because Respondent failed to sign for the certified letter. On November 14, 2017, owner Cory Johnson contacted Regional Manager Kim Johnston and agreed to undergo a Safety Fitness Review on November 29, 2017 at the Pittsburgh District Office. Respondent failed to show at the appointment and has not contacted the district office.

5. That Respondent, by failing to achieve a satisfactory evaluation on their safety fitness review, violated 66 Pa.C.S. § 501(c) and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation Investigation and Enforcement Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience issued to New Millennium Contracting, LLC at A-2017-2589226.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/7/2017

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. DCP Express, LLC; Docket No. C-2017-2635745

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to DCP Express, LLC, (respondent) is under suspension effective November 17, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 363 Baker Avenue, Clairton, PA 15025.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 04, 2016, at A-8919299.

4. That respondent has failed to maintain evidence of both Cargo insurance and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8919299 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/7/2017

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to

file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Par Transport Services, LLC; Docket No. C-2018-2639049

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Par Transport Services, LLC, (respondent) is under suspension effective December 10, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1307 Cowpath Rd., Unit A, Hatfield, PA 19440.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 29, 2017, at A-8919533.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8919533 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/9/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Discount Hauling & Moving Company; Docket No. C-2018-2639875

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Discount Hauling & Moving Company, (respondent) is under suspension effective December 14, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 113 McFadden Road, Chadds Ford, PA 19317.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 30, 2005, at A-00122173.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00122173 for failure to maintain evidence of current insurance on file with the

Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/3/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days

of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. RLE Equipment, Inc.; Docket No. C-2018-2641555

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to RLE Equipment, Inc., (respondent) is under suspension effective December 28, 2017 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at R 457 North Main Street, Moscow, PA 18444.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 10, 2012, at A-8914086.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8914086 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/10/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Royal Transportation Group, LLC;
Docket No. C-2018-2644281

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Royal Transportation Group, LLC, (respondent) is under suspension effective January 13, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 13185, Pittsburgh, PA 15243.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 24, 2009, at A-6411064.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6411064 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/13/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. JLR Freight, LLC; Docket No. C-2018-2644534

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to JLR Freight, LLC, (respondent) is under suspension effective January 16, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1002 Maple Avenue, Sharon Hill, PA 19079.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 15, 2017, at A-8920452.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920452 for failure to maintain evidence of current insurance on file with the

Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/13/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days

of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. D's Limousine Service, Ltd; Docket No. C-2018-2645047

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to D's Limousine Service, Ltd, (respondent) is under suspension effective January 20, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 2733 W. Porter St., Philadelphia, PA 19145.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 07, 1992, at A-00108173.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00108173 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/13/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Lodestar Bus Lines, Inc.; Docket No. C-2018-2647246

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Lodestar Bus Lines, Inc., (respondent) is under suspension effective February 01, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 230 Theater Drive, Johnstown, PA 15904.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 18, 1980, at A-00101869.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00101869 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/20/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
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P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

[Pa.B. Doc. No. 18-557. Filed for public inspection April 6, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Tax Cuts and Jobs Act of 2017; Public Comment Period Extension; M-2018-2641242

On March 2, 2018, the Pennsylvania Public Utility Commission (Commission) issued a Secretarial Letter to Pennsylvania telecommunications carriers in an effort to determine any effects of the Tax Cuts and Jobs Act (TCJA) (Pub.L. No. 115-97) on the tax liabilities of Pennsylvania telecommunications carriers for 2018 and future years. In this Secretarial Letter, the Commission requested that the specified telecommunications carriers provide verified responses to data requests propounded by the Commission. Additionally, the Commission requested that interested parties submit comments addressing, among other things, whether the Commission should adjust current retail and wholesale rates to reflect the effect of the tax rate reductions resulting from the TCJA, including the potential for refunds effective as of January 1, 2018.

The due date for the verified responses and comments was March 27, 2018. However, prior to that date, the Pennsylvania Telephone Association (PTA) filed a request with the Commission on behalf of its member companies seeking an extension until May 25, 2018, to provide responses.

Having found that the request is reasonable, the Commission, hereby, grants the request of the PTA. Notwithstanding this extension of time to file responses to the data requests, the current retail and wholesale rates of Pennsylvania telecommunication carriers are, and will remain, under review by the Commission to ensure that they are just and reasonable as required by 66 Pa.C.S. § 1301 (relating to rates to be just and reasonable). Additionally, whether, and how, the economic benefits of

the reduced Federal corporate income tax rate that became effective on January 1, 2018, should be passed through to consumers is, likewise, under review by the Commission.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-558. Filed for public inspection April 6, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Kimberlee Kay Pyle, LPN, Respondent; File No. 14-51-06652; Doc. No. 0571-51-16

Notice to Kimberlee Kay Pyle, LPN:

On March 10, 2016, 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"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you 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. 18-559. Filed for public inspection April 6, 2018, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March Meeting

As part of its regular business meeting held on March 8, 2018, in State College, PA, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved or tabled the applications of certain water resources projects; and 2) took additional actions, as set forth in the following Supplementary Information.

The business meeting was held on March 8, 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. Also see the Commission's web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: 1) presentation of the Commission's Maurice K. Goddard Award for Excellence by a Water Management Professional to Mark Hartle; 2) adoption of a budget reconciliation for Fiscal Year 2019; 3) approval of two agreements and authorization of the Executive Director to spend \$300,000 from the Commission's Water Management Fund to complete the Billmeyer Quarry consumptive use mitigation site characterization and testing, including payment to the Lancaster County Solid Waste Management Authority of \$75,000; 4) adoption of final rules pertaining to the amendment of Commission regulations to codify and strengthen the Commission's Access to Records Policy; and 5) approval of a request from South Middleton Township Municipal Authority to waive the deadline for submittal of its groundwater withdrawal renewal application.

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Cabot Oil & Gas Corporation (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Surface water withdrawal of up to 1.000 mgd (peak day).

2. Project Sponsor: Mayapple Real Estate Holdings. Project Facility: Mayapple Golf Links, South Middleton Township, Cumberland County, PA. Consumptive use of up to 0.200 mgd (peak day).

3. Project Sponsor: Mayapple Real Estate Holdings. Project Facility: Mayapple Golf Links, South Middleton Township, Cumberland County, PA. Groundwater withdrawal of up to 0.099 mgd (30-day average) from Well 1.

4. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Fall Brook), Ward Township, Tioga County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20140313).

5. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Fellows Creek), Ward Township, Tioga County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (Docket No. 20140314).

6. Project Sponsor and Facility: Seneca Resources Corporation (Arnot No. 5 Mine Discharge), Bloss Township, Tioga County, PA. Renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20140311).

7. Project Sponsor and Facility: SWEPI, LP (Susquehanna River), Sheshequin Township, Bradford County, PA. Renewal of surface water withdrawal of up to 0.850 mgd (peak day) (Docket No. 20140312).

8. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Renewal of surface water withdrawal of up to 2.500 mgd (peak day) (Docket No. 20140302).

9. Project Sponsor and Facility: XTO Energy, Inc. (Little Muncy Creek), Moreland Township, Lycoming County, PA. Renewal of surface water withdrawal of up to 0.249 mgd (peak day) (Docket No. 20140315).

Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: Brymac, Inc., d/b/a Mountain View Country Club (Pond 3/4), Harris Township, Centre County, PA. Application for surface water withdrawal of up to 0.240 mgd (peak day).

2. Project Sponsor and Facility: Dillsburg Area Authority, Franklin Township, York County, PA. Modification to increase groundwater withdrawal by an additional 0.099 mgd (30-day average), for a total groundwater withdrawal of up to 0.200 mgd (30-day average) from Well 3 (Docket No. 20081207).

3. Project Sponsor and Facility: Lycoming Engines, a Division of Avco Corporation, City of Williamsport, Lycoming County, PA. Application for renewal of groundwater withdrawal of up to 0.980 mgd (30-day average) for groundwater remediation system (Docket No. 19880203).

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: March 23, 2018

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 18-560. Filed for public inspection April 6, 2018, 9:00 a.m.]

