

PENNSYLVANIA BULLETIN

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(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.

The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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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 GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING [204 PA. CODE CH. 305]

Proposed Sentence Risk Assessment Instrument

The Pennsylvania Commission on Sentencing (Commission) hereby publishes for public comment a proposed Sentence Risk Assessment Instrument, 204 Pa. Code §§ 305.1—305.9, for use by the sentencing court to help determine the appropriate sentence within the limits established by law. The proposed Sentence Risk Assessment Instrument is set forth in Annex A.

Act 2010-95 mandates the Commission to “. . . adopt a Sentence Risk Assessment Instrument for the sentencing court to use to help determine the appropriate sentence within the limits established by law. . . The risk assessment instrument may be used as an aide in evaluating the relative risk that an offender will reoffend and be a threat to public safety.” (42 Pa.C.S. § 2154.7) In addition to considering the risk of re-offense and threat to public safety, Act 2010-95 also permits the risk assessment instrument to be used to determine whether a more thorough assessment is necessary, or as an aid in determining appropriate candidates for alternative sentencing (e.g., County Intermediate Punishment, State Intermediate Punishment, State Motivational Boot Camp, and Recidivism Risk Reduction Incentive).

On March 19, 2015, the Commission approved for public comment a preliminary Sentence Risk Assessment Instrument, published the same in the *Pennsylvania Bulletin* on April 11, 2015 (45 Pa.B. 1751), and held three public hearings. The Commission requested comment on the preliminary Sentence Risk Assessment Instrument, including but not limited to the following: (1) the development of the risk assessment instrument and the factors being used; (2) the presentation of the risk assessment information; (3) the use of risk assessment to address re-offense and threat to public safety; (4) the use of risk assessment to determine whether a more thorough assessment is necessary; (5) the use of risk assessment as an aid in determining appropriate candidates for alternative sentencing; and (6) any other comments related to the development and implementation of a Sentence Risk Assessment Instrument.

On March 16, 2017, the Commission approved for public comment a proposed Sentence Risk Assessment Instrument, published the same in the *Pennsylvania Bulletin* on April 8, 2017 (47 Pa.B. 1999), and held five public hearings.

On March 8, 2018, the Commission approved for public comment a revised version of the Sentence Risk Assessment Instrument. This revised Sentence Risk Assessment Instrument is set forth in Annex A.

In accordance with 42 Pa.C.S. § 2155, the Commission shall publish in the *Pennsylvania Bulletin* all proposed sentencing guidelines and the Sentence Risk Assessment Instrument and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

- (i) Pennsylvania District Attorneys Association
- (ii) Chiefs of Police Associations
- (iii) Fraternal Order of Police
- (iv) Public Defenders Organization
- (v) Law School faculty members
- (vi) Pennsylvania Board of Probation and Parole
- (vii) Pennsylvania Department of Corrections
- (viii) Pennsylvania Bar Association
- (ix) Pennsylvania Wardens Association
- (x) Pennsylvania Association on Probation, Parole and Corrections
- (xi) Pennsylvania Conference of State Trial Judges
- (xii) Any other interested person or organization

The Commission will hold the following three public hearings to receive comments on the proposed Sentence Risk Assessment Instrument:

Hearing I.

Date: Monday, June 4, 2018

Time: 9:30 a.m.

Location: Allegheny County Courthouse, Courtroom 327
436 Grant Street
Pittsburgh, PA 15219

Hearing II.

Date: Wednesday, June 6, 2018

Time: 1:30 p.m.

Location: Juanita Kidd Stout Center for Criminal
Justice, Courtroom 504
1301 Filbert Street
Philadelphia, PA 19107

Hearing III.

Date: Wednesday, June 13, 2018

Time: 3:00 p.m.

Location: Pennsylvania Judicial Center
601 Commonwealth Avenue
Harrisburg, PA

Persons or organizations wishing to testify before the Commission are asked to contact the Commission no later than 48 hours prior to the hearing (Cathy Dittman at 814.863.5729 or CWD2@PSU.EDU) and bring 30 copies of any written comments to the public hearing. Written comments from persons or organizations not wishing to testify at one of the three public hearings should be submitted no later than Friday, June 1, 2018 to: Mark H. Bergstrom, Executive Director, Pennsylvania Commission on Sentencing, P.O. Box 1200, State College, PA 16804-1200.

The Commission will evaluate the Sentence Risk Assessment Instrument set forth in Annex A after consideration of the testimony and written comments received. The Commission anticipates adoption of the Sentence Risk Assessment Instrument during its meeting on June 14, 2018 at the PA Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA. All Commission meetings are open to the public. Any Instrument adopted by the Commission is submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*.

tin. Upon adoption, the Sentence Risk Assessment Instrument will become effective 90 days after publication in the *Pennsylvania Bulletin* unless rejected by concurrent resolution of the General Assembly.

PRESIDENT JUDGE SHEILA A. WOODS-SKIPPER,
Chair

Commentary on Annex A

This Commentary provides information on the development by the Commission of a proposed Sentence Risk Assessment Instrument for use by the sentencing court to help determine the appropriate sentence within the limits established by law. The proposed Sentence Risk Assessment Instrument, including risk scales and recidivism rates, is set forth in Annex A.

Risk Assessment Mandate

The Commission is mandated by statute to adopt a risk assessment instrument to serve as an aid in the sentencing process. To fulfill this requirement, the Commission developed an automated actuarial risk assessment instrument as a module within SGS Web, the Commission's JNET-based sentencing application. During the initial phase of implementation, the court is required to consider the Sentence Risk Assessment Summary for non-DUI offenders being sentenced for a felony offense following an open plea or trial. For those offenders who are identified as high or low risk by the Sentence Risk Assessment Instrument, the Commission recommends, but does not require, that the court seek additional information in the form of a pre-sentence investigation (PSI) report containing risk and needs information or a fuller risk-needs assessment. Thus, the risk assessment does not recommend a sentence to be imposed, but rather serves as a tool that identifies individuals with risk profiles that are higher or lower than average. Since these individuals are not typical offenders with respect to their risk of recidivism, the court will likely benefit from seeking additional information prior to imposing the sentence. During the subsequent phase, the court will be required to consider the Sentence Risk Assessment Summary for all offenders, including those sentenced for misdemeanor offenses following an open plea or trial, and all those sentenced following negotiated pleas for non-DUI offenders.

What is Risk Assessment?

A Sentence Risk Assessment Instrument is defined in the legislation as an empirically based worksheet which uses factors that are relevant in predicting recidivism. A risk assessment instrument is often identified with a specific 'generation' of development. First generation assessments are based on training and experience, generally referred to as professional judgement. Subsequent generations are based on actuarial data, focusing on the analysis of factors associated with an increased risk of recidivism. Second generation assessments (risk assessments) rely on static criminal justice and demographic factors, while third generation (risk-needs assessments) include dynamic factors and changing circumstances, such as relationships, employment, and substance abuse. Fourth generation assessments (risk-needs-responsivity assessments or RNR) integrate case management. Based on the legislative mandate and the need for a statewide instrument that could provide reliable and accurate sentence risk information to the court, the Commission developed a second generation instrument, with a Sentence Risk Assessment Summary automatically generated through SGS Web when preparing the sentencing guidelines.

What Information is Considered in the Sentence Risk Assessment Instrument?

The Sentence Risk Assessment Instrument includes 10 different risk scales and two outcome measures. Nine of the scales assess the risk of recidivism for any crime or recommitment to the PA Department of Corrections (DOC) for a technical violation. These nine scales are linked to the sentencing guidelines' offense gravity scores (OGS) and are used to weigh the seriousness of the current conviction, so that each risk scale assesses comparable offenders. A tenth scale assesses the risk of a re-offense for a crime against a person.¹ In all cases, the Sentence Risk Assessment Instrument measures the risk of recidivism within three years of release from incarceration or imposition of community supervision. In order to provide information on the relative risk that an offender will recidivate, the risk scores of all offenders in each OGS category are compared; only those scores outside the middle 68% (typical risk) are identified as high or low risk.

The Sentence Risk Assessment Instrument considers seven static or demographic factors, although not every factor is included in each of the 10 risk scales. Risk factors and scales are based on the most serious offense of a judicial proceeding. Only those factors determined to be statistically significant in relation to risk of recidivism for a specific OGS category are included in the corresponding risk scale. The following factors are considered:

- age
- gender
- number of prior convictions
- prior convictions offense types²
- current conviction offense type
- multiple current convictions
- prior juvenile adjudications

The information used to generate these scales is obtained from the Administrative Office of Pennsylvania Courts and through the Commission's SGS Web application.

How Accurate is the Sentence Risk Assessment Instrument?

The risk assessment scales provide measures of relative likelihood of recidivism. The risk scales are not perfect predictors, and are not determinative of future outcomes, but are instead additional tools that may provide a more accurate assessment of an individual's relative risk. In general, the risk assessment scales constructed by the Commission have accuracy rates of around 60%—85%, depending on the measure used and the risk scale in question. Accuracy rates for the scales are provided in each Sentence Risk Assessment Summary.

The Commission developed a separate risk assessment scale for predicting risk of recidivism for a crime against a person, which includes Personal Injury Crimes such as simple assault. As compared to general recidivism, recidivism for a crime against a person is rare. The average recidivism rate for a crime against a person for all offenders is 11%, with those at low risk at less than 4%.

¹ An offense against a person is defined as a crime of violence under 42 Pa.C.S. § 9714; an offense under the Crime Victims Act (18 P.S. § 11.103); an offense requiring registration under 42 Pa.C.S. § 9799.14, or an offense defined as a danger to persons under Title 18, Article B.

² Offense types include: murder, danger to person (felonies/misdemeanors), sexual (felonies/misdemeanors), burglary, property (felonies/misdemeanors), public administration, public order, firearms, other weapons, drug (felonies/misdemeanors), DUI, and other.

High risk predictions for a crime against a person did not meet an acceptable level of predictive accuracy, with many of the individuals identified as high risk not recidivating for a crime against a person. However, the accuracy among low risk offenders is 96% (4% recidivated, 96% did not).

The Commission has made publicly available information related to risk assessment scale accuracy in the form of three commonly-used metrics: area under the curve statistics, positive predictive values, and negative predictive values. Overall, the accuracy of these scales is consistent with other risk assessment instruments used in the criminal justice context.³ Additional information on the development and validation of the Sentence Risk Assessment Instrument may be requested from the Commission or found at: <http://pcs.la.psu.edu/publications-and-research/research-and-evaluation-reports/risk-assessment>.

How is the Sentence Risk Assessment Instrument Used?

Threat to public safety is an important consideration in the sentencing guidelines and is demonstrated through the linking of sentence recommendations to the seriousness of the conviction as well as an offender's criminal history and criminal behavior. The sentence risk assessment score or category is not intended to be used by the court as an aggravating or mitigating factor. Rather, consistent with the legislation, the Commission recommends the Sentence Risk Assessment Instrument be used to determine when the court should order a PSI report containing risk and needs information or an RNA or RNR assessment. Additional offender-specific information, but not the risk assessment score or category alone, may assist the court in determining an appropriate and individualized sentence, including the suitability of various sentencing alternatives and programs and the duration and intensity of supervision.

The recommendation for additional information should apply to offenders determined to be at high risk of general recidivism or at low risk of general recidivism. In addition, in cases in which an offender is determined to be at high risk of general recidivism but at low risk of recidivism for a crime against a person, additional information is included in the Sentence Risk Assessment Summary. This targeting of cases for additional information is consistent with the core principles of offender risk management: match the level of service to the offender's risk to recidivate; assess criminogenic needs and target them in treatment; and structure the sentence to address the learning style, motivation, abilities, and strengths of the offender.

It is also consistent with the Rules of Criminal Procedure: "the pre-sentence investigation report shall include information regarding the circumstances of the offense and the character of the defendant sufficient to assist the judge in determining sentence" (Pa.R.Crim.P. Rule 702(A)(3)). The Pennsylvania Superior Court has held: "Having been fully informed by the pre-sentence report, the sentencing court's discretion should not be disturbed. This is particularly true in those circumstances where it can be demonstrated that the judge had any degree of awareness of the sentencing considerations, and there the court will presume also that the weighting process took place in a meaningful fashion." (*Com. v. Best*, 120 A.3d 329)

³ John Monahan and Jennifer L. Skeem, Risk Assessment in Criminal Sentencing, *Annu. Rev. Clin. Psychol.*, 12:489-513 at 500 (2016) (discussing AUCs typically in the range of .65 to .71 for risk assessment tools).

A Phased Implementation Plan

Considering the difficulties of adding a new procedure to an existing process, and the resources that may be required to prepare additional information prior to sentencing, the Commission has adopted a multi-phase approach.

Upon adoption, unless rejected by concurrent resolution of the General Assembly, the Sentence Risk Assessment Instrument will take effect. As proposed in this document, the Sentence Risk Assessment Instrument will apply to sentences imposed on or after January 1, 2019, but during the initial phase will be limited to non-DUI offenders with a felony conviction obtained through an open plea or following a bench or jury trial.

- *Phase I (2019)*

- o Limited to non-DUI offenders with a felony conviction obtained: 1) through an open plea or 2) following a bench or jury trial.

- o Requires review of SGS Web-generated Sentence Risk Assessment Summary.

- o Recommends preparation of additional information (PSI report and/or 3rd or 4th generation risk assessment) for those offenders determined to be high risk or low risk.

- *Phase II (2020)*

- o Expands Phase I process to include all other convictions for non-DUI offenders.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 305. SENTENCE RISK ASSESSMENT INSTRUMENT

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§ 305.1. Preliminary provisions.

(a) Authorization.

(1) As authorized by 42 Pa.C.S. § 2154.7 (relating to adoption of risk assessment instrument), the Commission shall adopt a Sentence Risk Assessment Instrument for the sentencing court to use to help determine the appropriate sentence within the limits established by law for defendants who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors.

(2) The Sentence Risk Assessment Instrument may be incorporated into the sentencing guidelines under 42 Pa.C.S. § 2154 (relating to adoption of sentencing guidelines).

(3) The Sentence Risk Assessment Instrument may be used to determine whether a more thorough assessment is necessary and to order a presentence investigation report.

(4) The Sentence Risk Assessment Instrument may be an aid to help determine appropriate candidates for alternative sentencing.

(b) *Definitions.* For the purposes of this chapter:

(1) “Actuarial risk assessment.” A statistical method of estimating the risk of recidivism; the probability of recidivating is related to the proportion of offenders in a risk category who recidivate.

(2) “Common Pleas Case Management System (CPCMS).” A web-based application operated by the Administrative Office of Pennsylvania Courts which serves as the source of data for determining number of prior convictions and associated offense type.

(3) “Conviction.” An offense for which a defendant pleads guilty or nolo contendere, is found guilty following a bench or jury trial, or is accepted for participation in an authorized diversion program, including Accelerated Rehabilitative Disposition (relating to Pa.R.Crim.Proc. Chapter 3), Probation without verdict (relating to 35 P.S. § 780-117) or Disposition in lieu of trial or criminal punishment (relating to 35 P.S. § 780-118).

(4) “Disposition.” The procedure used during the trial phase to obtain a conviction, and the presence or absence of an agreement during the sentencing phase.

i. *Trial Phase*

1. “Bench Trial.” A trial with no jury in which the judge decides the facts and determines the verdict.

2. “Guilty Plea.” A plea made by the defendant in confessing to one or more charged offenses.

3. “Jury Trial.” A trial before a jury in which the jury decides the facts and determines the verdict.

4. “Nolo Contendere Plea.” A plea made by the defendant in accepting a guilty determination to one or more charged offenses without admission of guilt.

ii. *Sentence Phase*

1. “Negotiated plea.” An agreement to a sentence which limits the discretion of the judge, including an agreement to a specific sentence or to a sentence range.

2. “Open Plea.” A sentence without an agreement to a specific sentence or to a sentence range.

(5) “DUI offender.” An offender for whom the most serious offense of the judicial proceeding is DUI. The Sentence Risk Assessment Instrument does not apply if DUI is the most serious offense of the judicial proceeding. The Sentence Risk Assessment Instrument does apply if DUI is an offense other than the most serious offense in the judicial proceeding.

(6) “Judicial proceeding.” A sentencing hearing in which all offenses for which the offender is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple OTNs.

(7) “Magisterial District Judge System (MDJS).” A web-based application operated by the Administrative Office of Pennsylvania Courts which serves as the source of data for determining the number of prior convictions and associated offense type following a final disposition by a minor court.

(8) “Minor courts.” A court of limited jurisdiction with authority to preside at preliminary arraignments and preliminary hearings, dismiss complaints, conduct trials and/or accept guilty pleas for misdemeanors, and hold

cases for trial in the courts of common pleas. This includes Philadelphia Municipal Court and Magisterial District Judges.

(9) “Offense against a person.” An offense involving a crime of violence under 42 Pa.C.S. § 9714, an offense under the Crime Victims Act (18 P.S. § 11.103), an offense requiring registration under 42 Pa.C.S. § 9799.14, or an offense defined as a danger to persons under Title 18, Article B.

(10) “Offense gravity score (OGS).” An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense. The OGS assigned to the most serious offense in the judicial proceeding (and if more than one offense, then the offense with the highest OGS, longest statutory maximum, longest incarceration maximum, and then the offense entered first in SGS Web) is used to determine the risk factors and associated values to be included in the risk scales.

(11) “Offense tracking number (OTN).” A unique identifying number assigned to an entire set of charges related to a conviction. An OTN is generally assigned by the court at the time of arraignment.

(12) “Offense types.” The classification of prior convictions and current convictions, including inchoates, as provided follows:

- i. Murder;
- ii. Danger to person:
 1. felonies;
 2. misdemeanors;
- iii. Sexual:
 1. felonies;
 2. misdemeanors;
- iv. Burglary;
- v. Property:
 1. felonies;
 2. misdemeanors;
- vi. Public administration;
- vii. Public order;
- viii. Firearms;
- ix. Other weapons;
- x. Drug:
 1. felonies;
 2. misdemeanors;
- xi. DUI;
- xii. Other.

A detailed description of the offense types is located at § 305.6. Any unlisted offense, or any new or amended offense, will be assigned an offense type by the Commission based on the current equivalent offense type.

(13) “Pre-sentence investigation (PSI) report.” A report, authorized by the Rules of Criminal Procedure (Pa.R.Crim.P. Rules 702-703), that includes information regarding the circumstances of the offense and the character of the defendant sufficient to assist the judge in determining sentence.

(14) “Recidivism.” A re-offense, defined as a re-arrest for a felony or misdemeanor in Pennsylvania within three years of the imposition of a sentence to the community or within three years of release from confinement; or a

recommitment to the PA Department of Corrections for a technical violation within three years of release from confinement. Re-offense does not include out-of-state, federal or foreign charges.

i. “General recidivism.” A re-offense for any crime, defined as a re-arrest for a felony or misdemeanor in Pennsylvania within three years of the imposition of a sentence to the community or within three years of release from confinement; or a recommitment to the PA Department of Corrections for a technical violation within three years of release from confinement. Re-offense does not include out-of-state, federal or foreign charges.

ii. “Recidivism for a crime against a person.” A re-offense for a crime against a person, defined as a re-arrest for a felony or misdemeanor crime against a person in Pennsylvania within three years of the imposition of a sentence to the community or within three years of release from confinement. Re-offense does not include offenses other than a crime against a person, and does not include out-of-state, federal or foreign charges.

(15) “Risk assessment instrument.” An empirically based worksheet which uses factors that are relevant in predicting recidivism. A risk assessment instrument is often identified with a specific ‘generation’ of development:

i. *1st generation.* “Professional judgement,” with assessments based on training and experience;

ii. *2nd generation.* “Risk assessment,” an actuarial assessment of static criminal justice and demographic factors used to estimate risk of re-offense;

iii. *3rd generation.* “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

iv. *4th generation.* “Risk-needs-responsivity (RNR) assessment,” an actuarial assessment of static and dynamic factors used to match the level of service to the offender’s risk to re-offend; assess criminogenic needs and target them in treatment; and structure the sentence to address the learning style, motivation, abilities and strengths of the offender.

(16) “Risk category.” The relative risk of recidivism as compared to other offenders in the same OGS category, based on the Sentence Risk Assessment Instrument:

i. “Typical risk offender.” For each risk scale, an offender with a risk score within one standard deviation above or below the mean (average) risk score who shares characteristics with offenders at typical risk of recidivism. This middle category contains approximately 68% of offenders and is represented by a box in the graphics contained in the Sentence Risk Assessment Summary.

ii. “Low risk offender.” An offender with a risk score greater than one standard deviation below the mean who shares characteristics with offenders at lower risk of recidivism;

iii. “High risk offender.” An offender with a risk score greater than one standard deviation above the mean who shares characteristics with offenders at higher risk of recidivism.

(17) “Risk factors.” The variables obtained from AOPC or Commission data and determined to be statistically significant in relation to the risk of recidivism. Risk

factors selected by the Commission and included in the Sentence Risk Assessment Instrument include:

i. “Age.” Based on Commission data, the age of the offender calculated using date of birth as reported on guideline sentence form and the date the Sentence Risk Assessment Summary is generated.

ii. “Gender.” Based on Commission data, the sex of the offender reported on the guideline sentence form.

iii. “Number of prior convictions.” Based on prior conviction data provided by AOPC, the number of unique OTNs associated with Pennsylvania convictions occurring before the date the Sentence Risk Assessment Summary is generated.

iv. “Prior conviction offense type.” Based on prior conviction data provided by AOPC, all offense types identified for any felony or misdemeanor convictions.

v. “Current conviction offense type.” Based on Commission data, the offense type of the most serious offense of the judicial proceeding.

vi. “Multiple current convictions.” Based on Commission data, more than one current conviction offense in the current judicial proceeding.

viii. “Prior juvenile adjudication.” Based on Commission data, any juvenile adjudication included in the prior record score for the judicial proceeding is used in the risk scales. This may include prior juvenile adjudications that lapse for purposes of the calculation of the Prior Record Score.

(18) “Risk scales.” Measures of the outcomes derived from statistical models used to determine the relative risk to recidivate based on identified factors. The development of 10 separate risk scales provides relative comparison of risk by OGS and outcome measure. A detailed description of the risk scales is located at § 305.7(a) and (b).

(19) “Sentencing Guidelines Software Web Application (SGS Web).” A JNET-based application operated by the Commission which includes the modules for Sentencing Guidelines and for the Sentence Risk Assessment Instrument. SGS Web serves as the source of data for determining an offender’s age, gender, current conviction offense type, multiple current convictions and prior juvenile adjudications, as well as determining the most serious offense of a judicial proceeding.

(20) “Sentence Risk Assessment Instrument.” The actuarial tool, adopted by the Commission and deployed through SGS Web, for the sentencing court to use to help determine the appropriate sentence within the limits established by law. The Instrument uses factors that are relevant in predicting recidivism to estimate risk.

(21) “Sentence Risk Assessment Summary.” A report, based on the Sentence Risk Assessment Instrument and generated through SGS Web, that provides information on an offender’s relative risk of recidivism and identifies high risk and low risk offenders for whom the preparation of additional information is recommended.

§ 305.2. Sentence Risk Assessment Instrument methodology.

(a) *Development and validation.*

(1) The Commission conducted a study using offenders sentenced during 2004—2006 (n=131,055) to allow for a three-year tracking period for most offenders, while taking advantage of improvements in data quality and a more recent time period. Additional information on the

development and validation of the Sentence Risk Assessment Instrument is available from the Commission.

(2) The Commission developed risk scales for all offenders, except those with DUI as the most serious offense of the judicial proceeding. For risk of general recidivism, risk scales were developed for nine OGS categories (OGS 1 through OGS 8, and a collapsed OGS 9—14). This decision was made for the following reasons:

i. the large difference in the number of offenders by OGS;

ii. the difference in the recidivism rates by OGS, which was a non-linear relationship; and

iii. the use of OGS risk scales are intended to control for the type and seriousness of the current offense.

(3) In developing the risk scales, the following analyses were conducted:

i. bivariate analyses to determine which factors were related to recidivism;

ii. multivariate logistic regression to determine which factors best predicted recidivism while holding other factors constant;

iii. rotation of all categories for factors that were multi-categorical to ensure that reported differences were real and not due to a particular comparison category;

iv. Receiver Operating Characteristic (ROC) analysis, which plots the true positive rate (i.e., how many people were predicted to recidivate and did recidivate) against the false positive rate (i.e., how many people were predicted to recidivate but did not recidivate);

v. comparison of how well the OGS-specific scales performed compared to the full sample scale; and

vi. validation of the final scales with both samples.

(b) *Risk factors and scales—general.*

(1) Based upon the analyses conducted by the Commission, the following factors were found to be predictive of recidivism, and thus, used in the risk assessment scales:

i. age;

ii. gender;

iii. number of prior convictions;

iv. prior conviction offense type;

v. current conviction offense type;

vi. multiple current convictions;

viii. prior juvenile adjudication.

(2) Scales were developed and validated for two outcomes measures:

i. for each OGS risk category, risk of general recidivism;

ii. for all OGS categories combined, risk of recidivism for a crime against a person.

(3) Risk scales for general recidivism are located at § 305.7(a). A risk scale for recidivism for a crime against a person is located at § 305.7(b).

(c) *Recidivism rates—general.*

(1) The Sentence Risk Assessment Instrument provides the probability of recidivism based on the proportion of offenders in the development and validation samples who recidivate. Offenders identified as high risk or low risk were found to be significantly different in risk of recidivism than the typical offender in the same OGS category.

(2) Recidivism rates by risk score and OGS for general recidivism are located at § 305.8(a). Recidivism rates for recidivism for a crime against a person are located at § 305.8(b).

§ 305.3. Sentence Risk Assessment Instrument standards.

(a) Effective January 1, 2019, the court shall use the Sentence Risk Assessment Instrument to help determine the appropriate sentence for non-DUI offenders with open pleas to, or who were found guilty following a bench or jury trial of, one or more felonies.

(b) The Sentence Risk Assessment Instrument does not apply to sentences imposed as a result of the following: accelerated rehabilitative disposition; disposition in lieu of trial; direct or indirect contempt of court; violations of protection from abuse orders; negotiated pleas; or revocation of probation, intermediate punishment or parole.

(c) Effective January 1, 2020, the court shall use the Sentence Risk Assessment Instrument to help determine the appropriate sentence for all non-DUI offenders who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors. Amendments to the Sentence Risk Assessment Instrument shall apply to all sentences imposed on or after the effective date of the amendment.

(d) A Sentence Risk Assessment Summary shall be considered by the court prior to sentencing for every judicial proceeding as required by this section.

(e) In every case in which a court of record imposes a sentence for a felony or misdemeanor, and a Sentence Risk Assessment Summary is required to be considered, the court shall make as a part of the record, and disclose in open court at the time of the sentencing, the offender's risk category. In every case in which an offender is identified as high risk or low risk, the court shall record on the guideline sentence form whether the court ordered a PSI report containing risk and needs information to be prepared or whether the court ordered an RNA or RNR assessment to be completed. This information shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in § 303.1(e).

(f) Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's direction to generate a Sentence Risk Assessment Summary prior to sentencing. The Sentence Risk Assessment Summary shall be made part of the record.

§ 305.4. Sentence Risk Assessment Instrument procedures.

(a) For each judicial proceeding, the procedure for generating a Sentence Risk Assessment Summary using the SGS Web-based Sentence Risk Assessment Instrument shall be as follows:

(1) Prepare all guideline sentence forms prior to sentencing using SGS Web as required by § 303.1(e):

i. create a Judicial Proceeding;

ii. complete the Prior Record Score module;

iii. complete the Offense module, including all offenses for which the offender has been convicted and are pending before the court for sentencing at the same time;

iv. upon completion of the Offense module, a Sentence Risk Assessment Summary is available.

(2) For judicial proceedings for which the preparation of a Sentence Risk Assessment Summary is required prior to sentencing:

i. use SGS Web to obtain a copy of the Sentence Risk Assessment Summary;

ii. if the OGS used in the risk scales does not match the OGS for the most serious offense of the judicial proceeding, repeat preparation of guideline sentence forms (see § 305.4(a)(1));

iii. if the risk categories identified in the Sentence Risk Assessment Summary do not match the risk categories identified on the guideline sentence forms, repeat preparation of guideline sentence forms (see § 305.4(a)(1));

iv. a copy of the Sentence Risk Assessment Summary shall be presented to the court for consideration prior to sentencing.

§ 305.5. Sentence Risk Assessment Instrument recommendation—general.

(a) The risk score for the offender and the associated risk category is calculated based on the most serious conviction offense in the judicial proceeding. The Sentence Risk Assessment Summary provides information on the risk of the offender relative to other offenders in the same OGS category.

(b) *Typical risk offenders.* For offenders who are identified as typical risk, the Commission makes no additional

recommendation. The risk category is included on the guideline sentence form which is required to be submitted to the Commission via SGS Web within 30 days of sentence.

(c) *High risk or low risk offenders.* For offenders who are identified as high risk or low risk, the Commission recommends the court obtain additional information prior to sentencing. This includes the ordering of a PSI report that contains risk and needs information, or the preparation of an RNA or RNR assessment. Any order related to this recommendation shall be recorded on the guideline sentence form and submitted to the Commission via SGS Web within 30 days of sentence.

(d) The sentence risk assessment score or category is not intended to be used by the court as an aggravating or mitigating factor. Additional information obtained through a PSI report containing risk and needs information or an RNA or RNR assessment may assist the court in determining an appropriate and individualized sentence, including the suitability of various sentencing alternatives and programs as well as the duration and intensity of supervision.

(e) An example of a Sentence Risk Assessment Summary (General Recidivism) is located at § 305.9(a). An example of a Sentence Risk Assessment Summary (Crime Against a Person) is located at § 305.9(b).

§ 305.6. Offense Types. Classification of Prior Convictions and Current Convictions, Including Inchoates.

<u>Offense Type</u>	<u>Title</u>	<u>Chapter</u>	<u>Description</u>		
Murder	18	Misc. 25	<u>Criminal Homicide - Murder 1, Murder 2, Murder 3, and Voluntary Manslaughter</u>		
		Misc. 26	<u>Crimes Against an Unborn Child - Murder 1, Murder 2, Murder 3, and Voluntary Manslaughter</u>		
		Misc. 27	<u>Weapons of Mass Destruction; Use-Results in Death</u>		
		Misc. 33	<u>Arson - Endangering Persons; Murder 1, Murder 2</u>		
Danger to Person - felony and misdemeanor	18	Misc. 25	<u>Criminal Homicide - Involuntary Manslaughter</u>		
		Misc. 26	<u>Aggravated Assault of an Unborn Child -18§2606</u>		
		27	<u>Assault</u>		
		29	<u>Kidnapping</u>		
		30	<u>Human Trafficking</u>		
		32	<u>Abortion</u>		
		Misc. 33	<u>Arson Endangering Person - 18§3301(a) and (a.1) Ecoterrorism - 18§3311(b)(3)</u>		
		Misc. 35	<u>Burglary-Home/Person - 18§3502(a)(1)</u>		
		37	<u>Robbery</u>		
		43	<u>Offenses Against the Family</u>		
		Misc. 47	<u>Threats - 18§4702 Retaliation - 18§4703 Intimidation of Witness/Victim - 18§4952 Retaliation Against Witness/Victim - 18§4953, 18§4953.1</u>		
		Misc. 63	<u>Corruption of Minors - 18§6301</u>		
		Misc. 75	<u>Homicide by Vehicle - 75§3732 Aggravated Assault by Vehicle - 75§3732.1 Homicide by Vehicle while DUI - 75§3735 Aggravated Assault by Vehicle While DUI - 75§3735.1 Accident Involving Death/Personal Injury - 75§3742, 75§3742.1</u>		
		Sexual - felony and misdemeanor	18	Misc. 29	<u>Kidnapping of a Minor - 18§2901(a.1) Unlawful Restraint of a Minor/Non-parent - 18§2902(b) False Imprisonment of a Minor/Non-parent - 18§2903(b) Interference with Custody of Children - 18§2904 Luring a Child into a Vehicle/Structure - 18§2910</u>
				Misc. 30	<u>Human Trafficking - 18§3011(b)</u>
				31	<u>Sexual Offenses</u>
Misc. 43	<u>Incest of a Minor - 18§4302(b)</u>				
Misc. 59	<u>Promoting Prostitution of a Minor - 18§5902(b.1) Obscene and Other Sexual Materials - 18§5903(a)(3)(ii), (4)(ii), (5)(ii) or (6)</u>				
Misc. 63	<u>Corruption of Minors - 18§6301(a)(1)(ii) Sexual Abuse of Children - 18§6312 Unlawful Contact/Communication with Minor - 18§6318 Sexual Exploitation of Children - 18§6320</u>				
Misc. 75	<u>Invasion of Privacy - 18§7507.1</u>				
Burglary	18			Misc. 35	<u>Burglary and Other Criminal Intrusion</u>
Property - felony and misdemeanor	18			Misc. 9	<u>Manufacture/Etc. Master Key Motor Vehicles - 18§0909 Manufacture/Etc. Device for Theft of Telecommunications - 18§0910</u>
				33	<u>Arson, Criminal Mischief, and other Property Destruction</u>
				35	<u>Burglary and Other Criminal Intrusion</u>
				39	<u>Theft and Related Offenses</u>
				41	<u>Forgery and Fraudulent Practices</u>
		76	<u>Computer Offenses</u>		
		77	<u>Vehicle Chop Shop and Illegally Obtained and Altered Property</u>		

<u>Offense Type</u>	<u>Title</u>	<u>Chapter</u>	<u>Description</u>	
<u>Public Admin.</u>	<u>18</u>	<u>Misc. 9</u>	<u>Corrupt Organizations - 18§0911</u>	
		<u>47</u>	<u>Bribery and Corrupt Influence</u>	
		<u>49</u>	<u>Falsification and Intimidation</u>	
		<u>51</u>	<u>Obstructing Governmental Operations</u>	
		<u>53</u>	<u>Abuse of Office</u>	
	<u>23</u>	<u>63</u>	<u>Child Protective Services</u>	
	<u>42</u>	<u>45</u>	<u>Juries and Jurors</u>	
		<u>97</u>	<u>Sentencing</u>	
<u>Public Order</u>	<u>18</u>	<u>21</u>	<u>Offenses Against the Flag</u>	
		<u>55</u>	<u>Riot, Disorderly Conduct, and Related Offenses</u>	
		<u>57</u>	<u>Wiretapping and Electronic Surveillance</u>	
		<u>59</u>	<u>Public Indecency</u>	
		<u>63</u>	<u>Minors</u>	
		<u>65</u>	<u>Nuisances</u>	
		<u>67</u>	<u>Proprietary and Official Rights</u>	
		<u>69</u>	<u>Public Utilities</u>	
		<u>71</u>	<u>Sports and Amusements</u>	
		<u>73</u>	<u>Trade and Commerce</u>	
		<u>75</u>	<u>Other Offenses</u>	
<u>Firearms - VUFA</u>	<u>18</u>	<u>61</u>	<u>Firearms and Other Dangerous Articles</u>	
<u>Other Weapons</u>	<u>18</u>	<u>Misc. 9</u>	<u>Possessing Instruments of Crime - 18§0907</u>	
			<u>Prohibited Offensive Weapons - 18§0908</u>	
			<u>Electric Incapacitation Device - 18§0908.1</u>	
			<u>Possession of Weapon on School Property - 18§0912</u>	
			<u>Possession of Weapon in Court Facility - 18§0913</u>	
		<u>Misc. 63</u>	<u>Sale/Lease of Weapons/Explosives (to Minors) - 18§6302</u>	
			<u>Sale of Starter Pistols (to Minors) - 18§6303</u>	
	<u>Sale/Use of Air Rifles (to Minors) - 18§6304</u>			
<u>Drug - felony and misdemeanor</u>	<u>18</u>	<u>Misc. 51</u>	<u>Contraband of Controlled Substance - 18§5123</u>	
		<u>Misc. 63</u>	<u>Solicitation of Minors to Traffic Drugs - 18§6319</u>	
		<u>Misc. 75</u>	<u>Operate Meth Lab/Cause Chemical Reaction - 18§7508, 18§7508.2</u>	
			<u>Furnishing Drug-Free Urine - 18§7509</u>	
			<u>Criminal Use of Communication Facility - 18§7512</u>	
		<u>35</u>	<u>Controlled Substance, Drug, Device and Cosmetic Act - 35§780-113(a)(1) - (a)(39)</u>	
			<u>Liquefied Ammonia Gas - 35§780-113.1</u>	
		<u>Operating a Meth Lab - 35§780-113.4</u>		
<u>DUI*</u>	<u>30</u>	<u>Misc. 55</u>	<u>Boating Under the Influence - 30§5502</u>	
		<u>75</u>	<u>Misc. 37</u>	<u>Driving Under the Influence - 75§3731</u>
		<u>38</u>	<u>Driving Under the Influence - 75§3802</u>	
<u>Other</u>			<u>Miscellaneous Titles and Chapters</u>	
<p>*Only applicable for Prior Conviction Offense Type, Current Conviction Offense Type does not include DUI Exceptions are due to Personal Injury Crimes (18 P.S. §11.103), Crimes of Violence (42 Pa.C.S. §9714), and offenses requiring registration under (42 Pa.C.S. §9799.14)</p>				

§ 305.7(a). General Recidivism Risk Scales by Offense Gravity Score (OGS).

Risk Factors		OGS 1	OGS 2	OGS 3	OGS 4	OGS 5	OGS 6	OGS 7	OGS 8	OGS 9-14
		0-11	0-10	0-16	0-7	0-14	0-9	0-10	0-7	0-9
Gender	Male	-NA-	1	1	1	1	1	1	1	1
	Female	0	0	0	0	0	0	0	0	0
Age	<21	2	2	4	2	3	3	3	3	3
	21-25	1	1	3	1	2	2	2	2	2
	26-29	1	1	2	1	1	1	1	1	1
	30-39	1	1	1	1	1	1	1	1	0
	>39	0	0	0	0	0	0	0	0	0
Current Conviction Offense Type	Murder	0	0	0	0	0	-NA-	0	-NA-	1
	Person-Felony	0	0	0	1	1	-NA-	1	-NA-	1
	Person-Misd.	1	1	1	1	0	-NA-	0	-NA-	0
	Sex-Felony	0	0	0	0	1	-NA-	0	-NA-	1
	Sex-Misd.	0	0	1	0	0	-NA-	0	-NA-	0
	Burglary	0	0	0	0	1	-NA-	1	-NA-	0
	Property-Felony	0	0	2	1	1	-NA-	1	-NA-	1
	Property-Misd.	1	1	1	1	1	-NA-	0	-NA-	0
	Drug-Felony	0	0	0	0	1	-NA-	1	-NA-	0
	Drug-Misd.	1	0	1	1	1	-NA-	0	-NA-	1
	Public Admin.	1	1	1	1	1	-NA-	0	-NA-	1
	Public Order	1	0	1	1	1	-NA-	0	-NA-	0
	Firearms	0	0	1	1	1	-NA-	0	-NA-	1
	Other Weapons	0	0	1	1	1	-NA-	0	-NA-	0
Other	0	0	1	1	1	-NA-	0	-NA-	1	
Number of Prior Convictions	None	0	0	0	0	0	0	0	0	0
	1	1	1	1	1	1	1	0	1	1
	2-3	2	2	2	1	2	2	1	2	2
	>3	3	3	3	2	3	3	1	2	2
Prior Conviction Offense Type	Person/Sex	0	1	0	0	1	0	1	0	0
	Property	1	0	1	0	1	0	1	0	1
	Drug	1	0	1	0	1	0	0	0	0
	Public Order	1	0	1	0	1	0	0	0	0
	Public Admin.	1	0	1	0	1	1	0	1	0
	DUI	0	0	0	0	0	0	1	0	0
Multiple Current Convictions	Yes	-NA-	1	1	-NA-	-NA-	-NA-	-NA-	-NA-	-NA-
	No	0	0	0	0	0	0	0	0	0
Prior Juvenile Adjudication	Yes	1	1	1	1	1	1	1	-NA-	1
	No	0	0	0	0	0	0	0	0	0

§ 305.7(b). Recidivism for a Crime Against a Person.

<u>Risk Factors</u>		<u>Person</u>
		<u>0-16</u>
<u>Gender</u>	<u>Male</u>	<u>1</u>
	<u>Female</u>	<u>0</u>
<u>Age</u>	<u><21</u>	<u>5</u>
	<u>21-25</u>	<u>4</u>
	<u>26-29</u>	<u>3</u>
	<u>30-39</u>	<u>2</u>
	<u>40-49</u>	<u>1</u>
	<u>>49</u>	<u>0</u>
<u>Current Conviction Offense Type</u>	<u>Murder</u>	<u>3</u>
	<u>Person-Felony</u>	<u>3</u>
	<u>Person-Misd.</u>	<u>3</u>
	<u>Sex-Felony</u>	<u>2</u>
	<u>Sex-Misd.</u>	<u>2</u>
	<u>Burglary</u>	<u>1</u>
	<u>Property-Felony</u>	<u>1</u>
	<u>Property-Misd.</u>	<u>1</u>
	<u>Drug-Felony</u>	<u>0</u>
	<u>Drug-Misd.</u>	<u>0</u>
	<u>Public Admin.</u>	<u>2</u>
	<u>Public Order</u>	<u>2</u>
	<u>Firearms</u>	<u>3</u>
	<u>Other Weapons</u>	<u>3</u>
<u>Other</u>	<u>2</u>	
<u>Number of Prior Convictions</u>	<u>None</u>	<u>0</u>
	<u>1</u>	<u>1</u>
	<u>2-3</u>	<u>2</u>
	<u>4-5</u>	<u>2</u>
	<u>6+</u>	<u>2</u>
<u>Prior Conviction Offense Type</u>	<u>Person/Sex</u>	<u>1</u>
	<u>Property</u>	<u>0</u>
	<u>Drug</u>	<u>(-1)</u>
	<u>Public Order</u>	<u>1</u>
	<u>Public Admin.</u>	<u>1</u>
	<u>DUI</u>	<u>1</u>
<u>Multiple Current Convictions</u>	<u>Yes</u>	<u>-NA-</u>
	<u>No</u>	<u>-NA-</u>
<u>Prior Juvenile Adjudication</u>	<u>Yes</u>	<u>1</u>
	<u>No</u>	<u>0</u>

§ 305.8(a). General Recidivism Rates by Risk Score and Offense Gravity Score (OGS).

OGS 1							
Risk Score	Total Number	Number		Percent		Mean	
		No	Yes	No	Yes		
0	248	201	47	81%	19%	Standard Deviation	3.3
1	2,136	1,649	487	77%	23%	+1 SD	5.1
2	4,977	3,432	1,545	69%	31%	-1 SD	1.4
3	3,506	2,118	1,388	60%	40%		
4	2,390	1,348	1,042	56%	44%		
5	1,717	886	831	52%	48%		
6	1,231	564	667	46%	54%		
7	673	252	421	37%	63%		
8-11	433	136	297	31%	69%		
Total	17,311	10,586	6,725	61%	39%		

OGS 2							
Risk Score	Total Number	Number		Percent		Mean	
		No	Yes	No	Yes		
0-1	528	413	115	78%	22%	Standard Deviation	3.9
2	2,151	1,535	616	71%	29%	+1 SD	1.6
3	3,084	1,990	1,094	65%	35%	-1 SD	5.5
4	2,679	1,465	1,214	55%	45%		2.3
5	2,110	945	1,165	45%	55%		
6	1,419	560	859	39%	61%		
7	713	228	485	32%	68%		
8-10	167	50	117	30%	70%		
Total	12,851	7,186	5,665	56%	44%		

OGS 3							
Risk Score	Total Number	Number		Percent		Mean	
		No	Yes	No	Yes		
0-1	787	644	143	82%	18%	Mean	5.7
2	3,475	2,723	752	78%	22%	Standard Deviation	2.4
3	5,024	3,668	1,356	73%	27%	+1 SD	8.1
4	5,619	3,784	1,835	67%	33%	-1 SD	3.3
5	7,224	4,476	2,748	62%	38%		
6	7,509	4,031	3,478	54%	46%		
7	6,214	2,809	3,405	45%	55%		
8	4,631	1,840	2,791	40%	60%		
9	3,127	1,032	2,095	33%	67%		
10	1,741	526	1,215	30%	70%		
11	775	188	587	24%	76%		
12	308	72	236	23%	77%		
13-16	100	21	79	21%	79%		
Total	46,534	25,814	20,720	55%	45%		

OGS 4							
Risk Score	Total Number	Number		Percent		Mean	
		No	Yes	No	Yes		
0-1	393	345	48	88%	12%	Standard Deviation	3.2
2	1,225	924	301	75%	25%	+1 SD	1.1
3	2,016	1,207	809	60%	40%	-1 SD	4.3
4	1,882	847	1,035	45%	55%		2.1
5-7	759	237	522	31%	69%		
Total	6,275	3,560	2,715	57%	43%		

OGS 5							
Risk Score	Total Number	Number		Percent		Mean	
		No	Yes	No	Yes		
0-1	909	776	133	85%	15%	Standard Deviation	5.2
2	2,029	1,612	417	79%	21%	+1 SD	2.5
3	2,099	1,468	631	70%	30%	-1 SD	7.7
4	2,439	1,480	959	61%	39%		2.7
5	2,901	1,411	1,490	49%	51%		
6	2,123	950	1,173	45%	55%		
7	2,074	761	1,313	37%	63%		
8	1,679	549	1,130	33%	67%		
9	1,156	313	843	27%	73%		
10	553	139	414	25%	75%		
11-14	252	53	199	21%	79%		
Total	18,214	9,512	8,702	52%	48%		

OGS 6							
Risk Score	Total Number	Number		Percent		Mean	
		No	Yes	No	Yes		
0	215	190	25	88%	12%	Standard Deviation	3.5
1	1,171	959	212	82%	18%	+1 SD	5.0
2	1,692	1,136	556	67%	33%	-1 SD	1.9
3	2,223	1,277	946	57%	43%		
4	2,610	1,097	1,513	42%	58%		
5	1,815	599	1,216	33%	67%		
6	737	207	530	28%	72%		
7-9	259	47	212	18%	82%		
Total	10,722	5,512	5,210	51%	49%		

OGS 7							
Risk Score	Total Number	Number		Percent		Mean	
		No	Yes	No	Yes		
0-1	215	184	31	86%	14%	Standard Deviation	4.3
2	683	533	150	78%	22%	+1 SD	5.8
3	1,280	815	465	64%	36%	-1 SD	2.8
4	1,790	906	884	51%	49%		
5	1,964	758	1,206	39%	61%		
6	1,028	300	728	29%	71%		
7-10	454	101	353	22%	78%		
Total	7,414	3,597	3,817	49%	51%		

OGS 8							
Risk Score	Total Number	Number		Percent		Mean	
		No	Yes	No	Yes		
0	114	109	5	96%	4%	Standard Deviation	3.1
1	465	389	76	84%	16%	+1 SD	4.5
2	758	574	184	76%	24%	-1 SD	1.7
3	980	580	400	59%	41%		
4	1,115	495	620	44%	56%		
5	470	147	323	31%	69%		
6-7	124	34	90	27%	73%		
Total	4,026	2,328	1,698	58%	42%		

OGS 9-14							
Risk Score	Total Number	Number		Percent		Mean	
		No	Yes	No	Yes		
0-1	370	291	79	79%	21%	Standard Deviation	4.3
2	1,002	766	236	76%	24%	+1 SD	6.0
3	872	573	299	66%	34%	-1 SD	2.6
4	1,674	956	718	57%	43%		
5	2,051	806	1,245	39%	61%		
6	1,026	326	700	32%	68%		
7	545	141	404	26%	74%		
8-9	177	49	128	28%	72%		
Total	7,717	3,908	3,809	51%	49%		

§ 305.8(b). Recidivism Rates for a Crime Against a Person by Risk Score.

<u>Risk Score</u>	<u>Total Number</u>	<u>Recidivism</u>		<u>Percent</u>		<u>Mean</u>	<u>Standard Deviation</u>
		<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>		
<u>0</u>	<u>216</u>	<u>214</u>	<u>2</u>	<u>99.1%</u>	<u>0.9%</u>		<u>6.08</u>
<u>1</u>	<u>2,004</u>	<u>1,957</u>	<u>47</u>	<u>97.7%</u>	<u>2.3%</u>	<u>+1 SD</u>	<u>2.30</u>
<u>2</u>	<u>5,399</u>	<u>5,218</u>	<u>181</u>	<u>96.6%</u>	<u>3.4%</u>	<u>-1 SD</u>	<u>8.38</u>
<u>3</u>	<u>10,100</u>	<u>9,627</u>	<u>473</u>	<u>95.3%</u>	<u>4.7%</u>		<u>3.79</u>
<u>4</u>	<u>14,795</u>	<u>13,915</u>	<u>880</u>	<u>94.1%</u>	<u>5.9%</u>		
<u>5</u>	<u>21,052</u>	<u>19,332</u>	<u>1,720</u>	<u>91.8%</u>	<u>8.2%</u>		
<u>6</u>	<u>22,635</u>	<u>20,419</u>	<u>2,216</u>	<u>90.2%</u>	<u>9.8%</u>		
<u>7</u>	<u>19,406</u>	<u>17,144</u>	<u>2,262</u>	<u>88.3%</u>	<u>11.7%</u>		
<u>8</u>	<u>15,468</u>	<u>13,275</u>	<u>2,193</u>	<u>85.8%</u>	<u>14.2%</u>		
<u>9</u>	<u>10,806</u>	<u>8,908</u>	<u>1,898</u>	<u>82.4%</u>	<u>17.6%</u>		
<u>10</u>	<u>5,456</u>	<u>4,400</u>	<u>1,056</u>	<u>80.6%</u>	<u>19.4%</u>		
<u>11</u>	<u>2,476</u>	<u>1,883</u>	<u>593</u>	<u>76.1%</u>	<u>23.9%</u>		
<u>12</u>	<u>930</u>	<u>704</u>	<u>226</u>	<u>75.7%</u>	<u>24.3%</u>		
<u>13-16</u>	<u>321</u>	<u>230</u>	<u>91</u>	<u>71.7%</u>	<u>28.3%</u>		
<u>Total</u>	<u>131,064</u>	<u>117,226</u>	<u>13,838</u>	<u>89.4%</u>	<u>10.6%</u>		

§ 305.9(a). Sentence Risk Assessment Summary (General Recidivism).

Sentence Risk Assessment Summary																									
OFFENDER																									
Name: Test, Case			DOB Or Age:																						
JUDICIAL PROCEEDING																									
Docket #: CP-00-CR-000001-2016		Commission ID: W99999999		Status: Pending Completion																					
Judge: Common Pleas Court Judge			County:																						
RISK SCORE INFORMATION																									
Current Offense:		OTN: Z9999999		OGS: 9-14		Assessment Date:																			
RISK FACTORS FOR GENERAL RECIDIVISM																									
	Possible Points	Offender's Value	Offender's Point Total		Possible Points	Offender's Value	Offender's Point Total																		
Gender				Number of Prior Convictions																					
Female	0			0	0																				
Male	1	Male	1	1	1	1	1																		
Age				Prior Person/Sex Conviction																					
Greater than 39	0			2-3	2																				
30-39	0			Greater than 3	2																				
26-29	1			No			-NA-																		
21-25	2	24	2	Yes																					
Less than 21	3			Prior Property Conviction																					
Current Conviction Offense Type				Prior Drug Conviction																					
Murder	1			No	0																				
Person-Felony	1			Yes	1	Yes	1																		
Person-Misd.	--			Prior Public Order Conviction																					
Sex-Felony	1			No			-NA-																		
Sex-Misd.	--			Yes																					
Burglary	--			Prior Public Admin. Conviction																					
Property-Felony	1	Property -Felony	1	No			-NA-																		
Property-Misd.	--			Yes																					
Drug-Felony	0			Prior DUI Conviction																					
Drug-Misd.	--			No			-NA-																		
Public Admin.	1			Yes																					
Public Order	--			Prior Juvenile Adjudication																					
Firearms	1			No	0																				
Other Weapons	--			Yes	1	Yes	1																		
Other	1			Multiple Current Convictions in JP																					
				No				-NA-																	
				Yes																					
TOTAL RISK SCORE							7																		
RISK CATEGORY							HIGH																		
<p>The graph depicts the recidivism rates for offenders at OGS 9-14, based on their risk score. The box indicates risk scores for the typical offender. Risk scores falling outside the box are considered to be higher or lower than typical risk.</p>				<p>For high or low risk offenders, the Commission recommends the court obtain additional information by ordering a Pre-Sentence Investigation (PSI) report that contains Risk Needs Responsibility (RNR) information, or the preparation of a Risk Needs Assessment (RNA) or RNR assessment.</p>																					
<p>Risk scales do not predict recidivism perfectly. For OGS 9-14, the accuracy for high risk offenders is 74% (74% recidivated, 26% did not). The accuracy for low risk offenders is 77% (23% recidivated, 77% did not).</p>				<table border="1"> <caption>General Recidivism within 3 Years by Risk Score: OGS 9-14</caption> <thead> <tr> <th>Risk Score</th> <th>Percentage</th> </tr> </thead> <tbody> <tr><td>0-1</td><td>21%</td></tr> <tr><td>2</td><td>24%</td></tr> <tr><td>3</td><td>34%</td></tr> <tr><td>4</td><td>43%</td></tr> <tr><td>5</td><td>61%</td></tr> <tr><td>6</td><td>68%</td></tr> <tr><td>7</td><td>74%</td></tr> <tr><td>8-9</td><td>72%</td></tr> </tbody> </table>				Risk Score	Percentage	0-1	21%	2	24%	3	34%	4	43%	5	61%	6	68%	7	74%	8-9	72%
Risk Score	Percentage																								
0-1	21%																								
2	24%																								
3	34%																								
4	43%																								
5	61%																								
6	68%																								
7	74%																								
8-9	72%																								
<p>When applicable, see page two for information on risk to commit a crime against a person. [Page two only provided when the risk of general recidivism is high and the risk to commit a crime against a person is low]</p>																									
<p>The following OTNs were used in the calculation of this risk score: T0000000, Z0000000, X0000000, Y0000000, W0000000</p>																									

§ 305.9(b). Sentence Risk Assessment Summary (Crime Against a Person).

Sentence Risk Assessment Summary							
OFFENDER		Name: Test, Case DOB Or Age:					
JUDICIAL PROCEEDING							
Docket #: CP-02-CR-0000002-2015		Commission ID: W999999999		Status: Pending Completion			
Judge: Common Pleas Court Judge		County: Allegheny					
RISK SCORE INFORMATION							
Current Offense:		OTN: Z9999999		OGS: 9-14		Assessment Date:	
RISK FACTORS FOR A CRIME AGAINST A PERSON							
	Possible Points	Offender's Value	Offender's Point Total		Possible Points	Offender's Value	Offender's Point Total
Gender				Number of Prior Convictions			
Female	0	Male	1	0	0		
Male	1			1	1		
Age				Greater than 1	2	5	2
Greater than 49	0	52	0	Prior Person/Sex Conviction			
40-49	1			No	0	No	0
30-39	2			Yes	1		
26-29	3			Prior Drug Conviction			
21-25	4			No	0		
Less than 21	5			Yes	-1	Yes	-1
Current Conviction Offense Type				Prior Public Order Conviction			
Murder	3			No	0	No	0
Person-Felony	3			Yes	1		
Person-Misd.	3			Prior Public Admin. Conviction			
Sex-Felony	2			No	0	No	0
Sex-Misd.	2			Yes	1		
Burglary	1			Prior DUI Conviction			
Property-Felony	1	Property	1	No	0	No	0
Property-Misd.	1			Yes	1		
Drug-Felony	0						
Drug-Misd.	0						
Public Admin.	2						
Public Order	2						
Firearms	3						
Other Weapons	3						
Other	2						
Multiple Current Convictions in JP							
No							
Yes			-NA-				
Prior Juvenile Adjudication							
No	0	No	0				
Yes	1						
TOTAL RISK SCORE						3	
RISK CATEGORY						LOW	
<p>The Commission developed this separate scale, analyzing recidivism for a crime against a person, which includes Personal Injury Crimes such as simple assault. As compared to general recidivism, recidivism for a crime against a person is rare, and high risk predictions for a crime against a person did not meet an acceptable level of predictive accuracy. However, the accuracy among low risk offenders is 96% (4% recidivated, 96% did not).</p>							
				0-3	<p>Offenders with a risk score between 0 and 3 are low risk to recidivate with a crime against a person. The average recidivism rate is 4%.</p>		
<p>The following OTNs were used in the calculation of this risk score: T0000000, Z0000000, X0000000, Y0000000, W0000000</p>							

THE COURTS

Title 255—LOCAL COURT RULES

LAWRENCE COUNTY

Adoption of Local Rule of Civil Procedure for Establishment of the Court of Common Pleas of Lawrence County Residential Mortgage Foreclosure Conciliation Program; No. 90053 of 2018, A.D.

Administrative Order of Court

And Now, this 11th day of April, 2018, recognizing that the number of residential mortgage foreclosure actions filed in Lawrence County has expanded, the Court of Common Pleas of Lawrence County hereby establishes by Local Rule of Civil Procedure a Residential Mortgage Foreclosure Conciliation Program as follows:

Rule L1147. Court of Common Pleas of Lawrence County Residential Mortgage Foreclosure Conciliation Program.

1. Complaints in Mortgage Foreclosure presented for filing seeking foreclosure on a mortgage of a Lawrence County owner-occupied residence shall be accompanied with an additional URGENT NOTICE, a copy of which follows as Exhibit "A". Said URGENT NOTICE shall be affixed to the Complaint when presented for filing and shall also be affixed to the copy of the Complaint served upon the Defendant(s).

2. If the Defendant(s) call Housing Opportunities of Beaver County, and if the Defendant(s) attend a meeting with a Housing Opportunities Counselor, and if the Housing Opportunities Counselor makes a determination that the Defendant(s) is/are eligible to participate in the Lawrence County Mortgage Foreclosure Conciliation Program, the Housing Opportunities Counselor will secure the signature(s) of the Defendant(s) on a "Certificate of Participation"; file the same with the Prothonotary of Lawrence County; and serve a copy thereof in the Court Administration Office of Lawrence County, all within thirty (30) days following service of the Complaint and URGENT NOTICE upon the Defendant(s).

3. Upon timely filing of a completed "Certificate of Participation" from Housing Opportunities of Beaver County with the Prothonotary of the Court of Common Pleas of Lawrence County (a copy of which follows as Exhibit "B"), the case will proceed as follows:

The Court will issue the following Order in each case where the Certificate of Participation has been timely filed by Housing Opportunities of Beaver County on behalf of the Defendant(s):

ORDER OF COURT

AND NOW, this _____ day of _____, 201 __, a Certificate of Participation in the Lawrence County Residential Mortgage Conciliation Program having been timely filed by the Defendant(s) in the above-captioned matter, no further action shall be taken in this case for at least sixty (60) days from the date of this Order, except upon order of this Court.

It is hereby ORDERED and DIRECTED that a Court-Supervised Conciliation Conference is scheduled to be held on the _____ day of _____, 201 __ at _____ o'clock __ .m., in Courtroom No. _____ of the Lawrence County Courthouse, 430 Court Street, New Castle, PA, 16101.

It is further ORDERED and DIRECTED that, unless an agreement in this case has been reached prior to the scheduled Conciliation Conference, a representative of the Plaintiff/Lender/Investor who has actual authority to modify mortgages and/or enter into alternate payment agreements with the Defendant(s) or otherwise resolve the action, shall be available telephonically. Failure of the Plaintiff, or of a representative of the Plaintiff with such authority, to appear for the Conciliation Conference may result in the rescheduling of the Conciliation Conference and further postponement of any action in this matter, including timely filing of an Answer, filing of Preliminary Objections, filing of Motions for Summary Judgment and/or Judgment on the Pleadings and taking of final Judgment in the action.

Failure of the Defendant(s) to attend the Conciliation Conference shall result in the lifting of any stay.

This Order is to be docketed by the Prothonotary of Lawrence County and served upon the Defendant(s) at their address(es) as reflected on the Certificate of Participation, any attorney of record for any party at the address included on any pleading and/or appearance, and upon Housing Opportunities of Beaver County at 282 East End Avenue, Beaver, PA, 15009, all by First-Class Mail.

4. If the "Certificate of Participation" is not filed within the thirty (30) day time period set forth in Paragraph 2, the filing of an untimely "Certificate of Participation" and participation in the Residential Mortgage Foreclosure Conciliation Program shall be allowed upon leave of Court only.

5. Limited Appearance and Withdrawal forms for Pro Bono Counsel/Reduced-Fee Counsel follows as Exhibit "C" and Exhibit "D".

6. Failure of Defendant(s) to fully participate in conciliation or failure of the parties to reach an alternate settlement arrangement following conciliation shall result in entry of an Order, follows as Exhibit "E".

7. The Lawrence County District Court Administrator is directed to:

(a) File one (1) copy of this Order and the Local Rule with the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

(b) File two (2) paper copies of this Order and the Local Rule and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(c) Publish a copy of this Local Rule on the Lawrence County Court website at co.lawrence.pa.us and thereafter compile this Local Rule of Civil Procedure within the complete set of Local Rules no later than thirty (30) days after the Local Rule becomes effective.

(d) File one (1) copy of the Local Rule in the Office of the Prothonotary of Lawrence County and in the Lawrence County Law Library for public inspection and copying.

8. This Local Rule established by Administrative Order shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

By the Court

DOMINICK MOTTO,
President Judge

Exhibit "A"
URGENT NOTICE

A Complaint in Mortgage Foreclosure has been filed with the Court of Common Pleas of Lawrence County that may cause you to lose your home.

You may be able to participate in a Court-Supervised Conciliation Conference in an effort to resolve this matter with the Lender.

However, you must act now.

To secure an opportunity to participate in a Court-Supervised Conciliation Conference, you must call Housing Opportunities of Beaver County at (724) 728-7511 and attend a meeting with a Housing Opportunities Counselor. This must happen within the next thirty (30) days of receiving this Notice or you will lose your eligibility to participate in the Lawrence County Mortgage Foreclosure Conciliation Program.

MAKE THIS CALL TO SAVE YOUR HOME!
THIS PROGRAM IS FREE!

Exhibit "B"
: IN THE COURT OF COMMON PLEAS
Plaintiff : LAWRENCE COUNTY, PENNSYLVANIA
VS. : NO.
Defendant :

CERTIFICATE OF PARTICIPATION

I am the owner of the property listed below:

Premises Address:
Lawrence County, Pennsylvania

This property is my primary residence. It is the subject of foreclosure, and I would like to try to save my residence from foreclosure.

I have contacted the Housing Counselor at Housing Opportunities of Beaver County. I am cooperating with the Housing Counselor and have already submitted, or will submit at least fifteen (15) days before the Conciliation/Case Management Conference, a complete written proposal to the Plaintiff to avoid foreclosure.

I understand the assistance of the Housing Counselor is free of charge to me and I understand any Pro Bono assistance that I may receive from an attorney assigned to my case by the Lawrence County Bar Association's Lawyer Referral Service shall be for the limited purpose of advising me of my rights and representing my interests for this case only and said representation will terminate at the conclusion of the Conciliation Conference.

I certify that this filing complies with the provision of the Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Signature Signature
Printed Name Printed Name
Full Mailing Address Full Mailing Address

Must be returned and filed with the Prothonotary of Lawrence County within thirty (30) days following service of the Complaint and URGENT NOTICE upon Defendant(s).

Exhibit "C"
: IN THE COURT OF COMMON PLEAS
Plaintiff : LAWRENCE COUNTY, PENNSYLVANIA
VS. : NO.
Defendant :

PRAECIPE FOR ENTRY OF LIMITED APPEARANCE

To the Prothonotary:

Kindly enter my limited appearance for (Name of Defendant(s)), Defendant(s) in the above-captioned matter. This appearance is limited to providing representation and advice to the Defendant(s) at any Court-Supervised Conciliation Conference scheduled in this Mortgage Foreclosure proceeding, said limited appearance being authorized by Administrative Order No. _____ of 2018, M.D.

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Name of Attorney
Attorney for Defendant(s)
Address
Telephone No.
Supreme Court ID#

Exhibit "D"
: IN THE COURT OF COMMON PLEAS
Plaintiff : LAWRENCE COUNTY, PENNSYLVANIA
VS. : NO.
Defendant :

PRAECIPE FOR WITHDRAWAL OF LIMITED APPEARANCE

To the Prothonotary:

Kindly withdraw my limited appearance for (Name of Defendant(s)), Defendant(s) in the above-captioned matter. Withdrawal of this limited appearance is permitted pursuant to Administrative Order No. _____ of 2018, M.D. All further notices should be sent directly to (Name of Defendant(s)), Defendant(s), at (last known address set for this party).

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Name of Attorney
Attorney for Defendant(s)
Address
Telephone No.
Supreme Court ID#

Exhibit "E"

Plaintiff : IN THE COURT OF COMMON PLEAS
:
: LAWRENCE COUNTY, PENNSYLVANIA
VS. : NO.
Defendant :

ORDER OF COURT

AND NOW, this _____ day of _____, 20 __, as the (date of Conciliation Conference) Court-Supervised Conciliation Conference in this matter has not resulted in an alternate payment arrangement acceptable to both Plaintiff and Defendant(s), it is hereby ORDERED and DIRECTED as follows:

- 1. The stay issued in this matter by the (date of Order) Order is lifted.
2. Defendant(s) is/are advised that within twenty (20) days of the date of this Order (he/she/they) must act as set forth in the Notice to Defend that was attached to the Complaint in Mortgage Foreclosure that was served on (him/her/them) by Plaintiff. A copy of the Notice to Defend is attached to this Order, and Defendant's(s') attention is directed to said Notice.
3. In the event Defendant(s) fail(s) to act as set forth in the attached Notice to Defend within twenty (20) days of the date of this Order, Plaintiff shall provide the appropriate ten (10) day notice as required by Pa.R.C.P. 237.5.

BY THE COURT:

Dominick Motto, P.J.
President Judge

[Pa.B. Doc. No. 18-633. Filed for public inspection April 27, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Juvenile Restitution Fund; No. 704 MD 2009; Administrative Order 2018

And Now, this 3rd day of April, 2018, the Honorable Richard M. Hughes, III, President Judge of Luzerne County, Pennsylvania, serving the Eleventh Judicial District of Pennsylvania, hereby reauthorizes the continuation of the Luzerne County Juvenile Court Restitution Fund and hereby amends and restates the previous Order dated August 6, 2010 of the former President Judge as stated herein. The statutory authority for the creation of this Fund appears at 42 Pa.C.S. Section 6352(a)(5), The Juvenile Act, Disposition of Delinquent Children.

The purpose of the Fund is to provide a means whereby the Court may:

- a) direct children under its supervision to pay a reasonable amount of money into a common fund;
b) collect the previously-mentioned revenues and deposit same into an appropriate account that is under the supervision of the Court or its designee;
c) distribute monies received by the Fund to victims of delinquent behavior in a fair and equitable manner.

The Court hereby adopts and approves the following guidelines and operating standards for the "Luzerne County Juvenile Court Restitution Fund."

The Luzerne County District Court Administrator is Ordered and Directed to do the following:

- 1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
3. File one (1) certified copy with the Pennsylvania Juvenile Court Procedural Rules Committee.
4. Forward one (1) copy for publication in the Luzerne Legal Register.
5. Forward one (1) copy to the Wilkes-Barre Law and Library Association.
6. Keep continuously available for public inspection copies of this Administrative Order in the Office of Court Administration, Clerk of Court's Office and Juvenile Probation Department.

This Order shall also be published on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org) as well as Unified Judicial System's web site at http://ujportal.pacourts.us/localrules.ruleselection.aspx.

By the Court

RICHARD M. HUGHES, III,
President Judge

LUZERNE COUNTY JUVENILE COURT RESTITUTION FUND OPERATING GUIDELINES

The Court of Common Pleas of Luzerne County, Pennsylvania (Court), through the Luzerne County Department of Probation Service, Juvenile Division, (Probation) has established the Luzerne County Juvenile Court Restitution Fund (Fund) for the purpose of providing financial reimbursement to the victims of delinquent behavior as defined in The Juvenile Act.

The Probation Services Department shall be responsible for establishing, monitoring, maintaining and auditing the Fund in accordance with the Fund Operating Guidelines and Standards and accepted accounting practices and principles.

Name

The name of the Fund is the "Juvenile Court Restitution Fund." For clarity purposes, when referring to the Fund on documents such as an Informal Adjustment Consent, Consent Decree, an order issued by the Court, rules and conditions of probation, and all financial documents including restitution documents, judgments, etc., the Fund will be referred to as the JCR Fund.

Eligibility

For the purpose of the Fund, eligibility shall be defined as follows:

Eligible Benefactor (Juvenile)—An eligible benefactor of the Fund will be any child who is under the jurisdiction of the Court through the Probation Services Department on or after the effective start date of the Fund and whose disposition, as rendered by the Court or Probation Services Department, requires the child to pay restitution to a victim of a delinquent act. Requirements are as follows:

- juveniles (ages 10—20) who demonstrate an inability to obtain/maintain employment to be considered on a case-by-case basis;
- referred to the Probation Services Department, Juvenile Division;
- owe restitution for a property crime or a crime against person;
- final disposition heard in Luzerne County;
- juveniles may earn payments in increments of \$1,000.00 and must reapply every \$1,000.00—no cap.

Eligible Recipient (Victim)—An eligible recipient of the Fund will be any person who has a legitimate restitution claim on file with the Probation Services Department on or after the effective start date of the Fund resulting from the delinquent act(s) of an Eligible Benefactor. Insurance companies will not be considered eligible recipients for purposes of inclusion in this program. Businesses and schools can only submit for reimbursement for a deductible incurred as a result of a delinquent act by a juvenile. Requirements are as follows:

- All direct victims of property and/or personal crime, for which a written allegation to the Probation Services Department has been filed.

Fund Revenue

On and after the effective date of the creation of the Fund, it will be supported financially in the following manner:

a) The Probation Services Department shall assess a fee in the amount of \$25.00 to all juveniles who are subject to proceedings whose case results in a final disposition of warned and counseled; Informal Adjustment Consent; Consent Decree, or adjudication of delinquency and make check or money order payable to the Luzerne County Treasurer.

b) All juveniles referred for Failure to Pay Fine received from a District Justice shall be assessed the \$25.00 JRF fee and make check or money order payable to the Luzerne County Treasurer. Juveniles may be directed to pay the fine in full or ordered to complete community service hours in lieu of the fine payment.

c) The Court, at its discretion or upon the recommendation of the Probation Services Department, will make other sources of revenue payable to the Fund as the same become available.

Fund Management

The Fund receipts and expenditures shall be managed by the Probation Services Department. Any and all funds received by the Probation Services Department that may be considered revenue for the Fund shall be deposited into an account separate and apart from other accounts managed by the Probation Services Department. The sole purpose of this account will be to receive and disperse funds associated with the JCR Fund. As of the creation date of the Fund, the account(s) used by the Probation department is/are:

PNC Bank
11 West Market Street
Wilkes Barre, Pa., 18701
Acct. # XXXXX-4435

All Fund revenues shall be receipted, recorded, deposited and otherwise handled as any other revenue received by the Probation Services Department for the intended purpose of reimbursing victims of delinquent behavior.

Additionally, expenditures made from the Fund shall be forwarded to eligible recipients by checks issued from the above-mentioned checking account on an as-needed basis through the Luzerne County Treasurer.

All payments to and expenditures from the above-mentioned account shall be subject to an audit performed on an annual basis by the designee of the Luzerne County Treasurer as per the request of the Chief Juvenile Probation Officer or his/her designee.

Review Committee

An administrative review team has been established. The review team shall consist of an Administrator, the Community Liaison Probation Officer (or designee) and the assigned Probation Officer. This team will meet as needed and shall review requests made by the eligible benefactors requesting benefits from the Fund.

Fund Expenditures

Eligible benefactors of the Fund will be able to request assistance from the Fund in the following manner:

a) Probation Services Department shall prepare an application form for eligible benefactors to utilize in order to request assistance from the Fund. The application shall include the following information:

1) *Probation Clients:*

i) Descriptive information about the child including name, DOB, type of supervision, length of supervision.

ii) A statement as to the child's overall adjustment while under supervision, addressing behavior at home, school, and in the community.

iii) A statement as to the balance of restitution owed by the child.

2) *JPO Fine Program Participants:*

i) Descriptive information about the child including name, DOB.

ii) Fine program agreement.

iii) A statement as to the balance of restitution owed by the child.

b) The applicant's Probation Officer shall assist the child with completion of the application and shall forward the same to the Review Committee.

c) The Review Committee shall review the applicant's eligibility and recommend the level of expenditure and the number of community service hours in exchange for the expenditure, if any, to be made on behalf of the applicant.

d) Upon receipt of the completed community service requirement, the Review Committee will authorize the amount to be expended from the Fund and credited to the applicant's/benefactor's restitution account. The Probation Services Department will then disburse payments to all applicant's victims in a proportionate share.

e) Payments disbursed from the fund will be made on a first come, first served basis and will be made in the full amount authorized by the Review Committee.

f) The Probation Services Department shall be prohibited from disbursing payments from the Fund in excess of the Fund case reserves plus \$100.00.

g) Disbursements from the Fund shall require the signatures of a probation services administrator and a member of the administrative review team.

Fund Balance

The Fund shall maintain a minimum balance of \$100.00 at all times.

Annual Report

The Luzerne County Department of Probation Services shall provide an annual report to the President Judge at

the conclusion of each calendar year detailing the aggregate and individual data regarding payments to and disbursements from the Restitution Fund.

Audit Requirement

The fund shall be subject to an audit by the designee of the Luzerne County Treasurer's office on an annual basis.

[Pa.B. Doc. No. 18-634. Filed for public inspection April 27, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Randy McRae (# 54996), having been disbarred from the practice of law in the United States District Court for the District of Maryland, the Supreme Court of Pennsylvania issued an Order on April 13, 2018, disbaring Randy McRae from the Bar of this Commonwealth, effective May 13, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-635. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Pennsylvania Board of Probation and Parole

The Executive Board approved a reorganization of the Pennsylvania Board of Probation and Parole effective April 11, 2018.

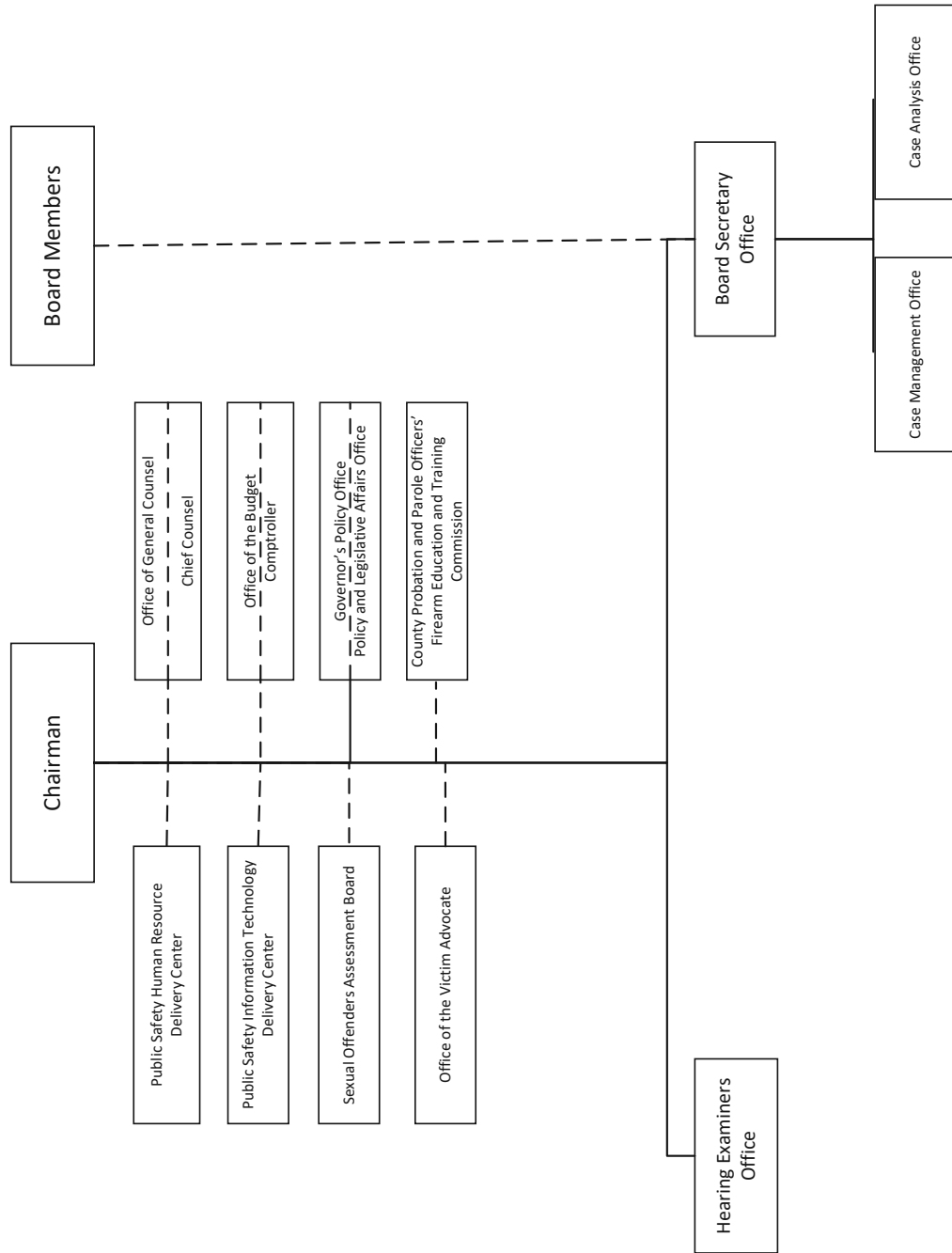
The organization chart at 48 Pa.B. 2389 (April 28, 2018) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 18-636. Filed for public inspection April 27, 2018, 9:00 a.m.]

Pennsylvania Board of Probation and Parole

OR-18-005
April 11, 2018



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 April 17, 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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-12-2018	Somerset Trust Company Somerset Somerset County	915 Mills Drive North Huntingdon Westmoreland County	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-11-2018	FNCB Bank Dunmore Lackawanna County	<i>To:</i> 196 North Main Street Shavertown Luzerne County <i>From:</i> 1919 Memorial Highway Shavertown Luzerne County	Filed

CREDIT UNIONS

No activity.

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. 18-637. Filed for public inspection April 27, 2018, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Execution of Third Amendment to Oil and Gas Lease for Publicly-Owned Streambeds

Effective September 22, 2017, a Third Amendment to Oil and Gas Lease for Publicly-Owned Streambeds, Contract No. M-2102030-04, was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (Department) (lessor) and EQT Production Company (lessee), with its principal place of business located at 625 Liberty Avenue, Pittsburgh, PA 15222.

The lease is for Streambed Tract 2030 on Tenmile Creek encompassing a total of 218.55 acres of submerged lands located in Morgan, Jefferson, Amwell, East Bethlehem, Clarksville, Center and Marianna Borough Townships, Greene and Washington Counties. The lease was

recorded at the Greene County courthouse on December 4, 2017, document No. 201700008790, Book 509, Page 1006-1026; and the Washington County courthouse on December 4, 2017, instrument No. 201731683. The lease allows for the development of oil and natural gas below and between the ordinary low water marks of the Tenmile Creek solely by means of directional, including horizontal, drilling on a nondevelopment basis that will not disturb the river or its bed. Contract No. M-2102030-04 may be viewed online at http://contracts.patresury.gov/Admin/Upload/432780_Third%20Amendment%20Tract%202030%20M-2102030-04%20-%20EQT%20Tenmile%20Creek.pdf.

Questions regarding this lease should be directed to the Department's Bureau of Forestry, Minerals Division, (717) 787-2703.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 18-638. Filed for public inspection April 27, 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.

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>
PA0051811 (Industrial)	LCA WLSA Central Water System Green Hills PO Box 3348 Allentown, PA 18106-0348	Lehigh County South Whitehall Township	Unnamed Tributary to Jordan Creek (2-C)	Yes

<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>
PA0012203 (Industrial)	Allen Organ Company, LLC 150 Locust Street Macungie, PA 18062-1165	Lehigh County Macungie Borough	Swabia Creek (2-C)	Yes
PA0014681 (Industrial)	Nestle Purina Petcare Plant 2050 Pope Road Allentown, PA 18104-9308	Lehigh County South Whitehall Township	Jordan Creek and Unnamed Tributary to Jordan Creek (2-C)	Yes

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>
PA0114057 (Sewage)	White Deer Run WWTP P.O. Box 97 Allenwood, PA 17810-0097	Union County Gregg Township	White Deer Hole Creek (10-C)	Yes
PA0112488 (Sewage)	Bear Gap STP 206 S. Market Street Suite 1 Elysburg, PA 17824-9782	Northumberland County Ralpho Township	Millers Run (6-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0219312 (Industrial)	Brinkerton Treatment Facility 106 Ferrell Avenue Suite 5 Kingsport, TN 37633	Westmoreland County Mount Pleasant Township	Sewickley Creek (19-D)	No

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970.

PA0026603, Sewage, SIC Code 4952, **Ambler Borough Montgomery County**, 131 Rosemary Avenue, Ambler, PA 19002-4476. Facility Name: Ambler WWTP. This existing facility is located in Ambler Borough, **Montgomery 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), Wissahickon Creek, is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.5 MGD are as follows:

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</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
Dissolved Oxygen	XXX	XXX	Inst Min 7.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.1	XXX	0.3
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	1,084	1,626	XXX	20	30	40
May 1 - Oct 31	542	813	XXX	10	Wkly Avg 15	20
Biochemical Oxygen Demand (BOD ₅)					Wkly Avg	
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	1,626	2,439	XXX	30	45	60
Raw Sewage Influent	XXX	XXX	XXX	Report	Wkly Avg XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Nitrogen, Total				Report	Report	
Ammonia-Nitrogen						
Nov 1 - Apr 30	244	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	81	XXX	XXX	1.5	XXX	3
Orthophosphate						
Nov 1 - Mar 31	216.8	XXX	XXX	4.0	XXX	8
Apr 1 - Oct 31	54.2	XXX	XXX	1.0	XXX	2
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Hardness, Total (as CaCO ₃)	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	XXX	2,500
Sulfate				Avg Qtrly Report	Report	
Chloride				Report	Report	
Bromide				Report	Report	
1,4 Dioxane				Report	Report	
Toxicity, Chronic—Ceriodaphnia				Average Qtrly.		
Survival (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Reproduction (TUc)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
Toxicity, Chronic—Pimephales				Daily Max		
Survival (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Growth (TUc)	XXX	XXX	XXX	Daily Max Report	XXX	XXX
				Daily Max		

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (storm water).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

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

Special Conditions:

I. Other Requirements:

- a. No Storm Water to Sanitary Sewers
- b. Acquire necessary Property Rights
- c. Proper Sludge Disposal
- d. Optimize use of Chlorine
- e. Notification of Responsible Operator
- f. Operation and Maintenance Plan
- g. High Flow Management Plan
- h. Seasonal Fecal Limit DRBC requirements
- i. Site specific WER Study for Copper at next renewal

- II. Pretreatment Requirements
- III. Solids Management
- IV. Whole Effluent Toxicity Test
- V. Requirements Applicable to Storm Water Outfalls

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

The EPA Waiver is not in effect.

PA0054917, Sewage, SIC Code 4952, **Uwchlan Township Municipal Authority Chester County**, 715 N Ship Road, Exton, PA 19341-1940. Facility Name: Uwchlan Township Eagleview STP. This existing facility is located in Uwchlan Township, **Chester 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), Shamona Creek, is located in State Water Plan watershed 3-H and is classified for Mi and High Quality Waters—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 0.475 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	46.8	70.0	XXX	12.0	18.0	24
May 1 - Oct 31	23.4	35.0	XXX	6.0	9.0	12
Total Suspended Solids	79.2	118.8	XXX	20.0	30.0	40
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity ($\mu\text{w}/\text{cm}^2$)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	198.0	XXX	XXX	50.0	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	9.3	XXX	XXX	2.4	XXX	4.8
May 1 - Oct 31	3.1	XXX	XXX	0.8	XXX	1.6
Total Phosphorus						
Nov 1 - Mar 31	6.2	XXX	XXX	1.6	XXX	3.2
Apr 1 - Oct 31	3.1	XXX	XXX	0.8	XXX	1.6

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Sludge Disposal Requirement
- D. Small Stream
- E. Notification of Designation of Operator
- F. Seasonal Fecal Coliform Effluent Limitations
- G. Remedial Measures if Unsatisfactory Effluent
- H. I_{max} Requirements
- I. UV Disinfection Reopener if Alternate Installed
- J. Change of Ownership
- K. Certified Operator
- L. Fecal Coliform I_{max} Reporting

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

The EPA Waiver is in effect.

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

PA0247618, Sewage, SIC Code 4952, **East Salem Sewer Authority**, 7530 Route 235, Thompsontown, PA 17094-8739. Facility Name: East Salem WWTP. This existing facility is located in Delaware Township, **Juniata 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), Delaware Creek, is located in State Water Plan watershed 12-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	4.0	6.5	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	5.0	7.5	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	Report	Report	XXX	Report	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30	2.0	XXX	XXX	11.0	XXX	23

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

Effluent Limitations

Parameter	Mass Units (lbs)		Monthly Average	Concentrations (mg/L)	
	Monthly	Annual		Maximum	Instant. Maximum
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:

- Chesapeake Bay nutrients monitoring, notification of designation of responsible operator, solids management for non-lagoon system, and 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.

PA0082759, Sewage, SIC Code 4952, **Hopewell Township Huntingdon County**, 1115 Dorman Road, James Creek, PA 16657-9512. Facility Name: Shy Beaver Lakeview Estates. This existing facility is located in Hopewell Township, **Huntingdon County**.

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

The receiving stream(s), Unnamed Tributary to Shy Beaver Creek, is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0063 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	0.5	0.7	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	0.5	0.7	XXX	10.0	15.0	20
Fecal Coliform (No./100 ml)	Report	Report	XXX	Report	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	0.11	XXX	XXX	2.0	XXX	4

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

Effluent Limitations

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

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

- Chesapeake Bay nutrients monitoring, notification of designation of responsible operator, solids management for non-lagoon system, hauled-in waste restriction, and Chlorine minimization.

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.

PA0266141, Storm Water, SIC Code 5015, **Walters Auto Wrecking**, 403 Walters Lane, Hollidaysburg, PA 16648-9537. Facility Name: Walters Auto Wrecking Facility. This facility is located in Blair Township, **Blair County**.

Description of Activity: The application is for a new NPDES permit for an existing discharge of Stormwater Associated with Industrial Activity (and will replace existing coverage under the PAG-03 General Permit, NPDES Permit No. PAR603583).

The receiving stream(s), Halter Creek, is located in State Water Plan watershed 11-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
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
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Part C. I. Stormwater outfalls and authorized non-stormwater discharges (standard)
- Part C. II. Best Management Practices (BMPs)

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

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

The EPA Waiver is in effect.

Application No. PA0266728, Concentrated Animal Feeding Operation (CAFO), **Springbrook Farm LLC (Springbrook Farm)**, 13233 Greenwood Road, Huntingdon, PA 16652.

Springbrook Farm LLC has submitted an application for an Individual NPDES permit for a new CAFO known as Springbrook Farm, located in Jackson Township, **Huntingdon County**.

The CAFO is situated near Unnamed Tributary to Standing Stone Creek in Watershed 11-B, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO will be designed to maintain an animal population of approximately 682.9 animal equivalent units (AEUs) consisting of 4,800 Swine (Grow—Finish). Manure will be stored in an underbarn manure storage facility. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

NPDES Permit No. PAG124833, CAFO, **Hillcrest Swine Farm**, 121 Paradise Lane, Lewisburg, PA 17837-7848.

This existing facility is located in Buffalo Township, **Union County**.

Description of size and scope of existing operation/activity: Swine (Wean—Finish, Nursery), Sheep, Horse, Ponies, Poultry (Layers), Beef (Finishing): 873.4 AEUs.

The receiving stream, Unnamed Tributary to Beaver Run, is in watershed 10-C and classified for: Cold Water Fishes and Migratory Fishes.

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

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

PA0254533, Storm Water, SIC Code 4151, **Petermann Northeast, LLC**, 2601 Navistar Drive, Lisle, IL 60532-3661. Facility Name: Petermann Northeast West Greene Facility. This proposed facility is located in Center Township, **Greene County**.

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

The receiving stream(s), South Fork Tenmile Creek, is located in State Water Plan watershed 19-B and is classified for High Quality Waters—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 not based on a design flow.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

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

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

The EPA Waiver is in effect.

PA0232980, Sewage, SIC Code 4952, **Harvey N. Bailey**, 6601 Chestnut Grove Highway, Luthersburg, PA 15848. Facility Name: Harvey N. Bailey SRSTP. This proposed facility is located in Bloom Township, **Clearfield 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), Little Anderson Creek, is located in State Water Plan watershed 8-B 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 0.0006 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

PA0234079, Sewage, SIC Code 4952, **Tiadaghton Valley Municipal Authority**, PO Box 5039, Jersey Shore, PA 17740-5039. Facility Name: Tiadaghton Valley Municipal Authority WWTP. This existing facility is located in Nippenose Township, **Lycoming 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 Susquehanna River, is located in State Water Plan watershed 10-A and is classified for WWF-MF, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed quarterly effluent limits for Outfall 001 are based on a design flow of 1.05 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Aluminum, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Zinc, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.05 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Daily Minimum</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	9.0 Daily Max	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	218	350	XXX	25	40	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	262	394	XXX	30	45	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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)						
Effluent Net Annual Load	19,178	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)						
Effluent Net Annual Load	2,557 Annual Load	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

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

PA0026026, Sewage, **New Brighton Borough Sanitary Authority Beaver County**, 610 3rd Avenue, New Brighton, PA 15066-1851. Facility Name: New Brighton Borough Sanitary Authority WWTP. This existing facility is located in New Brighton Borough, **Beaver 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), Beaver River, is located in State Water Plan watershed 20-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	417	626	XXX	25.0	37.5	50

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	501	751	XXX	30.0	45.0	60
	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
				Avg Qrtly		

Sludge use and disposal description and location(s): Sludge is anaerobically digested and dewatered and then hauled for landfill disposal.

The EPA Waiver is not in effect.

PA0028711, Sewage, SIC Code 4952, **Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317-3415. Facility Name: Brush Run STP. This existing facility is located in Peters Township, **Washington 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), Brush Creek, is located in State Water Plan watershed 20-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Phosphorus	Report	XXX	XXX	Report	XXX	Report
Dichlorobromomethane	Report	XXX	XXX	Report	Report	XXX
Chloroform	Report	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Phosphorus	33.2	XXX	XXX	2.0	XXX	4.0
Dichlorobromomethane	0.016	XXX	XXX	0.001	0.002	XXX
Chloroform	0.183	XXX	XXX	0.011	0.017	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.05	XXX	0.16
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	417.0	625.5	XXX	25.0	37.5	50
May 1 - Oct 31	333.6	500.4	XXX	20.0	30.0	40
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	500.4	750.6	XXX	30.0	45.0	60

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Geo Mean	XXX	Report
Ammonia-Nitrogen				Report		
Nov 1 - Apr 30	75.1	XXX	XXX	4.5	XXX	9.0
May 1 - Oct 31	33.4	XXX	XXX	2.0	XXX	4.0
Bromide	Report	XXX	XXX	Report	Report	XXX
					Daily Max	

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.

PA0255408, Sewage, SIC Code, **Mr. Sean W Hile**, 419 Patsy Drive, Gibsonia, PA 15044-8939. Facility Name: Hile SRSTP. This proposed facility is located in Pine Township, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary of Montour Run, is located in State Water Plan watershed 18-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.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	Report

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

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

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

The EPA Waiver is in effect.

PA0253812, Sewage, SIC Code 9999, **Glendale Valley Municipal Authority**, 1800 Beaver Valley Road, Flinton, PA 16640-9000. Facility Name: Glendale Valley STP. This existing facility is located in White Township, **Cambria County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.45 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</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	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	93.9	140.8	XXX	25	37.5	50

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<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
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	112.7	169.0	XXX	30	45	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	XXX
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.45 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Aluminum, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Manganese, Total	XXX	XXX	XXX	XXX	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.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	7,808	XXX	XXX	XXX	XXX
Effluent Net	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Effluent Net	XXX	1,041	XXX	XXX	XXX	XXX
		Total Annual				

• This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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.

PA0002062, Industrial, SIC Code 4911, **GenOn Northeast Management Co.**, 313 Keystone Lane, Shelocta, PA 15774-2305. Facility Name: Keystone Generating Station. This existing facility is located in Plumcreek Township, **Armstrong County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for existing discharges of treated industrial wastes, treated sewage, groundwater, and treated and untreated storm water.

The receiving stream(s), unnamed tributary to Plum Creek, unnamed tributary to Crooked Creek, Plum Creek, Crooked Creek, and the Allegheny River, are located in State Water Plan watershed 17-E and is classified for Warm Water Fishes, Cold Water Fishes, and Trout Stocking, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.32 MGD. These limits also apply to Internal Monitoring Points 101 and 201.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	110	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	25.0	50.0	XXX
Total Suspended Solids	XXX	XXX	XXX	10.0	20.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Beryllium, Total	XXX	XXX	XXX	0.8	1.6	XXX
Boron, Total	XXX	XXX	XXX	Report	Report	XXX
Cadmium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium III, Total	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	0.1	0.2	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	0.1	0.2	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Mercury, Total	XXX	XXX	XXX	0.004	0.008	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	3.4	6.8	XXX
Selenium, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Silver, Total	XXX	XXX	XXX	0.1	0.2	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.05 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed effluent limits for Internal Monitoring Point 103 are based on a design flow of 0.059 MGD.

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

The proposed effluent limits for Internal Monitoring Point 203 are for emergency overflows.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</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	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Chromium, Total	XXX	XXX	XXX	0.2	0.2	XXX
Zinc, Total	XXX	XXX	XXX	1.0	1.0	XXX

The proposed effluent limits for Internal Monitoring Point 303 are based on a design flow of 0.013 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.4	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	2.4	XXX	4.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Chlorodibromomethane	XXX	XXX	XXX	Report	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	Report	Report	XXX
Chloroform	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Internal Monitoring Point 403 are based on a design flow of 1.2 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</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	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	77.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Chromium, Total	XXX	XXX	XXX	0.2	0.2	XXX
Zinc, Total	XXX	XXX	XXX	1.0	1.0	XXX

The proposed effluent limits for Internal Monitoring Point 503 are based on a design flow of 5.0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</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	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Chromium, Total	XXX	XXX	XXX	0.2	0.2	XXX
Zinc, Total	XXX	XXX	XXX	1.0	1.0	XXX

The proposed effluent limits for Internal Monitoring Point 603 are based on a design flow of 0.057 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</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	9.0	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX

The proposed effluent limits for Internal Monitoring Point 703 are based on a design flow of 0.035 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Iron, Total	XXX	XXX	XXX	3.0	6.0	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Internal Monitoring Point 803 are based on a design flow of 0.2 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed effluent limits for Internal Monitoring Point 903 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	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
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 7.96 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Daily</i>	<i>Daily</i>	<i>Average</i>	<i>Daily</i>	
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Total Mo Report Total Annual	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.18	XXX	0.33
Heat Rejection Rate (MBTUs/day)						
Jan 1 - Jun 30	XXX	1,400	XXX	XXX	XXX	XXX
Jul 1 - Dec 31	XXX	700	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Total Mo Report Total Annual	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Antimony, Total (µg/L)						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	12.4	19.4	31
Mercury, Total (µg/L)	XXX	XXX	XXX	0.098	0.2	XXX
Selenium, Total (µg/L)						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	11.1	17.3	27.8
Thallium, Total (µg/L)						
(Interim)	XXX	XXX	XXX	3.0	6.0	XXX
(Final)	XXX	XXX	XXX	0.532	0.831	1.33

The proposed effluent limits for Outfall 004 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
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
Sulfate, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 106 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Mo				
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Mo				
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Internal Monitoring Point 206 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Mo				
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Mo				
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 006 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 107 are based on a design flow of 0.025 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Total Qrtly Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	35.0	XXX	70.0
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Total Qrtly Report	XXX	XXX	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	3.5	XXX	7.0
Manganese, Total	XXX	XXX	XXX	2.0	XXX	4.0
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0.030 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Quarterly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Quarterly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
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

The proposed effluent limits for Outfall 008 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, 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 009 are for variable storm water discharges.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	
Chromium, 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 010 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	100.0
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	3.5	XXX	7.0
Manganese, Total	XXX	XXX	XXX	2.0	XXX	4.0
Nickel, Total	XXX	XXX	XXX	Report	XXX	Report
Zinc, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 011 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	100.0
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	3.5	XXX	7.0
Manganese, Total	XXX	XXX	XXX	2.0	XXX	4.0
Nickel, Total	XXX	XXX	XXX	Report	XXX	Report
Zinc, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 012 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	100.0
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	Report
Iron, Total	XXX	XXX	XXX	3.5	XXX	7.0
Manganese, Total	XXX	XXX	XXX	2.0	XXX	4.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Nickel, Total	XXX	XXX	XXX	Report	XXX	Report
Zinc, Total	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 013 are based on a design flow of 0.0033 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
		Total Annual				
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Barium, 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

The proposed effluent limits for Outfall 014 are based on a design flow of 0.1263 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
		Total Annual				
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Barium, Total	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.011	0.017	0.028
Iron, Total (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.53	2.39	3.83
Manganese, Total (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.02	1.59	2.55
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 015 are for variable storm water discharges.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 021 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 022 are for variable storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Total Suspended Solids (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Suspended Solids (Total Load, lbs)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 111 are for site-wide discharges and reporting.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Total Monthly</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (Total Load, lbs)						
Special Effluent Gross	XXX	6,809,591	XXX	XXX	XXX	XXX
		Total Annual				
Total Precipitation (In)						
Special Effluent Gross	XXX	Report	XXX	XXX	XXX	XXX
Total Precipitation (In)						
Special Effluent Gross	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

The permittee is authorized to discharge non-polluting storm water alone or in combination with other wastewaters through the following outfalls: Outfalls 005, 006, 007, 016, 017, 020, 023, 024, 025, 026, 027, and 028.

In addition, the permit contains the following major special conditions: a Toxics Reduction Evaluation for new water quality limits at Outfalls 003 and 014; compliance reporting requirements for water quality limits below quantitation limits; requirements for chemical additives; heat rejection rate calculation requirements; requirements applicable to storm water; requirements for TMDL implementation; and requirements pertaining to the facility's Cooling Water Intake Structure pursuant to Section 316(b) of the Clean Water Act including interim Best Technology Available.

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.

PA0098612, Industrial, SIC Code 4911, **Ebensburg Power Co.**, 2840 New Germany Road, Ebensburg, PA 15931-3505. Facility Name: Ebensburg Cogen Plant. This existing facility is located in Cambria Township, **Cambria County**.

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

The receiving stream(s), South Branch Blacklick Creek and Unnamed Tributary of Howells Run, is located in State Water Plan watershed 18-E and 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.197 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Chromium, Total	XXX	XXX	XXX	0.2	0.2	XXX
Zinc, Total	XXX	XXX	XXX	1.0	1.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
4,6-dinitro-o-cresol (µg/L)	XXX	XXX	XXX	Report	Report	XXX
1,4-Dioxane (µg/L)	XXX	XXX	XXX	Report	Report	XXX
3,4-Benzofluoranthene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Bis(2-Ethylhexyl)Phthalate (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	92.8	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	110	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	110	XXX
May 1 - 15	XXX	XXX	XXX	XXX	84.1	XXX
May 16 - 31	XXX	XXX	XXX	XXX	110	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	81.1	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	98.3	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	85.4	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	74.0	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	90.0	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	76.6	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	85.1	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	81.4	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	84.3	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	73.4	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	78.5	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	94.8	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 197 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.011	XXX	0.026
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Chromium, Total	XXX	XXX	XXX	0.2	0.2	XXX
Zinc, Total	XXX	XXX	XXX	1.0	1.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Dissolved	XXX	XXX	XXX	1.8	2.9	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
4,6-dinitro-o-cresol (µg/L)	XXX	XXX	XXX	Report	Report	XXX
1,4-Dioxane (µg/L)	XXX	XXX	XXX	Report	Report	XXX
3,4-Benzofluoranthene (µg/L)	XXX	XXX	XXX	0.154	0.24	XXX
Bis(2-Ethylhexyl)Phthalate (µg/L)	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	92.8	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	110	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	110	XXX
May 1 - 15	XXX	XXX	XXX	XXX	84.1	XXX
May 16 - 31	XXX	XXX	XXX	XXX	110	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	81.1	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	98.3	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	85.4	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	74.0	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	90.0	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	76.6	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	85.1	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	81.4	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	84.3	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	73.4	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	78.5	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	94.8	XXX

The proposed effluent limits for Outfall 002, design flow varies.—Limits.

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

The proposed effluent limits for Outfall 101 are based on a design flow of 0.077 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	50.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX

NOTE: Several pollutants were recommended for monitoring or effluent limits due to the fact that the Department's minimum quantitation limits were not achieved for some permit application samples. The Department has extended an offer to Ebensburg Power Company the opportunity to resample these parameters during the 30-day Draft permit comment period. If EPC is able to verify that these pollutants are not present in its wastewater discharges at the Department's quantitation limits, monitoring requirements or effluent limitations may be eliminated prior to Final permit issuance.

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

- Water quality based effluent compliance schedule.
- Requirements applicable to cooling water intake structures.

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

The EPA Waiver is in effect.

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

PA0265764, Sewage, SIC Code 8800, **Randy Boyles**, 567 Smalls Ferry Road, New Castle, PA 16102. Facility Name: Randy Boyles SRSTP. This proposed facility is located in North Beaver Township, **Lawrence County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a single-family residence.

The receiving stream, an Unnamed Tributary to Hickory Run, is located in State Water Plan watershed 20-B and is classified for trout stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

- Prohibition of Stormwater Discharges
- Right of Way
- Requirement to submit an Annual Maintenance Report
- Solids Handling
- Treatment tank pumping requirement
- Abandonment of the treatment facility for public sewers
- Chlorine minimization

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

The EPA Waiver is in effect.

PA0265721, Sewage, SIC Code 5399, **Union City DPP, LLC**, 9010 Overlook Boulevard, Brentwood, TN 37027. Facility Name: Dollar General Store Union City. This proposed facility is located in Bloomfield Township, **Crawford County**.

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

The receiving stream(s), Bloomfield Run, is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min XXX	XXX	9.0 Daily Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

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 WQG02151804, Sewage, **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348.

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

Description of Action/Activity: Construction and operation of a sewage pump station to serve a 150 unit residential townhome subdivision.

WQM Permit No. WQG02231805, Sewage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319.

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

Description of Action/Activity: A low pressure system to serve existing residential neighborhood.

WQM Permit No. 1518403, Sewage, **Borough of Kennett Square**, 120 Marshall Street, Kennett Square, PA 19348. This proposed facility is located in Kennett Square Borough, **Chester County**.

Description of Action/Activity: Borough of Kennett Square Wastewater Treatment Plant BNR Upgrade.

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

WQM Permit No. 0605409, A2, Sewerage, **Kutztown Borough Authority**, 45 Railroad Street, Kutztown, PA 19530-1112.

This proposed facility is located in Kutztown Borough, **Berks County**.

Description of Proposed Action/Activity: Seeking amendment to current permit.

WQM Permit No. 0118401, Sewerage, **Littlestown Borough Authority**, 10 South Queen Street, Littlestown, PA 17340.

This proposed facility is located in Littlestown Borough, **Adams County**.

Description of Proposed Action / Activity: Seeking permit approval for the South Queen Street Pump Station and Piney Creek Interceptor Improvements Project.

WQM Permit No. 5012201 A-1, CAFO, **M.W. Smith Farms**, 562 Bucks Church Rd., Newport, PA 17074.

This proposed facility is located in Buffalo Township, **Perry County**.

Description of Proposed Action/Activity: Application for a DEP Water Quality Management Permit.

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

WQM Permit No. WQG01631801, Sewage, **Zachary & Courtney Acampora**, 220 McClay Road, Washington, PA 15301.

This proposed facility is located in Canton Township, **Washington County**.

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

WQM Permit No. WQG02111801, Sewage, **Middle Taylor Township Sewer Authority**, 504 Waterfall Drive, Johnstown, PA 15906.

This proposed facility is located in Middle Taylor & West Taylor Townships, **Cambria County**.

Description of Proposed Action/Activity: The Authority proposes to construct sewer extension to serve the existing residences and businesses along Benschoff Hill Road and its side streets.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source.

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

WQM Permit No. 2518408, Sewage, **Raymond Cowan**, 5200 Henderson Road Apt 402, Erie, PA 16509-4051.

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

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

WQM Permit No. 1617405 A-1, Sewage, **Martin Sanders**, 1036 Chestnut Ridge Road, Emlenton, PA 16373.

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

Description of Proposed Action/Activity: Amendment to replace aerobic unit with Premier Tech Coco filter for a Single Residence Sewage Treatment Plant.

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

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>
PAD390076	John Spurlock, MD 433 East Broad St Bethlehem, PA 18018	Lehigh	Lower Milford Twp	Saucon Creek (HQ-CWF, MF)

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

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD030002	Worthington-West Franklin Joint Municipal Authority 102 West Main Street Worthington, PA 16262	Armstrong County	West Franklin Township	Buffalo Creek (HQ-TSF)

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD110004	Borough of Westmont 1000 Luzerne Street Johnstown, PA 15905	Cambria County	Westmont Borough	Mill Creek (HQ-CWF); Cheney Run (WWF); Saint Clair Run (CWF); Elk Run (CWF); Stony Creek (WWF); Conemaugh River (WWF)

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

PAG-12 CAFOs

CAFO Notices of Intent Received.

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

NPDES Permit No. PAG123651, CAFO, Lawrence Z Nolt, 94 Creek Road, East Berlin, PA 17316-9119.

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

Description of size and scope of existing operation/activity: Poultry (Pullets): 161.84 AEU's.

The receiving stream, Bermudian Creek, is in watershed 7-F and classified for: Migratory Fishes and Warm Water Fishes.

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

NPDES Permit No. PAG124833, CAFO, Hillcrest Swine Farm, 121 Paradise Lane, Lewisburg, PA 17837-7848.

This existing facility is located in Buffalo Township, **Union County**.

Description of size and scope of existing operation/activity: Swine (Wean—Finish, Nursery), Sheep, Horse, Ponies, Poultry (Layers), Beef (Finishing): 873.4 AEU's.

The receiving stream, Unnamed Tributary to Beaver Run, is in watershed 10-C and classified for: Cold Water Fishes and Migratory Fishes.

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

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act.

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

Permit No. 0118501 MA, Minor Amendment, Public Water Supply.

Applicant

**East Berlin Area Joint
Authority**

Municipality

East Berlin Borough

County **Adams**
 Responsible Official Gerald Mummert, Chairman
 PO Box 37
 East Berlin, PA 17316

Type of Facility Public Water Supply

Consulting Engineer Diana M. Young, P.E.
 Buchart-Horn, Inc.
 445 West Philadelphia Street
 York, PA 17401

Application Received: 4/2/2018

Description of Action Rehabilitation of the Rte 194
 finished wtare storage tank.

Permit No. 0617521, Public Water Supply.

Applicant **Duke Realty Limited
 Patnership**

Municipality Bethel Township

County **Berks**

Responsible Official David A. Jennings, Senior
 Project Manager
 Eight Tower Bridge
 161 Washington Street
 Suite 1020
 Conshohocken, PA 19428

Type of Facility Public Water Supply

Consulting Engineer John P. Spitko, P.E.
 Spotts Stevens and McCoy Inc
 1047 North Park Road
 Reading, PA 19610-0307

Application Received: 12/14/2017

Description of Action Duke Realty Limited
 Partnership has submitted a
 public water supply permit
 application for the approval to
 construct a new non-transient
 non-community water system
 which will serve Central
 Logistics Park. The new water
 system will include one well, a
 treatment building, greensand
 filtration, chlorine gas
 disinfection, 4-log treatment of
 viruses, and a 32,400-gallon
 finished water standpipe. The
 Department is aware that
 Reading Area Water Authority
 plans to accept ownership of the
 system once construction is
 completed.

WATER ALLOCATIONS

**Applications received under the Act of June 24,
 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relat-
 ing to the Acquisition of Rights to Divert Waters
 of the Commonwealth.**

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

WA13-73C, Water Allocation, **Lehighon Water Au-
 thority**, P.O. Box 29, Lehighon, PA 18235, **Carbon
 County**. The applicant is requesting the right to with-
 draw up to 1.6 million gallons per day (MGD) from the
 Pine Run/Long Run Raw Water Supply System located in
 Penn Forest and Franklin Townships, Carbon County,

and up to 1.6 MGD from the Lehigh River located in
 Mahoning Township, Carbon County, with total combined
 withdrawals not to exceed 1.6 MGD.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-
 mental Remediation Standards Act (act) (35 P.S.
 §§ 6026.302—6026.305) require the Department to pub-
 lish 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 remedia-
 tion measures for the site and a description of the
 intended future use of the site. A person who demon-
 strates 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 con-
 tamination identified in reports submitted to and ap-
 proved 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 pub-
 lished 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 remedia-
 tion 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 appro-
 priate regional office. TDD users may telephone the
 Department through the Pennsylvania AT&T Relay Ser-
 vice 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.

Oakhurst Manor, 152 Oakhurst Lane, Thompsonstown, PA 17094, Thompsonstown Borough and Delaware Township, **Juniata County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Harry Fox, Jr., 45 Junction Road, Dillsburg, PA 17019, submitted a Notice of Intent to Remediate site soil contaminated with heating oil from an above ground storage tank. The site will be remediated to the Site Specific Standard. Future use of the site is for residential purposes. The Notice of Intent to Remediate was published in *The Sentinel* on March 13, 2018.

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

General Partitions, 1702 Peninsula Drive, Millcreek Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of General Partitions Manufacturing Corporation, 1702 Peninsula Drive, Erie, PA 16505, submitted a Notice of Intent to Remediate. Site soils and site groundwater have been identified to be contaminated with Volatile Organic Compounds and Semi-Volatile Organic Compounds due to historical chemical use at the site. A combination of Site-Specific and Statewide Health Standards have been selected for remediation of the site. The intended future use of the property will be industrial. The Notice of Intent to Remediate was published in *The Erie-Times News* on March 28, 2018.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. 101691. Triumvirate Environmental of Pittsburgh, Inc., 200 Inner Belt Road, Somerville, MA 021432. Application for renewal of a regulated medical waste processing facility permit for the Jeannette ICW Processing Facility in Penn Township, **Westmoreland County**. The application was received by the Department on April 9, 2018 and was deemed administratively complete by the Regional Office on April 12, 2018.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

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

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

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

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

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

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

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

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

23-0016E: PQ Corporation (1201 West Front Street, Chester, PA 19013; Attn: Mr. Edward Hines) is a Title V facility. PQ Corporation has submitted a Plan Approval to request a change to the averaging period for the carbon monoxide (CO) pound per hour (lb/hr) emission limit applicable to the # 4 Sodium Silicate Furnace (Source ID 102). The Sodium Silicate Furnace is operated at PQ Corporation's facility located in the City of Chester, **Delaware County**. The Plan Approval will allow for PQ Corporation to comply with the hourly CO limit for the # 4 Sodium Silicate Furnace based on a 24-hr averaging period, rolling by one hour, in lieu of the 4-hr averaging period (rolling by one hour) previously applied to the hourly CO limit. Potential hourly emissions of CO will remain below 20.0 pounds per hour and annual emissions of CO will remain below 87.6 tons per year. This Plan Approval does not allow for the modification of any air pollution sources, nor does it allow for an increase in emissions from any air pollution sources.

The Plan Approval will contain requirements to keep the facility operating within all applicable air quality requirements and restrictions.

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.

21-03007A: Purina Animal Nutrition, LLC (475 St. Johns Church Road, Camp Hill, PA 17011) for the construction of a new pellet cooler, high efficiency cyclone and fan system to replace the existing # 2 pellet cooler, cyclone, and fan system at the feed mill located in Hampden Township, **Cumberland County**. The company is replacing existing equipment with new equipment and no changes in the manufacturing throughput or air emissions are expected. The facility is a State Only 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 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing. 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.

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

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

59-00035A: Empire Pipeline, Inc. (6363 Main Street, Williamsville, NY 14221) has submitted an application (59-00035A) to the Pennsylvania Department of Environ-

mental Protection for plan approval to construct and operate two (2) 10,727 brake-horsepower (bhp) natural gas-fired turbine/compressor engines (Sources P101 and P102) and a 1,114 bhp natural gas-fired emergency generator (Source P103) at their proposed Jackson Compressor Station located in Jackson Township, **Tioga County**. The Department's review of the information submitted by Dominion Transmission, Inc. indicates that the engines will meet all applicable air quality regulatory requirements, including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. The turbine/compressor engines will meet the requirements of Subpart KKKK of the New Source Performance Standards (NSPS) for Stationary Combustion Turbine Engines, 40 CFR 60.4300—60.4420. The emergency generator engine will also meet the requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.6580—63.6675 and Subpart JJJJ of the NSPS for Stationary Spark ignition Internal Combustion Engines, 40 CFR 60.4230—60.4248. Based on these findings, the Department intends to issue plan approval for the construction of the proposed project.

The following is a brief description of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Sources P101 and P102 is an 11,015 bhp Solar Taurus model 70 natural gas-fired turbine engines. Sources P101 and P102 shall incorporate SoLoNO_x technology and be equipped with a Universal oxidation catalyst (Control Device C101 and C102) to control the air contaminant emissions. The permittee shall not operate Source P101 and P102 without the simultaneous operation of Control Device C101 and C102 at any time;

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use pipeline-quality, natural gas as fuel for Sources 031, P101, P102 and P103;

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, The permittee shall not permit the following air contaminant emissions from the exhaust of Control Device C101 associated with Source P101 and Control Device C102 associated with Source P102 in excess of the following limitations while operating in SoLoNO_x mode: nitrogen oxides (NO_x, expressed as NO₂)—9 ppm corrected to 15% oxygen, carbon monoxide (CO)—less than 2 ppm corrected to 15% oxygen, sulfur oxides (SO_x, expressed as SO₂)—0.27 pound per hour, particulate matter (PM/PM₁₀/PM_{2.5})—0.01 grain per dry standard cubic foot of exhaust gas, total combined volatile organic compound emissions—0.07 pound per hour, non-methane, non-ethane hydrocarbons (NMNEHC)—less than 1 ppm corrected to 15% oxygen, formaldehyde—0.04 pound per hour;

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee may not permit the emission of visible air contaminants into the outdoor atmosphere in such a manner that the opacity of the emission is equal to or greater than 10% at any time from the exhaust of Control Device C101 associated with Source P101, Control Device C102 associated with Source P102 and Source P203, respectively.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee

shall equip Control Devices C101 and C102 with instrumentation to monitor pressure drop and the inlet gas temperature of Control Devices C101 and C102. The permittee shall monitor these parameters on a continuous basis;

6. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Sources P101 and P102 shall be equipped with instrumentation to continuously monitor manufacturer's recommended operational parameters which will indicate whether Sources P101 and P102 are operating in SoLoNO_x mode;

7. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall perform inspections of Sources P101 and P102, the associated compressor and associated piping, etc., on a quarterly basis to determine the presence of fugitive volatile organic compound/volatile hazardous air pollutant emissions;

8. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of Source P103 in excess of the following limitations: nitrogen oxides (NO_x, expressed as NO₂)—2.0 grams per brake-horsepower hour per hour and 1.23 ton in any 12 consecutive month period, carbon monoxide (CO)—4.0 grams per brake horsepower hour and 1.14 ton in any 12 consecutive month period, total combined volatile organic compounds (VOC)—1.0 gram per brake horsepower hour and 0.57 ton in any 12 consecutive month period;

9. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source P103 shall not be operated more than 500 hours in any 12 consecutive month period;

10. Pursuant to 40 CFR 60.4243, the permittee shall not operate Source P103 no more than 100 hours per calendar year for maintenance checks and readiness testing. The permittee is authorized to operate Source P103 without any hourly restrictions in emergency situations;

11. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source P103 shall be equipped with a non-resettable hour meter to monitor the number of hours that the engine is operated;

12. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source P103 is a 1,114 brake-horsepower, Caterpillar model G3516, 4-stroke, lean burn (4SLB) natural gas-fired emergency generator set. The plan approval will include all regulatory requirements, including monitoring, recordkeeping, and reporting requirements.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 59-00035A, the requirements established in the plan approval will be incorporated into State Only operating permit 59-00035 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. All documentation used in the evaluation of the application is 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: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

04-00704B: Buckeye Pipe Line Company, L.P. (1406 Midland Avenue, Midland, PA 15059) 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-04-00704B to Buckeye Pipe Line Company L.P. (“Buckeye”) for construction, reactivation, and permitting as new of five aboveground storage tanks (“ASTs”), (crude condensate, gasoline, or distillate oil storage), 1.4 to 4.2 MMgal capacities, controlled by internal floating roofs (“IFR”); one AST, (distillate oil storage), 2.5 MMgal capacity; (crude condensate, gasoline, or distillate oil) liquid loadout, 100 MMgal/yr, rail only, controlled by vacuum assisted vapor combustion unit (“VCU”); miscellaneous components in liquid service; positive pressure propane and butane loadout, 40.3 MMgal/yr, truck or rail; and paved and unpaved roadway vehicle traffic at Midland Station located in Midland and Industry Boroughs, **Beaver County**.

Potential to emit from the facility after installation of the new sources and controls will be:

Table 1: Facility Wide Potential to Emit

<i>Air Contaminant</i>	<i>Emission Rate (tpy)</i>
Nitrogen Oxides (NO _x)	1.49
Carbon Monoxide (CO)	3.72
Total Particulate Matter (PM)	2.07
Particulate Matter Less Than 10 Microns In Diameter (PM ₁₀)	0.56
Particulate Matter Less Than 2.5 Microns In Diameter (PM _{2.5})	0.15
Sulfur Oxides (SO _x)	0.05
Volatile Organic Compounds (VOC)	38.57
Hazardous Air Pollutants (HAP)	5.87
Carbon Dioxide Equivalents (CO _{2e})	996

This authorization is subject to State regulations including 25 Pa. Code Chapters 123, 127, 129, 135 and 139. This authorization is also subject to Federal New Source Performance Standards (“NSPS”) including 40 CFR Part 60 Subpart Kb; and (if operating in gasoline service) Federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) including 40 CFR Part 63 Subpart BBBBBB.

Plan approval conditions include liquid loadout throughput and emission rate limitations, facility 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 Best Available Technology (“BAT”) requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a State Only Operating Permit (“SOOP”) application in accordance with 25 Pa. Code Subchapter F.

Buckeye'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 Re-

gional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the 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 Alan Binder at abinder@pa.gov or 412.442.4168.

A person may oppose the proposed Plan Approval by filing a written protest with the Department through Alan Binder via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to abinder@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-04-00704B) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

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

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

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

62-032M: Ellwood National Forge—Irvine (One Front Street, Irvine, PA 16329), for the proposed production increase for the VOD (Source 1000) from 40,000 tpy to 100,000 tpy in Brokenstraw Township, **Warren County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 62-032M is for the proposed modification of Source 1000—Vacuum Oxygen Decarburization (VOD). The modification includes an increase in the production rate from 40,000 to 100,000 tpy and a reallocation of CO emissions for Source 101A (45T Electric Arc Furnace) based on whether the steel being produced is stainless or not. There are no proposed equipment changes related to this modification. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 1000:
- The NO_x emissions shall not exceed 0.75 tpy (calculated as a 12-month rolling total). [This condition supersedes the following condition from Plan Approval 62-032I and eRFD # 6727: The NO_x emissions shall not exceed 0.41 tpy (calculated as a 12-month rolling total).]
- The CO emissions shall not exceed 28.0 tpy (calculated as a 12-month rolling total). [This condition supersedes the following condition from Plan Approval 62-032I and eRFD # 6727: The CO emissions shall not exceed 15.2 tpy (calculated as a 12-month rolling total).]
- The SO_x emissions shall not exceed 0.0045 tpy (calculated as a 12-month rolling total). [This condition supersedes the following condition from Plan Approval 62-032I

and eRFD # 6727: The SO_x emissions shall not exceed 0.0024 tpy (calculated as a 12-month rolling total).]

- The VOC emissions shall not exceed 0.045 tpy (calculated as a 12-month rolling total). [This condition supersedes the following condition from Plan Approval 62-032I and eRFD # 6727: The VOC emissions shall not exceed 0.023 tpy (calculated as a 12-month rolling total).]
- The PM₁₀ emissions shall not exceed 3.75 tpy (calculated as a 12-month rolling total). [This condition supersedes the following condition from Plan Approval 62-032I and eRFD # 6727: The PM₁₀ emissions shall not exceed 2.04 tpy (calculated as a 12-month rolling total).]
- Throughput from the source shall not exceed 100,000 tpy based on a 12-month rolling total.
- The facility shall maintain monthly records of the VOD throughput.
- All conditions from the facility operating permit issued on January 30, 2018, for this source remain in effect unless modified in this plan approval.
- Source 101A:
- All conditions from the facility operating permit issued on January 30, 2018, for this source remain in effect unless modified in this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [62-032M] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the previously described public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the

procedures described in §§ 127.421—127.431 for State only operating permits or §§ 127.521—127.524 for Title V operating permits.

OPERATING PERMITS

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

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

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

09-00124: Fairless Energy, LLC (50 Sinter Road, Fairless Hills, PA 19030) for the renewal of facility's Phase II (Title IV) Acid Rain Permit located in Falls Township, **Bucks County**. The affected units at the facility consist of four (4) combined cycle gas turbines with duct burners. The affected units shall hold sufficient SO₂ allowances in accordance with 40 CFR 72.9(c)(1). All monitoring, recordkeeping, and reporting shall be in conformance with 25 Pa. Code § 127.531 and the Acid Rain Permit application.

23-00041: MIPC LLC (920 Cherry Tree Road Aston, PA 19014) for renewal of the Title V Operating Permit for its Chelsea Tank Farm, a pipeline breakout station for refined petroleum products located in Upper Chichester Township, **Delaware County**.

The Chelsea Tank Farm is a major facility for volatile organic compounds (VOC) emissions. Current estimates indicate a potential to emit of 80.8 tons VOC per year (12 month rolling sum). The facility is a minor source for hazardous air pollutants (HAPs) with current estimates of the potential to emit of 3.62 tons/year, also on a 12-month rolling basis. The Chelsea Tank Farm comprises twelve (12) storage tanks, pumping stations and pipelines. The tanks are all outfitted with internal floating roofs, which minimize emissions. There have been no changes to the tanks since the last renewal. Minor sources at the facility include an office heater (0.145 MMBtu/hr boiler), an emergency generator (150 kW) and a recently installed fire pump engine (237 hp). A ground-water and soil remediation system on site is owned by the prior tank farm owner, Phillips 66. Emissions are controlled by carbon beds and a catalytic oxidizer.

The facility is subject to the following Federal regulations: three Subparts from 40 CFR Part 63: Subpart BBBBBB, the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities; Subpart JJJJJJ, NESHAPs for Industrial, Commercial, and Institutional Boilers Area Sources; and Subpart ZZZZ, NESHAPs for Stationary Reciprocating Internal Combustion Engines, and 40 CFR Part 60 Subpart III, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Upon final approval, the permit will be renewed for a period of five (5) years.

The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

37-00023: NRG Power Midwest LP New Castle Generating Station (Route 168 South, PO Box 325, West Pittsburgh, PA 16160), the Department intends to issue a renewal of the Title V Operating Permit for the facility located in Taylor Township, **Lawrence County**. The facility is an electric generating station. The facility's major emission sources include three Babcock & Wilcox Boilers rated at 1,029 MMBtu/hr, 1,029 MMBtu/hr, and 1,565 MMBtu/hr, respectively, an electromotive diesel engine, an auxiliary boiler, a natural gas pipeline heater, coal stockpile, bottom/flyash disposal, plant roadways, flash storage silos, two diesel emergency generators, and a parts washer. The facility is a major facility due to its potential to emit of PM, PM₁₀, PM_{2.5}, SO_x, NO_x, CO, VOC, and HAPs. Therefore, the facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The diesel generators and emergency generators are subject to 40 CFR Part 60, Subpart ZZZZ. The facility was authorized plan approval 37-023F for the installation of natural gas burners and plan approval 37-023G for a Plant-Wide PAL. The requirements of these two plan approvals are incorporated into the permit. The facility primarily burns natural gas. If the facility burns oil or coal, the NESHAPs requirements of 40 CFR Part 63 Subpart UUUU apply. The acid rain permit will be issued along with the renewal permit. The permit contains the RACT 2 Presumptive limits of § 129.97. The permit contains the requirements of the Cross-State Air Pollution Rule, Continuous Assurance Monitoring, and the Major Source Boiler MACT 40 CFR Part 63 Subpart DDDDD. The actual emissions from this facility for 2017 were: 17.1 TPY CO, 255.2 TPY NO_x, 10.5 TPY PM₁₀, 3.2 TPY PM_{2.5}, 1.8 TPY SO_x, and 2.5 TPY VOC.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.

TIV 40-00129: Moxie Freedom LLC (Moxie Freedom, LLC, 565 Fifth Ave., 29th Floor, New York, NY 10017) has submitted an application to the Pennsylvania Department of Environmental Protection for the initial Acid Rain Permit, TIV 40-00129, for the Moxie Freedom Power Project located in Salem Township, Luzerne County. This Title V facility is subject to the Acid Rain Requirements of Title IV of the Clean Air Act. The application is subject to the regulatory requirements specified in 40 CFR Part 72. The Acid Rain Permit will cover the two (2) combined cycle combustion turbine units at the facility. The Acid Rain Permit incorporates the applicable requirements to the units, as specified in 25 Pa. Code § 127.531 and 40 CFR Parts 72—80. The SO₂ allowance allocated by the Acid Rain Program pursuant to 40 CFR Part 73 for this facility is zero. The Title IV permit includes special permit conditions for the allowance tracking system. The units are not subject to the NO_x emission limitations of 40 CFR Part 96 since they are only authorized to combust natural gas for operation. Based on the information previously presented and included in the application for the initial Acid Rain Permit, TIV 40-00129, the Depart-

ment intends to issue TIV 40-00129 for the Moxie Freedom Power Project. The proposed permit will become effective 180 days from the commencement of commercial operation date and expire five years from the issued date. The Acid Rain Permit will be incorporated into the initial Title V operating permit for the facility. 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, 2 Public Square, Wilkes-Barre, PA 18711. Appointments for scheduling a review must be made by calling 570-826-2511.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify TIV 40-00129) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

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

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

67-03113: Advanced Industrial Services, Inc. (3250 Susquehanna Trail, York, PA 17406) to issue a State Only Operating Permit for the custom fabrication and owned equipment maintenance facility located in Manchester Township, **York County**. The actual emissions from the facility in 2017 year are estimated at 1.12 of VOCs and less than one ton each of PM and HAP emissions. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63—Degreasing operations and 25 Pa. Code § 129.52d—Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings.

36-05022A: Bird-In-Hand Woodworks, Inc. (3031 Industry Drive, Lancaster, PA 17603) to issue a State-Only Operating Permit for the operation of their wood furniture surface coating facility in East Hempfield Town-

ship, **Lancaster County**. Actual emissions from the facility in 2016 were estimated at 3.07 tons of VOC, 0.51 ton of a single HAP (toluene) and 1.04 ton of combined HAPs. 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 derived from 25 Pa. Code § 129.52.

22-03037: Consolidated Scrap Resources, Inc. (1616 North Cameron Street, P.O. Box 1761, Harrisburg, PA 17105) to issue a State-Only Operating Permit for the operation of their metal scrap shredder and cyclone in the City of Harrisburg, **Dauphin County**. The subject facility has the potential-to-emit 62.0 tons of PM₁₀, 56.0 tons of PM_{2.5}, 1.1 ton of VOC, 0.3 ton of a single HAP (benzene), and 1.1 ton of combined HAPs. 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.

67-03027: Pretium Packaging LLC, York Plant (1 Devco Drive, Manchester, PA 17345), to issue a State Only Operating Permit renewal for the plastic bottle manufacturing facility in East Manchester Township, **York County**. The facility's potential emissions are 0.5 tpy of hydrogen fluoride, which is a HAP. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for Sources derived from 25 Pa. Code Chapters 123 and 127 for restrictions, monitoring, recordkeeping, and reporting.

05-03004: Chestnut Ridge School District (3281 Valley Road, Fishertown, PA 15539-0080), to issue a State Only Operating Permit renewal for their elementary and high school boilers located in East Saint Clair Township, **Bedford County**. The potential emissions from the facility are approximately 31 tpy SO_x, 4 tpy each of NO_x and CO, 6 tpy of PM₁₀, and 0.5 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for Federal 40 CFR 63 Subpart JJJJJJ—NESHAPS for Industrial, Commercial, and Institutional Boilers Area Sources, for four boilers, and 40 CFR 60 Subpart IIII—Standard of Performance for Stationary Compression Ignition Internal Combustion Engines, for the High school emergency generator.

06-03141: UGI LNG, Inc. (1 Meridian Blvd., Suite 2C01, Wyomissing, PA 19610) for operation of a natural gas liquefaction facility in Ontelaunee Township, **Berks County**. Overall potential NO_x and CO emissions from the operation are 10.03 and 2.53 tons per 12-month rolling total. Emissions of all other criteria pollutants are considered minor. 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 MACT Subpart ZZZZ, 40 CFR Part 60, Subpart Dc and 40 CFR 60 Subpart KKKK, Standards of Performance for Stationary Combustion Turbines.

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

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

24-00017: Morgan AM&T, (441 Hall Avenue, Saint Marys, PA 15857-1818), the Department intends to issue the renewal of the Natural Minor State-Only Operating Permit to a carbon and graphite manufacturing facility located in Saint Marys City, **Elk County**. The primary sources at the facility are heat treat ovens, resin impregnation and curing, metal impregnation, spray dryers, a batch coking oven, a parts washer, emergency generators and miscellaneous natural gas use. Potential emissions for the site are below Title V permitting thresholds for all criteria pollutants. The permit contains emission restrictions, along with testing, monitoring, recordkeeping, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

24-00167: E Carbon America, LLC (806 Theresia St, Saint Marys, PA 15857). The Department intends to issue a new State Only Synthetic Minor Operating Permit for the carbon and graphite materials production facility located in the City of Saint Marys, **Elk County**. The facility's primary emission sources include: a gas-fired boiler, black mix mixers, a slug press, baking kilns, the special impregnation process, fourteen (14) graphitizing furnaces, an electric pusher furnace, four (4) storage silos, a Raymond roller mill, a carbon paste mixer, three (3) hammermills, four (4) platform mixers, two (2) blending operations, the sand unloading and recycling system, machining operations, a parts washer, and an emergency power generator. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: Total PM: 29.53 TPY, NO_x: 16.61 TPY, SO_x: 15.20 TPY, CO: 13.87 TPY, and VOC: 49.50 TPY. The facility is a synthetic minor and has taken an emission restriction so as not to exceed 49.50 tons per year of VOC emissions; previously, the facility operated with a Title V permit, but under Plan Approval 24-167D the facility took limits to become a synthetic minor. This State only permit incorporates the plan approval requirements. The emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ, NESHAP for stationary RICE. The permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

42-00095: Georgia-Pacific Corrugated LLC (1 Owens Way, Bradford, PA 16701-3750). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the corrugated container manufacturing facility located in the Bradford Township, **McKean County**. The facility's primary emission sources include two natural gas-fired boilers (15.7 MMBtu/hr and 20.9 MMBtu/hr), miscellaneous process equipment, an outdoor starch silo, a metal parts degreaser, and finishing operations. The potential emissions of the primary pollutants from the facility are as follows: 15.72 TPY NO_x, 13.20 TPY CO, 12.68 TPY VOC, 8.79 TPY total HAPs, 23.79 TPY PM₁₀, 8.38 TPY PM_{2.5}, and 0.09 TPY SO_x; thus, the facility is a natural minor. The boilers are subject to recordkeeping requirements of 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. 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.

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

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

OP17-000013: SEPTA Southern Bus Facility (20th and Johnson Streets, Philadelphia, PA 19145) for a transportation/bus facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four (4) natural gas/No. 2 oil fired boilers, each rated at less than 9 MMBtu/hr, one (1) 0.72 MMBtu/hr natural gas pressure washer, one (1) 2.228 MMBtu/hr natural gas paint booth burner, three (3) solvent parts washers, one (1) Stage 2/gasoline dispensing facility, and one (1) spray booth.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

OP18-000002: Liberty Coca-Cola Beverages LLC (725 E Erie Avenue, Philadelphia, PA 19134) for a soft drink manufacturing and packaging facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include three (3) natural gas fired bottle warmers each rated at 3 MMBtu/hr, one (1) # 2 fuel oil fired boilers rated at 10.5 MMBTU/hr, one (1) # 2 fuel oil fired boiler rated at 3 MMBtu/hr, two (2) natural gas/# 2 fuel oil fired boilers each rated at 9 MMBtu/hr, one (1) spray paint booth for automotive parts with a 1.2 MMBtu/hr natural gas fired heater, and one (1) diesel fire pump rated at 125 hp.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previously listed operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B and Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Medico Industries** (1500 Highway 315, Wilkes-Barre, PA 18702) for their facility located in Plains Twp., **Luzerne County**. This **Plan Approval No. 40-00136A** will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 40-00136A is for the installation of a two Wet Paint Line with filters and curing ovens and a descaling operation with baghouse. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.02 grain/dscf from the baghouse. The company shall be subject to and comply with 25 Pa. Code § 129.52 for VOC emission limits. Total HAP emissions from the facility will be under 25 TPY, 12-month rolling sum. Single HAP emissions will be under 10 TPY, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions from the lines will be controlled by the use of a dry filters and curing oven. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00136A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program,

2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

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

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

Permit No. 56120111 and NPDES No. PA0269051. PBS Coals, Inc., 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Stonycreek Township, **Somerset County**, affecting 91.1 acres. Receiving stream: unnamed tributaries to/and Schrock Run, classified for the following use:

cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 9, 2018.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

10820122 and NPDES Permit No. PA0604852. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous surface mine and associated NPDES permit in Marion & Mercer Townships, **Butler County**, affecting 598.6 acres. Receiving streams: North Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 9, 2018.

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

Permit No. 49180201. Susquehanna Coal Company, (P.O. Box 27, Nanticoke, PA 18634), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 45.5 acres, receiving stream: Coal Run and Shamokin Creek, classified for the following uses: cold water and migratory fishes. Application received: March 28, 2018.

Noncoal Applications Received

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

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

10110303. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0259080, Washington Township, **Butler County**. Receiving streams: South Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 9, 2018.

37180301. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141) Commencement, operation and restoration of a large industrial minerals mine in Plain Grove Township, **Lawrence County**, affecting 73.5 acres. Receiving streams: Taylor Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 30, 2018.

37180301. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141) Wetlands Encroachment to affect 6.08 acres wetlands and replace with 6.7 acres of wetlands in Plain Grove Township, **Lawrence County**, affecting 73.5 acres. Receiving streams: Taylor Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: March 30, 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:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

NPDES No. PA0214540 (Mining Permit No. 03851601), Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-1504). A renewal to the NPDES and mining activity permit for the Dutch Run Prep Plant in Plumcreek Township, **Armstrong County**. Surface Acres Affected 72.6. Receiving stream: Dutch Run, classified for the following use: CWF. Crooked Creek Watershed TMDL. The application was considered administratively complete on April 10, 2017. Application received: December 22, 2016.

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

Outfall 004 discharges to: Dutch Run

The proposed effluent limits for *Outfall 004* (Lat: 40° 41' 31" Long: -79° 18' 27") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	319	2,017	-
pH	(mg/l)	6.0	-	9.0	-
Alkalinity, Total as CaCO ₃	(mg/l)	-	Report	Report	-
Acidity, Total as CaCO ₃	(mg/l)	-	Report	Report	-

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	Report	Report	-

Outfall 005 discharges to: Dutch Run

The proposed effluent limits for *Outfall 005* (Lat: 40° 41' 42" Long: -79° 18' 04") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
pH	(mg/l)	6.0	-	9.0	-
Alkalinity, Total as CaCO ₃	(mg/l)	-	Report	Report	-
Acidity, Total as CaCO ₃	(mg/l)	-	Report	Report	-
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	100	100

EPA Waiver not in effect.

NPDES No. PA0588504 (Mining Permit No. 56841603), PBS Coals, Inc., (P.O. Box 260, Friedens, PA 15541). A renewal to the NPDES and mining activity permit for the Shade Creek Prep Plant in Shade Township, **Somerset County**. Surface Acres Affected 102.5. Receiving stream: Coal Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on May 16, 2011. Application received: February 28, 2012.

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

Outfall 001 discharges to: Coal Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 04' 30" Long: 78° 48' 03") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	-	9.0
Total Suspended Solids	(mg/l)	-	35	70	90
Total Dissolved Solids	(mg/l)	-	-	-	Report
Osmotic Pressure	(mos/kg)	-	50	100	100
Alkalinity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO ₃)	(mg/l)	0.0	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Aluminum	(mg/l)	-	0.75	0.75	0.75
Manganese	(mg/l)	-	1.0	2.0	2.5
Sulfates	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report

Outfall 002 discharges to: Coal Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 04' 16" Long: 78° 48' 23") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	-	9.0
Total Suspended Solids	(mg/l)	-	35	70	90
Total Dissolved Solids	(mg/l)	-	-	-	Report
Osmotic Pressure	(mos/kg)	-	50	100	100
Alkalinity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO ₃)	(mg/l)	0.0	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Aluminum	(mg/l)	-	0.75	0.75	0.75
Manganese	(mg/l)	-	1.0	2.0	2.5
Sulfates	(mg/l)	-	-	-	Report

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report

Outfall 003 discharges to: Coal Run

The proposed effluent limits for *Outfall 003* (Lat: 40° 04' 34" Long: 78° 48' 10") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	-	9.0
Total Suspended Solids	(mg/l)	-	35	70	90
Total Dissolved Solids	(mg/l)	-	-	-	Report
Osmotic Pressure	(mos/kg)	-	50	100	100
Alkalinity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO ₃)	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO ₃)	(mg/l)	0.0	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Aluminum	(mg/l)	-	0.75	0.75	0.75
Manganese	(mg/l)	-	1.0	2.0	2.5
Sulfates	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report

EPA Waiver not in effect.

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

NPDES No. PA0598143 Mining Permit No. 56880103, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201-9642, renewal of an NPDES permit for a surface coal mine in Summit Township, **Somerset County**, affecting 1,102.0 acres. Receiving streams: three (3) unnamed tributaries to Casselman River and two (2) unnamed tributaries to Bigby Creek, classified for the following uses: cold water fishes and warm water fishes. This receiving stream is included in the Casselman River TMDL. Application received: April 4, 2018.

The following outfall discharges to an unnamed tributary to Bigby Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
009 (TF7)—Passive Treatment Facility	N

The proposed effluent limits for the previously listed outfall is as follows:

<i>Outfall: 009 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	1.6	3.2	4.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.

Alkalinity must exceed acidity at all times.

The following outfall discharges to an unnamed tributary to Casselman River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
010 (TF14)—Passive Treatment Facility	N

The proposed effluent limits for the previously listed outfall is as follows:

<i>Outfall: 010 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	1.3	2.6	3.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.

Alkalinity must exceed acidity at all times.

The following outfall discharges to an unnamed tributary to Casselman River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
011 (TF44)—Passive Treatment Facility	N

The proposed effluent limits for the previously listed outfall is as follows:

<i>Outfall: 011</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.
Alkalinity must exceed acidity at all times.

The following outfall discharges to an unnamed tributary to Casselman River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
012 (TF45)—Passive Treatment Facility	N

The proposed effluent limits for the previously listed outfall is as follows:

<i>Outfall: 012</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.
Alkalinity must exceed acidity at all times.

The following outfall discharges to the Casselman River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
013 (TF13)—Chemical Treatment Facility	N

The proposed effluent limits for the previously listed outfall is as follows:

<i>Outfall: 013</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.
Alkalinity must exceed acidity at all times.

The following outfalls discharge to an unnamed tributary to Bigby Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
026 (13)—Sediment Pond*	N

*Not constructed but assigned for future use.

The proposed dry weather discharge effluent limits for the previously listed outfall is as follows:

<i>Outfall: 026</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
Alkalinity must exceed acidity at all times.

The proposed alternate effluent limits which apply to discharges resulting from precipitation events less than or equal to the 10 year/24 hour precipitation event for the previously listed outfalls are as follows:

<i>Outfall: 026</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.
Alkalinity must exceed acidity at all times.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

NPDES No. PA0251119 (Mining permit No. 63070202), BOCA Coal, Inc., 5312 Thoms Run Road, Bridgeville, PA 15017, renewal NPDES permit for surface mine permit in Union and South Park Townships, **Washington and Allegheny Counties**, affecting 98.9 acres. Receiving stream: Unnamed Tributaries to Piney Fork, classified for the following use: TSF. The receiving stream is included in the January 2009 Peters Creek Watershed TMDL, Allegheny and Washington Counties. Application received: August 25, 2017.

The following treated wastewater outfalls discharge to UNT A to Piney Fork:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	N	Treatment Facility Outfall
005	N	Treatment Facility Outfall

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 002 and 005</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Iron (mg/l)	1.5	3.0	3.7
Total Manganese (mg/l)	1.0	2.0	2.5
Total Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	50	50	50
Sulfate (mg/L)		Monitor & Report	
Total Cadmium (mg/l)		Monitor & Report	
Total Copper (mg/l)		Monitor & Report	
Total Lead (mg/l)		Monitor & Report	
Total Mercury (ug/l)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The following stormwater outfalls discharge to UNTs A or B to Piney Fork:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Stormwater Outfall
003	N	Stormwater Outfall
004	N	Stormwater Outfall

The proposed dry weather effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Iron (mg/l)	1.5	3.0	3.7
Total Manganese (mg/l)	1.0	2.0	2.5
Total Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	50	50	50
Sulfate (mg/L)		Monitor & Report	
Total Cadmium (mg/l)		Monitor & Report	
Total Copper (mg/l)		Monitor & Report	
Total Lead (mg/l)		Monitor & Report	
Total Mercury (ug/l)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Noncoal NPDES Draft Permits

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

NPDES No. PA0212512 (Mining Permit Nos. 40A76SM1 & 56070301), Keystone Lime Company, P.O. Box 278 Springs, PA 15562, renewal of an NPDES permit for discharge of water resulting from the surface mining and processing of sandstone in Elk Lick Township, **Somerset County**, affecting 39.8 acres. Receiving stream: unnamed tributary to Laurel Run, classified for the following use: cold water fishes. Application received: April 4, 2018.

The following outfalls discharge to unnamed tributary to Laurel Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Pond A)	N
002 (Sediment Pond 1)	N
003 (Sediment Trap A)	N
004 (Sediment Pond 2)	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001 & 004 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
<i>Outfalls: 002 & 003 (Dry Weather)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
<i>Outfalls: 002 & 003 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Settleable Solids (ml/l)	N/A	N/A	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
<i>Outfalls: 002 & 003 (>10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Settleable Solids (ml/l)	N/A	N/A	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

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.

E48-444. Northampton County, 669 Washington Street, Easton, PA 18042, in Plainfield & Bushkill Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 10-foot wide trail system that will be approximately 1.3 mile long, consisting of a crushed limestone surface. The proposed trail system will impact temporarily impact approximately 0.02 acre of PSS/PFO wetlands and 0.39 acre of stream floodway. The project will also permanently impact approximately 158 feet of stream, 0.14 acre of stream floodway and 0.02 acre of wetlands. The stream impacts include a 10' by 4' concrete box culvert, 2-24" diameter culverts, an 11' by 2.5' concrete box culvert and a 6' by 2.5' concrete box culvert.

The project is located south along Henry Road, follows State Route 33 to Filetown Road (Wind Gap, PA Quad-range Latitude: 40°46'28.8"; Longitude: -75°16'26.8") Plainfield & Bushkill Township, Northampton County, U.S. Army Corps of Engineers, Philadelphia District.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E67-942: Southern York County School District (Owner: Linda and Luther Jones), 3280 Fissels Church Road, P.O. Box 128, Glen Rock, PA 17327, Luther & Linda Jones Property (Bartko Acres), Shrewsbury Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

1) To install two 75-foot 36-inch culverts to carry an unnamed tributary to Centerville Creek (CWF, MF) beneath a private driveway, 2) to remove a failing culvert upstream of the driveway culvert and convert 200 feet of the channel into a natural open channel, 3) to remove approximately 650 cubic yards of sediment from the existing pond, 4) to create a 400-foot bypass channel around the existing pond impacting approximately 1,843 square feet of wetland, 5) to install a 60-foot by 30-inch culvert to carry the unnamed tributary beneath the driveway to the existing pond, and 6) to install two 30-inch culverts beneath the private driveway impacting approximately 46 square feet of wetland. The project is located on Fissels Church Road (Glen Rock, PA Quad-

rangle, Latitude: 39.767740 Longitude: -76.742509) in Shrewsbury Township, York County. The project effects approximately 8,720 square feet of wetlands and 453 linear feet of streams.

E29-104: PA Department of Conservation and Natural Resources, Tailgate Road, McConnellsburg, PA, Todd Township, **Fulton County**, U.S. Army Corps of Engineers Baltimore District.

To remove an existing structure and to install and maintain a single span, con span arch culvert that spans 24' and is 27'-2" wide over a UNT to Licking Creek (CWF). The project is located on Tailgate Road east of the intersection of Tailgate Road and SR 0522 in Todd Township, Fulton County (Latitude 39.993087°, Longitude -77.965743°). The project will permanently impact 9,829 square feet of the stream and floodway. The purpose of the project is to improve the roadway to current safety standards.

E28-395: Wilson College, 1015 Philadelphia Avenue in Chambersburg Borough, Franklin County, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to remove the existing bridge structures and to 1) construct and maintain a single-span prestressed composite adjacent box beam bridge with an out-to-out width of 34.0 feet, a clear span of 68.0 feet and an average underclearance of 5.5 feet over Conococheague Creek (WWF), 2) install and maintain a 34.0 foot long corrugated metal pipe arch with a span of 71 inches and a rise of 47 inches located in the floodway of Conococheague Creek (WWF), and 3) relocate an existing sewerline adjacent to the bridge crossing, necessitating

three 6.0-inch manholes and 190 linear feet of 30.0-inch cast/ductile iron pipe located in the floodway of Conococheague Creek (WWF), all for the purpose of upgrading an existing roadway to improve safety standards. The project is located along Wilson College Lane on campus of Wilson College in Chambersburg Borough, Franklin County (Latitude: 39.953057; Longitude: -77.651673).

E67-939: Endurance Real Estate Group, LLC, 4 Radnor Corporate Center, Suite 105, Radnor, PA 19087, Springettsbury Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

To relocate approximately 997 feet of an unnamed tributary to Mill Creek (WWF, MF) for the purpose of constructing a warehouse facility at. The project is located at 693 North Hills Road (York, PA Quadrangle, Latitude: 39.979433 Longitude: -76.692347) in Springettsbury Township, York County. The project does not affect wetlands.

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

E08-502. Bradford County Airport Authority, 415 Airport Road, Towanda, PA 18848. Bradford County Airport—Taxiway Extension Project in Towanda Township, **Bradford County** ACOE Baltimore District Monroeton, PA Quadrangle N: 41° 44' 10" W: -76° 26' 52".

To construct & maintain final section of the full parallel taxiway to comply with FAA safety standards and eliminate back taxing or Runway 5-23.

<i>Wetland Impacts</i>			
<i>Resource ID</i>	<i>Resource Type</i>	<i>DEP Chapter 105</i>	
		<i>Temporary Impacts</i>	<i>Permanent Impacts</i>
Wetland	Emergent Wetland	N/A	0.42 AC

<i>Surface Water Impacts</i>			
<i>Resource ID</i>	<i>Resource Type</i>	<i>DEP Chapter 105</i>	
		<i>Temporary Impacts</i>	<i>Permanent Impacts</i>
Stream UNT to Towanda Creek CWF	Intermittent Stream	86 LF (0.09 AC)	82 LF (0.12 AC)

The permanent impacts to the wetlands are due to the placement of fill of 0.42 acre of the wetland to allow for a circular culvert installation and stone aprons at the inlet and outlet of the culvert.

The permanent impacts to the stream are due to the enclosure of 82 lineal feet of the channel within a box culvert. The permanent temporal impacts to the stream, 48 lineal feet, are associated with the provision of scour beds at the upstream and downstream ends of the culvert. The scour beds will be embedded one foot below the existing grades and covered with retained native material.

Stream and wetland impacts incurred at this site will be mitigated through credits acquired from First Pennsylvania Resources—Upper Susquehanna River Mitigation Banks Phases I & II. Bradford county Airport Authority has committed credits for 0.42 acre of wetlands from the USRMBII and 106 lineal feet of stream credits from USRMBI.

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

E61-301, National Fuel Gas Distribution Corp, 1100 State Street, Erie, PA 16501. SM77 Replacement and Relocation Project, in Cranberry Township, **Venango County**, ACOE Pittsburgh District (Oil City and Cranberry, PA Quadrangle N: 41°, 23', 40.10"; W: -79°, 42', 22.932").

The applicant proposes to install approximately 3.6 miles of 12-inch diameter high pressure steel distribution transmission line. This line will be used to replace and reroute the applicants SM77 pipeline. This project impacts include 2.185 acres of temporary impact to Palustrine Emergent Wetlands (PEM), 0.06 acre of permanent impacts to PEM wetlands, 0.144 acre of permanent conversion of Palustrine Forested Wetlands(PFO), 0.163 acre of permanent conversion to Palustrine Scrub Shrub Wetland (PSS), 996 linear feet of temporary impacts, and 85 linear feet of permanent impacts to the following surface waters: Halls Run (CWF) and tributaries, tributaries to the Allegheny River (CWF) and tributaries to Sage Run (CWF). The applicant will mitigate for the permanent impacts to PSS and PFO wetlands by

utilizing a combination of enhancement and restoration along existing and abandoned ROWs. The applicant will enhance a total of 0.234 acre of PEM wetlands to PSS and PFO. The applicant will also restore a total of 0.106 acre of impacted PFO and PSS wetland to its original condition within the project area.

**STORAGE TANKS
SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, P.O. Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
18003	Bechtel Oil, Gas and Chemicals, Inc. 300 Frankfort Rd Monaca, PA 15061 Attn: Glen Richards	Beaver	Potter Township	6 ASTs storing petroleum products	106,386 gallons total

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>
PA0057690 (Industrial) (Waste)	Aker Philadelphia Shipyard 2100 Kitty Hawk Avenue Philadelphia, PA 19112-1808	Philadelphia County City of Philadelphia	Schuylkill River and Delaware River 3-F and 3-J	Y
PA0056898 (Industrial) (Waste)	To-Jo Mushroom, Inc. 947 Penn Green Road P.O. Box 687 Avondale, PA 19311	Chester County New Garden Township	Trout Run 3-I	N

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>
PA0246956 SEW	Alsace Township 65 Woodside Avenue Temple, PA 19560-9530	Alsace Township Berks County	UNT of Little Manatawny Creek in Watershed(s) 3-D	Y
PA0247839 SEW	Kings River Haven LLC 2379 River Road Bainbridge, PA 17502	Conoy Township Lancaster County	Snitz Creek in Watershed(s) 7-G	Y
PA0261483 SEW	Broad Top Township Bedford County P.O. Box 57 187 Municipal Road Defiance, PA 16633-0057	Broad Top Township Bedford County	UNT to Sixmile Run in Watershed(s) 11-D	Y
PA0261475 SEW	Broad Top Township Bedford County P.O. Box 57 187 Municipal Road Defiance, PA 16633-0057	Broad Top Township Bedford County	UNT to Sixmile 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>
PA0228338 (Sewage)	Union Chapman Region Authority Sewer System STP 1510 McNess Road Port Trevorton, PA 17864-9422	Snyder County Union Township	Susquehanna River (6-A)	Yes
PA0031453 (Sewage)	Southern Columbia Area School District WWTP 800 Southern Drive Catawissa, PA 17820-8410	Columbia County Franklin Township	Roaring Creek (5-E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0218898 (Industrial)	Derry Treatment Facility 106 Ferrell Avenue Suite 5 Kingsport, TN 37663	Westmoreland County Derry Township	Conemaugh River (18-D)	No

Changes made to the Final Permit: Due to a typographical error and redundancy in the Draft permit, the Dissolved Iron Limitation has been removed, the Total Iron limitation is more stringent than the Dissolved Iron limitation.

<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>
PA0254185 (Industrial)	Reserved Environmental Services LLC—New Stanton Plant 1119 Old State Route 119 Mt Pleasant, PA 15666-2719	Westmoreland County Hempfield Township	Belson Run (19-D)	No

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>
PA0037915 (Industrial)	Tionesta Fish Culture Station Benner Spring Fish Research Station 1735 Shiloh Road State College, PA 16801-8495	Forest County Tionesta Borough	Tubbs Run (16-F)	Yes
PA0033448 (Sewage)	Pennwood Estates MHP 1826 South Main Street Akron, OH 44301	Mercer County Lackawannock Township	West Branch Little Neshannock Creek (20-A)	Yes
PA0263711 (Sewage)	Benezette WWTP P.O. Box 10 Benzett, PA 15821-0010	Elk County Benezette Township	Trout Run (8-A)	Yes
PA0239321 (Sewage)	Robert Wahlmark SFTF P.O. Box 137 31970 Guys Mills Road Townville, PA 16360-0437	Crawford County Randolph Township	Unnamed Tributary of Muddy Creek (16-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. PA0070505, Industrial, SIC Code 2869, **Geo Specialty Chemicals Inc.**, 2409 N Cedar Crest Boulevard, Allentown, PA 18104-9733.

This existing facility is located in South Whitehall Township, **Lehigh County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial Wastewater and Stormwater.

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

NPDES Permit No. PA0007498, Industrial, SIC Code 2096, **Wise Foods, Inc.**, 228 Rasely Street, Berwick, PA 18603-4533.

This existing facility is located in Berwick Borough, **Columbia County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial waste.

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

NPDES Permit No. PA0020257, Sewage, SIC Code 4952, **Grove City Borough Mercer County**, P.O. Box 110, Grove City, PA 16127-0110.

This existing facility is located in Grove City Borough, **Mercer County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

NPDES Permit No. PA0265683, Sewage, SIC Code 8800, **Steven R Newell**, 102 Abbott Road, Saint Marys, PA 15857.

This proposed facility is located in Saint Marys City, **Elk County**.

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

NPDES Permit No. PA0210196, Industrial, SIC Code 4953, **Seneca Landfill Inc.**, P.O. Box 1080, Mars, PA 16046-1080.

This existing facility is located in Jackson Township, **Butler County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Industrial.

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. WQG02091712, Sewage, **Chalfont New Britain Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2624.

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

Description of Action/Activity: Construction and operation of a pressure sewer extension.

WQM Permit No. WQG010069, Sewage, **Jodelle Bryan & John Alcott**, 1220 Friendship Lane, Upper Black Eddy, PA 18972.

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

Description of Action/Activity: Construction and operation of a small flow single residence sewage treatment plant.

WQM Permit No. 4617409, Sewage, **Borough of Bryn Athyn**, P.O. Box 683, 2835 Buck Road, Bryn Athyn, PA 19009-0683.

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

Description of Action/Activity: Construction and operation of a flow equalization facility.

WQM Permit No. 1507415, Sewage, Renewal, **Delcora**, 100 East 5th Street, Chester, PA 19013.

This proposed facility is located Pocopson Township, **Chester County**.

Description of Action/Activity: Permit renewal for the Corrine Village Wastewater Treatment Plant.

WQM Permit No. 1598201, Industrial Waste, Renewal, **Herr Foods, Inc.**, P.O. Box 300, Nottingham, PA 19362-0300.

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

Description of Action/Activity: Permit renewal for continued operation of Herr Foods, IWTP.

WQM Permit No. 1518402, Sewage, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

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

Description of Action/Activity: Installation of an additional final clarifier and ancillary equipment.

WQM Permit No. 0911402, Sewage, Renewal, **Buckingham Township**, P.O. Box 413, Buckingham, PA 18912-0413.

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

Description of Action/Activity: Permit renewal for the Furlong Regional Waste Water Treatment Facility.

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

WQM Permit No. 1990402 A-1, Sewage, SIC Code 8211, **Southern Columbia Area School District**, 800 Southern Drive, Catawissa, PA 17820-8410.

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

Description of Proposed Action/Activity: Improvements to the existing Southern Columbia Area School District Wastewater Treatment Plant.

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

WQM Permit No. 6518402, Sewage, **New Kensington City Municipal Sanitary Authority**, 120 Logans Ferry Road, New Kensington, PA 15068.

This proposed facility is located in New Kensington City, **Westmoreland County**.

Description of Proposed Action/Activity: Combined sewer overflow consolidation project.

WQM Permit No. 0483402 A-1, Sewage, SIC Code 4952, **Borough of Beaver Municipal Authority**, 469 3rd Street, Beaver, PA 15009-2226.

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

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

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

WQM Permit No. 3701402 A-1, Sewage, **North Beaver Township Municipal Authority Lawrence County**, 861 Mount Jackson Road, New Castle, PA 16102-2415.

This existing facility is located in North Beaver Township, **Lawrence County**.

Description of Proposed Action/Activity: Amendment to replace comminutor and barscreen with open channel grinder at Hickory View Terrace WWTP.

WQM Permit No. 2418401, Sewage, **Steven R Newell**, 102 Abbott Road, Saint Marys, PA 15857.

This proposed facility is located in Saint Marys City, **Elk County**.

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

WQM Permit No. 1690402 A-3, Sewage, **PA American Water Co.**, 425 Waterworks Road, Clarion, PA 16214.

This existing facility is located in Paint Township, **Clarion County**.

Description of Proposed Action/Activity: Paint-Elk wastewater treatment facility improvements.

V. NPDES Waiver Stormwater Discharges from MS4 Actions.

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

<i>NPDES Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG138316	Girard Borough Erie County 34 Main Street West Girard, PA 16417	Girard Borough Erie County	Elk Creek and Unnamed Tributary to Lake Erie/CWF, WWF and MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150056	Mr. Theodore H. Wentz, III Ms. Susan Wentz, Owner 3702 Liseter Garden Newtown Square, PA 19073-1430	Chester	Willistown Township	Unnamed Tributary to Crum Creek EV-MF
PAD150075	MDG Downingtown, LP 1243 Easton Road Suite 205 Warrington, PA 18976	Chester	East Brandywine Township	East Branch of Brandywine Creek HQ-TSF-MF
PAD150078	Southdown Properties, Inc. 120 Pennsylvania Avenue Malvern, PA 19355	Chester	Caln Township	Unnamed Tributary to Valley Run CWF
PAD230025	Mar-J Properties, LLC 114 Yearsley Mill Road Media, PA 19063	Delaware	Middletown Township	Rocky Run HQ-CWF-MF
PAD230014	MIPC, LLC 920 Cherry Tree Road Aston, PA 19014-1570	Delaware	Upper Chichester Township	3 outfalls discharge to Boozers Run which is a tributary to Marcus Hook Creek WWF-MF
PAI015115009	City of Philadelphia Department of Public Property 1515 Arch Street Philadelphia, PA 19102	Philadelphia	City of Philadelphia	Schuylkill Watershed Combined Sewer System to Southwest Wastewater Treatment Plant to Lower Schuylkill River WWF

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>
PAD390050	Heritage Building Group, Inc. 865 Easton Rd. Ste. 320 Warrington, PA 18976	Lehigh	Upper Macungie Township	UNT to Schaefer Run (HQ-CWF, MF)
PAD390068	Kay Builders 5930 Hamilton Blvd Ste 10 Wescosville, PA 18106	Lehigh	Upper Macungie Twp	Cedar Creek (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.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD140025	Pennsylvania State University 139J Physical Plant Bldg. University Park, PA 16802	Centre	State College Boro	Thompson Run HQ-CWF

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD180014	Bradley Batterson & David Strouse Doe Lane Mill Hall, PA 17751	Clinton	Lamar Twp	Chub Run MF, 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.

Facility Location & Municipality	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Tinicum Township Bucks County	PAC090131	Hager Development P.O. Box 26767 Elkins Park, PA 19027	Swamp Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAC090151	Pisani Builders, Inc. 403 Appian Way Doylestown, PA 18901	Houghs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<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>
Buckingham Township Bucks County	PAC090153	Orleans Homebuilders P.O. Box 1247 16 Jefferson Street Newtown, PA 18940	Unnamed Tributary to Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAC090154	Toll XV, LP 250 Gibraltar Road Horsham, PA 19044	North Branch Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAC230058	US Home Corporation dba Lennar 2465 Kuser Road 3rd Floor Hamilton, NJ 08690	Webb Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAC230061	615 Newtown Road Assoc., LP 120 Avondale Boulevard Exton, PA 19341	Unnamed Tributary to Ithan Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Delaware County	PAC230046	Springfield School District 111 West Leary Avenue Springfield, PA 19064	Crum Creek WWF-MF Darby Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG02002314041	ESIII L.P. 107 Twaddell Mill Road Wilmington, DE 19807	Camp Run to Darby Creek CWF-MF Wigwam Run to Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Union Twp Luzerne County	PAC400056	Northwest Area School District Barry Shoemaker 243 Thorne Hill Rd Shickshinny, PA 18655	UNT to Shickshinny Creek (CWF, MF)	Luzerne County Conservation District 570-674-7991
City Of Pittston Luzerne County	PAC400036	Patrick Hadley 31 Webster St Pittston, PA 18640	Susquehanna River (WWF, MF)	Luzerne County Conservation District 570-674-7991
Conyngham Borough Luzerne County	PAC400051	Matt & Vanessa Cara P.O. Box 440 Conyngham, PA 18219-0440	Little Nescopeck Creek (CWF, MF)	Luzerne County Conservation District 570-674-7991
Bethlehem Twp Northampton County	PAC480038	Kerry A Wrobel Lehigh Valley Industrial Park, Inc 1720 Spillman Dr Ste 150 Bethlehem, PA 18015	Nancy Run (CWF, MF) Lehigh River (WWF, MF)	Northampton County Conservation District 610-829-6276
Upper Mount Bethel Twp Northampton County	PAC480026	Laura Iorio 236 W 139th St New York, NY 10030	Allegheny Creek (CWF, MF)	Northampton County Conservation District 610-829-6276

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>
Mount Joy Township Lancaster County Issued	PAC360212	Henry Glick 1891 Mt Pleasant Road Mount Joy, PA 17552	UNT to Little Chiques Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Mount Joy Township Lancaster County Issued	PAC360247	Roy Zimmerman 1240 Brook Court Lititz, PA 17545	Hammer Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Warwick Township Lancaster County Issued	PAC360241	Gerry Horst 120 North Pointe Blvd. Lancaster, PA 17601	Cocalico Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Ephrata Township Lancaster County Issued	PAC360193	Rick Poillon 200 Willow Valley Square Lancaster, PA 17602	UNT to Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Lampeter Township Lancaster County Issued	PAC360183	Greg Kile P.O. Box 277 Landisville, PA 17538	Stauffer Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Lampeter Township Lancaster County Issued	PAC360047	Fritz Shaak 1853 William Penn Way Lancaster, PA 17601	Stony Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Cocalico Township Lancaster County Issued	PAC360214	Bradford Clubb 168 West Airport Road Lititz, PA 17543	Little Chickies Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Manheim Township York County Issued	PAC670089	Joseph A. Myers 160 Ram Drive Hanover, PA 17331-8813	Furnace Creek/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

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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>
North Codorus Township York County Issued	PAC670130	Thomas R. & Amy W. Steele 1856 Pin Oak Drive Spring Grove, PA 17362	WB Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
East Manchester Township York County Issued	PAC670137	Quigley Motor Company, Inc. Angie Quigley 100 Sunset Drive Manchester, PA 17345	Hartman Run/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Dover Township York County Issued	PAC670159	Francis C. McNaughton 4400 Deer Path Road Harrisburg, PA 17110	Fox Run/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

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>
College Twp Centre Cnty	PAC140040	Penn State University 139J Physical Plant University Park, PA 16802	Big Hollow CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Sandy Twp Clearfield Cnty	PAC170014	Derik Day Central Oaks Independent Living Community 2524 Wayne Rd Reynoldsville, PA 15851	UNT to Sandy Lick CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629
Lawrence Twp Clearfield Cnty	PAC170016	Clearfield VFW Post No. 1785 309 N. 3rd Street Clearfield, PA 16830	West Branch Susquehanna WWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629
Castanea Twp Clinton Cnty	PAC180004	Lock Haven Moose Lodge 100 150 South Hanna Street Lock Haven, PA 17745	Bald Eagle Creek WWF, MF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
East Chillisquaque & West Chillisquaque Twps Northumberland Cnty	PAC490023	Jason Newswanger 300 Zeke Lane Milton, PA 17847	UNT West Branch Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Chapman Twp Snyder Cnty	PAC550017	Port Trevorton DG Kirk Farelly Winding Road Port Trevorton, PA 17864	Independence Run CWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

<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>
Center Twp Snyder Cnty	PAC550014	Advanced Concrete, Inc Mark Dewiler 55 Advanced Lane Middleburg, PA 17842	Tuscarora Creek CWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

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>
Smith Township	PAC630074	West Penn Power Company 800 Cabin Hill Drive Greensburg, PA 15601	UNT to Raccoon Creek (WWF); Raccoon Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Chartiers Township	PAC630079	Columbia Gas of Pennsylvania 2021 West State Street New Castle, PA 16101	UNTs to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township	PAC630082	Donegal Land Partners, LLC 2543 Washington Road Pittsburgh, PA 15241	UNT to Brush Run (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
South Strabane Township	PAC630091	HBC Foundry, LLC 437 Grant Street Pittsburgh, PA 15219	UNT to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

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>
City of Bradford McKean County	PAC420010	John Kohler P.O. Box 281 Bradford, PA 16701	Bolivar Run CWF Tunungwant Creek WWF	McKean County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001
Foster Township McKean County	PAC420011	NiSource, Inc Ryan Friedberg 290 W Nationwide Blvd Columbus, OH 43215	UNT Kendall Creek WWF	McKean County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001
Girard Township Erie County	PAC250042	Commonwealth Realty XII 109 East 10th Street Erie, PA 16501	UNT Lake Erie CWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

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*Facility Location:
Municipality &
County*

Eau Claire Borough
Butler County

Permit No.
PAC100076

Applicant Name & Address

Eau Claire DG, LLC
Mr. Gene M Hart III
118 16th Avenue South
Suite 230
Nashville, TN 37203

*Receiving
Water/Use*

UNT South Fork
Little Scrubgrass
Creek CWF & UNT
North Branch Bear
Creek CWF

*Contact Office &
Phone No.*

Butler County
Conservation District
122 McCune Drive
Butler, PA 16001
724-284-5270

General Permit Type—PAG-3

*Facility Location
Municipality &
County*

Wright Township
Luzerne County

Permit No.
PAG032245

Applicant Name & Address

Berry Global Films LLC
20 Elmwood Avenue
Mountain Top, PA 18707-2100

*Receiving
Water/Use*

Unnamed Tributary
to Bow Creek—
5-B/CWF

*Contact Office &
Phone No.*

DEP Northeast
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511

Bridgewater
Township
Susquehanna County

PAG032244

Susquehanna Transfer LLC
297 Ellsworth Drive
Montrose, PA 18801

Unnamed Tributary
of Meshoppen Creek
and Unnamed
Tributary to
Meshoppen Creek—
4-G

DEP Northeast
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511

Tatamy Borough
Northampton County

PAG032229

Mondelez Global, LLC
120 Commerce Lane
Tatamy, PA 18045

Unnamed Tributary
to Shoeneck
Creek—1-F
WWF/MF

DEP Northeast
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511

Pittston City
Luzerne County

PAG032233

Amazon.com DEDC, LLC
P.O. Box 80842
Attn: Amazon.com,
NA Env. Dept.
Seattle, WA 98108-0842

Susquehanna
River—5-A
WWF/MF

DEP Northeast
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511

Bridgewater
Township
Susquehanna County

PAG032241

Natstone, LLC dba Rock Ridge
Stone
631 S.R. 1039
Montrose, PA 18801

Unnamed Tributary
to Snake Creek—4-E
CWF

DEP Northeast
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511

Lower Saucon
Township
Northampton County

PAG032227

Bethlehem Renewable Energy
Generation Facility
2325 Applebutter Road
Bethlehem, PA 18015

Unnamed Tributary
to Saucon
Creek—2-C
CWF/MF

DEP Northeast
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511

General Permit Type—PAG-13

Facility Location
Municipality &
County

Permit No.

Applicant Name & Address

Receiving
Water/Use

Contact Office &
Phone No.

Harrison Township
Allegheny County

PAG036193

Tomsons Scrap Metal
2100 Karns Road
Natrona, PA 15065

Allegheny River—
18-A

DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000

New Brighton
Borough
Beaver County

PAG136124

New Brighton Borough
Beaver County
610 Third Avenue
New Brighton, PA 15066

Beaver River and
Blockhouse Run—
20-B

DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Hershey Ag Shadewood Farms 23 Acker Road Newport, PA 17074	Perry	133.5	1,111.14	Swine	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor,

Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This

paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 0918501, Public Water Supply.

Applicant	Doylestown Township Municipal Authority 425 Wells Road Doylestown, PA 18901
Township	Doylestown
County	Bucks
Type of Facility	PWS
Consulting Engineer	Castle Valley Consultants, Inc. 10 Beulah Road New Britain, PA 18901
Permit to Construct Issued	April 3, 2018

Operations Permit # 0917522 issued to: **Warrington Township**, 852 Easton Road, Warrington, PA 18976, **PWS ID # 1090070**, Warrington Township, **Bucks County** on April 3, 2018 for the operation of County Line Road interconnection with North Wales Water Authority facilities approved under construction permit # 0917522.

Operations Permit # 4617524 issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 146009**, Worcester Township, **Montgomery County** on April 5, 2018 for the operation of Aqua PA Superior Center Point facilities approved under construction permit # 4617524.

Operations Permit # 4617525 issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1460007**, Upper Frederick Township, **Montgomery County** on April 5, 2018 for the transfer of Aqua PA Superior Ivy Ridge facilities.

Operations Permit # 4617526 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1460085**, New Hanover Township, **Montgomery County** on April 5, 2018 for the transfer of Aqua PA Superior Main System facilities.

Operations Permit # 1517529 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 **PWS ID # 1150547**, North Coventry Township, **Chester County** on April 14, 2018 for the transfer of Aqua PA Superior Suburbia Center facilities.

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

Permit No. 5418501, Public Water Supply.

Applicant	Pine Grove Borough One Snyder Avenue Pine Grove, PA 17963
[Borough or Township]	Pine Grove Borough
County	Schuylkill County
Type of Facility	PWS
Consulting Engineer	Mr. David Kavitski, PE BCM Engineers 705 Ingham Street Freeland, PA 18224
Permit to Construct Issued	4/09/2018

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

Permit No. 2118501 MA, Minor Amendment, Public Water Supply.

Applicant	Middlesex Township Municipal Authority
Municipality	Middlesex Township
County	Cumberland
Responsible Official	Peter J. Lusardi, Chairman 350 North Middlesex Road Carlisle, PA 17013
Type of Facility	The Authority is requesting a public water supply permit for two seasonal bulk water loading stations in Middlesex Township, Cumberland County.
Consulting Engineer	N Peter Fleszar, P.E. Glace Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Permit to Construct Issued	4/13/2018

Permit No. 3117505 MA, Minor Amendment, Public Water Supply.

Applicant	Mount Union Municipal Authority
Municipality	Shirley Township
County	Huntingdon
Responsible Official	Thomas R. James, Chairman P.O. Box 90, 9 W. Market Street Mount Union, PA 17066
Type of Facility	The Mount Union Municipal Authority (Authority) has submitted an application for the inspection and rehabilitation of the three existing storage tanks.
Consulting Engineer	David M. Cunningham, P.E. Keller Engineers, Inc. 420 Allegheny Street Hollidaysburg, PA 16648
Permit to Construct Issued	4/6/2018

Permit No. 0717501, Public Water Supply.

Applicant **Cyrstal Pure of Altoona**
 Municipality Logan Township
 County **Blair**
 Responsible Official Timothy A. Washko, Co-Owner
 445 South Logan Boulevard
 Altoona, PA 16602

Type of Facility Crystal Pure of Altoona (Crystal Pure) has submitted an application for the approval to modify the existing bottling process to increase production efficiency. Crystal Pure proposes to remove the existing washing machine, install a new Triton 160 Automatic Bottle Washer/Filler/Capper machine, relocate the existing reverse osmosis and ultraviolet machines, and modify the existing wash and production rooms.

Consulting Engineer Stephen M. Sewalk, P.E.
 The EADS Group, Inc
 227 Franklin Street
 Johnstown, PA 15901

Permit to Construct Issued 4/6/2018

Operation Permit No. 0115512 issued to: **Hanover Municipal Water Works (PWS ID No. 7670076)**, Conewago Township, **Adams County** on 4/6/2018 for facilities approved under Construction Permit No. 0115512.

Comprehensive Operation Permit No. 7220392 issued to: **Bow Creek Inn, Inc. (PWS ID No. 7220392)**, East Hanover Township, **Dauphin County** on 4/13/2018 for the operation of facilities approved under Construction Permit No. 2218502.

Comprehensive Operation Permit No. 2217508 MA issued to: **Pillow Borough Authority (PWS ID No. 7220046)**, Mifflin Township, **Dauphin County** on 4/6/2018 for the operation of facilities approved under Construction Permit No. 2217508 MA.

Operation Permit No. 6717506 issued to: **St. Jacob's (Stone) Church (PWS ID No. 7671217)**, Codorus Township, **York County** on 4/17/2018 for facilities approved under Construction Permit No. 6717506.

Operation Permit No. 2917502 issued to: **Fraternal Order of Eagles # 4274 (PWS ID No. 4290822)**, Licking Creek Township, **Fulton County** on 4/17/2018 for facilities approved under Construction Permit No. 2917502.

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

Permit No. 1718503MA—Construction—Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.—Treasure Lake Division**
 Township/Borough Sandy Township

County **Clearfield County**
 Responsible Official Mr. Patrick R. Burke
 Director of Operations
 Aqua Pennsylvania
 204 E. Sunbury Street
 Shamokin, PA 17872

Type of Facility Public Water
 Supply-Construction

Consulting Engineer Mr. Robert Horvat
 Entech Engineering, Inc.
 400 Rouser Road
 Building 2, Suite 200
 Coraopolis, PA 15108

Permit Issued April 11, 2018

Description of Action Authorizes Aqua Pennsylvania, Inc.—Treasures Lake Division to replace gas chlorination at N-4 Well Station with the use of a chemical feed pump to inject 12.5% sodium hypochlorite into the water from N-4 Well.

Permit No. 1918502MA—Construction & Operation—Public Water Supply.

Applicant **SUEZ Water Pennsylvania, Inc.**
 Township/Borough Town of Bloomsburg
 County **Columbia County**
 Responsible Official Mr. Tate Hunsinger
 SUEZ Water Pennsylvania Inc.
 100 Irondale Road
 Bloomsburg, PA 17815

Type of Facility Public Water
 Supply—Construction &
 Operation

Consulting Engineer Mr. Ken Smith, P.E.
 CDM Smith, Inc.
 60 Crossways Parks Drive West
 Woodbury, NY 11797

Permit Issued April 13, 2018

Description of Action Authorizes the installation and operation of an additional six Toray HFU-2020N modules on each of the four ultrafiltration skids at the Bloomsburg Filtration Plant.

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.

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

WA2-919A, Water Allocations. **Township of Neville**, 5050 Grand Avenue, Pittsburgh, PA 15225, Jefferson Neville Township, **Allegheny County**. The right to purchase 1,000,000 gallons of water per day, peak month, from the West View Water Authority.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Woodbury Township	113 Cranberry Road Martinsburg, PA 16662	Blair
Taylor Township	7217 Woodbury Pike Roaring Spring, PA 16673	Blair

Plan Description: Approval of a revision to the official plan of North Woodbury and Taylor Township, Blair County. The project is known as Oakview Estates. The plan provides for a development of 68 rented mobile home lots on 29.98 acres with sewage flows of 27,200 gpd tributary to a new pump station and 5,800 linear feet of force main with connection to the Martinsburg Municipal Authority's sewerage system. The proposed project is located along Town's Edge Way, north of Cove Mountain Road.

The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Numbers for this planning module are A3-07919-182-3 and A3-07921-193-3 and the APS Id is 962005. Any permits must be obtained in the name of the Authority.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Marysville Borough	200 Overcrest Road Marysville, PA 17053	Perry

Plan Description: The planning module for Rockville Estates Phase 2, DEP Code No. A3-50801-033-3E, APS Id 964770, consisting of 54 residential lots using sewer service provided by the Borough of Marysville, is disapproved. The proposed development is located at Caroline Drive. This plan is disapproved because the submission proposes the connection to or an extension of public sewers where the existing collection, conveyance or treatment facilities are not in compliance with the Pennsylvania Clean Streams Law (CSL) and the rules and regulations thereunder as per Chapter 71, Section 71.51(b)(2)(i).

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.

315 Columbia Street, 315 Columbia Street, Bethlehem City, **Northampton County**. Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, on behalf of JG Petrucci Company, Inc., 171 Route 173, Suite 201, Asbury, NJ 08802 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site groundwater contaminated due to historic use at the site. The predominant contaminants identified are volatile organic compounds, specifically tetrachloroethylene (PCE). The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Harley-Davidson Motor Company, Inc., 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place, Suite 310, Harrisburg, PA 17110 on behalf of Harley-Davidson Motor Company Operations, Inc., 1425 Eden Road, York, PA 17402, submitted a Remedial Investigation Report and Risk Assessment concerning remediation of site groundwater contaminated with VOCs and chlorinated solvents. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

Harley-Davidson Motor Company, Inc., 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place, Suite 310, Harrisburg, PA 17110 on behalf of Harley-Davidson Motor Company Operations, Inc., 1425 Eden Road, York, PA 17402, submitted a Remedial Investigation Report concerning remediation of site soil contaminated with munitions. The Report is intended to document remediation of the site to meet the Site Specific Standard.

IAC Carlisle LLC/Former Masland Carpets, 50 Spring Road, Carlisle, PA 17013, Borough of Carlisle, **Cumberland County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Carlisle Auto Industries, Inc., 10000B Bryn Mawr Road, Carlisle, PA 17013, submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with metals, volatile organic and semi-volatile compounds. The report is intended to document remediation of the site to meet the Site Specific and Nonresidential Statewide Standards.

VF Outlet Complex—Parcel 9, 801 Hill Avenue, Wyomissing, PA 19610, Wyomissing Borough, **Berks County**. Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482, on behalf of Equus Capital Partners LTD, 3200 Center Square West, 1500 Market Street, Philadelphia, PA 19102, and VF Corporation, VF Outlet, Inc., 801 Hill Avenue, Wyomissing, PA 19601, submitted a Remedial Investigation Report, Cleanup Plan, and Final Report concerning remediation of site soil contaminated with As and Mn. 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 description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the

presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Higher Ground Tactical, 5402 Chestnut Street, Upper Milford Township, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Mike Wachter, 4302 Main Road West, Emmaus, PA 18049, submitted a final report concerning site soils contaminated as the result of improper handling and disposal of lead bullets from the prior use of an indoor shooting range. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on April 13, 2018.

236 East 3rd Street, 236 East Third Street, Hazleton City, **Luzerne County**. Envirosearch Consultants, P.O. Box 940, Spring House, PA 19477, on behalf of Federal National Mortgage Association, 14221 Dallas Parkway # 1000, Dallas, TX 75265, submitted a final report concerning site soils contaminated with used motor oil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on April 16, 2018.

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

David Angstadt Property, 539 Manatawny Road, Boyertown, PA 18512, Earl Township, **Berks County**. EnviroTrac Ltd, 8133 Easton Road, Suite 110, Ottsville, PA 18942, on behalf of David Angstadt, 539 Manatawny Road, Boyertown, PA 18512, submitted a Final Report concerning remediation of site soil contaminated with # 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on April 10, 2018.

J&J Material Handling Systems, Inc., 1820 Franklin Street, Columbia, PA 17512, West Hempfield Township, **Lancaster County**. Reliance Environmental, Inc., 236 North Duke Street, Lancaster, PA 17602, on behalf of Arnold Printed Communications, 53 Eastman Avenue, Lancaster, PA 17603, submitted a Final Report concerning site soil contaminated with lead. The Final Report dem-

onstrated attainment of the Site Specific Standard, and was approved by the Department on April 10, 2018.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Renewal Applications Received

Environmental Industrial Services Corp. of New Jersey, 288 Oak Grove Road, Swedesboro, NJ 08085. License No. PA-AH 0457. Effective Apr. 17, 2018.

Grid Logistics LLC, 78 John Miller Way, Kearny, NJ 07032. License No. PA-AH 0843. Effective Apr. 17, 2018.

Tradebe Transportation LLC, 4343 Kennedy Avenue, East Chicago, IN 46312. License No. PA-AH 0745. Effective Apr. 16, 2018.

Hazardous Waste Transporter License Issued

Connell Transport International Inc, 1351 Speers Rd, Oakvill, ON L6L2X5. License No. PA-AH 0867. Effective Apr. 16, 2018.

Hazardous Waste Transporter License Reissued

Bestrans, Inc., 19 Davidson Lane, New Castle, DE 19720. License No. PA-AH 0766. Effective Apr. 16, 2018.

Environmental Industrial Services Corp. of New Jersey, 288 Oak Grove Road, Swedesboro, NJ 08085. License No. PA-AH 0457. Effective Apr. 17, 2018.

Grid Logistics LLC, 78 John Miller Way, Kearny, NJ 07032. License No. PA-AH 0843. Effective Apr. 17, 2018.

Moran Environmental Recovery, LLC, 75D York Avenue, Randolph, MA 02368. License No. PA-AH 0744. Effective Apr. 12, 2018.

Tradebe Transportation LLC, 4343 Kennedy Avenue, East Chicago, IN 46312. License No. PA-AH 0745. Effective Apr. 16, 2018.

REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

Registration for General Permit Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and 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.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

General Permit No. WMGR123SW010. Greene County Water Treatment, LLC, 401 Jefferson Road, Waynesburg, PA 15370. A modification to the registration under General Permit No. WMGR123 to install and operate an AVARA Vapor Compression/Distillation Unit as a component of the approved process for treatment of oil and gas liquid waste for beneficial use at a facility located in Franklin Township, **Greene County** was issued by the Southwest Regional Office on April 17, 2018.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit 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/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

General Permit No. WMGR028SE003D. Highway Materials Inc, Pekiomenville Asphalt Plant, 1128 Crusher Road, Perkiomenville, PA 18074-9303. This application is for the determination of applicability (DOA) under General Permit No. WMGR028SE003D for the beneficial use of hot-mix asphalt plant residue consisting of baghouse fines and scrubber pond precipitate generated from the Perkiomenville Asphalt Plant located at 1128 Crusher Road in Marlborough Township, **Montgomery County**. The application for determination of applicability was issued by the Southeast Regional Office on April 4, 2018.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

General Permit No. WMGR028SE003B. Highway Materials Inc, Malvern Asphalt Plant, 680 North Morehall Road, Malvern, PA 19355-1415. This application is for the determination of applicability (DOA) under General Permit No. WMGR028SE003B for the beneficial use of hot-mix asphalt plant residue consisting of baghouse fines and scrubber pond precipitate generated from the Malvern Asphalt Plant located at 680 Morehall Road in East Whiteland Township, **Chester County**. The application for determination of applicability was issued by the Southeast Regional Office on April 4, 2018.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

General Permit No. WMGR038NC010. S & J Recycling, Inc., 3576 Old Route 15, New Columbia, PA 17856-9369, White Deer Township, **Union County**. Determination of Applicability for General Permit for the beneficial use and processing prior to beneficial use of waste tires, including whole tires, tire chips, baled tires, crumb rubber, and tire shreds. The Department issued with the determination of applicability on April 17, 2018.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

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

PAD0003026531. Tecumseh Redevelopment, Inc., HWM-1 Hazardous Waste Landfill, Richardson Road, Lot B3, Steelton, PA 17113, Lower Swatara and Swatara Townships, **Dauphin County**. A Class 1 Permit Modification was issued by the Southcentral Regional Office that approves the change in ownership and operation of the permitted facility from ArcelorMittal Steelton, LLC to Tecumseh Redevelopment, Inc. The Class 1 Permit Modification was issued on April 12, 2018.

Persons interested in reviewing this permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP14-09-0147: Rivers Edge Funeral Chapel and Crematory, Inc. (71 Fox Drive, Building JC1, Tullytown, PA 19007) April 13, 2018 to operate two (2) human crematories (Source ID 101 and 102) at the funeral chapel located in Tullytown Borough, **Bucks County**.

GP14-23-0132: McCausland-Garrity Marchesani Funeral Home, Inc. (343 South Chester Pike, Glendolen, PA 19036) On April 13, 2018 for a human crematory (one unit) in Glenolden Borough, **Delaware County**. This General Permit supercedes General Permit GP14-23-0126 which expires July 15, 2018.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Norman Frederick, P.E., Environmental Engineer—Telephone: 570-826-2409.

GP3-64-011: E.R. Linde Construction Inc. (9 Collan Park, Honesdale, PA 18431) on April 10, 2018 for the construction and operation of a Portable Crushing Operation with watersprays at the site located in Damascus Twp., **Wayne County**.

GP11-64-011: E.R. Linde Construction Inc. (9 Collan Park, Honesdale, PA 18431) on April 10, 2018 for the installation and operation of Diesel I/C engines located at the site located in Damascus Twp., **Wayne County**.

GP3-52-005: G.F. Edwards Inc. (540 South Sterling Rd, 204 SR 435, Elmhurst Twp, PA 18444) on April 17,

2018, for the operation of a Crushing Operation at their facility in Greene Township, **Pike 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.

GP3-36-03030: Allan Myers Materials PA, Inc. (638 Lancaster Avenue, Malvern, PA 19355), on April 6, 2018, for portable nonmetallic mineral processing equipment, including 2 crushers, 2 screens and 22 conveyors, under GP3, at the Talmage Quarry located in Upper Leacock Township, **Lancaster County**.

GP11-36-03030: Allan Myers Materials PA, Inc. (638 Lancaster Avenue, Malvern, PA 19355), on April 6, 2018, for four non-road engines under GP11, to operate portable nonmetallic mineral processing equipment, at the Talmage Quarry located in Upper Leacock Township, **Lancaster County**.

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

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

GP5-59-211B: Repsol Oil & Gas USA, LLC (50 Pennwood Place, Warrendale, PA 15086) on April 10, 2018, for the construction and operation of three 2,010 bhp Caterpillar model G3606 natural-gas-fired compressor engines (C01, C02, and C03) whose air-contaminant emissions will be controlled by Miratech model SP-RHSIGA-48-TBD-HSG oxidation catalysts, one 10,500-gallons oil tank, one 10,500-gallons produced water tank, and various fugitive emissions 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 Empire Booster Station facility located in Jackson Township, **Tioga County**.

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

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

GP5-30-00180C: CONE Midstream Partners LP (1000 Consol Energy Drive, Cannonsburg, PA 15321-6506) on April 13, 2018, to allow the construction and operation of proposed: one (1) Enclosed Ground Flare rated at 2.0 MMBtu/hr, six (6) 4,200-gallon slop water tanks, one (1) 300-gallon water condensate tank, and continued operation of the previously installed sources which include three (3) natural gas-fired G3516LE Caterpillar engines each rated 1,340 bhp, one (1) NATCO TEG dehydrator rated at 20 MMsctd attached to a natural gas fired reboiler rated at 0.5 MMBtu/hr, one (1) 4,200-gallon fresh water storage tank, one (1) 3,000-gallon fresh water storage tank, one (1) 2,500-gallon glycol storage tank, and three (3) compressor lube storage tanks at their GH6 Compressor Station, located in Center Township, **Greene County**.

GP5-04-00744A: ETC Northeast Field Services LLC (6051 Wallace Road Ext., Suite 300, Wexford, PA 15090) on April 16, 2018, to allow the construction and operation of proposed: four (4) natural gas-fired Caterpillar compressor engines G3608, each rated at 2,500 bhp, each unit controlled by an oxidation catalyst; one (1) natural gas-fired Caterpillar G3616, rated at 5,000 bhp, controlled by an oxidation catalyst; two (2) TEG dehydrators with reboilers each rated at 1.5 MMBtu/hr; two (2) Flash

tanks; two (2) Stabilizer heaters each rated at 3.5 MMBtu/hr; four (4) Condensate tanks; twenty-four (24) miscellaneous Storage tanks; one (1) Compressor Rod Packing, rated at 0.7 MMBtu/hr; one (1) Truck loading combustor, rated at 0.43 MMBtu/hr, and one (1) air-assisted Flare continuous rated at 139.0 MMBtu/hr at their Freedom Compressor Station, located in New Sewickley Township, **Beaver County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

46-0248A: Pottstown Borough Authority (1269 Industrial Highway, Pottstown, PA 19464) On April 13, 2018 the issuance for the installation of a replacement sewage sludge dryer at its existing municipal wastewater treatment plant. The facility located in Pottstown Borough, **Montgomery County**.

23-0119H: Sunoco Partners Marketing & Terminals, L.P. (SPMT) (2nd and Green Streets, Marcus Hook, PA 19061-0426) On April 13, 2018 the issuance to construct and operate a new flare at an existing Title V facility located in Marcus Hook Borough, **Delaware County**.

23-0123: AeroAggregates, LLC (1500 Chester Pike, Eddystone, PA 19022) On April 11, 2018 the issuance for the operation of an existing natural gas-fired glass foaming tunnel kiln, an existing natural gas-fired, fluidized bed dryer, and the installation of two (2) new natural gas-fired glass foaming tunnel kilns at an existing foamed glass aggregate production facility in the Borough of Eddystone, **Delaware County**.

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.

06-05008C: SFS Group USA, Inc. (P.O. Box 6326, Wyomissing, PA 19610) on April 9, 2018, for the installation of a dip and spin coating line equipped with a 2.5 MMBtu/hr natural gas fired drying oven at the Wyomissing facility located in Wyomissing Borough, **Berks County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

09-0090C: Praxair Distribution Mid-Atlantic LLC (1 Steel RD E, Morrisville, PA 19067-3613) On April 13, 2018 an extension to construct and reactivate a previously permitted Guardian System, in Falls Township, **Bucks County**.

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.

36-05136E: Energy Developments Honeybrook, LLC (608 S. Washington Avenue, Lansing, MI 48933) on April 6, 2018, to replace a landfill gas-fired engine generator set at the landfill gas treatment plant at the Lancaster Landfill in Caernarvon Township, **Lancaster County**. The plan approval was modified to reflect a change of ownership, and was also extended.

67-05005H: Brunner Island, LLC (P.O. Box 221, York Haven, PA 17370) on April 11, 2018, for the addition of natural gas as a fuel firing option for the three existing utility boilers (Source IDs 031A, 032 and 033A) and their associated coal mill heaters that will involve the tying in of a natural gas pipeline (Source ID 301), as well as the construction of two natural gas-fired pipeline heaters (Source ID 050) at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. The plan approval was extended.

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

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

08-00010I: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) April 5, 2018, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from April 24, 2018 to October 21, 2018, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

41-00001A: Transcontinental Gas Pipe Line Company, LLC (P.O. Box 1396, Houston, TX 77251-1396) on April 4, 2018, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 19, 2018 to November 15, 2018, at their Compressor Station 520 located in Mifflin Township, **Lycoming County**. The plan approval has been extended.

08-00050B: Eureka Resources, LLC (451 Pine Street, Williamsport, PA 17701) on April 13, 2018, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 8, 2018 to November 4, 2018, at their Standing Stone Oil and Gas Wastewater Treatment Facility located in Standing Stone Township, **Bradford County**. The plan approval has been 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.

03-00196B PA Extension: National Fuel Gas Supply Corp. (1100 State St., Erie, PA 16512-2081) On April 16, 2018, the Department (PA-DEP) issued a Plan Approval extension up to September 28, 2018, to allow to construct and install the previously authorized enclosed ground flare rated at 2.0 MMBtu/hr for capturing and controlling emissions from the still vent of an existing NATCO dehydration unit rated at 0.6 MMscfd at their Kaylor Compressor Station located in Sugarcreek Township, **Armstrong County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

23-00100: Pyramid Materials Division Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) On April 11, 2018, the issuance of a renewal non-Title V (State-Only) Operating Permit. The facility is located in Aston Township, **Delaware County**.

46-00161: Sanatoga Asphalt (H&K Group, Inc.) (394 South Sanatoga Road, Pottstown, PA 19464-3148) On April 11, 2018 the issuance of a renewal non-Title V (State-Only) Operating Permit. The facility is located in Lower Pottsgrove Township, **Montgomery County**.

15-00105: Buckeye Pipe Line Company L.P. (8 S Malin Road, Malvern, PA 19355) April 11, 2018 the issuance of a renewal Title V Operating Permit. The facility is located in East Whiteland Township, **Chester County**.

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.

40-00042: SPCA of Luzerne County (524 East Main Street, Wilkes-Barre, PA 18702-6921). On April 11, 2018, the Department issued a renewal State-Only (Natural Minor) Permit for this Services facility located in Plains Township, **Luzerne County**. The main source at this facility consists of an animal crematory. The control device for the source is an incinerator. The source is 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.

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

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

55-00001: Sunbury Generation LP (Old Trail Road, P.O. Box 517, Shamokin Dam, PA 17876) was issued a State Only (Synthetic Minor) operating permit on April 3, 2018, for operation of their facility located in Shamokin Dam Borough, **Snyder County**. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

59-00017: Waupaca Foundry, Inc. (18986 Route 287, Tioga, PA 16946) on April 12, 2018, was issued a renewal State Only (Synthetic Minor) operating permit for their Lawrenceville Plant located in Lawrence Township, **Tioga County**. The State Only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00030: Wetzler Funeral Service (206 North Spring Street, Bellefonte, PA 16823) on April 12, 2018, was issued a renewal State Only operating permit for

their facility located in Bellefonte Borough, **Centre County**. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

65-00829: Motive Power Inc. Fulmer/Perma-Cast (3004 Venture Court, Export, PA 15632) on April 9, 2018 a State Only Operating Permit (SOOP) renewal to Motive Power Inc. Fulmer/Perma-Cast Export Plant to authorize the operation of a nonferrous foundry located in Penn Township, **Westmoreland County**.

63-00154: MCC International, Inc. (110 Centrifugal Court, McDonald, PA 15057) on April 9, 2018 a State Only Operating Permit (SOOP) renewal to MCC International, Inc. to authorize the manufacturing operation of their centrifugally cast ferrous and non-ferrous products located in Cecil Township, **Washington County**.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

20-00310: Reed Oil Harned Oil Bulk Plant (10470 Pymatuning Ave., Conneaut Lake, PA 16316), on April 10, 2018, the Department issued a new Synthetic Minor Operating Permit to a bulk gasoline plant located in Sadsbury Township, **Crawford County**. The bulk plant's storage tanks and loading/unloading operations are currently permitted through Plan Approval 20-310A. Through the plan approval, the bulk plant elects to comply with the 20,000 gal/day gasoline throughput restriction to be considered a bulk gasoline plant pursuant to 25 Pa. Code § 121.1 and 40 CFR 63.111100, and is subject to emission restrictions of 40.62 TPY VOC and 2.39 TPY Total HAPs. The gasoline storage tanks and loading/unloading operations are subject to 25 Pa. Code §§ 129.60 (Bulk gasoline plants), 129.61 (Small gasoline storage tank control (Stage 1 control)) and 129.62 (General standards for bulk gasoline terminals, bulk gasoline plants and small gasoline storage tanks), and 40 CFR 63 Subpart BBBBBB (NESHAP for gasoline distribution bulk terminals, bulk plants and pipeline facilities). As a Synthetic Minor, the bulk plant is subject to annual emission inventory reporting pursuant to 25 Pa. Code Chapter 135 (Reporting of Sources).

42-00323: Advanced Fiberglass Services, Incorporated (80 Canal Street, Sharpville, PA 16150-2201). The Department on April 10, 2018 issued a renewal of the State Only Operating Permit for the custom fiberglass fabrication facility. The facility is a Natural Minor. The facility is located in Sharpville Borough, **Mercer County**. The primary source is custom fabrication operations using a manual layup process. The facility is restricted to less than 9.9 TPY of styrene emissions based on a 12-month rolling sum. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00294: International Timber & Veneer (75 McQuiston Drive, Jackson Center, PA 16133). On April 16, 2018, the Department issued a renewal of the State Only Operating Permit for the hardwood veneer and plywood manufacturing facility located in Jackson Township, **Mercer County**. The sources at the facility include

a 23.9 MMBtu/hr wood fired boiler controlled by primary and secondary cyclones, an 8.4 MMBtu/hr natural gas boiler, three space heaters, four veneer dryers and sawing, grinding and chipping sources controlled by cyclones for the processing of hardwood logs into veneer. The facility is a natural minor. The facility is an Area Source for MACT. The wood fired boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The PM, SO_x, NO_x, CO, and VOC emissions are less than 22 TPY, 3 TPY, 30 TPY, 69 TPY, and 8 TPY, respectively. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00349: Custom Container Valley Can, LLC (1264 Fredonia Rd, Hadley, PA 16130). On April 10, 2018, the Department issued a State Only Natural Minor Operating Permit for the facility located in Perry Township, **Mercer County**. The facility's primary emission sources include a paint spray booth and the welding and plasma cutting operation. The potential emissions of the primary pollutants from the facility are as follows: 4.78 TPY NO_x, 0.42 TPY CO, 6.03 TPY VOC, 15.52 TPY PM₁₀ and PM_{2.5}, and 0.00 TPY SO_x; thus, the facility is a natural minor. The facility must comply with 25 Pa. Code § 129.52d for control of VOC emissions from the paint booth. 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.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.

OP17-000040: MCI, Inc.—Verizon Business—PHIPPA (401 N Broad St, Philadelphia, PA 19108) for operation of a telecommunication facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 300 kilowatt (kw) emergency generator, one 500 kw emergency generator, one 800 kw emergency generator, and one 1,500 kw emergency generator. All engines fire diesel fuel.

OP18-00010: Hahnemann University Hospital (230 N. Broad Street, Philadelphia, PA 19102) administratively amended on April 6, 2018 to incorporate a change of ownership from Tenet Health System Hahnemann LLC to Center City Healthcare LLC dba as Hahnemann University Hospital. The Natural Minor Operating Permit (No. OP16-000022) was originally issued on January 20, 2017.

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.

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

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

17-00001E: NRG REMA LLC (250 Power Plant Drive, Shawville, PA 16873) extended the authorization an additional 180 days from April 1, 2018 to September 28, 2018, to permit continued operation of the cooling tower pending issuance an operating permit for the source. The source is located at the NRG REMA LLC/Shawville Generating Station facility in Bradford Township, **Clearfield County**. The plan approval has been extended.

17-00001G: NRG REMA LLC (250 Power Plant Drive, Shawville, PA 16873) extended the authorization an additional 180 days from April 1, 2018 to September 28, 2018, to permit continued operation of the utility boilers on natural gas pending issuance an operating permit for the modified sources. The sources are located at the NRG REMA LLL/Shawville Generating Station facility in Bradford Township, **Clearfield County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES Permit for installation of 7L Bleeder Shaft. Surface Acres Proposed 119.5. No additional discharges. The application was considered administratively complete on March 22, 2017. Application received: January 19, 2017. Permit issued: April 13, 2018.

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

Permit No. 56130107 and NPDES No. PA0269484, Coal Loaders, Inc., 210 East Main Street, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface & auger mine to include a variance to conduct mining and support activities within 100' of Township Road 546 (Trading Post Road) beginning at a point 100' North of the common intersection of SR 4025 and Township Road 546 thence continuing 3,100' North-erly along the Eastern side of Township Road 546 in Jenner Township, **Somerset County**, affecting 312.1 acres. Receiving streams: unnamed tributaries to/and Two Mile Run classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is the Quemahoning Reservoir for the Cambria-Somerset authority. Application received: February 13, 2018. Permit Issued: April 9, 2018.

Permit No. 32120106. P&N Coal Co., Inc., P.O. Box 332, Punxsutawney, PA 15767, permit renewal for reclamation only of a bituminous surface mine in Banks Township, **Indiana County**, affecting 196.1 acres. Receiving stream: unnamed tributaries to South Branch Bear Run and unnamed tributary to Brady Run classified

for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 8, 2018. Permit issued: April 9, 2018.

Permit No. 56120117 and NPDES No. PA0269182. Wilson Creek Energy, LLC, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Lincoln Township, **Somerset County**, affecting 241.6 acres. Receiving stream: Hoffman Run and unnamed tributaries to Quemahoning Creek classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria—Somerset Water Authority. Application received: December 15, 2017. Permit issued: April 10, 2018.

Permit No. 56120117 and NPDES No. PA0269182, Wilson Creek Energy, LLC, P.O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use to unmanaged natural habitat in Jenner Township, **Somerset County**, affecting 241.6 acres. Receiving streams: Hoffman Run and unnamed tributaries to Quemahoning Creek classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria—Somerset Water Authority. Application received: February 8, 2018. Permit issued: April 10, 2018.

Permit No. 56100103 and NPDES No. PA0263036, Hoffman Mining Inc., 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Unmanaged Natural Habitat in Paint Township, **Somerset County**, affecting 129.5 acres. Receiving streams: unnamed tributaries to/and Stonycreek River classified for the following use: Trout Stocked Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 17, 2018. Permit issued: April 12, 2018.

Permit No. 56090108 and NPDES No. PA0262803, Hoffman Mining Inc., 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Unmanaged Natural Habitat in Shade Township, **Somerset County**, affecting 185.0 acres. Receiving streams: unnamed tributaries to/and Dark Shade Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 17, 2018. Permit issued: April 12, 2018.

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

Permit No. 49931601R5. Black Creek Breaker Company, (1150 West Fern Street, Apartment 10, Coal Township, PA 17866), renewal of an existing anthracite coal preparation plant operation in West Cameron Township, **Northumberland County** affecting 4.5 acres, receiving stream: Mahanoy Creek. Application received: February 12, 2018. Renewal issued: April 11, 2018.

Permit No. PAM113004R. Black Creek Breaker Company, (1150 West Fern Street, Apartment 10, Coal Township, PA 17866), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49931601 in West Cameron Township, **Northumberland County**, receiving stream: Mahanoy Creek. Application received: February 12, 2018. Renewed issued: April 11, 2018.

Noncoal Permits Issued

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

PAM412004-GP104. Jason S. Ramsey, 1010 Buchanan Trail, McConnellsburg, PA 17233. Renewal of General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. 29120802 located in Ayr Township, **Fulton County**. Receiving stream: unnamed tributary to Spring 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 23, 2018. Coverage Approved: April 9, 2018.

PAM410002-GP104. Terry L Long, 132 Dirt Pushing Drive, Martinsburg, PA 16662. Renewal of General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. 07100801 located in North Woodbury Township, **Blair County**. Receiving stream: unnamed tributary to Plum Creek 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 28, 2018. Coverage Approved: April 9, 2018.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

PAM613001. New Castle Lime & Stone Company (P.O. Box 422, Edinburg, PA 16116-0422) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43040302 in Shenango Township, **Mercer County**. Receiving streams: Unnamed tributary to Shenango River. Application received: March 15, 2018. Permit Issued: April 2, 2018.

10170803. Jay A. Wack (866 Perry Highway, Harmony, PA 16037). Commencement, operation and restoration of a small industrial minerals mine in Muddy Creek & Lancaster Townships, **Butler County**, affecting 5.0 acres. Receiving streams: Unnamed tributary to Little Yellow Creek. Application received: November 20, 2017. Permit Issued: April 2, 2018.

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

08160301. Austin's Excavating and Paving, Inc. (121 Talmadge Hill Road West, Waverly, NY 14892). Commencement, operation and restoration of Large Noncoal Industrial Minerals mine located in Athens Township, **Bradford County** affecting 61.0 acres. Receiving stream: Susquehanna River classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: May 26, 2017. Permit issued: April 4, 2018.

PAM217010. Austin's Excavating and Paving, Inc. (121 Talmadge Hill Road West, Waverly, NY 14892), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Large Noncoal Industrial Minerals Permit 08160301 to the following surface water(s) in Athens Township, **Bradford County**. Receiving stream(s): Susquehanna River. Application received: May 26, 2017. Permit Issued: April 4, 2018.

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

Permit No. 58172512. Statewide985, LLC (985 Pinetree Way, Lancaster, PA 17601), commencement, op-

eration and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 6.5 acres, receiving stream: no discharge to unnamed tributary to Martins Creek. Application received: November 30, 2017. Permit issued: April 12, 2018.

Permit No. PAM117058. Statewide985, LLC (985 Pinetree Way, Lancaster, PA 17601), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58172512 in New Milford Township, **Susquehanna County**, receiving stream: no discharge to unnamed tributary to Martins Creek. Application received: November 30, 2017. Permit issued: April 12, 2018.

Permit No. 58100303C and NPDES Permit No. PA0225819. Popple Construction, Inc., (215 East Saylor Avenue, Wilkes-Barre, PA 18702), correction to an existing quarry operation to include and NPDES Permit for discharge of treated mine drainage in Rush Township, **Susquehanna County** affecting 158.0 acres, receiving stream: unnamed tributary of North Branch Wyalusing Creek. Application received: September 28, 2017. Permit issued: April 12, 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.

08184103. M&J Explosives LLC (P.O. Box 1248, Carlisle, PA 17013). Blasting for a gun range located in Monroe Township, **Bradford County** with an expiration date of April 10, 2019. Permit issued: April 11, 2018.

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

Permit No. 48184104. Brubacher Excavating, Inc., (825 Reading Road, Bowmansville, PA 17507), construction blasting for Majestic Lot 5 in the City of Bethlehem, **Northampton County** with an expiration date of April 9, 2019. Permit issued: April 10, 2018.

Permit No. 36184110. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Art Groff Chicken Houses in Penn Township, **Lancaster County** with an expiration date of May 30, 2018. Permit issued: April 12, 2018.

Permit No. 36184111. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Autumn Hills in Ephrata Township, **Lancaster County** with an expiration date of April 30, 2018. Permit issued: April 12, 2018.

Permit No. 36184112. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Clair Nolt House in Earl Township, **Lancaster County** with an expiration date of June 30, 2018. Permit issued: April 12, 2018.

Permit No. 46184102. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for the Northeast Extension 476 in Lower Salford, Salford and Franconia Townships, **Montgomery**

County with an expiration date of March 13, 2019. Permit issued: April 12, 2018.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E40-798. Beaumont Inn 33, LLC, Box 390, Route 309, Dallas, PA 18642, Dallas Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with improvements to the Beaumont Inn:

1) A 0.05 acre fill within the floodway of Leonard Creek (HQ-CWF, MF) associated with a 5,480 ft² pavilion.

2) A utility line crossing of Leonard Creek (HQ-CWF, MF) consisting of three (3) 4-inch diameter PVC conduits carrying potable water, natural gas, and electric.

3) Maintenance of a 7-foot wide, steel girder bridge crossing Leonard Creek (HQ-CWF, MF) having a 14.4-foot span and a 2.5-foot underclearance. Work consists of in-kind replacement of wooden decking and rails associated with an existing bridge.

4) A 0.06 acre of fill within the floodway of Leonard Creek (HQ-CWF, MF) associated with a stone patio consisting of concrete patio pavers.

5) A 120-foot long, 2-foot high stacked fieldstone retaining wall along the left bank of Leonard Creek (HQ-CWF, MF).

6) A utility line crossing of 95 feet of wetlands (EV) consisting of a 4-inch diameter PVC sanitary sewer line.

The project is located directly southeast of the Beaumont Inn and restaurant, approximately 0.7 mile north of the intersection of S.R. 309 and Lake Catalpa Road (Center Moreland, PA Quadrangle Latitude: 41° 23' 21.51" Longitude: -75° 58' 54.9"). Subbasin 4G.

E45-599. Stroud Township, 1211 North Fifth Street, Stroudsburg, PA 18360. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a 52.25-foot wide single-span composite prestressed concrete spread box beam bridge across Wigwam Run (HQ-CWF, MF) having approximately a 28.04-foot span and a 5.5-foot underclearance with wing walls and riprap protection. The project is located approximately 0.1 mile north of the SR 611 and Wigwam Park Road intersection (Saylorburg, PA Quadrangle Latitude: 40° 59' 54.1"; Longitude: -75° 15' 29"). Subbasin 1E.

E45-603. Stroud Township, 1211 North 5th Street, Stroudsburg, PA 18360-2646. Stroud Township and Stroudsburg Borough, **Monroe County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 10-foot wide single-span, prefabricated steel beam truss pedestrian bridge having a 120-foot span and a 10-foot underclearance across Pocono Creek (HQ-CWF, MF). Fill will be placed in the floodway and floodplain of the watercourse for a 10-foot wide walkway along with riprap protection for the bridge abutments. The project is located approximately 0.1 mile south of the Columbus Avenue and Knight Street intersection. The project is located approximately 0.1 mile south of the Columbus Avenue and Knight Street intersection (Stroudsburg, PA Quadrangle Latitude: 40° 59' 11"; Longitude: -75° 12' 37"). Subbasin 1E.

E45-602. Brodhead Creek Regional Authority, 410 Mill Creek Road, East Stroudsburg, PA 18301. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a fill area that is approximately 3,800 square feet by 3-feet high within the 100-year floodplain of the McMichael Creek (HQ-CWF, MF) for the purpose of constructing a water filtration facility. The project is located approximately 0.22 mile south of the Glenbrook Road and Hickory Valley Road intersection (Stroudsburg, PA Quadrangle Latitude: 40° 58' 3.50"; Longitude: -75° 12' 55.15") Subbasin 1E.

E48-434. Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Bethlehem, PA 18015. City of Bethlehem, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain two stormwater outfall structures in the floodway of Saucon Creek (CWF, MF), associated with the Phase 5 and Slag 2 subdivisions of the Lehigh Valley Industrial Park development (a.k.a. LVIP VII). The first outfall consists of two 36-inch diameter reinforced concrete pipes with a concrete headwall and riprap apron, all located within the floodway of Saucon Creek. The second outfall consists of a single 48-inch diameter reinforced concrete pipe with a concrete headwall and riprap apron, with a portion of the riprap apron located within the floodway of Saucon Creek. The project is located approximately 0.33 mile north of the intersection of Hellertown Road (State Route 412) and Commerce Center Boulevard, along Hellertown Road (Hellertown, PA Quadrangle Latitude: 40.6083 N; Longitude: -75.3391 W). Subbasin 2C.

E48-433. William J. Jones, III, 799 Bethany Place, Walnutport, PA 18088. Moore Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain (1) a driveway crossing of an unnamed tributary to Hokendauqua Creek (CWF, MF) consisting of steel beams and concrete abutments, having a span of 12 feet and an underclearance of 3.5 feet; and (2) a second driveway crossing permanently impacting 0.029 acre of wetlands for the construction of a single family dwelling. The project is located approximately 0.25 mile east of the intersection of State Route 4014 and Hoch Road (Kunkletown, PA Quadrangle Latitude: 40.7951N; Longitude: -75.4537W). Subbasin 2C.

E48-428A. City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018. City of Bethlehem, **Northampton County**, Army Corps of Engineers Philadelphia District.

To amend Permit No. E48-428 which authorized the construction and maintenance of a stream restoration project in a 1,000-foot reach of Monocacy Creek (HQ-CWF, MF) with work consisting of:

1. removing existing floodway and floodplain structures;
2. modification of existing floodway check dams;
3. placement of in-stream random boulders;
4. plantings along the streambanks in floodway and floodplain;
5. placement of seven toe wood bank stabilization structures;
6. placement of five log sill structures
7. graded bankfull floodplain areas;
8. excavation and backfill in various areas of the channel and embankments;
9. placement of rock apron.

Modifications under this amendment include:

1. Elimination of proposed log sills which were originally permitted to replace existing rock check dams. Four rock cross vanes are now proposed to replace rock check dams.
2. Elimination of seven permitted toe wood bank stabilization to replace the removed railroad ties. Streambanks along the 1,000-foot project area will now be stabilized with vegetated riprap and erosion control blankets.

3. Construction of a temporary stream crossing consisting of a series of 36-inch diameter CMP's and clean rock fill.

4. Placement of temporary rock filter in lieu of a rock apron.

The project is located in Illicks Mill Park and begins upstream of the intersection of Monocacy Creek Road and Illicks Mill Road (Catasauqua, PA Quadrangle: Latitude 40° 38' 16"; Longitude -75° 22' 25"). Subbasin 2C.

E52-254. Glen & Brittany DeLeeuw, 105 Hunts Road, Dingmans Ferry, PA 18328. Dingman Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 27-foot wide single family driveway crossing of a de minimus area of wetlands (EV) equal to 0.05 acre and a UNT to Raymondskill Creek (HQ-CWF, MF) consisting of one 24-inch culvert with a concrete headwall and two 12-inch culverts. An electric aerial line attached to poles is also proposed for crossing the watercourse and adjacent wetland. The project is located approximately 0.10 mile east of the Bluestone Circle and Log Tavern Road intersection (Edgemere, PA Quadrangle Latitude: 41° 17' 50"; Longitude: -74° 52' 48"). Subbasin 1D.

E64-308. Ken and Kris Tanji, 285 East Shore Drive, Lake Ariel, PA 18433. Lake Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a boathouse cantilevered over approximately 1,260 square feet of Lake Ariel. The boathouse extends into the lake approximately 36 feet from the shoreline. The project is located at 285 East Lake Shore Drive (Lake Ariel, PA Quadrangle Latitude: 41° 26' 54"; Longitude: -75° 22' 38") in Lake Township, Wayne County. Subbasin 1C.

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

E25-790, Auto Express Kia. Kia Dealership Development, in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 41°, 1', 17"; W: -80°, 3', 13").

To construct a new Kia auto dealership, with associated roadways, utilities, and stormwater management facilities. Project will permanently impact 0.52 acre of wetland in Summit Township, Erie County, PA Erie South Quadrangle N: 41°, 1', 17"; W: -80°, 3', 13". Mitigation for these impacts is in the form of creation of a minimum of 0.52 acre of new wetland on-site (0.60 acre proposed).

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

E4129-115: NFG Midstream Trout Run, LLC, 1100 State Street, Erie, PA 16501, Gamble & Hepburn Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) Two 12-inch gas pipelines and a timber mat bridge impacting 65 linear feet of an unnamed tributary to Mill Creek (WWF) and 748 square feet of adjacent palustrine emergent (PEM) wetland (Cogan Station, PA Quadrangle 41° 20' 24" N 77° 00' 54" W);

2) Two 12-inch gas pipelines and a timber mat bridge impacting 82 linear feet of unnamed tributaries to Mill Creek (WWF) and 435 square feet of adjacent palustrine

scrub-shrub (PSS) wetland (Cogan Station, PA Quadrangle 41° 20' 37" N 77° 00' 51" W);

3) Two 12-inch gas pipelines and a timber mat bridge impacting 67 linear feet of an unnamed tributary to Mill Creek (WWF) (Cogan Station, PA Quadrangle 41° 20' 39" N 77° 00' 49" W).

The project will result in a total of 214 linear feet of stream impacts and 0.03 acre of wetland impacts all for the purpose of installing natural gas pipeline and temporary access roadway for Marcellus well development.

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 # ESX18-059-0001
Applicant Name Cone Gathering, LLC
Contact Person Carol Phillips
Address 1000 Consol Energy Drive
City, State, Zip Canonsburg, PA 15317
County Greene County
Township(s) Richhill Township
Receiving Stream(s) and Classification(s) UNTs to Enlow Fork (WWF) & Enlow Fork (TSF)

ESCGP-2 # ESX17-125-0029
Applicant Name CNX Gas Company
Contact Person Adam White
Address 1000 Consol Energy Drive
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) East Finley Township & West Finley Township
Receiving Stream(s) and Classification(s) UNTs to Enlow Fork (WWF) & Enlow Fork (TSF)

ESCGP-2 # ESX13-125-0072 Renewal
 Applicant Name EQT Production Company, LLC
 Contact Person Todd Klaner
 Address 2200 Energy Drive
 City, State, Zip Canonsburg, PA 15317
 County Washington County
 Township(s) Somerset Township

Receiving Stream(s) and Classification(s) UNTs to South Branch Pigeon Creek (WWF) & Pigeon Creek (WWF)

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

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0012517005-2	MarkWest Liberty Midstream and Resources, LLC 4600 J. Barry Court Suite 500 Canonsburg, PA 15317	Washington County; Allegheny County; Beaver County	Potter Township Raccoon Township Independence Township Findlay Township Robinson Township Smith Township Mount Pleasant Township Chartiers Township	Fishpot Run (WWF) UNTs to Raccoon Creek (WWF); Raccoon Creek (WWF) Gums Run (WWF); UNTs to Service Creek (WWF); Service Creek (WWF); UNTs to Obney Run (WWF); Obney Run (WWF); Bigger Run (WWF) UNTs to Bigger Run (WWF); Chamberlain Run (WWF); UNTs to Chamberlain Run (WWF); Little Raccoon Run (WWF); UNTs to Little Raccoon Run (WWF); Cherry Run (WWF); UNTs to Cherry Run (WWF); Westland Run (WWF); UNTs to Westland Run (WWF); UNTs to Potato Garden Run (WWF); Potato Garden Run (WWF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESG18-019-0004—PER W44 Well Site
 Applicant Penn Energy Resources LLC
 Contact Gregg Stewart
 Address 1000 Commerce Drive, Park Place One, Suite 400
 City Pittsburgh State PA Zip Code 15275
 County Butler Township Winfield
 Receiving Stream(s) and Classification(s) UNTs to Buffalo Creek & UNT to Little Buffalo Creek/Buffalo Creek

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX29-115-18-0018
 Applicant Name SWN Production Company LLC
 Contact Person Nicki Atkinson
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Jackson
 Receiving Stream(s) and Classification(s) UNT to Tunkhannock Creek (CWF-MF); UNT to Butler Creek (CWF-MF)

ESCGP-2 # ESX29-115-18-0024
 Applicant Name Cabot Oil & Gas Corporation
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Springville
 Receiving Stream(s) and Classification(s) UNT to Meshopen Creek (CWF-MF)

ESCGP-2 # ESX29-015-18-0017
 Applicant Name EOG Resources, Inc.
 Contact Person Greg Shaffer
 Address 2039 South Sixth Street
 City, State, Zip Indiana, PA 15701
 County Bradford
 Township(s) Smithfield & Springfield
 Receiving Stream(s) and Classification(s) West Branch Tomjack Creek (TSF, MF); Tomjack Creek (TSF-MF); Secondary—Sugar Creek

ESCGP-2 # ESX29-115-18-0008
 Applicant Name Cabot Oil & Gas Corporation
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Springville

Receiving Stream(s) and Classification(s) Thomas Creek (CWF-MF) and unnamed tributaries thereto, White Creek (CWF-MF)

ESCGP-2 # ESX29-117-16-0026(01)

Applicant Name SWEPI LP

Contact Person Jason Shoemaker

Address 150 N. Dairy Ashford, E1296-E

City, State, Zip Houston, TX 77079

County Tioga

Township(s) Charleston

Receiving Stream(s) and Classification(s) Catlin Hollow (TSF), Hills Creek (WWF)

ESCGP-2 # ESX29-015-18-0014

Applicant Name EOG Resources, Inc.

Contact Person Greg Shaffer

Address 2039 South Sixth Street

City, State, Zip Indiana, PA 15701

County Bradford

Township(s) Springfield

Receiving Stream(s) and Classification(s) Buck Creek (WWF, MF);

Secondary—Bentley Creek

ESCGP-2 # ESX29-115-18-0010

Applicant Name Cabot Oil & Gas Corporation

Contact Person Kenneth Marcum

Address 2000 Park Lane, Suite 300

City, State, Zip Pittsburgh, PA 15275

County Susquehanna

Township(s) Bridgewater

Receiving Stream(s) and Classification(s) Unnamed tributaries to East Branch Wyalusing Creek (CWF-MF) and Unnamed tributaries to Snake Creek (CWF-MF)

ESCGP-2 # ESG29-117-18-0004

Applicant Name Seneca Resources Corporation

Contact Person Doug Kepler

Address 5800 Corporate Drive, Suite 300

City, State, Zip Pittsburgh, PA 15237

County Tioga

Township(s) Bloss

Receiving Stream(s) and Classification(s) Boone Run (CWF)

ESCGP-2 # ESG29-113-18-0001

Applicant Name Chief Oil & Gas LLC

Contact Person Jeffrey Deegan

Address 1720 Sycamore Road

City, State, Zip Montoursville, PA 17754

County Sullivan

Township(s) Fox

Receiving Stream(s) and Classification(s) Porter Creek (EV)

ESCGP-2 # ESG29-035-18-0002

Applicant Name EXCO Resources PA LLC

Contact Person Brian Rushe

Address 260 Executive Drive, Suite 100

City, State, Zip Cranberry Township, PA 16066

County Clinton

Township(s) Gallagher

Receiving Stream(s) and Classification(s) UNTs to Chatham Run (HQ-CWF);

Secondary—Chatham Run (HQ-CWF)

SPECIAL NOTICES

Air Quality; Application for Initial Acid Rain Permit

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Norman Frederick, PE, Environmental Engineer Manager—Telephone: (570) 826-2409.

TIV 40-00129: Moxie Freedom, LLC (Moxie Freedom, LLC, 565 Fifth Avenue, 29th Floor, New York, NY 10017) has submitted an application to the Department of Environmental Protection (Department) for the initial Acid Rain Permit, TIV 40-00129, for the Moxie Freedom Power Project located in Salem Township, **Luzerne County**. This Title V facility is subject to the Acid Rain Requirements of Title IV of the Clean Air Act. The application is subject to the regulatory requirements specified in 40 CFR Part 72. The Acid Rain Permit will cover the two combined cycle combustion turbine units at the facility. The Acid Rain Permit incorporates the applicable requirements to the units, as specified in 25 Pa. Code § 127.531 and 40 CFR Parts 72—80. The S02 allowance allocated by the Acid Rain Program pursuant to 40 CFR Part 73 for this facility is zero. The Title IV permit includes special permit conditions for the allowance tracking system. The units are not subject to the NO_x emission limitations of 40 CFR Part 96 since they are only authorized to combust natural gas for operation. Based on the information previously presented and included in the application for the initial Acid Rain Permit, TIV 40-00129, the Department intends to issue TIV 40-00129 for the Moxie Freedom Power Project. The proposed permit will become effective 180 days from the commencement of commercial operation date and expire 5 years from the issued date. The Acid Rain Permit will be incorporated into the initial Title V operating permit for the facility.

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, 2 Public Square, Wilkes-Barre, PA 18711. Appointments for scheduling a review must be made by calling (570) 826-2511.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments; identification of the proposed permit (specify TIV 40-00129); and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that 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 by publication in the newspaper or by the *Pennsylvania Bulletin* or by telephone, where the Department determines the notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511 within 30 days after publication date.

AIR QUALITY

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.

**Revision to the Registered ERCs in the
Commonwealth's ERC Registry**

The Department of Environmental Protection (Department) has approved the following Emission reduction credits (ERC) and entered into ERC registry system. ERCs are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of criteria pollutants. The Department maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements.

The certified ERCs shown as follows, in tons per year (tpy), satisfy the applicable ERC requirements contained

in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at <http://www.dep.pa.gov/Business/Air/BAQ/Permits/Pages/EmissionCredit.aspx>. Following are the listings of changes compared to the previous quarter.

*Bureau of Air Quality
Summary of Revised Certified ERCs
[January 1 to March 31]*

Transcontinental Gas Pipeline Co., LLC	VOCs	39	5/1/2024	Trading
Sources: 033, 034 and 035	NO _x	301.4	5/1/2024	
Source Location: Station 195, Delta, PA	SO _x	0.2	5/1/2024	
Township: Peach Bottom	PM _{-2.5}	6.7	5/1/2024	
County: York	CO	223.6	5/1/2024	
Contact Person: Jim Powel (717) 456-5315				
Viking Energy, LLC	VOCs	0	4/1/2022	Trading
Source: 031	NO _x	184.25	4/1/2022	
Source Location: 909 Cannery Road, Northumberland, PA 18757				
Township: Point				
County: Northumberland				
Contact Person: Robert Maggiani (774) 265-0227				
Recipient/Holder of ERC: Elements Markets, LLC	NO _x	27.58	8/31/2022	Trading
Contact Person: Randall Lack (281) 207-7200				
ERC Generating Facility: First Energy Solutions Corporation, (f.k.a. Allegheny Energy Supply Company, LLC)				
Source Municipality: Washington Township				
County: Armstrong				
Source: Unit 1				
Recipient/Holder of ERC: Elements Markets, LLC	VOCs	104.80	3/4/2026	Trading
Contact Person: Randall Lack (281) 207-7200				
ERC Generating Facility: Quad Graphics, Inc.				
Source Location: Atglen Plant				
Township: West Sadsbury				
County: Chester				
AES Beaver Valley, LLC	NO _x	2,067.7	6/30/2025	Trading
Sources: 032, 033, 034 and 035	CO	1,665	6/30/2025	
Source Location: Cogen Plant	SO _x	3,187	6/30/2025	
Borough: Potter	PM ₋₁₀	198	6/30/2025	
County: Beaver	PM _{-2.5}	89	6/30/2025	
Contact Person: Eric Holtvogt (937) 259-7224				

*Summary of Revised ERC Transactions
[January 1 to March 31]*

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

Generating Facility Information

ERC Generating Facility Name: Transcontinental Gas Pipeline Co., LLC (Transco)
Location of Source: Station 195, Delta, Peach Bottom Township, York County, PA
Certified ERCs (tpy): 39.0 tpy VOCs, 370.4 tpy NO_x, 0.2 tpy SO_x, 6.7 tpy PM_{2.5}, 223.6 tpy CO
Amount of ERCs traded to Purchaser/Recipient: 69.0 tpy NO_x
Date of ERCs Transfer: 1/19/2018
ERCs available for future use: 39.0 tpy VOCs, 301.4 tpy NO_x, 0.2 tpy SO_x, 6.7 tpy PM_{2.5}, 223.6 tpy CO

Purchaser/Recipient of ERCs

Name of Purchaser/Recipient of ERCs: Transcontinental Gas Pipeline Co., LLC
Location of Purchaser: Houston, TX
Location of User Source: Station 517, Jackson Township, Columbia County, PA
NO_x or VOCs credits used: 69.0 tpy NO_x
NO_x or VOCs credits available for future use: 0 tpy
Expiration Date: 05/01/2024

Generating Facility Information

ERC Generating Facility Name: Viking Energy of Northumberland, LLC
Location of Source: Point Township, Northumberland County
Certified ERCs (tpy): 184.25 NO_x, 16.22 VOCs
Amount of ERCs traded to Purchaser/Recipient: 16.22 tpy VOCs
Date of ERCs Transfer: 01/29/2018
ERCs available for future use: 184.25 tpy NO_x

Holder/Purchaser/Recipient of ERCs

Name of Holder/Purchaser/Recipient of ERCs: CPV Maryland, LLC
Location of Purchaser: Silver Springs, MD
Location of User Source: Charles County, MD
NO_x or VOCs credits used: 0
NO_x or VOCs credits available for future use: 16.22 tpy VOCs
Expiration Date: 04/01/2022

Holder/Generating Facility Information

ERC Holding Name: Element Markets, LLC
ERC Generating Facility Name: First Energy Solutions Corporation
Location of Source: Washington Township, Armstrong County
Certified ERCs (tpy):
Amount of ERCs traded to Purchaser/Recipient: 1.0 tpy NO_x
Date of ERCs Transfer: 02/23/2018
ERCs available for future use: 27.58 tpy NO_x

Purchaser/Recipient of ERCs

Name of Purchaser/Recipient of ERCs: Invenergy LLC
Location of Purchaser: Chicago, IL
Location of User Source: Jessup Borough, Lackawanna County
NO_x or VOCs credits used: 1.0
NO_x or VOCs credits available for future use: 0
Expiration Date: 08/31/2022

Generating Facility Information

ERC Generating Facility Name: Crown Cork & Seal USA, Inc.
Location of Source: Baltimore County, Maryland
Certified ERCs (tpy): 106.0 tpy VOCs
Amount of ERCs traded to Purchaser/Recipient: 106.0 tpy VOCs
Date of ERCs Transfer: 02/27/2018
ERCs available for future use: 0 tpy

Purchaser/Recipient of ERCs

Name of Purchaser/Recipient of ERCs: Sunoco Partners, Marketing & Terminals L.P.
Location of Purchaser: Marcus Hook, PA
Location of User Source: Delaware County, PA
NO_x or VOCs credits used: 0
NO_x or VOCs credits available for future use: 106.0 tpy VOCs
Expiration Date: 12/31/2025

Holder/Generating Facility Information

ERC Holding Name: CPV Maryland, LLC
ERC Generating Facility Name: Viking Energy of Northumberland, PA
Location of Source: Point Township, Northumberland County, PA
Certified ERCs (tpy): 1.00 VOCs
Amount of ERCs traded to Purchaser/Recipient: 1.00 VOCs
Date of ERCs Transfer: 02/28/2018
ERCs available for future use: 0 tpy

Purchaser/Recipient of ERCs

Name of Purchaser/Recipient of ERCs: Hickory Run Energy, LLC
Location of Purchaser: Overland Park, KS
Location of User Source: North Beaver Township, Lawrence County, PA
NO_x or VOCs credits used: 0 tpy
NO_x or VOCs credits available for future use: 1.00 tpy VOCs
Expiration Date: 04/01/2022

Holder/Generating Facility Information

ERC Holding Name: Element Markets, LLC
ERC Generating Facility Name: Quad Graphics, Inc.
Location of Source: West Sadsbury Township, Chester County
Certified ERCs (tpy): 114.95 tpy VOCs
Amount of ERCs traded to Purchaser/Recipient: 10.15 tpy VOCs
Date of ERCs Transfer: 03/08/2018
ERCs available for future use: 104.80 tpy VOCs

Purchaser/Recipient of ERCs

Name of Purchaser/Recipient of ERCs: Monroe Energy, LLC
Location of Purchaser: Trainer, PA
Location of User Source: Trainer Borough, Delaware County, PA
NO_x or VOCs credits used: 0 tpy
NO_x or VOCs credits available for future use: 10.15 tpy VOCs
Expiration Date: 03/04/2026

Generating Facility Information

ERC Generating Facility Name: AES Beaver Valley, LLC
Location of Source: Potter Borough, Beaver County
Certified ERCs (tpy): 2,476.8 NO_x, 3,187.0 SO_x, 198.0 PM₋₁₀, 89.0 PM_{-2.5}, 1,665.0 CO
Amount of ERCs traded to Purchaser/Recipient: 10.0 tpy NO_x
Date of ERCs Transfer: 03/13/2018
ERCs available for future use: 2,466.8 tpy NO_x, 3,187.0 SO_x, 198.0 PM₋₁₀, 89.0 PM_{-2.5}, 1,665.0 CO

Purchaser/Recipient of ERCs

Name of Purchaser/Recipient of ERCs: CPV Maryland, LLC
Location of Purchaser: Silver Springs, MD
Location of User Source: Charles County, MD
NO_x or VOCs credits used: 0 tpy
NO_x or VOCs credits available for future use: 10.0 tpy NO_x
Expiration Date: 06/30/2025

Generating Facility Information

ERC Generating Facility Name: AES Beaver Valley, LLC
Location of Source: Potter Borough, Beaver County
Certified ERCs (tpy): 2,466.8 NO_x, 3,187.0 SO_x, 198.0 PM₋₁₀, 89.0 PM_{-2.5}, 1,665.0 CO
Amount of ERCs traded to Purchaser/Recipient: 10.0 tpy NO_x
Date of ERCs Transfer: 03/13/2018
ERCs available for future use: 2,067.7 tpy NO_x, 3,187.0 SO_x, 198.0 PM₋₁₀, 89.0 PM_{-2.5}, 1,665.0 CO

Purchaser/Recipient of ERCs

Name of Purchaser/Recipient of ERCs: Hickory Run Energy, LLC
Location of Purchaser: Overland Park, KS
Location of User Source: North Beaver Township, Lawrence County, PA
NO_x or VOCs credits used: 0 tpy
NO_x or VOCs credits available for future use: 399.1 tpy NO_x
Expiration Date: 06/30/2025

**Drinking Water State Revolving Fund
Special Notice**

Special Notice Under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C.A. § 300f, et. seq.

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Greater Hazleton Can Do, Inc.	1 South Church St. Suite 200 Hazleton, PA 18201	Banks Township Carbon County

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project, known as the McAdoo Industrial Park Storage Tank Rehabilitation Project. CAN Do, Inc. proposes a distribution storage tank rehabilitation project located in Banks Township, Carbon County. The Department of Environmental Protection's (Department) review of the project and the information received for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves a Categorical Exclusion for the project.

[Pa.B. Doc. No. 18-639. Filed for public inspection April 27, 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>
LVHN Children's Surgery Center	28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery)
The Colonoscopy Center—Lansdale	28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of "classification levels," regarding Class B facilities PS III patients
Ambulatory Surgery Center at Bucks County	28 Pa. Code § 567.53 (relating to sterilization control)
Children's Hospital of Philadelphia Brandywine Valley Specialty Care and Surgery Center	28 Pa. Code § 567.53

These 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. 18-640. Filed for public inspection April 27, 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) which are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Penn Highlands Brookville	28 Pa. Code § 107.12(9) (relating to content of bylaws, rules and regulations)
	28 Pa. Code § 107.26(b)(5) (relating to additional committees)
	28 Pa. Code § 107.26(b)(6)
	28 Pa. Code § 109.2(b) (relating to director of nursing services)
Penn Highlands Clearfield	28 Pa. Code § 107.12(9)
	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 107.26(b)(6)
	28 Pa. Code § 109.2(b)
Penn Highlands DuBois	28 Pa. Code § 107.12(9)
	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 107.26(b)(6)
Penn Highlands Elk	28 Pa. Code § 107.12(9)
	28 Pa. Code § 107.26(b)(5)
	28 Pa. Code § 107.26(b)(6)

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—2014 Edition (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>Guidelines Section and Relating to</i>
Abington Memorial Hospital	2.2-3.4.2.1(1)(b) space requirements
	2.2-3.4.2.1(3) doors
Divine Providence Hospital	2.1-8.5.3.2 size (TDRs)
Geisinger Medical Center	2.2-3.4.5.4(1) patient toilet rooms
	2.2-3.4.5.4(2) patient toilet rooms
Gettysburg Hospital	3.1-3.2.2.2(1) area (space requirements)
	3.1-3.6.10 soiled holding rooms
Good Shepherd Rehabilitation Network	2.6-2.2.2.1(1) capacity (number)
Hospital of the Fox Chase Center	2.1-2.6.12 environmental services room
	3.1-6.2.4.1 public toilets
Highlands Hospital	2.1-2.4.3 seclusion rooms
	2.1-8.5.3.2 size (TDRs)
	2.5-2.2.2.6(1) patient toilet rooms
	2.5-2.2.2.6(2) patient toilet rooms
Hospital of the University of Pennsylvania	2.1-5.2.2.1(1)(b) soiled and clean linen-handling areas
Thomas Jefferson University Hospital	2.1-2.2.6.1 general (patient toilet rooms)
	2.1-2.2.6.2 patient toilet rooms
	2.1-2.2.6.3 room features (patient toilet rooms)
Thomas Jefferson University Hospital— Meadowbrook Neurology	3.6-3.2.2.1(1) area (space requirements)
	3.6-3.2.2.2(2) clearances (space requirements)

<i>Facility Name</i>	<i>Guidelines Section and Relating to</i>
Thomas Jefferson University Hospital—Methodist Endocrinology	3.1-6.2.4.1 toilet rooms
	3.1-7.2.2.1 corridor widths
Thomas Jefferson University Hospital—Women’s Primary Care	3.1-7.2.2.2 ceiling heights
UPMC Horizon (Greenville Campus)	2.1-8.5.3.2 size (TDRs)
UPMC Horizon (Shenango Campus)	2.1-8.5.3.2 size (TDRs)
UPMC Presbyterian Shadyside	2.1-2.4.3.1(2)(a) observation from nursing station
	2.1-2.4.3.9(1)(b) ceiling heights
	2.1-8.5.3.2 size (TDRs)
	2.5-2.2.2.6(1) patient toilet rooms
	2.5-2.2.2.6(2) patient toilet rooms
UPMC St. Margaret	2.1-8.5.3.2 size (TDRs)

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. 18-641. Filed for public inspection April 27, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(h) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Julia Pound Care Center
1155 Indian Springs Road
Indiana, PA 15701
FAC ID # 090402

Meadow View Nursing Center
1404 Hay Street
Berlin, PA 15530
FAC ID # 191702

Quincy Retirement Community
6596 Orphanage Road
Waynesboro, PA 17268
FAC ID # 170202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Redstone Highlands Health Care Center
6 Garden Center Drive
Greensburg, PA 15601
FAC ID # 073202

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the 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

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DEPARTMENT OF REVENUE

Pennsylvania Keno

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following terminal-based lottery game:

1. *Name:* The name of the terminal-based lottery game is Pennsylvania Keno (hereinafter “Keno”). The game will commence at the discretion of the Secretary and will continue until the Secretary publicly announces a suspension or termination date.

2. *Effective Date:* Effective for ticket sales occurring on or after May 1, 2018, the Keno game will be operated in accordance with the terminal-based lottery game regulations at 61 Pa. Code §§ 875.1—875.17 and this game notice and will continue until the Secretary publicly announces a suspension or termination date.

3. *Price:* The price of a Keno play is \$1 to \$20 per play. A ticket may include more than one play.

4. *Description of the Keno lottery game:*

(a) Keno is designed to give players the opportunity to win one prize for each play.

(b) To play Keno, the player must choose the number of spots to play per drawing (from one to ten), the amount to bet per drawing (\$1, \$2, \$3, \$4, \$5, \$10 or \$20), the numbers to play in each drawing (ranging from 1 to 80), and the number of consecutive drawings to play (1, 2, 3, 4, 5, 10 or 20). The Lottery will randomly select 20 numbers ranging from 1 to 80 per drawing.

(c) Keno tickets may be purchased from an authorized retailer or at a Lottery self-service terminal, also known as a PlayCentral Terminal.

(1) To purchase a ticket at an authorized retailer, a player must remit the purchase price and submit a completed Keno bet slip. The ticket shall include from one to ten spots played, the amount played, the number of draws for which the ticket is entered, the number selections and validation data. Alternatively, the player may choose to have their numbers selected using the Quick Pick option, by marking the box for Quick Pick on the bet slip. Players may also choose the Keno Multiplier option on the bet slip.

(2) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price and a completed Keno bet slip. A player may only use a Keno bet slip or the Quick Pick option at a Lottery self-service terminal. Players may also choose the Keno Multiplier option on the bet slip.

(d) Players can win a prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(e) A player may purchase plays for up to twenty consecutive drawings in advance.

(f) A Keno ticket may not be canceled or voided once printed by the Lottery terminal, even if printed in error.

5. *Keno bet slip and ticket characteristics:*

(a) *Keno bet slips.*

(1) Keno bet slips are optically readable cards issued by the Pennsylvania Lottery that a player may use to

make play selections. Using a Keno bet slip, the player shall make selections in each of the following: the number of spots to play; the amount of each play; the number selections ranging from 1 to 80; and the number of consecutive Keno drawings to play. The player may select from one to ten spots to play; the amount per play between \$1 and \$20; number selections ranging from 1 to 80; and the number of consecutive Keno drawings to play ranging from 1—20.

(2) Keno bet slips shall be available at no cost to the player.

(3) Plays shall be selected in accordance with the instructions printed on the Keno bet slip.

(4) A Keno bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected, and may not be used to claim a prize.

(5) A Keno bet slip must be completed manually. The use of mechanical, electronic, computer generated or any other non-manual method of marking bet slips prohibited.

(6) A player may choose to have their number selection made using the Quick Pick option by marking the box for Quick Pick on the bet slip.

(b) *Keno tickets.*

(1) A Keno ticket shall contain one number selection, the drawing date or range of dates for which the number selection is entered, the cost of the play, the total cost of the ticket, the number of spots played, whether the Keno Multiplier option was selected, and validation data.

(2) A Keno ticket shall be the only valid proof of the wager(s) placed, and the only valid receipt for claiming a prize.

(3) A Keno ticket shall only be valid for the drawing date or range of dates printed on the ticket.

(4) A separate Keno ticket shall be issued for each number selection but a ticket can be valid for multiple drawing dates.

6. *Time, place and manner of conducting drawings.*

(a) *Time of drawing.* Keno drawings are high frequency drawings occurring multiple times per day. Keno drawings will be held as determined and publicly announced by the Secretary.

(b) *Place and manner of conducting drawings.* Keno drawings will be conducted by the Lottery Central Computer System. The Lottery Central Computer System will select, at random, 20 numbers from 1 through 80 per drawing. The twenty numbers selected will be used in determining winners for each individual drawing. The validity of a drawing will be determined solely by the Lottery.

7. *Prizes available to be won and determination of prize winners:*

(a) Keno prizes are divided into categories based on the number of spots played. Prizes are determined separately for each spot play category. The spot play categories as described below, are: ten (10) spots; nine (9) spots; eight (8) spots; seven (7) spots; six (6) spots; five (5) spots; four (4) spots; three (3) spots; two (2) spots; and (1) spot. Prizes are subject to subsection (n) below.

(b) Determination of the Keno prize winners for ten spot tickets correctly matching the winning numbers selected by the Lottery are:

winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$1,200 for each \$1^{.00} played.

(2) Holders of tickets upon which five of the player's numbers, on a single ticket, match five of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$50 for each \$1^{.00} played.

(3) Holders of tickets upon which four of the player's numbers, on a single ticket, match four of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$7 for each \$1^{.00} played.

(4) Holders of tickets upon which three of the player's numbers, on a single ticket, match three of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$1 for each \$1^{.00} played.

(g) Determination of the Keno prize winners for five spot tickets correctly matching the winning numbers selected by the Lottery are:

(1) Holders of tickets upon which five of the player's numbers, on a single ticket, match five of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$450 for each \$1^{.00} played.

(2) Holders of tickets upon which four of the player's numbers, on a single ticket, match four of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$15 for each \$1^{.00} played.

(3) Holders of tickets upon which three of the player's numbers, on a single ticket, match three of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$2 for each \$1^{.00} played.

(h) Determination of the Keno prize winners for four spot tickets correctly matching the winning numbers selected by the Lottery are:

(1) Holders of tickets upon which four of the player's numbers, on a single ticket, match four of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$100 for each \$1^{.00} played.

(2) Holders of tickets upon which three of the player's numbers, on a single ticket, match three of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$3 for each \$1^{.00} played.

(3) Holders of tickets upon which two of the player's numbers, on a single ticket, match two of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$1 for each \$1^{.00} played.

(i) Determination of the Keno prize winners for three spot tickets correctly matching the winning numbers selected by the Lottery are:

(1) Holders of tickets upon which three of the player's numbers, on a single ticket, match three of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$25 for each \$1^{.00} played.

(2) Holders of tickets upon which two of the player's numbers, on a single ticket, match two of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$2 for each \$1^{.00} played.

(j) Holders of tickets upon which two of the player's numbers, on a single ticket, match two of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$10 for each \$1^{.00} played.

(k) Holders of tickets upon which the player's one number, on a single ticket, match one of the twenty winning numbers selected by the Lottery, for a drawing in which the ticket is entered, shall be the winner of \$2.50 for each \$1^{.00} played.

(l) All Keno prize payments will be made as a one-time, lump-sum cash payment.

(m) A player's winning Keno ticket is entitled only to the highest prize for which it is eligible per drawing.

(n) *Keno Liability Cap.*

(1) The maximum liability for any Keno drawing shall be \$2,000,000 for each spot play category.

(2) In the event that this liability cap is reached in the payment of more than one prize, the prizes shall be paid on a pari-mutuel basis.

(3) To determine the amount of the pari-mutuel prizes, the \$2,000,000 shall be split into equal shares, for each \$1^{.00} played, shall be rounded down to the nearest \$0.50.

(4) Only the base game is subject to the liability cap. The Keno Multiplier, as further described in section 8 below, shall be applied to the pari-mutuel prize amount to determine the final prize amount for each \$1^{.00} played.

(o) The number of prize categories and the allocation of prize money among the prize categories may be changed at the discretion of the Secretary and change will be announced by public notice. Any such changes will apply prospectively to Keno drawings as of the date specified in the public notice.

8. *Probability of winning.* The following tables set forth all possible ways that a prize can be won for a single play, the corresponding prize won and the odds of winning a prize in a drawing, depending on the number of spots selected by the player:

Ways to Win Prizes are Based on a \$1 Play										
Match	10 Spots	9 Spots	8 Spots	7 Spots	6 Spots	5 Spots	4 Spots	3 Spots	2 Spots	1 Spot
10	\$100,000									
9	\$5,000	\$30,000								
8	\$500	\$3,000	\$10,000							

<i>Ways to Win Prizes are Based on a \$1 Play</i>										
<i>Match</i>	<i>10 Spots</i>	<i>9 Spots</i>	<i>8 Spots</i>	<i>7 Spots</i>	<i>6 Spots</i>	<i>5 Spots</i>	<i>4 Spots</i>	<i>3 Spots</i>	<i>2 Spots</i>	<i>1 Spot</i>
7	\$50	\$130	\$500	\$5,000						
6	\$15	\$25	\$70	\$100	\$1,200					
5	\$2	\$5	\$10	\$20	\$50	\$450				
4			\$2	\$2	\$7	\$15	\$100			
3				\$1	\$1	\$2	\$3	\$25		
2							\$1	\$2	\$10	
1										\$2.50
0	\$4	\$2								
Payout	64.83%	62.99%	63.54%	64.74%	63.91%	63.95%	64.87%	62.44%	60.13%	62.50%

<i>Odds of Winning are 1 in Prizes are Based on a \$1 Play</i>										
<i>Match</i>	<i>10 Spots</i>	<i>9 Spots</i>	<i>8 Spots</i>	<i>7 Spots</i>	<i>6 Spots</i>	<i>5 Spots</i>	<i>4 Spots</i>	<i>3 Spots</i>	<i>2 Spots</i>	<i>1 Spot</i>
10	8,911,711									
9	163,381	1,380,688								
8	7,385	30,682	230,115							
7	620.7	1,690	6,232	40,979						
6	87.1	174.8	422.5	1,366	7,753					
5	19.4	30.7	54.6	115.8	323	1,551				
4			12.3	19.2	35	82.7	326.4			
3				5.7	7.7	11.9	23.1	72.1		
2							4.7	7.2	16.6	
1										4
0	21.8	15.7								
Overall	9.1	9.7	9.8	4.2	6.2	10.3	3.9	6.6	16.6	4

9. *Keno Multiplier option.*

(a) The Keno Multiplier option shall be available in association with the Keno game and will continue until the Secretary publically announces a suspension or termination thereof. Players may purchase the Keno Multiplier option for the chance to multiply prizes won as the result of a base Keno drawing by two, three, four, five or ten times. The Secretary on occasion may announce, as a special promotion, multipliers greater than ten or other changes to features of the Keno Multiplier option.

(b) At the time of purchasing a Keno ticket from a Lottery retailer, a player may choose the Keno Multiplier option by marking the box for the Keno Multiplier on the bet slip. The Keno Multiplier option may be exercised, at the discretion of the player, by paying two times the amount played on the base Keno play. For example, if the player purchases a \$2^{.00} base Keno play, the Keno Multiplier will cost \$4^{.00}, for a total purchase price of \$6^{.00}.

(c) Prior to each Keno drawing, the Keno Multiplier drawing will occur, which shall result in the selection of the Keno Multiplier number.

(d) Keno tickets that contain the Keno Multiplier option and one or more plays eligible for prizes, as described in section 7(b) through 7(k) (relating to prizes available to be won and determination of prize winners), shall be entitled to a total prize calculated by multiplying the base

Keno prize won by the Keno Multiplier value selected for the drawing in which the ticket was entered.

(e) The odds of a Keno Multiplier number being selected in a Keno Multiplier drawing are:

<i>Keno Multiplier Value</i>	<i>Odds of Occurring Per Play are 1 in</i>
2X	2
3X	5
4X	5.56
5X	11.11
10X	33.33

10. *Retailer Incentive and Marketing Promotion Programs.*

(a) The Lottery may conduct a separate retailer incentive program for retailers who sell Keno tickets. The conduct of the program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

(b) The Pennsylvania Lottery may conduct promotional drawings associated with the Keno game. The Keno tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Keno drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be ran-

domly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

(c) The Pennsylvania Lottery may conduct promotional payouts associated with the Keno game. The Keno tickets will be imprinted with a promotional message used to alert the player holding the ticket of the promotional opportunity. The Secretary will announce the existence of the promotional payouts. A description of the available promotional prize payouts and the specific rules and other information necessary for the conduct of the promotional payouts will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

(d) The Pennsylvania Lottery may conduct promotional activities to promote the sale of the Keno game, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Keno or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-643. Filed for public inspection April 27, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Match for Cash Fast Play Game 5031

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Match for Cash (hereinafter "Match for Cash"). The game number is PA-5031.

2. *Definitions*:

(a) *Authorized Retailer* or *Retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, and transmitting reports, and performing inventory functions.

(f) *Play*: A chance to participate in a particular Fast Play lottery game.

(g) *Play Area*: The area on a ticket which contains one or more play symbols.

(h) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(i) *PRIZE*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

3. *Price*: The price of a Match for Cash ticket is \$2.

4. *Description of the Match for Cash lottery game*:

(a) The Match for Cash lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Match for Cash tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Match for Cash is played by matching like prize amounts in the play area. A player matching three like prize play symbols on a single ticket wins that amount. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A Match for Cash game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer by verbally requesting a Match for Cash game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Match for Cash game ticket and select the Match for Cash option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Pennsylvania Match for Cash ticket characteristics*:

(a) A Match for Cash ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: The prize play symbols and their captions located in the play area are: \$2 (TWO DOL), \$3 (THR DOL), \$4 (FOR DOL), \$5 (FIV DOL), \$6 (SIX DOL), \$7 (SVN DOL), \$10 (TEN DOL), \$12 (TWELV), \$15 (FIFTN), \$20 (TWENTY), \$30 (THIRTY), \$40 (FORTY), \$50 (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and a \$10,000 (TEN THO) symbol.

(c) *Prizes*: The prizes that can be won in this game are: \$2, \$3, \$4, \$5, \$6, \$7, \$10, \$12, \$15, \$20, \$30, \$40, \$50, \$100, \$150, \$200, \$500, \$1,000 and \$10,000.

(d) A player can win up to eight times on a ticket.

(e) *Approximate Number of Tickets Available for the Game:* Approximately 1,200,000 tickets will be available for sale for the Match for Cash lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Match for Cash prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets with three matching prize play symbols of \$10,000 (TEN THO) in the play area, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with three matching prize play symbols of \$200 (TWO HUN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets with three matching prize play symbols of \$150 (ONEHUNFITY) in the play area, on a single ticket, shall be entitled to a prize of \$150.

(g) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with three matching prize play symbols of \$50 (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with three matching prize play symbols of \$40 (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with three matching prize play symbols of \$30 (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(k) Holders of tickets with three matching prize play symbols of \$20 (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with three matching prize play symbols of \$15 (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets with three matching prize play symbols of \$12 (TWELV) in the play area, on a single ticket, shall be entitled to a prize of \$12.

(n) Holders of tickets with three matching prize play symbols of \$10 (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with three matching prize play symbols of \$7 (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(p) Holders of tickets with three matching prize play symbols of \$6 (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets with three matching prize play symbols of \$5 (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets with three matching prize play symbols of \$4 (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets with three matching prize play symbols of \$3 (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.

(t) Holders of tickets with three matching prize play symbols of \$2 (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

7. *Number and Description of Prizes and Approximate Chances of Winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>Match Three Like PRIZE Amounts, Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Chances of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets</i>
3—\$2s	\$2	7.69	156,000
3—\$3s	\$3	40	30,000
3—\$4s	\$4	30.3	39,600
(3—\$3s) + (3—\$2s)	\$5	166.67	7,200
3—\$5s	\$5	166.67	7,200
(3—\$4s) + (3—\$2s)	\$6	200	6,000
3—\$6s	\$6	200	6,000
(3—\$5s) + (3—\$2s)	\$7	200	6,000
3—\$7s	\$7	200	6,000
(3—\$5s) + (3—\$3s) + (3—\$2s)	\$10	250	4,800
(3—\$7s) + (3—\$3s)	\$10	243.9	4,920
3—\$10s	\$10	166.67	7,200
(3—\$6s) + (3—\$4s) + (3—\$2s)	\$12	500	2,400
(3—\$7s) + (3—\$5s)	\$12	500	2,400
3—\$12s	\$12	333.33	3,600
(3—\$7s) + (3—\$5s) + (3—\$3s)	\$15	1,667	720
3—\$15s	\$15	1,250	960
(3—\$10s) + (3—\$5s) + (3—\$3s) + (3—\$2s)	\$20	1,429	840

<i>Match Three Like PRIZE Amounts, Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Chances of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets</i>
(\$3—\$10s) + (3—\$7s) + (3—\$3s)	\$20	1,667	720
(3—\$15s) + (3—\$5s)	\$20	1,667	720
3—\$20s	\$20	1,000	1,200
(3—\$20s) + (3—\$5s) + (3—\$3s) + (3—\$2s)	\$30	3,333	360
(3—\$20s) + (3—\$10s)	\$30	3,333	360
3—\$30s	\$30	3,333	360
(3—\$30s) + (3—\$10s)	\$40	3,000	400
3—\$40s	\$40	2,000	600
(3—\$30s) + (3—\$20s)	\$50	2,400	500
(3—\$40s) + (3—\$10s)	\$50	2,400	500
3—\$50s	\$50	2,000	600
(3—\$40s) + (3—\$30s) + (3—\$10s) + (3—\$6s) + (3—\$5s) + (3—\$4s) + (3—\$3s) + (3—\$2s)	\$100	10,000	120
(3—\$50s) + (3—\$40s) + (3—\$10s)	\$100	4,000	300
3—\$100s	\$100	8,000	150
(3—\$100s) + (3—\$50s)	\$150	12,000	100
3—\$150s	\$150	12,000	100
(3—\$100s) + (3—\$50s) + (3—\$20s) + (3—\$15s) + (3—\$10s) + (3—\$3s) + (3—\$2s)	\$200	24,000	50
(3—\$150s) + (3—\$50s)	\$200	24,000	50
3—\$200s	\$200	24,000	50
(3—\$200s) + (3—\$150s) + (3—\$100s) + (3—\$50s)	\$500	40,000	30
3—\$500s	\$500	40,000	30
(3—\$500s) + (3—\$200s) + (3—\$150s) + (3—\$100s) + (3—\$50s)	\$1,000	60,000	20
3—\$1,000s	\$1,000	120,000	10
3—\$10,000s	\$10,000	120,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

8. Ticket Responsibility:

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or a Fast Play ticket redeemed by a player in error.

9. Ticket Validation and Requirements:

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. Procedures for claiming and payment of prizes:

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a

winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) Pursuant to the preceding paragraphs, the retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Match for Cash lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Match for Cash lottery game tickets.

17. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Match for Cash or through normal communications methods.

19. *Applicability:* This notice applies only to the Match for Cash lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-644. Filed for public inspection April 27, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Word Search Fast Play Game 5030

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Word Search (hereinafter "Word Search"). The game number is PA-5030.

2. *Definitions:*

(a) *Authorized Retailer or Retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, and transmitting reports, and performing inventory functions.

(f) *Play*: A chance to participate in a particular Fast Play lottery game.

(g) *Play Area*: The area on a ticket which contains one or more play symbols.

(h) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(i) *PRIZE*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

(k) *WORD*: A specific, pre-defined area of a game ticket located in the play area that contains play symbols and prize symbols that, when played according to the instructions, determine whether a player wins a prize. Each WORD is played separately, but winning combinations in more than one WORD can be combined to win larger prizes as described in section 6 (relating to prizes available to be won and determination of prize winners).

(l) *YOUR LETTERS*: The letters, symbols found in the play area that, when matched against the "YOUR WORDS" area, determine whether a player wins a prize.

(m) *YOUR WORDS*: The WORDS located in the play area that, when completed by matching against the "YOUR LETTERS" play symbols, determine whether a player wins a prize, and the length of which determines whether the prize is multiplied.

3. *Price*: The price of a Word Search ticket is \$3.

4. *Description of the Word Search lottery game*:

(a) The Word Search lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Word Search tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Word Search is played by completely matching all of the "YOUR WORDS" play symbols located in any of the "WORD" areas to any of the play symbols located in the "YOUR LETTERS" area. Players that correctly match all the play symbols for any "WORD" shall apply the multiplier for that "WORD" to the "PRIZE" shown under that "WORD" and win that amount. Three-letter "WORDS" are

not multiplied, four-letter "WORDS" are multiplied by two, five-letter "WORDS" are multiplied by three and six-letter "WORDS" are multiplied by four. Each "WORD" is played separately. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A Word Search game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer by verbally requesting a Word Search game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Word Search game ticket and select the Word Search option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Pennsylvania Word Search ticket characteristics*:

(a) A Word Search ticket shall contain a play area, the cost of the play, the date of sale, and a bar code. Each ticket consists of a "YOUR LETTERS" area and a "YOUR WORDS" area. There are eleven "WORDS" on each ticket and each "WORD" is played separately.

(b) *Play Symbols*: Each Word Search ticket play area will contain a "YOUR LETTERS" area and a "YOUR WORDS" area. The play symbols located in the "YOUR LETTERS" area and the "YOUR WORDS" area are: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y and Z.

(c) *Prize Symbols*: The prize symbols and their captions located under each "WORD" in the "YOUR WORDS" area are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$75⁰⁰ (SVY FIV), \$150 (ONEHUNFTY), \$300 (THR HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

(d) *Prizes*: The prizes that can be won in this game are: \$3, \$5, \$6, \$9, \$10, \$20, \$30, \$50, \$75, \$150, \$300, \$1,000 and \$20,000.

(e) A player can win up to 11 times on a ticket.

(f) *Approximate Number of Tickets Available for the Game*: Approximately 1,200,000 tickets will be available for sale for the Word Search lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Word Search prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which all of the play symbols in a three-letter "WORD" match any of the "YOUR LETTERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears in the "PRIZE" area under that "WORD," on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which all of the play symbols in a three-letter "WORD" match any of the "YOUR LETTERS" play symbols and a prize symbol of

LETTERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the “PRIZE” area under that “WORD” with an X4 (4TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which all of the play symbols in a five-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$6^{.00} (SIX DOL) appears in the “PRIZE” area under that “WORD” with an X3 (3TIMES) symbol, on a single ticket, shall be entitled to a prize of \$18.

(aa) Holders of tickets upon which all of the play symbols in a five-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the “PRIZE” area under that “WORD” with an X3 (3TIMES) symbol, on a single ticket, shall be entitled to a prize of \$15.

(bb) Holders of tickets upon which all of the play symbols in a six-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$3^{.00} (THR DOL) appears in the “PRIZE” area under that “WORD” with an X4 (4TIMES) symbol, on a single ticket, shall be entitled to a prize of \$12.

(cc) Holders of tickets upon which all of the play symbols in a three-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the “PRIZE” area under that “WORD,” on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which all of the play symbols in a four-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the “PRIZE” area under that “WORD” with an X2 (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets upon which all of the play symbols in a three-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of

\$9^{.00} (NIN DOL) appears in the “PRIZE” area under that “WORD,” on a single ticket, shall be entitled to a prize of \$9.

(ff) Holders of tickets upon which all of the play symbols in a five-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$3^{.00} (THR DOL) appears in the “PRIZE” area under that “WORD” with an X3 (3TIMES) symbol, on a single ticket, shall be entitled to a prize of \$9.

(gg) Holders of tickets upon which all of the play symbols in a three-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$6^{.00} (SIX DOL) appears in the “PRIZE” area under that “WORD,” on a single ticket, shall be entitled to a prize of \$6.

(hh) Holders of tickets upon which all of the play symbols in a four-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$3^{.00} (THR DOL) appears in the “PRIZE” area under that “WORD” with an X2 (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$6.

(ii) Holders of tickets upon which all of the play symbols in a three-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the “PRIZE” area under that “WORD,” on a single ticket, shall be entitled to a prize of \$5.

(jj) Holders of tickets upon which all of the play symbols in a three-letter “WORD” match any of the “YOUR LETTERS” play symbols and a prize symbol of \$3^{.00} (THR DOL) appears in the “PRIZE” area under that “WORD,” on a single ticket, shall be entitled to a prize of \$3.

7. Number and Description of Prizes and Approximate Chances of Winning: The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>Use YOUR LETTERS To Match The Letters In Each Of YOUR WORDS. When You Completely Match All The Letters In Any WORD, Apply The Multiplier For That WORD to the PRIZE Shown And Win That Amount.</i>						
<i>Three-Letter Words Win With:</i>	<i>Four-Letter Words (X2) Win With:</i>	<i>Five-Letter Words (X3) Win With:</i>	<i>Six-Letter Words (X4) Win With</i>	<i>Win:</i>	<i>Approximate Chances of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets</i>
\$3				\$3	7.94	151,200
\$5				\$5	20	60,000
\$3 × 2				\$6	83.33	14,400
	\$3			\$6	90.91	13,200
\$6				\$6	90.91	13,200
\$6 + \$3				\$9	166.67	7,200
\$3	\$3			\$9	166.67	7,200
		\$3		\$9	166.67	7,200
\$9				\$9	166.67	7,200
\$5 × 2				\$10	200	6,000
	\$5			\$10	217.39	5,520
\$10				\$10	333.33	3,600
(\$5 × 2) + \$10				\$20	1,111	1,080

<i>Use YOUR LETTERS To Match The Letters In Each Of YOUR WORDS. When You Completely Match All The Letters In Any WORD, Apply The Multiplier For That WORD to the PRIZE Shown And Win That Amount.</i>						
<i>Three-Letter Words Win With:</i>	<i>Four-Letter Words (X2) Win With:</i>	<i>Five-Letter Words (X3) Win With:</i>	<i>Six-Letter Words (X4) Win With</i>	<i>Win:</i>	<i>Approximate Chances of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets</i>
\$5		\$5		\$20	1,111	1,080
			\$5	\$20	1,111	1,080
	\$10			\$20	1,111	1,080
\$20				\$20	1,111	1,080
\$5	\$5	\$5		\$30	1,111	1,080
\$10	\$10			\$30	1,111	1,080
		\$5 × 2		\$30	1,111	1,080
		\$10		\$30	1,000	1,200
\$30				\$30	1,000	1,200
\$5 × 5	\$5	\$5		\$50	2,000	600
\$10 × 5				\$50	2,000	600
\$5	\$5	\$5	\$5	\$50	2,000	600
\$10	\$20			\$50	2,000	600
\$50				\$50	2,000	600
\$5 × 3	\$5 × 3	\$3 × 2	\$3	\$75	3,429	350
\$5 × 4		\$5	\$10	\$75	4,000	300
(\$20 × 3) + \$10 + \$5				\$75	4,000	300
\$10 + \$5	\$10 × 3			\$75	4,000	300
	\$20	\$5	\$5	\$75	4,000	300
		\$20 + \$5		\$75	4,000	300
\$75				\$75	4,000	300
(\$10 × 4) + \$20	\$5 × 3	\$6 × 2	\$6	\$150	12,000	100
\$10 × 4		\$10	\$20	\$150	12,000	100
\$30 × 5				\$150	12,000	100
\$20 + \$10	\$20 × 3			\$150	12,000	100
\$20	\$30	\$10	\$10	\$150	12,000	100
		\$30 + \$20		\$150	12,000	100
\$150				\$150	12,000	100
(\$50 × 2) + (\$20 × 3)	\$5 × 3	\$5 × 2	\$20	\$300	60,000	20
\$20 × 4	\$20	\$20	\$30	\$300	60,000	20
\$30 × 3	\$30 × 3	\$10		\$300	60,000	20
\$50 × 2	\$30	\$20	\$20	\$300	60,000	20
		\$50 × 2		\$300	60,000	20
			\$75	\$300	60,000	20
\$300				\$300	60,000	20
(\$300 × 3) + (\$50 × 2)				\$1,000	120,000	10
\$75	\$50	\$75	\$150	\$1,000	120,000	10
\$1,000				\$1,000	120,000	10
\$20,000				\$20,000	120,000	10

Three-letter words are not multiplied. Each "WORD" is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket Responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or a Fast Play ticket redeemed by a player in error.

9. *Ticket Validation and Requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(i) The game ticket's bar code shall be present in its entirety.

(ii) The game ticket must be intact.

(iii) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(iv) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(v) The game ticket must have been validly issued.

(vi) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(vii) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(viii) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) Pursuant to the preceding paragraphs, the retailer or the Lottery will issue payment if:

(i) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(ii) A claim form is properly and fully completed;

(iii) The identification of the claimant is confirmed; and

(iv) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Word Search lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs.* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Word Search lottery game tickets.

17. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in

a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Word Search or through normal communications methods.

19. *Applicability:* This notice applies only to the Word Search lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-645. Filed for public inspection April 27, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Forbes PA Management, LLC

Forbes PA Management, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Pittsburgh Center for Specialty Care at Pittsburgh, PA. The initial filing was received on April 17, 2018, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Karen M. Feather, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, kfeather@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-646. Filed for public inspection April 27, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Edgar L. Dean; Public Adjuster License Denial Appeal; Doc. No. AG18-04-004

Under the act of December 20, 1983 (P.L. 260, No. 72) (63 P.S. §§ 1601—1608), Edgar L. Dean has appealed the denial of an application for an insurance public adjuster license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for May 24, 2018, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 22, 2018. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 10, 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 22, 2018.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-647. Filed for public inspection April 27, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Frederick W. Mays; License Denial Appeal; Doc. No. AG18-04-002

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Frederick W. Mays has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for May 24, 2018, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 22, 2018. A hearing shall occur on June 6, 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 hearing, protests, petitions to intervene or notices of intervention, if any,

must be filed on or before May 10, 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 22, 2018.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-648. Filed for public inspection April 27, 2018, 9:00 a.m.]

MILK MARKETING BOARD

Dairy Market Issues; Hearing

The Milk Marketing Board (Board) will conduct a public hearing on May 2, 2018, at 9 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and comments regarding the specific Recommendations for Statutory Changes found in the Department of Agriculture (Department) petition filed with the Board on April 5, 2018: paragraph 15, Licensing of Retailers; paragraph 16, Title to Milk; paragraph 17, Reasonable Return; and paragraph 18, Returning to Producers the Benefit of Minimum Wholesale Pricing. The Board will conduct an additional hearing to receive testimony and comments regarding other dairy market issues in this Commonwealth at a later date.

Interested persons wishing to offer testimony or comments shall provide to the Board notification of their wish to participate either electronically at deberly@pa.gov or by filing at the Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110 by 12 p.m. on April 30, 2018. To be on the agenda to speak, testimony or comments must be provided to the Board in written form by 12 p.m. on April 30, 2018. This will be a listening session with no examination or cross examination by interested parties.

A copy of the Department's petition is on the Board's web site at <http://www.mmb.pa.gov/Legal/Documents/Petition%20for%20Hearing%20MMB.pdf>.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 18-649. Filed for public inspection April 27, 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 May 14, 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 of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons as described under each application.

A-2018-3001073. Ever Better Care Transportation, LLC (4507 Sequoia Drive, Unit B203, Harrisburg, PA 17109) persons in paratransit service, through the Office of Long Term Living and the Office of Developmental Programs, from points in the Counties of Cumberland, Dauphin, Lancaster, Lebanon, Perry and York, to points in Pennsylvania, and return.

A-2018-3001120. Carrie L. Shumway (10 West Main Street, Elverson, Chester County, PA 19520) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2018-3001136. David Carpenter (85 Isabella Road, Elverson, PA 19520) persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles from points in Lancaster County, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.

A-2018-3001158. Robert C. J. Miller, Jr. (4560 Graystone Drive, Nazareth, PA 18064) which is to be a transfer of all rights authorized under the certificate issued at A-00110569 to Diane Garland, t/a Shively's, subject to the same rights and limitations.

Application 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 the application.

A-2018-3001114. Arthur L. Refford (600 East Roseville Road, Apartment 2200, Lancaster, PA 17601-4288) the transportation of persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-650. Filed for public inspection April 27, 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 May 14, 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. T. White Trucking, Inc.; Docket No. C-2018-3000239

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 T. White Trucking, Inc., (respondent) is under suspension effective February 21, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 22 S. Whisper Lane, New Holland, PA 17557.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 19, 2002, at A-00119208.
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-00119208 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/6/2018

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. VM Trans, LLC;
 Docket No. C-2018-3000240**

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 VM Trans, LLC, (respondent) is under suspension effective February 23, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1107 Brook Ln., Harrisburg, PA 17111.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 10, 2015, at A-00123083.
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-00123083 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/6/2018

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. RNR Transportation, LLC; Docket No. C-2018-3000493

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 RNR Transportation, LLC, (respondent) is under suspension effective January 7, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 514 Laurel Road, Yeadon, PA 19050.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 13, 2016, at A-6419000.

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-6419000 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/26/2018

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 num-

ber 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. Ultimate Fluid Control, LLC, t/a Ultimate Fluid Control;
Docket No. C-2018-3000299

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 Ultimate Fluid Control, LLC, t/a Ultimate Fluid Control, (respondent) is under suspension effective January 27, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 9 Skyline Drive E, Suite # 2, South Abington Township, PA 18411.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 23, 2017, at A-8919588.

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-8919588 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state

that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/26/2018

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
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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.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-651. Filed for public inspection April 27, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer of Control

A-2018-3001254. Mitel Cloud Services, Inc., Mitel Networks Corporation, Mitel US Holdings, Inc., Mitel (Delaware), Inc. and Mitel Networks, Inc. Joint application of Mitel Cloud Services, Inc., Mitel Networks Corporation, Mitel US Holdings, Inc., Mitel (Delaware), Inc. and Mitel Networks, Inc. for approval of a transfer of control of Mitel Cloud Services, Inc. to Mitel Networks, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 14, 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.

Joint Applicants: Mitel Cloud Services, Inc.; Mitel Networks Corporation; Mitel US Holdings, Inc.; Mitel (Delaware), Inc.; Mitel Networks, Inc.

Through and By Counsel: Lance J. M. Steinhart, Esquire, Managing Attorney, Lance J. M. Steinhart, PC, Suite 150, 1725 Windward Concourse, Alpharetta, GA 30005

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-652. Filed for public inspection April 27, 2018, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than May 14, 2018. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants.

Doc. No. A-18-04-01. Raman, Inc. (2711 Marshall Road, Drexel Hill, PA 19026): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-18-04-02. Manveer, Inc. (2737 Springfield Road, Broomall, PA 19008): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 18-653. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF MEDICINE

Bureau of Professional and Occupational Affairs v. Michael David Larson, MD; Doc. No. 1403-49-17

On February 20, 2018, Michael David Larson, MD, of Williamstown, NJ, was granted a license to practice respiratory therapy and immediately suspended for no less than 3 years, the suspension immediately stayed in favor of no less than 3 years of probation subject to the terms of the State Board of Medicine (Board) order, based upon being addicted to drugs, narcotics or alcohol.

Individuals may obtain a copy of the final order by writing to Wesley J. Rish, Board Counsel, State Board of Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523.

This final order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact

for receiving service of appeals is the previously-named Board counsel.

KEITH E. LOISELLE,
Chairperson

[Pa.B. Doc. No. 18-654. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF MEDICINE

Bureau of Professional and Occupational Affairs v. Kelly Ann Starr, LRT; Doc. No. 1943-49-2017

On February 23, 2018, Kelly Ann Starr, LRT, license No. YM002066L, last known of Frackville, Schuylkill County, was indefinitely suspended for no less than 3 years and assessed a \$1,000 civil penalty based on being convicted of a felony.

Individuals may obtain a copy of the final order by writing to Peter D. Kovach, Board Counsel, State Board of Medicine, P.O. Box 69523, Harrisburg, PA 17106-9523.

This final order represents the final State Board of Medicine (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KEITH E. LOISELLE,
Chairperson

[Pa.B. Doc. No. 18-655. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Linda J. Barrett, RN; File No. 14-51-03355; Doc. No. 2053-51-16

On July 20, 2017, Linda J. Barrett, RN, Pennsylvania license No. RN531613, last known of Philadelphia, Philadelphia County, was indefinitely suspended, retroactive to December 5, 2016, and ordered to pay \$525 in costs of investigation, based on her being unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-656. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Daniele Leigh Connolly, LPN; File No. 16-51-09766; Doc. No. 2055-51-16

On September 29, 2017, Daniele Leigh Connolly, LPN, Pennsylvania license No. PN282944, last known of Quakertown, Bucks County, was indefinitely suspended and ordered to pay \$350 in costs of investigation, based on her being unable to practice practical nursing with reasonable skill and safety to patients by reason of addiction to alcohol, or addiction to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as the dependence shall continue, or she has become mentally incompetent.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-657. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Michelle Cislo Flowers, LPN; File No. 15-51-03486; Doc. No. 1861-51-15

On August 3, 2017, Michelle Cislo Flowers, LPN, Pennsylvania license No. PN261508L, last known of Salix, Cambria County, was indefinitely suspended, retroactive to December 9, 2015, based on being addicted to alcohol, or is addicted to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as the dependence shall continue or she has become mentally incompetent.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals

who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-658. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Alicia D. Gartner, RN; File No. 13-51-12732; Doc. No. 0757-51-14

On August 3, 2017, Alicia D. Gartner, Pennsylvania license No. RN547238, last known of West Chester, Chester County, had her professional nursing license indefinitely suspended until she can prove to the State Board of Nursing (Board) that she is fit to safely practice professional nursing with reasonable skill and safety and was assessed a \$500 civil penalty based having received disciplinary action by the proper licensing authority of another state and failure to report same to the Board.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-659. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Loretta Lee Hale, LPN; File No. 15-51-04145; Doc. No. 0032-51-16

On September 29, 2017, Loretta Lee Hale, LPN, license No. PN273906, last known of Blanchard, Centre County, and Lockhaven, Clinton County, had her practical nursing license suspended for at least 3 months with at least 1 month of active suspension based on her second-degree misdemeanor conviction of a crime of moral turpitude.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must

serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-660. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Tammy L. Herb, LPN; File No. 14-51-11049; Doc. No. 1446-51-15

On September 29, 2017, Tammy L. Herb, LPN, license No. PN261306L, last known of New Castle, Lawrence County, had her nursing license revoked, based on her convictions of felonies and misdemeanor crimes of moral turpitude.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-661. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Patriss Marie Hudson, a/k/a Patriss M. Colosimo, LPN; File No. 14-51-04959; Doc. No. 1931-51-16

On August 3, 2017, Patriss Marie Hudson, a/k/a Patriss M. Colosimo, LPN, Pennsylvania license No. PN098103L, last known of Holt, FL, had her practical nursing license indefinitely suspended until she can prove to the State Board of Nursing (Board) that she is fit to safely practice professional nursing with reasonable skill and safety and was assessed a \$500 civil penalty based on having

received disciplinary action by the proper licensing authority of another state and failure to report same to the Board.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-662. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Morgan Nichole Natale, LPN; File No. 16-51-08706; Doc. No. 0042-51-17

On October 30, 2017, Morgan Nichole Natale, LPN, license No. PN280790, last known of Pottsville, Schuylkill County, had her practical nurse license indefinitely suspended, retroactive to February 9, 2017, and was assessed a \$525 cost of investigation fee based on being addicted to alcohol, hallucinogenic, narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-663. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30

days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
John Hess 218 Rock Point Road Marietta, PA 17547	Lancaster County/ East Donegal Township	208.22	Cattle	New	Approved
LGH Farms, LLC Andrew and Melissa Helwig 2129 Mountain Road Catawissa, PA 17820	Columbia County/ Locust Township	424.65	Layers	New	Approved
Willie Weiler—Weiler Farms # 2 Willie Weiler 420 Lawn Road Palmyra, PA 17079	Lebanon County/ South Londonderry Township	219.59	Broilers	Amended	Approved
David Fisher 829-A Strasburg Road Paradise, PA 17562	Lancaster County/ Paradise Township	117.4	Dairy	Existing	Rescind
Michael Snook— Creek Bottom Farms Home Farm 1510 White Church Road Middleburg, PA 17842	Snyder County/ Franklin Township	67.5	Cattle	Amended	Approved
Jake Hardy 20 Taylor Mill Road Belleville, PA 17004	Mifflin County/ Brown Township	0	Cattle	Existing	Rescind

RUSSELL C. REDDING,
Chairperson

[Pa.B. Doc. No. 18-664. Filed for public inspection April 27, 2018, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

May 15, 2018 Michael F. Kissell 1 p.m.
 Agency Debt Issue

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ANTHONY J. FAIOLA,
Acting Secretary

[Pa.B. Doc. No. 18-665. Filed for public inspection April 27, 2018, 9:00 a.m.]

RULES AND REGULATIONS

Title 10—BANKING AND SECURITIES

DEPARTMENT OF BANKING AND SECURITIES

[10 PA. CODE CH. 59]

Mortgage Servicing

The Department of Banking and Securities (Department) adopts Chapter 59 (relating to mortgage servicing) to read as set forth in Annex A.

The regulations are published under the act of December 22, 2017 (P.L. 1260, No. 81) and 7 Pa.C.S. §§ 6101—6154 (relating to Mortgage Licensing Act) (act). Section 6141 of the act (relating to mortgage servicers) specifically provides that, to effectively incorporate the Consumer Financial Protection Bureau's (Bureau) mortgage servicer regulations in 12 CFR Part 1024, Subpart C (relating to mortgage servicing), the Department shall promulgate regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)).

To comply with section 6141 of the act, the Department is publishing these regulations which incorporate the Federal requirements and standards in effect as April 19, 2018, as most recently issued by the Bureau. These are the current standards that the Department is obligated to incorporate. To further comply with section 6141 of the act, the Department may periodically publish regulations regarding mortgage servicing if changes are made to the Federal regulations (which the Department is obligated to incorporate into the Pennsylvania mortgage servicing regulations).

ROBIN L. WIESSMANN,
Secretary

(*Editor's Note:* Title 10 of the *Pennsylvania Code* is amended by adding §§ 59.1—59.15 to read as set forth in Annex A. These regulations are effective April 28, 2018.)

Fiscal Note: 3-56. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 10. BANKING AND SECURITIES

PART IV. BUREAU OF CONSUMER CREDIT AGENCIES

CHAPTER 59. MORTGAGE SERVICING

Sec.	Purpose.
59.1.	Purpose.
59.2.	Scope.
59.3.	Definitions.
59.4.	General disclosure requirements.
59.5.	Mortgage servicing transfers.
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§ 59.1. Purpose.

In accordance with 7 Pa.C.S. § 6141 (relating to mortgage servicers) this chapter is intended to set forth mortgage servicing criteria and standards that incorporate the Consumer Financial Protection Bureau's mortgage servicer regulations in 12 CFR Part 1024, Subpart C (relating to mortgage servicing).

§ 59.2. Scope.

This chapter applies to any mortgage loan serviced by a mortgage servicer licensed by the Department under 7 Pa.C.S. § 6111 (relating to license requirements).

§ 59.3. Definitions.

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

Confirmed successor in interest—A successor in interest once a servicer has confirmed the successor in interest's identity and ownership interest in a property that secures a mortgage loan subject to this chapter.

Consumer reporting agency—has the meaning set forth in section 603 of the Fair Credit Reporting Act (15 U.S.C.A. § 1681a).

Day—Calendar day.

Delinquency—A period of time during which a borrower and a borrower's mortgage loan obligation are delinquent. A borrower and a borrower's mortgage loan obligation are delinquent beginning on the date a periodic payment sufficient to cover principal, interest, and, if applicable, escrow becomes due and unpaid, until such time as no periodic payment is due and unpaid.

Hazard insurance—Insurance on the property securing a mortgage loan that protects the property against loss caused by fire, wind, flood, earthquake, theft, falling objects, freezing, and other similar hazards for which the owner or assignee of such loan requires insurance.

Loss mitigation application—An oral or written request for a loss mitigation option that is accompanied by any information required by a servicer for evaluation for a loss mitigation option.

Loss mitigation option—An alternative to foreclosure offered by the owner or assignee of a mortgage loan that is made available through the servicer to the borrower.

Master servicer—The owner of the right to perform servicing. A master servicer may perform the servicing itself or do so through a subservicer.

Mortgage loan—A loan which is made primarily for personal, family or household use; and secured by any first lien mortgage, deed of trust, or equivalent consensual security interest on a dwelling or on residential real estate, but does not include open-end lines of credit (home equity plans).

Qualified written request—A written correspondence from the borrower to the servicer that includes, or otherwise enables the servicer to identify, the name and account of the borrower, and either:

(1) States the reasons the borrower believes the account is in error; or

(2) Provides sufficient detail to the servicer regarding information relating to the servicing of the mortgage loan sought by the borrower.

Reverse mortgage transaction—The meaning set forth in 12 CFR 1026.33(a) (relating to requirements for reverse mortgages).

Service provider—Any party retained by a servicer that interacts with a borrower or provides a service to the servicer for which a borrower may incur a fee.

Single point of contact—An individual or team of personnel, each of whom has the ability and authority to discuss mortgage loan mitigation options with a borrower on behalf of a mortgage servicer. The mortgage servicer shall ensure that each member of the team is knowledgeable about the borrower's situation and current status.

Subservicer—A servicer that does not own the right to perform servicing, but that performs servicing on behalf of the master servicer.

Successor in interest—A person to whom an ownership interest in a property securing a mortgage loan subject to 12 CFR Part 1024, Subpart C (relating to mortgage servicing) is transferred from a borrower, provided that the transfer is by devise, descent, or operation of law on the death of a joint tenant or tenant by the entirety; to a relative resulting from the death of a borrower; a transfer where the spouse or children of the borrower become an owner of the property; a transfer resulting from a decree of a dissolution of marriage, legal separation agreement, or from an incidental property settlement agreement, by which the spouse of the borrower becomes an owner of the property; or a transfer into an inter vivos trust in which the borrower is and remains a beneficiary and which does not relate to a transfer of rights of occupancy in the property.

Transferee servicer—A servicer that obtains or will obtain the right to perform servicing pursuant to an agreement or understanding.

Transferor servicer—A servicer, including a table-funding mortgage broker or dealer on a first-lien dealer loan, that transfers or will transfer the right to perform servicing pursuant to an agreement or understanding.

§ 59.4. General disclosure requirements.

(a) Disclosure requirements.

(1) *Form of disclosures.* Except as otherwise provided in this chapter, disclosures required under this chapter must be clear and conspicuous, in writing, and in a form that a recipient may keep. The disclosures required by this chapter may be provided in electronic form, subject to compliance with the consumer consent and other applicable provisions of the E-Sign Act, as set forth in 12 CFR 1024.3 (relating to E-Sign applicability). A servicer may use commonly accepted or readily understandable abbreviations in complying with the disclosure requirements of this chapter.

(2) *Foreign language disclosures.* Disclosures required under this chapter may be made in a language other than English, provided that the disclosures are made available in English upon a recipient's request.

(b) *Additional information; disclosures required by other laws.* Unless expressly prohibited in this chapter, by other applicable law, such as the Truth in Lending Act (15 U.S.C.A. §§ 1601—1667f) or the Truth in Savings Act (12 U.S.C.A. §§ 4301—4313), or by the terms of an agreement with a Federal regulatory agency or the Department, a servicer may include additional information in a

disclosure required under this chapter or combine any disclosure required under this chapter with any disclosure required by such other law.

(c) Successors in interest.

(1) *Optional notice with acknowledgment form.* Upon confirmation, a servicer may provide a confirmed successor in interest who is not liable on the mortgage loan obligation with a written notice together with a separate acknowledgment form that meets the requirements of paragraph (c)(1)(iv) of this section and that does not require acknowledgment of any items other than those identified in paragraph (c)(1)(iv) of this section. The written notice must clearly and conspicuously explain that:

(i) The servicer has confirmed the successor in interest's identity and ownership interest in the property;

(ii) Unless the successor in interest assumes the mortgage loan obligation under law, the successor in interest is not liable for the mortgage debt and cannot be required to use the successor in interest's assets to pay the mortgage debt, except that the lender has a security interest in the property and a right to foreclose on the property, when permitted by law and authorized under the mortgage loan contract;

(iii) The successor in interest may be entitled to receive certain notices and communications about the mortgage loan if the servicer is not providing them to another confirmed successor in interest or borrower on the account;

(iv) In order to receive such notices and communications, the successor in interest must execute and provide to the servicer an acknowledgment form that:

(A) Requests receipt of such notices and communications if the servicer is not providing them to another confirmed successor in interest or borrower on the account; and

(B) Indicates that the successor in interest understands that such notices do not make the successor in interest liable for the mortgage debt and that the successor in interest is only liable for the mortgage debt if the successor in interest assumes the mortgage loan obligation under law; and

(C) Informs the successor in interest that there is no time limit to return the acknowledgment but that the servicer will not begin sending such notices and communications to the confirmed successor in interest until the acknowledgment is returned; and

(v) Whether or not the successor in interest executes the acknowledgment described in paragraph (c)(1)(iv) of this section, the successor in interest is entitled to submit notices of error under § 59.7 (relating to error resolution procedures), requests for information under § 59.8 (relating to requests for information), and requests for a payoff statement under 12 CFR 1026.36 (relating to prohibited acts or practices and certain requirements for credit secured by a dwelling) with respect to the mortgage loan account, with a brief explanation of those rights and how to exercise them, including appropriate address information.

(2) *Effect of failure to execute acknowledgment.* If, upon confirmation, a servicer provides a confirmed successor in interest who is not liable on the mortgage loan obligation with a written notice and acknowledgment form in accordance with paragraph (c)(1) of this section, the servicer is not required to provide to the confirmed successor in

interest any written disclosure required by 12 CFR 1024.17 (relating to escrow accounts), or § 59.5, § 59.6, § 59.9, or § 59.11 or to comply with the live contact requirements in § 59.11(a) (relating to early intervention requirements for certain borrowers) with respect to the confirmed successor in interest until the confirmed successor in interest either assumes the mortgage loan obligation under State law or executes an acknowledgment that complies with paragraph (c)(1)(iv) of this section and provides it to the servicer.

(3) *Additional copies of acknowledgment form.* If a servicer provides a confirmed successor in interest with a written notice and acknowledgment form in accordance with paragraph (c)(1) of this section, the servicer must make additional copies of the written notice and acknowledgment form available to the confirmed successor in interest upon written or oral request.

(4) *Multiple notices unnecessary.* Except as required by § 59.8, a servicer is not required to provide to a confirmed successor in interest any written disclosure required by 12 CFR 1024.17, or § 59.5, § 59.6, § 59.9, or § 59.11(b) if the servicer is providing the same specific disclosure to another borrower on the account. A servicer is also not required to comply with the live contact requirements set forth in § 59.11(a) with respect to a confirmed successor in interest if the servicer is complying with those requirements with respect to another borrower on the account.

§ 59.5. Mortgage servicing transfers.

(a) *Servicing disclosure statement.* Within three days (excluding legal public holidays, Saturdays, and Sundays) after a person applies for a reverse mortgage transaction, the lender, mortgage broker who anticipates using table funding, or dealer in a first-lien dealer loan shall provide to the person a servicing disclosure statement that states whether the servicing of the mortgage loan may be assigned, sold, or transferred to any other person at any time. Appendix MS-1 of 12 CFR Part 1024, Subpart C (relating to mortgage servicing) contains a model form for the disclosures required under this paragraph (a). If a person who applies for a reverse mortgage transaction is denied credit within the three-day period, a servicing disclosure statement is not required to be delivered.

(b) *Notices of transfer of loan servicing.*

(1) *Requirement for notice.* Except as provided in paragraph (b)(2) of this section, each transferor servicer and transferee servicer of any mortgage loan shall provide to the borrower a notice of transfer for any assignment, sale, or transfer of the servicing of the mortgage loan. The notice must contain the information described in paragraph (b)(4) of this section. Appendix MS-2 of 12 CFR Part 1024, Subpart C contains a model form for the disclosures required under this paragraph (b).

(2) *Certain transfers excluded.*

(i) The following transfers are not assignments, sales, or transfers of mortgage loan servicing for purposes of this section if there is no change in the payee, address to which payment must be delivered, account number, or amount of payment due:

(A) A transfer between affiliates;

(B) A transfer that results from mergers or acquisitions of servicers or subservicers;

(C) A transfer that occurs between master servicers without changing the subservicer;

(ii) The Federal Housing Administration (FHA) is not required to provide to the borrower a notice of transfer where a mortgage insured under the National Housing Act is assigned to the FHA.

(3) *Time of notice.*

(i) *In general.* Except as provided in paragraphs (b)(3)(ii) and (iii) of this section, the transferor servicer shall provide the notice of transfer to the borrower not less than 15 days before the effective date of the transfer of the servicing of the mortgage loan. The transferee servicer shall provide the notice of transfer to the borrower not more than 15 days after the effective date of the transfer. The transferor and transferee servicers may provide a single notice, in which case the notice shall be provided not less than 15 days before the effective date of the transfer of the servicing of the mortgage loan.

(ii) *Extended time.* The notice of transfer shall be provided to the borrower by the transferor servicer or the transferee servicer not more than 30 days after the effective date of the transfer of the servicing of the mortgage loan in any case in which the transfer of servicing is preceded by:

(A) Termination of the contract for servicing the loan for cause;

(B) Commencement of proceedings for bankruptcy of the servicer;

(C) Commencement of proceedings by the FDIC for conservatorship or receivership of the servicer or an entity that owns or controls the servicer; or

(D) Commencement of proceedings by the NCUA for appointment of a conservator or liquidating agent of the servicer or an entity that owns or controls the servicer.

(iii) *Notice provided at settlement.* Notices of transfer provided at settlement by the transferor servicer and transferee servicer, whether as separate notices or as a combined notice, satisfy the timing requirements of paragraph (b)(3) of this section.

(4) *Contents of notice.* The notices of transfer shall include the following information:

(i) The effective date of the transfer of servicing;

(ii) The name, address, and a collect call or toll-free telephone number for an employee or department of the transferee servicer that can be contacted by the borrower to obtain answers to servicing transfer inquiries;

(iii) The name, address, and a collect call or toll-free telephone number for an employee or department of the transferor servicer that can be contacted by the borrower to obtain answers to servicing transfer inquiries;

(iv) The date on which the transferor servicer will cease to accept payments relating to the loan and the date on which the transferee servicer will begin to accept such payments. These dates shall either be the same or consecutive days;

(v) Whether the transfer will affect the terms or the continued availability of mortgage life or disability insurance, or any other type of optional insurance, and any action the borrower must take to maintain such coverage; and

(vi) A statement that the transfer of servicing does not affect any term or condition of the mortgage loan other than terms directly related to the servicing of the loan.

(c) *Borrower payments during transfer of servicing.*

(1) *Payments not considered late.* During the 60-day period beginning on the effective date of transfer of the servicing of any mortgage loan, if the transferor servicer (rather than the transferee servicer that should properly receive payment on the loan) receives payment on or before the applicable due date (including any grace period allowed under the mortgage loan instruments), a payment may not be treated as late for any purpose.

(2) *Treatment of payments.* Beginning on the effective date of transfer of the servicing of any mortgage loan, with respect to payments received incorrectly by the transferor servicer (rather than the transferee servicer that should properly receive the payment on the loan), the transferor servicer shall promptly either:

(i) Transfer the payment to the transferee servicer for application to a borrower's mortgage loan account, or

(ii) Return the payment to the person that made the payment and notify such person of the proper recipient of the payment.

§ 59.6. Timely escrow payments and treatment of escrow account balances.

(a) *Timely escrow disbursements required.* If the terms of a mortgage loan require the borrower to make payments to the servicer of the mortgage loan for deposit into an escrow account to pay taxes, insurance premiums, and other charges for the mortgaged property, the servicer shall make payments from the escrow account in a timely manner, that is, on or before the deadline to avoid a penalty, as governed by the requirements in 12 CFR 1024.17(k) (relating to escrow accounts).

(b) *Refund of escrow balance.*

(1) *In general.* Except as provided in paragraph (b)(2) of this section, within 20 days (excluding legal public holidays, Saturdays, and Sundays) of a borrower's payment of a mortgage loan in full, a servicer shall return to the borrower any amounts remaining in an escrow account that is within the servicer's control.

(2) *Servicer may credit funds to a new escrow account.* Notwithstanding paragraph (b)(1) of this section, if the borrower agrees, a servicer may credit any amounts remaining in an escrow account that is within the servicer's control to an escrow account for a new mortgage loan as of the date of the settlement of the new mortgage loan if the new mortgage loan is provided to the borrower by a lender that:

(i) Was also the lender to whom the prior mortgage loan was initially payable;

(ii) Is the owner or assignee of the prior mortgage loan; or

(iii) Uses the same servicer that serviced the prior mortgage loan to service the new mortgage loan.

§ 59.7. Error resolution procedures.

(a) *Notice of error.* A servicer shall comply with the requirements of this section for any written notice from the borrower that asserts an error and that includes the name of the borrower, information that enables the servicer to identify the borrower's mortgage loan account, and the error the borrower believes has occurred. A notice on a payment coupon or other payment form supplied by the servicer need not be treated by the servicer as a notice of error. A qualified written request that asserts an error relating to the servicing of a mortgage loan is a notice of error for purposes of this section, and a servicer

must comply with all requirements applicable to a notice of error with respect to such qualified written request.

(b) *Scope of error resolution.* For purposes of this section, the term "error" refers to the following categories of covered errors:

(1) Failure to accept a payment that conforms to the servicer's written requirements for the borrower to follow in making payments.

(2) Failure to apply an accepted payment to principal, interest, escrow, or other charges under the terms of the mortgage loan and applicable law.

(3) Failure to credit a payment to a borrower's mortgage loan account as of the date of receipt in violation of 12 CFR 1026.36(c)(1) (relating to prohibited acts or practices and certain requirements for credit secured by a dwelling).

(4) Failure to pay taxes, insurance premiums, or other charges, including charges that the borrower and servicer have voluntarily agreed that the servicer should collect and pay, in a timely manner as required by § 59.6(a) (relating to timely escrow payments and treatment of escrow account balances), or to refund an escrow account balance as required by § 59.6(b).

(5) Imposition of a fee or charge that the servicer lacks a reasonable basis to impose upon the borrower.

(6) Failure to provide an accurate payoff balance amount upon a borrower's request in violation of section 12 CFR 1026.36(c)(3).

(7) Failure to provide accurate information to a borrower regarding loss mitigation options and foreclosure, as required by § 59.11 (relating to early intervention requirements for certain borrowers).

(8) Failure to transfer accurately and timely information relating to the servicing of a borrower's mortgage loan account to a transferee servicer.

(9) Making the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process in violation of § 59.13(f) or (j) (relating to loss mitigation procedures).

(10) Moving for foreclosure judgment or order of sale, or conducting a foreclosure sale in violation of § 59.13(g) or (j).

(11) Any other error relating to the servicing of a borrower's mortgage loan.

(c) *Contact information for borrowers to assert errors.* A servicer may, by written notice provided to a borrower, establish an address that a borrower must use to submit a notice of error in accordance with the procedures in this section. The notice shall include a statement that the borrower must use the established address to assert an error. If a servicer designates a specific address for receiving notices of error, the servicer shall designate the same address for receiving information requests pursuant to § 59.8(b) (relating to requests for information). A servicer shall provide a written notice to a borrower before any change in the address used for receiving a notice of error. A servicer that designates an address for receipt of notices of error must post the designated address on any Web site maintained by the servicer if the Web site lists any contact address for the servicer.

(d) *Acknowledgment of receipt.* Within five days (excluding legal public holidays, Saturdays, and Sundays) of a servicer receiving a notice of error from a borrower, the

servicer shall provide to the borrower a written response acknowledging receipt of the notice of error.

(e) *Response to notice of error.*

(1) *Investigation and response requirements.*

(i) *In general.* Except as provided in paragraphs (f) and (g) of this section, a servicer must respond to a notice of error by either:

(A) Correcting the error or errors identified by the borrower and providing the borrower with a written notification of the correction, the effective date of the correction, and contact information, including a telephone number, for further assistance; or

(B) Conducting a reasonable investigation and providing the borrower with a written notification that includes a statement that the servicer has determined that no error occurred, a statement of the reason or reasons for this determination, a statement of the borrower's right to request documents relied upon by the servicer in reaching its determination, information regarding how the borrower can request such documents, and contact information, including a telephone number, for further assistance.

(ii) *Different or additional error.* If during a reasonable investigation of a notice of error, a servicer concludes that errors occurred other than, or in addition to, the error or errors alleged by the borrower, the servicer shall correct all such additional errors and provide the borrower with a written notification that describes the errors the servicer identified, the action taken to correct the errors, the effective date of the correction, and contact information, including a telephone number, for further assistance.

(2) *Requesting information from borrower.* A servicer may request supporting documentation from a borrower in connection with the investigation of an asserted error, but may not:

(i) Require a borrower to provide such information as a condition of investigating an asserted error; or

(ii) Determine that no error occurred because the borrower failed to provide any requested information without conducting a reasonable investigation pursuant to paragraph (e)(1)(i)(B) of this section.

(3) *Time limits.*

(i) *In general.* A servicer must comply with the requirements of paragraph (e)(1) of this section:

(A) Not later than seven days (excluding legal public holidays, Saturdays, and Sundays) after the servicer receives the notice of error for errors asserted under paragraph (b)(6) of this section.

(B) Prior to the date of a foreclosure sale or within 30 days (excluding legal public holidays, Saturdays, and Sundays) after the servicer receives the notice of error, whichever is earlier, for errors asserted under paragraphs (b)(9) and (10) of this section.

(C) For all other asserted errors, not later than 30 days (excluding legal public holidays, Saturdays, and Sundays) after the servicer receives the applicable notice of error.

(ii) *Extension of time limit.* For asserted errors governed by the time limit set forth in paragraph (e)(3)(i)(C) of this section, a servicer may extend the time period for responding by an additional 15 days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the 30-day period, the servicer notifies the borrower of the extension and the reasons for the extension

in writing. A servicer may not extend the time period for responding to errors asserted under paragraph (b)(6), (9), or (10) of this section.

(4) *Copies of documentation.* A servicer shall provide to the borrower, at no charge, copies of documents and information relied upon by the servicer in making its determination that no error occurred within 15 days (excluding legal public holidays, Saturdays, and Sundays) of receiving the borrower's request for such documents. A servicer is not required to provide documents relied upon that constitute confidential, proprietary or privileged information. If a servicer withholds documents relied upon because it has determined that such documents constitute confidential, proprietary or privileged information, the servicer must notify the borrower of its determination in writing within 15 days (excluding legal public holidays, Saturdays, and Sundays) of receipt of the borrower's request for such documents.

(5) *Omissions in responses to requests for documentation.* In its response to a request for documentation under paragraph (e)(4) of this section, a servicer may omit location and contact information and personal financial information (other than information about the terms, status, and payment history of the mortgage loan) if:

(i) The information pertains to a potential or confirmed successor in interest who is not the requester; or

(ii) The requester is a confirmed successor in interest and the information pertains to any borrower who is not the requester.

(f) *Alternative compliance.*

(1) *Early correction.* A servicer is not required to comply with paragraphs (d) and (e) of this section if the servicer corrects the error or errors asserted by the borrower and notifies the borrower of that correction in writing within five days (excluding legal public holidays, Saturdays, and Sundays) of receiving the notice of error.

(2) *Error asserted before foreclosure sale.* A servicer is not required to comply with the requirements of paragraphs (d) and (e) of this section for errors asserted under paragraph (b)(9) or (10) of this section if the servicer receives the applicable notice of an error seven or fewer days before a foreclosure sale. For any such notice of error, a servicer shall make a good faith attempt to respond to the borrower, orally or in writing, and either correct the error or state the reason the servicer has determined that no error has occurred.

(g) *Requirements not applicable.*

(1) *In general.* A servicer is not required to comply with the requirements of paragraphs (d), (e), and (i) of this section if the servicer reasonably determines that any of the following apply:

(i) *Duplicative notice of error.* The asserted error is substantially the same as an error previously asserted by the borrower for which the servicer has previously complied with its obligation to respond pursuant to paragraphs (d) and (e) of this section, unless the borrower provides new and material information to support the asserted error. New and material information means information that was not reviewed by the servicer in connection with investigating a prior notice of the same error and is reasonably likely to change the servicer's prior determination about the error.

(ii) *Overbroad notice of error.* The notice of error is overbroad. A notice of error is overbroad if the servicer cannot reasonably determine from the notice of error the

specific error that the borrower asserts has occurred on a borrower's account. To the extent a servicer can reasonably identify a valid assertion of an error in a notice of error that is otherwise overbroad, the servicer shall comply with the requirements of paragraphs (d), (e) and (i) of this section with respect to that asserted error.

(iii) *Untimely notice of error.* A notice of error is delivered to the servicer more than one year after:

(A) Servicing for the mortgage loan that is the subject of the asserted error was transferred from the servicer receiving the notice of error to a transferee servicer; or

(B) The mortgage loan is discharged.

(2) *Notice to borrower.* If a servicer determines that, pursuant to this paragraph (g), the servicer is not required to comply with the requirements of paragraphs (d), (e), and (i) of this section, the servicer shall notify the borrower of its determination in writing not later than five days (excluding legal public holidays, Saturdays, and Sundays) after making such determination. The notice to the borrower shall set forth the basis under paragraph (g)(1) of this section upon which the servicer has made such determination.

(h) *Payment requirements prohibited.* A servicer shall not charge a fee, or require a borrower to make any payment that may be owed on a borrower's account, as a condition of responding to a notice of error.

(i) *Effect on servicer remedies.*

(1) *Adverse information.* After receipt of a notice of error, a servicer may not, for 60 days, furnish adverse information to any consumer reporting agency regarding any payment that is the subject of the notice of error.

(2) *Remedies permitted.* Except as set forth in this section with respect to an assertion of error under paragraph (b)(9) or (10) of this section, nothing in this section shall limit or restrict a lender or servicer from pursuing any remedy it has under applicable law, including initiating foreclosure or proceeding with a foreclosure sale.

§ 59.8. Requests for information.

(a) *Information request.* A servicer shall comply with the requirements of this section for any written request for information from a borrower that includes the name of the borrower, information that enables the servicer to identify the borrower's mortgage loan account, and states the information the borrower is requesting with respect to the borrower's mortgage loan. A request on a payment coupon or other payment form supplied by the servicer need not be treated by the servicer as a request for information. A request for a payoff balance need not be treated by the servicer as a request for information. A qualified written request that requests information relating to the servicing of the mortgage loan is a request for information for purposes of this section, and a servicer must comply with all requirements applicable to a request for information with respect to such qualified written request.

(b) *Contact information for borrowers to request information.* A servicer may, by written notice provided to a borrower, establish an address that a borrower must use to request information in accordance with the procedures in this section. The notice shall include a statement that the borrower must use the established address to request information. If a servicer designates a specific address for receiving information requests, a servicer shall designate the same address for receiving notices of error pursuant

to § 59.7(c) (relating to error resolution procedures). A servicer shall provide a written notice to a borrower before any change in the address used for receiving an information request. A servicer that designates an address for receipt of information requests must post the designated address on any Web site maintained by the servicer if the Web site lists any contact address for the servicer.

(c) *Acknowledgment of receipt.* Within five days (excluding legal public holidays, Saturdays, and Sundays) of a servicer receiving an information request from a borrower, the servicer shall provide to the borrower a written response acknowledging receipt of the information request.

(d) *Response to information request.*

(1) *Investigation and response requirements.* Except as provided in paragraphs (e) and (f) of this section, a servicer must respond to an information request by either:

(i) Providing the borrower with the requested information and contact information, including a telephone number, for further assistance in writing; or

(ii) Conducting a reasonable search for the requested information and providing the borrower with a written notification that states that the servicer has determined that the requested information is not available to the servicer, provides the basis for the servicer's determination, and provides contact information, including a telephone number, for further assistance.

(2) *Time limits.*

(i) *In general.* A servicer must comply with the requirements of paragraph (d)(1) of this section:

(A) Not later than 10 days (excluding legal public holidays, Saturdays, and Sundays) after the servicer receives an information request for the identity of, and address or other relevant contact information for, the owner or assignee of a mortgage loan; and

(B) For all other requests for information, not later than 30 days (excluding legal public holidays, Saturdays, and Sundays) after the servicer receives the information request.

(ii) *Extension of time limit.* For requests for information governed by the time limit set forth in paragraph (d)(2)(i)(B) of this section, a servicer may extend the time period for responding by an additional 15 days (excluding legal public holidays, Saturdays, and Sundays) if, before the end of the 30-day period, the servicer notifies the borrower of the extension and the reasons for the extension in writing. A servicer may not extend the time period for requests for information governed by paragraph (d)(2)(i)(A) of this section.

(3) *Omissions in responses to requests.* In its response to a request for information, a servicer may omit location and contact information and personal financial information (other than information about the terms, status, and payment history of the mortgage loan) if:

(i) The information pertains to a potential or confirmed successor in interest who is not the requester; or

(ii) The requester is a confirmed successor and the information pertains to any borrower who is not the requester.

(e) *Alternative compliance.* A servicer is not required to comply with paragraphs (c) and (d) of this section if the servicer provides the borrower with the information re-

quested and contact information, including a telephone number, for further assistance in writing within five days (excluding legal public holidays, Saturdays, and Sundays) of receiving an information request.

(f) *Requirements not applicable.*

(1) *In general.* A servicer is not required to comply with the requirements of paragraphs (c) and (d) of this section if the servicer reasonably determines that any of the following apply:

(i) *Duplicative information.* The information requested is substantially the same as information previously requested by the borrower for which the servicer has previously complied with its obligation to respond pursuant to paragraphs (c) and (d) of this section.

(ii) *Confidential, proprietary or privileged information.* The information requested is confidential, proprietary or privileged.

(iii) *Irrelevant information.* The information requested is not directly related to the borrower's mortgage loan account.

(iv) *Overbroad or unduly burdensome information request.* The information request is overbroad or unduly burdensome. An information request is overbroad if a borrower requests that the servicer provide an unreasonable volume of documents or information to a borrower. An information request is unduly burdensome if a diligent servicer could not respond to the information request without either exceeding the maximum time limit permitted by paragraph (d)(2) of this section or incurring costs (or dedicating resources) that would be unreasonable in light of the circumstances. To the extent a servicer can reasonably identify a valid information request in a submission that is otherwise overbroad or unduly burdensome, the servicer shall comply with the requirements of paragraphs (c) and (d) of this section with respect to that requested information.

(v) *Untimely information request.* The information request is delivered to a servicer more than one year after:

(A) Servicing for the mortgage loan that is the subject of the information request was transferred from the servicer receiving the request for information to a transferee servicer; or

(B) The mortgage loan is discharged.

(2) *Notice to borrower.* If a servicer determines that, pursuant to this paragraph (f), the servicer is not required to comply with the requirements of paragraphs (c) and (d) of this section, the servicer shall notify the borrower of its determination in writing not later than five days (excluding legal public holidays, Saturdays, and Sundays) after making such determination. The notice to the borrower shall set forth the basis under paragraph (f)(1) of this section upon which the servicer has made such determination.

(g) *Payment requirement limitations.*

(1) *Fees prohibited.* Except as set forth in paragraph (g)(2) of this section, a servicer shall not charge a fee, or require a borrower to make any payment that may be owed on a borrower's account, as a condition of responding to an information request.

(2) *Fee permitted.* Nothing in this section shall prohibit a servicer from charging a fee for providing a beneficiary notice under applicable State law, if such a fee is not otherwise prohibited by applicable law.

(h) *Servicer remedies.* Nothing in this section shall prohibit a servicer from furnishing adverse information to any consumer reporting agency or pursuing any of its remedies, including initiating foreclosure or proceeding with a foreclosure sale, allowed by the underlying mortgage loan instruments, during the time period that response to an information request notice is outstanding.

(i) *Potential successors in interest.*

(1) With respect to any written request from a person that indicates that the person may be a successor in interest and that includes the name of the transferor borrower from whom the person received an ownership interest and information that enables the servicer to identify the mortgage loan account, a servicer shall respond by providing the potential successor in interest with a written description of the documents the servicer reasonably requires to confirm the person's identity and ownership interest in the property and contact information, including a telephone number, for further assistance. With respect to the written request, a servicer shall treat the potential successor in interest as a borrower for purposes of the requirements of paragraphs (c) through (g) of this section.

(2) If a written request under paragraph (i)(1) of this section does not provide sufficient information to enable the servicer to identify the documents the servicer reasonably requires to confirm the person's identity and ownership interest in the property, the servicer may provide a response that includes examples of documents typically accepted to establish identity and ownership interest in a property; indicates that the person may obtain a more individualized description of required documents by providing additional information; specifies what additional information is required to enable the servicer to identify the required documents; and provides contact information, including a telephone number, for further assistance. A servicer's response under this paragraph (i)(2) must otherwise comply with the requirements of paragraph (i)(1). Notwithstanding paragraph (f)(1)(i) of this section, if a potential successor in interest subsequently provides orally or in writing the required information specified by the servicer pursuant to this paragraph (i)(2), the servicer must treat the new information, together with the original request, as a new, non-duplicative request under paragraph (i)(1), received as of the date the required information was received, and must respond accordingly.

(3) In responding to a request under paragraph (i)(1) of this section prior to confirmation, the servicer is not required to provide any information other than the information specified in paragraphs (i)(1) and (2) of this section. In responding to a written request under paragraph (i)(1) that requests other information, the servicer must indicate that the potential successor in interest may resubmit any request for information once confirmed as a successor in interest.

(4) If a servicer has established an address that a borrower must use to request information pursuant to paragraph (b) of this section, a servicer must comply with the requirements of paragraph (i)(1) of this section only for requests received at the established address.

§ 59.9. Force-placed insurance.

(a) *Definition of force-placed insurance.*

(1) *In general.* For the purposes of this section, the term "force-placed insurance" means hazard insurance obtained by a servicer on behalf of the owner or assignee of a mortgage loan that insures the property securing such loan.

(2) *Types of insurance not considered force-placed insurance.* The following insurance does not constitute “force-placed insurance” under this section:

(i) Hazard insurance required by the Flood Disaster Protection Act of 1973.

(ii) Hazard insurance obtained by a borrower but renewed by the borrower’s servicer as described in 12 CFR 1024.17(k)(1), (2), or (5) (relating to escrow accounts).

(iii) Hazard insurance obtained by a borrower but renewed by the borrower’s servicer at its discretion, if the borrower agrees.

(b) *Basis for charging borrower for force-placed insurance.* A servicer may not assess on a borrower a premium charge or fee related to force-placed insurance unless the servicer has a reasonable basis to believe that the borrower has failed to comply with the mortgage loan contract’s requirement to maintain hazard insurance.

(c) *Requirements before charging borrower for force-placed insurance.*

(1) *In general.* Before a servicer assesses on a borrower any premium charge or fee related to force-placed insurance, the servicer must:

(i) Deliver to a borrower or place in the mail a written notice containing the information required by paragraph (c)(2) of this section at least 45 days before a servicer assesses on a borrower such charge or fee;

(ii) Deliver to the borrower or place in the mail a written notice in accordance with paragraph (d)(1) of this section; and

(iii) By the end of the 15-day period beginning on the date the written notice described in paragraph (c)(1)(ii) of this section was delivered to the borrower or placed in the mail, not have received, from the borrower or otherwise, evidence demonstrating that the borrower has had in place, continuously, hazard insurance coverage that complies with the loan contract’s requirements to maintain hazard insurance.

(2) *Content of notice.* The notice required by paragraph (c)(1)(i) of this section shall set forth the following information:

(i) The date of the notice;

(ii) The servicer’s name and mailing address;

(iii) The borrower’s name and mailing address;

(iv) A statement that requests the borrower to provide hazard insurance information for the borrower’s property and identifies the property by its physical address;

(v) A statement that:

(A) The borrower’s hazard insurance is expiring, has expired, or provides insufficient coverage, as applicable;

(B) The servicer does not have evidence that the borrower has hazard insurance coverage past the expiration date or evidence that the borrower has hazard insurance that provides sufficient coverage, as applicable; and

(C) If applicable, identifies the type of hazard insurance for which the servicer lacks evidence of coverage;

(vi) A statement that hazard insurance is required on the borrower’s property, and that the servicer has purchased or will purchase, as applicable, such insurance at the borrower’s expense;

(vii) A statement requesting the borrower to promptly provide the servicer with insurance information;

(viii) A description of the requested insurance information and how the borrower may provide such information, and if applicable, a statement that the requested information must be in writing;

(ix) A statement that insurance the servicer has purchased or purchases:

(A) May cost significantly more than hazard insurance purchased by the borrower;

(B) Not provide as much coverage as hazard insurance purchased by the borrower;

(x) The servicer’s telephone number for borrower inquiries; and

(xi) If applicable, a statement advising the borrower to review additional information provided in the same transmittal.

(3) *Format.* A servicer must set the information required by paragraphs (c)(2)(iv), (vi), and (ix)(A) and (B) in bold text, except that the information about the physical address of the borrower’s property required by paragraph (c)(2)(iv) of this section may be set in regular text. A servicer may use form MS-3A in appendix MS-3 of 12 CFR Part 1024, Subpart C (relating to mortgage servicing) to comply with the requirements of paragraphs (c)(1)(i) and (2) of this section.

(4) *Additional information.* Except for the mortgage loan account number, a servicer may not include any information other than information required by paragraph (c)(2) of this section in the written notice required by paragraph (c)(1)(i) of this section. However, a servicer may provide such additional information to a borrower on separate pieces of paper in the same transmittal.

(d) *Reminder notice.*

(1) *In general.* The notice required by paragraph (c)(1)(ii) of this section shall be delivered to the borrower or placed in the mail at least 15 days before a servicer assesses on a borrower a premium charge or fee related to force-placed insurance. A servicer may not deliver to a borrower or place in the mail the notice required by paragraph (c)(1)(ii) of this section until at least 30 days after delivering to the borrower or placing in the mail the written notice required by paragraph (c)(1)(i) of this section.

(2) *Content of the reminder notice.*

(i) *Servicer receiving no insurance information.* A servicer that receives no hazard insurance information after delivering to the borrower or placing in the mail the notice required by paragraph (c)(1)(i) of this section must set forth in the notice required by paragraph (c)(1)(ii) of this section:

(A) The date of the notice;

(B) A statement that the notice is the second and final notice;

(C) The information required by paragraphs (c)(2)(ii) through (xi) of this section; and

(D) The cost of the force-placed insurance, stated as an annual premium, except if a servicer does not know the cost of force-placed insurance, a reasonable estimate shall be disclosed and identified as such.

(ii) *Servicer lacking evidence of continuous coverage.* A servicer that has received hazard insurance information after delivering to a borrower or placing in the mail the notice required by paragraph (c)(1)(i) of this section, but has not received, from the borrower or otherwise, evi-

dence demonstrating that the borrower has had sufficient hazard insurance coverage in place continuously, must set forth in the notice required by paragraph (c)(1)(ii) of this section the following information:

- (A) The date of the notice;
 - (B) The information required by paragraphs (c)(2)(ii) through (iv) and (ix) through (xi) and (d)(2)(i)(B) and (D) of this section;
 - (C) A statement that the servicer has received the hazard insurance information that the borrower provided;
 - (D) A statement that requests the borrower to provide the information that is missing;
 - (E) A statement that the borrower will be charged for insurance the servicer has purchased or purchases for the period of time during which the servicer is unable to verify coverage;
- (3) *Format.* A servicer must set the information required by paragraphs (d)(2)(i)(B) and (D) of this section in bold text. The requirements of paragraph (c)(3) of this section apply to the information required by paragraph (d)(2)(i)(C) of this section. A servicer may use form MS-3B in appendix MS-3 of 12 CFR Part 1024, Subpart C to comply with the requirements of paragraphs (d)(1) and (d)(2)(i) of this section. A servicer may use form MS-3C in appendix MS-3 of 12 CFR Part 1024, Subpart C to comply with the requirements of paragraphs (d)(1) and (d)(2)(ii) of this section.

(4) *Additional information.* Except for the borrower's mortgage loan account number, a servicer may not include any information other than information required by paragraph (d)(2)(i) or (ii) of this section, as applicable, in the written notice required by paragraph (c)(1)(ii) of this section. However, a servicer may provide such additional information to a borrower on separate pieces of paper in the same transmittal.

(5) *Updating notice with borrower information.* If a servicer receives new information about a borrower's hazard insurance after a written notice required by paragraph (c)(1)(ii) of this section has been put into production, the servicer is not required to update such notice based on the new information so long as the notice was put into production a reasonable time prior to the servicer delivering the notice to the borrower or placing the notice in the mail.

(e) *Renewing or replacing force-placed insurance.*

(1) *In general.* Before a servicer assesses on a borrower a premium charge or fee related to renewing or replacing existing force-placed insurance, a servicer must:

- (i) Deliver to the borrower or place in the mail a written notice containing the information set forth in paragraph (e)(2) of this section at least 45 days before assessing on a borrower such charge or fee; and
- (ii) By the end of the 45-day period beginning on the date the written notice required by paragraph (e)(1)(i) of this section was delivered to the borrower or placed in the mail, not have received, from the borrower or otherwise, evidence demonstrating that the borrower has purchased hazard insurance coverage that complies with the loan contract's requirements to maintain hazard insurance.

(iii) *Charging a borrower before end of notice period.* Notwithstanding paragraphs (e)(1)(i) and (ii) of this section, if not prohibited by State or other applicable law, if a servicer has renewed or replaced existing force-placed insurance and receives evidence demonstrating that the borrower lacked insurance coverage for some period of

time following the expiration of the existing force-placed insurance (including during the notice period prescribed by paragraph (e)(1) of this section), the servicer may, promptly upon receiving such evidence, assess on the borrower a premium charge or fee related to renewing or replacing existing force-placed insurance for that period of time.

(2) *Content of renewal notice.* The notice required by paragraph (e)(1)(i) of this section shall set forth the following information:

- (i) The date of the notice;
- (ii) The servicer's name and mailing address;
- (iii) The borrower's name and mailing address;
- (iv) A statement that requests the borrower to update the hazard insurance information for the borrower's property and identifies the borrower's property by its physical address;
- (v) A statement that the servicer previously purchased insurance on the borrower's property and assessed the cost of the insurance to the borrower because the servicer did not have evidence that the borrower had hazard insurance coverage for the property;

(vi) A statement that:

(A) The insurance the servicer purchased previously has expired or is expiring, as applicable; and

(B) Because hazard insurance is required on the borrower's property, the servicer intends to maintain insurance on the property by renewing or replacing the insurance it previously purchased;

(vii) A statement informing the borrower:

(A) That insurance the servicer purchases may cost significantly more than hazard insurance purchased by the borrower;

(B) That such insurance may not provide as much coverage as hazard insurance purchased by the borrower; and

(C) The cost of the force-placed insurance, stated as an annual premium, except if a servicer does not know the cost of force-placed insurance, a reasonable estimate shall be disclosed and identified as such.

(viii) A statement that if the borrower purchases hazard insurance, the borrower should promptly provide the servicer with insurance information.

(ix) A description of the requested insurance information and how the borrower may provide such information, and if applicable, a statement that the requested information must be in writing;

(x) The servicer's telephone number for borrower inquiries; and

(xi) If applicable, a statement advising a borrower to review additional information provided in the same transmittal.

(3) *Format.* A servicer must set the information required by paragraphs (e)(2)(iv), (vi)(B), and (vii)(A) through (C) of this section in bold text, except that the information about the physical address of the borrower's property required by paragraph (e)(2)(iv) may be set in regular text. A servicer may use form MS-3D in appendix MS-3 of 12 CFR Part 1024, Subpart C to comply with the requirements of paragraphs (e)(1)(i) and (2) of this section.

(4) *Additional information.* Except for the borrower's mortgage loan account number, a servicer may not include any information other than information required by paragraph (e)(2) of this section in the written notice required by paragraph (e)(1) of this section. However, a servicer may provide such additional information to a borrower on separate pieces of paper in the same transmittal.

(5) *Frequency of renewal notices.* Before each anniversary of a servicer purchasing force-placed insurance on a borrower's property, the servicer shall deliver to the borrower or place in the mail the written notice required by paragraph (e)(1) of this section. A servicer is not required to provide the written notice required by paragraph (e)(1) of this section more than once a year.

(f) *Mailing the notices.* If a servicer mails a written notice required by paragraphs (c)(1)(i), (c)(1)(ii), or (e)(1) of this section, the servicer must use a class of mail not less than first-class mail.

(g) *Cancellation of force-placed insurance.* Within 15 days of receiving, from the borrower or otherwise, evidence demonstrating that the borrower has had in place hazard insurance coverage that complies with the loan contract's requirements to maintain hazard insurance, a servicer must:

(1) Cancel the force-placed insurance the servicer purchased to insure the borrower's property; and

(2) Refund to such borrower all force-placed insurance premium charges and related fees paid by such borrower for any period of overlapping insurance coverage and remove from the borrower's account all force-placed insurance charges and related fees for such period that the servicer has assessed to the borrower.

(h) *Limitations on force-placed insurance charges.*

(1) *In general.* Except for charges subject to State regulation as the business of insurance and charges authorized by the Flood Disaster Protection Act of 1973 (42 U.S.C.A. §§ 4001—4131), all charges related to force-placed insurance assessed to a borrower by or through the servicer must be bona fide and reasonable.

(2) *Bona fide and reasonable charge.* A bona fide and reasonable charge is a charge for a service actually performed that bears a reasonable relationship to the servicer's cost of providing the service, and is not otherwise prohibited by applicable law.

(i) *Relationship to Flood Disaster Protection Act of 1973.* If permitted by regulation under section 102(e) of the Flood Disaster Protection Act of 1973 (42 U.S.C.A. § 4012a(e)), a servicer subject to the requirements of this section may deliver to the borrower or place in the mail any notice required by this section and the notice required by section 102(e) of the Flood Disaster Protection Act of 1973 on separate pieces of paper in the same transmittal.

§ 59.10. General servicing policies, procedures, and requirements.

(a) *Reasonable policies and procedures.* A servicer shall maintain policies and procedures that are reasonably designed to achieve the objectives set forth in paragraph (b) of this section.

(b) *Objectives.*

(1) *Accessing and providing timely and accurate information.* The policies and procedures required by paragraph (a) of this section shall be reasonably designed to ensure that the servicer can:

(i) Provide accurate and timely disclosures to a borrower as required by this chapter or other applicable law;

(ii) Investigate, respond to, and, as appropriate, make corrections in response to complaints asserted by a borrower;

(iii) Provide a borrower with accurate and timely information and documents in response to the borrower's requests for information with respect to the borrower's mortgage loan;

(iv) Provide owners or assignees of mortgage loans with accurate and current information and documents about all mortgage loans they own;

(v) Submit documents or filings required for a foreclosure process, including documents or filings required by a court of competent jurisdiction, that reflect accurate and current information and that comply with applicable law; and

(vi)(A) Upon receiving notice of the death of a borrower or of any transfer of the property securing a mortgage loan, promptly facilitate communication with any potential or confirmed successors in interest regarding the property;

(B) Upon receiving notice of the existence of a potential successor in interest, promptly determine the documents the servicer reasonably requires to confirm that person's identity and ownership interest in the property and promptly provide to the potential successor in interest a description of those documents and how the person may submit a written request under § 59.8(i) (relating to requests for information) (including the appropriate address); and

(C) Upon the receipt of such documents, promptly make a confirmation determination and promptly notify the person, as applicable, that the servicer has confirmed the person's status, has determined that additional documents are required (and what those documents are), or has determined that the person is not a successor in interest.

(2) *Properly evaluating loss mitigation applications.* The policies and procedures required by paragraph (a) of this section shall be reasonably designed to ensure that the servicer can:

(i) Provide accurate information regarding loss mitigation options available to a borrower from the owner or assignee of the borrower's mortgage loan;

(ii) Identify with specificity all loss mitigation options for which borrowers may be eligible pursuant to any requirements established by an owner or assignee of the borrower's mortgage loan;

(iii) Provide prompt access to all documents and information submitted by a borrower in connection with a loss mitigation option to servicer personnel that are assigned to assist the borrower pursuant to § 59.12 (relating to continuity of contact);

(iv) Identify documents and information that a borrower is required to submit to complete a loss mitigation application and facilitate compliance with the notice required pursuant to § 59.13(b)(2)(i)(B) (relating to loss mitigation procedures); and

(v) Properly evaluate a borrower who submits an application for a loss mitigation option for all loss mitigation options for which the borrower may be eligible pursuant to any requirements established by the owner or assignee of the borrower's mortgage loan and, where applicable, in accordance with the requirements of § 59.13.

(vi) Promptly identify and obtain documents or information not in the borrower's control that the servicer requires to determine which loss mitigation options, if any, to offer the borrower in accordance with the requirements of § 59.13(c)(4).

(3) *Facilitating oversight of, and compliance by, service providers.* The policies and procedures required by paragraph (a) of this section shall be reasonably designed to ensure that the servicer can:

(i) Provide appropriate servicer personnel with access to accurate and current documents and information reflecting actions performed by service providers;

(ii) Facilitate periodic reviews of service providers, including by providing appropriate servicer personnel with documents and information necessary to audit compliance by service providers with the servicer's contractual obligations and applicable law; and

(iii) Facilitate the sharing of accurate and current information regarding the status of any evaluation of a borrower's loss mitigation application and the status of any foreclosure proceeding among appropriate servicer personnel, including any personnel assigned to a borrower's mortgage loan account as described in § 59.12, and appropriate service provider personnel, including service provider personnel responsible for handling foreclosure proceedings.

(4) *Facilitating transfer of information during servicing transfers.* The policies and procedures required by paragraph (a) of this section shall be reasonably designed to ensure that the servicer can:

(i) As a transferor servicer, timely transfer all information and documents in the possession or control of the servicer relating to a transferred mortgage loan to a transferee servicer in a form and manner that ensures the accuracy of the information and documents transferred and that enables a transferee servicer to comply with the terms of the transferee servicer's obligations to the owner or assignee of the mortgage loan and applicable law; and

(ii) As a transferee servicer, identify necessary documents or information that may not have been transferred by a transferor servicer and obtain such documents from the transferor servicer.

(iii) For the purposes of this paragraph (b)(4), transferee servicer means a servicer, including a master servicer or a subservicer, that performs or will perform servicing of a mortgage loan and transferor servicer means a servicer, including a master servicer or a subservicer, that transfers or will transfer the servicing of a mortgage loan.

(5) *Informing borrowers of the written error resolution and information request procedures.* The policies and procedures required by paragraph (a) of this section shall be reasonably designed to ensure that the servicer informs borrowers of the procedures for submitting written notices of error set forth in § 59.7 (relating to error resolution procedures) and written information requests set forth in § 59.8.

(c) *Standard requirements.*

(1) *Record retention.* A servicer shall retain records that document actions taken with respect to a borrower's mortgage loan account until one year after the date a mortgage loan is discharged or servicing of a mortgage loan is transferred by the servicer to a transferee servicer.

(2) *Servicing file.* A servicer shall maintain the following documents and data on each mortgage loan account serviced by the servicer in a manner that facilitates compiling such documents and data into a servicing file within five days:

(i) A schedule of all transactions credited or debited to the mortgage loan account, including any escrow account as defined in 12 CFR 1024.17(b) (relating to escrow accounts) and any suspense account;

(ii) A copy of the security instrument that establishes the lien securing the mortgage loan;

(iii) Any notes created by servicer personnel reflecting communications with the borrower about the mortgage loan account;

(iv) To the extent applicable, a report of the data fields relating to the borrower's mortgage loan account created by the servicer's electronic systems in connection with servicing practices; and

(v) Copies of any information or documents provided by the borrower to the servicer in accordance with the procedures set forth in § 59.7 or § 59.13.

§ 59.11. Early intervention requirements for certain borrowers.

(a) *Live contact.* Except as otherwise provided in this section, a servicer shall establish or make good faith efforts to establish a live single point of contact with a delinquent borrower no later than the 36th day of a borrower's delinquency and again no later than 36 days after each payment due date so long as the borrower remains delinquent. Promptly after establishing live contact with a borrower, the servicer shall inform the borrower about the availability of loss mitigation options, if appropriate.

(b) *Written notice.*

(1) *Notice required.* Except as otherwise provided in this section, a servicer shall provide to a delinquent borrower a written notice with the information set forth in paragraph (b)(2) of this section no later than the 45th day of the borrower's delinquency and again no later than 45 days after each payment due date so long as the borrower remains delinquent. A servicer is not required to provide the written notice, however, more than once during any 180-day period. If a borrower is 45 days or more delinquent at the end of any 180-day period after the servicer has provided the written notice, a servicer must provide the written notice again no later than 180 days after the provision of the prior written notice. If a borrower is less than 45 days delinquent at the end of any 180-day period after the servicer has provided the written notice, a servicer must provide the written notice again no later than 45 days after the payment due date for which the borrower remains delinquent.

(2) *Content of the written notice.* The notice required by paragraph (b)(1) of this section shall include:

(i) A statement encouraging the borrower to contact the servicer;

(ii) The telephone number to access servicer personnel assigned pursuant to § 59.12(a) (relating to continuity of contact) and the servicer's mailing address;

(iii) If applicable, a statement providing a brief description of examples of loss mitigation options that may be available from the servicer;

(iv) If applicable, either application instructions or a statement informing the borrower how to obtain more information about loss mitigation options from the servicer; and

(v) The Web site to access either the Consumer Financial Protection Bureau list or the HUD list of homeowner counseling counselors or counseling organizations, and the HUD toll-free telephone number to access homeownership counselors or counseling organizations.

(3) *Model clauses.* Model clauses MS-4(A), MS-4(B), and MS-4(C), in appendix MS-4 to 12 CFR Part 1024, Subpart C (relating to mortgage servicing) may be used to comply with the requirements of this paragraph (b).

(c) *Borrowers in bankruptcy.*

(1) *Partial exemption.* While any borrower on a mortgage loan is a debtor in bankruptcy under title 11 of the *United States Code*, a servicer, with regard to that mortgage loan:

(i) Is exempt from the requirements of paragraph (a) of this section;

(ii) Is exempt from the requirements of paragraph (b) of this section if no loss mitigation option is available, or if any borrower on the mortgage loan has provided a notification pursuant to section 805(c) of the Fair Debt Collection Practices Act (FDCPA) (15 U.S.C.A. § 1692c(c)) with respect to that mortgage loan as referenced in paragraph (d) of this section; and

(iii) If the conditions of paragraph (c)(1)(ii) of this section are not met, must comply with the requirements of paragraph (b) of this section, as modified by this paragraph (c)(1)(iii):

(A) If a borrower is delinquent when the borrower becomes a debtor in bankruptcy, a servicer must provide the written notice required by paragraph (b) of this section not later than the 45th day after the borrower files a bankruptcy petition under title 11 of the *United States Code*. If the borrower is not delinquent when the borrower files a bankruptcy petition, but subsequently becomes delinquent while a debtor in bankruptcy, the servicer must provide the written notice not later than the 45th day of the borrower's delinquency. A servicer must comply with these timing requirements regardless of whether the servicer provided the written notice in the preceding 180-day period.

(B) The written notice required by paragraph (b) of this section may not contain a request for payment.

(C) A servicer is not required to provide the written notice required by paragraph (b) of this section more than once during a single bankruptcy case.

(2) *Resuming compliance.*

(i) Except as provided in paragraph (c)(2)(ii) of this section, a servicer that was exempt from paragraphs (a) and (b) of this section pursuant to paragraph (c)(1) of this section must resume compliance with paragraphs (a) and (b) of this section after the next payment due date that follows the earliest of the following events:

(A) The bankruptcy case is dismissed;

(B) The bankruptcy case is closed; and

(C) The borrower reaffirms personal liability for the mortgage loan.

(ii) With respect to a mortgage loan for which the borrower has discharged personal liability pursuant to 11 U.S.C.A. §§ 727, 1141, 1228, or 1328, a servicer:

(A) Is not required to resume compliance with paragraph (a) of this section; and

(B) Must resume compliance with paragraph (b) of this section if the borrower has made any partial or periodic

payment on the mortgage loan after the commencement of the borrower's bankruptcy case.

(d) *Fair Debt Collection Practices Act—partial exemption.* With regard to a mortgage loan for which any borrower has provided a notification pursuant to section 805(c) of the Fair Debt Collection Practices Act (FDCPA) (15 U.S.C.A. § 1692c(c)), a servicer subject to the FDCPA with respect to that borrower's loan:

(1) Is exempt from the requirements of paragraph (a) of this section;

(2) Is exempt from the requirements of paragraph (b) of this section if no loss mitigation option is available, or while any borrower on that mortgage loan is a debtor in bankruptcy under title 11 of the *United States Code* as referenced in paragraph (c) of this section; and

(3) If the conditions of paragraph (d)(2) of this section are not met, must comply with the requirements of paragraph (b) of this section, as modified by this paragraph (d)(3):

(i) In addition to the information required pursuant to paragraph (b)(2) of this section, the written notice must include a statement that the servicer may or intends to invoke its specified remedy of foreclosure. Model clause MS-4(D) in appendix MS-4 12 CFR Part 1024, Subpart C may be used to comply with this requirement.

(ii) The written notice may not contain a request for payment.

(iii) A servicer is prohibited from providing the written notice more than once during any 180-day period. If a borrower is 45 days or more delinquent at the end of any 180-day period after the servicer has provided the written notice, a servicer must provide the written notice again no later than 190 days after the provision of the prior written notice. If a borrower is less than 45 days delinquent at the end of any 180-day period after the servicer has provided the written notice, a servicer must provide the written notice again no later than 45 days after the payment due date for which the borrower remains delinquent or 190 days after the provision of the prior written notice, whichever is later.

§ 59.12. Continuity of contact.

(a) *In general.* A servicer shall maintain policies and procedures that are reasonably designed to achieve the following objectives:

(1) Assign personnel to a delinquent borrower by the time the servicer provides the borrower with the written notice required by § 59.11(b) (relating to early intervention requirements for certain borrowers), but in any event, not later than the 45th day of the borrower's delinquency.

(2) Make available to a delinquent borrower, via telephone, personnel assigned to the borrower as described in paragraph (a)(1) of this section to respond to the borrower's inquiries, and as applicable, assist the borrower with available loss mitigation options until the borrower has made, without incurring a late charge, two consecutive mortgage payments in accordance with the terms of a permanent loss mitigation agreement.

(3) If a borrower contacts the personnel assigned to the borrower as described in paragraph (a)(1) of this section and does not immediately receive a live response from such personnel, ensure that the servicer can provide a live response in a timely manner.

(b) *Functions of servicer personnel.* A servicer shall maintain policies and procedures reasonably designed to

ensure that servicer personnel assigned to a delinquent borrower as described in paragraph (a) of this section perform the following functions:

(1) Provide the borrower with accurate information about:

(i) Loss mitigation options available to the borrower from the owner or assignee of the borrower's mortgage loan;

(ii) Actions the borrower must take to be evaluated for such loss mitigation options, including actions the borrower must take to submit a complete loss mitigation application, as defined in § 59.13 (relating to loss mitigation procedures), and, if applicable, actions the borrower must take to appeal the servicer's determination to deny a borrower's loss mitigation application for any trial or permanent loan modification program offered by the servicer;

(iii) The status of any loss mitigation application that the borrower has submitted to the servicer;

(iv) The circumstances under which the servicer may make a referral to foreclosure; and

(v) Applicable loss mitigation deadlines established by an owner or assignee of the borrower's mortgage loan or § 59.13.

(2) Retrieve, in a timely manner:

(i) A complete record of the borrower's payment history; and

(ii) All written information the borrower has provided to the servicer, and if applicable, to prior servicers, in connection with a loss mitigation application;

(3) Provide the documents and information identified in paragraph (b)(2) of this section to other persons required to evaluate a borrower for loss mitigation options made available by the servicer, if applicable; and

(4) Provide a delinquent borrower with information about the procedures for submitting a notice of error pursuant to § 59.7 (relating to error resolution procedures) or an information request pursuant to § 59.8 (relating to requests for information).

§ 59.13. Loss mitigation procedures.

(a) *Enforcement and limitations.* A borrower may enforce the provisions of this section pursuant to section 6(f) of Real Estate Settlement Procedures Act of 1974 (12 U.S.C.A. § 2605(f)). Nothing in this Section imposes a duty on a servicer to provide any borrower with any specific loss mitigation option. Nothing in this Section should be construed to create a right for a borrower to enforce the terms of any agreement between a servicer and the owner or assignee of a mortgage loan, including with respect to the evaluation for, or offer of, any loss mitigation option or to eliminate any such right that may exist pursuant to applicable law.

(b) *Receipt of a loss mitigation application.*

(1) *Complete loss mitigation application.* A complete loss mitigation application means an application in connection with which a servicer has received all the information that the servicer requires from a borrower in evaluating applications for the loss mitigation options available to the borrower. A servicer shall exercise reasonable diligence in obtaining documents and information to complete a loss mitigation application.

(2) *Review of loss mitigation application submission.*

(i) *Requirements.* If a servicer receives a loss mitigation application 45 days or more before a foreclosure sale, a servicer shall:

(A) Promptly upon receipt of a loss mitigation application, review the loss mitigation application to determine if the loss mitigation application is complete; and

(B) Notify the borrower in writing within 5 days (excluding legal public holidays, Saturdays, and Sundays) after receiving the loss mitigation application that the servicer acknowledges receipt of the loss mitigation application and that the servicer has determined that the loss mitigation application is either complete or incomplete. If a loss mitigation application is incomplete, the notice shall state the additional documents and information the borrower must submit to make the loss mitigation application complete and the applicable date pursuant to paragraph (b)(2)(ii) of this section. The notice to the borrower shall include a statement that the borrower should consider contacting servicers of any other mortgage loans secured by the same property to discuss available loss mitigation options.

(ii) *Time period disclosure.* The notice required pursuant to paragraph (b)(2)(i)(B) of this section must include a reasonable date by which the borrower should submit the documents and information necessary to make the loss mitigation application complete.

(3) *Determining protections.* To the extent a determination of whether protections under this section apply to a borrower is made on the basis of the number of days between when a complete loss mitigation application is received and when a foreclosure sale occurs, such determination shall be made as of the date a complete loss mitigation application is received.

(c) *Evaluation of loss mitigation applications.*

(1) *Complete loss mitigation application.* Except as provided in paragraph (c)(4)(ii) of this section, if a servicer receives a complete loss mitigation application more than 37 days before a foreclosure sale, then, within 30 days of receiving the complete loss mitigation application, a servicer shall:

(i) Evaluate the borrower for all loss mitigation options available to the borrower; and

(ii) Provide the borrower with a notice in writing stating the servicer's determination of which loss mitigation options, if any, it will offer to the borrower on behalf of the owner or assignee of the mortgage. The servicer shall include in this notice the amount of time the borrower has to accept or reject an offer of a loss mitigation program as provided for in paragraph (e) of this section, if applicable, and a notification, if applicable, that the borrower has the right to appeal the denial of any loan modification option as well as the amount of time the borrower has to file such an appeal and any requirements for making an appeal, as provided for in paragraph (h) of this section.

(2) *Incomplete loss mitigation application evaluation.*

(i) *In general.* Except as set forth in paragraphs (c)(2)(ii) and (iii) of this section, a servicer shall not evade the requirement to evaluate a complete loss mitigation application for all loss mitigation options available to the borrower by offering a loss mitigation option based upon an evaluation of any information provided by a borrower in connection with an incomplete loss mitigation application.

(ii) *Reasonable time.* Notwithstanding paragraph (c)(2)(i) of this section, if a servicer has exercised reasonable diligence in obtaining documents and information to complete a loss mitigation application, but a loss mitigation application remains incomplete for a significant period of time under the circumstances without further progress by a borrower to make the loss mitigation application complete, a servicer may, in its discretion, evaluate an incomplete loss mitigation application and offer a borrower a loss mitigation option. Any such evaluation and offer is not subject to the requirements of this section and shall not constitute an evaluation of a single complete loss mitigation application for purposes of paragraph (i) of this section.

(iii) *Short-term loss mitigation options.* Notwithstanding paragraph (c)(2)(i) of this section, a servicer may offer a short-term payment forbearance program or a short-term repayment plan to a borrower based upon an evaluation of an incomplete loss mitigation application. Promptly after offering a payment forbearance program or a repayment plan under this paragraph (c)(2)(iii), unless the borrower has rejected the offer, the servicer must provide the borrower a written notice stating the specific payment terms and duration of the program or plan, that the servicer offered the program or plan based on an evaluation of an incomplete application, that other loss mitigation options may be available, and that the borrower has the option to submit a complete loss mitigation application to receive an evaluation for all loss mitigation options available to the borrower regardless of whether the borrower accepts the program or plan. A servicer shall not make the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process, and shall not move for foreclosure judgment or order of sale or conduct a foreclosure sale, if a borrower is performing pursuant to the terms of a payment forbearance program or repayment plan offered pursuant to this paragraph (c)(2)(iii). A servicer may offer a short-term payment forbearance program in conjunction with a short-term repayment plan pursuant to this paragraph (c)(2)(iii).

(iv) *Facially complete application.* A loss mitigation application shall be considered facially complete when a borrower submits all the missing documents and information as stated in the notice required under paragraph (b)(2)(i)(B) of this section, when no additional information is requested in such notice, or once the servicer is required to provide the borrower a written notice pursuant to paragraph (c)(3)(i) of this section. If the servicer later discovers that additional information or corrections to a previously submitted document are required to complete the application, the servicer must promptly request the missing information or corrected documents and treat the application as complete for the purposes of paragraphs (f)(2) and (g) of this section until the borrower is given a reasonable opportunity to complete the application. If the borrower completes the application within this period, the application shall be considered complete as of the date it first became facially complete, for the purposes of paragraphs (d), (e), (f)(2), (g), and (h) of this section, and as of the date the application was actually complete for the purposes of this paragraph (c). A servicer that complies with this paragraph (c)(2)(iv) will be deemed to have fulfilled its obligation to provide an accurate notice under paragraph (b)(2)(i)(B) of this section.

(3) *Notice of complete application.*

(i) Except as provided in paragraph (c)(3)(ii) of this section, within 5 days (excluding legal public holidays,

Saturdays, and Sundays) after receiving a borrower's complete loss mitigation application, a servicer shall provide the borrower a written notice that sets forth the following information:

(A) That the loss mitigation application is complete;

(B) The date the servicer received the complete application;

(C) That the servicer expects to complete its evaluation within 30 days of the date it received the complete application;

(D) That the borrower is entitled to certain foreclosure protections because the servicer has received the complete application, and, as applicable, either:

(1) If the servicer has not made the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process, that the servicer cannot make the first notice or filing required to commence or initiate the foreclosure process under applicable law before evaluating the borrower's complete application; or

(2) If the servicer has made the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process, that the servicer has begun the foreclosure process, and that the servicer cannot conduct a foreclosure sale before evaluating the borrower's complete application;

(E) That the servicer may need additional information at a later date to evaluate the application, in which case the servicer will request that information from the borrower and give the borrower a reasonable opportunity to submit it, the evaluation process may take longer, and the foreclosure protections could end if the servicer does not receive the information as requested; and

(F) That the borrower may be entitled to additional protections under State or Federal law.

(ii) A servicer is not required to provide a notice pursuant to paragraph (c)(3)(i) of this section if:

(A) The servicer has already provided the borrower a notice under paragraph (b)(2)(i)(B) of this section informing the borrower that the application is complete and the servicer has not subsequently requested additional information or a corrected version of a previously submitted document from the borrower pursuant to paragraph (c)(2)(iv) of this section;

(B) The application was not complete or facially complete more than 37 days before a foreclosure sale; or

(C) The servicer has already provided the borrower a notice regarding the application under paragraph (c)(1)(ii) of this section.

(4) *Information not in the borrower's control.*

(i) *Reasonable diligence.* If a servicer requires documents or information not in the borrower's control to determine which loss mitigation options, if any, it will offer to the borrower, the servicer must exercise reasonable diligence in obtaining such documents or information.

(ii) *Effect in case of delay.* (A)(1) Except as provided in paragraph (c)(4)(ii)(A)(2) of this section, a servicer must not deny a complete loss mitigation application solely because the servicer lacks required documents or information not in the borrower's control.

(2) If a servicer has exercised reasonable diligence to obtain required documents or information from a party other than the borrower or the servicer, but the servicer

has been unable to obtain such documents or information for a significant period of time following the 30-day period identified in paragraph (c)(1) of this section, and the servicer, in accordance with applicable requirements established by the owner or assignee of the borrower's mortgage loan, is unable to determine which loss mitigation options, if any, it will offer the borrower without such documents or information, the servicer may deny the application and provide the borrower with a written notice in accordance with paragraph (c)(1)(ii) of this section. When providing the written notice in accordance with paragraph (c)(1)(ii) of this section, the servicer must also provide the borrower with a copy of the written notice required by paragraph (c)(4)(ii)(B) of this section.

(B) If a servicer is unable to make a determination within the 30-day period identified in paragraph (c)(1) of this section as to which loss mitigation options, if any, it will offer to the borrower because the servicer lacks required documents or information from a party other than the borrower or the servicer, the servicer must, within such 30-day period or promptly thereafter, provide the borrower a written notice, informing the borrower:

(1) That the servicer has not received documents or information not in the borrower's control that the servicer requires to determine which loss mitigation options, if any, it will offer to the borrower on behalf of the owner or assignee of the mortgage;

(2) Of the specific documents or information that the servicer lacks;

(3) That the servicer has requested such documents or information; and

(4) That the servicer will complete its evaluation of the borrower for all available loss mitigation options promptly upon receiving the documents or information.

(C) If a servicer must provide a notice required by paragraph (c)(4)(ii)(B) of this section, the servicer must not provide the borrower a written notice pursuant to paragraph (c)(1)(ii) of this section until the servicer receives the required documents or information referenced in paragraph (c)(4)(ii)(B)(2) of this section, except as provided in paragraph (c)(4)(ii)(A)(2) of this section. Upon receiving such required documents or information, the servicer must promptly provide the borrower with the written notice pursuant to paragraph (c)(1)(ii) of this section.

(d) *Denial of loan modification options.* If a borrower's complete loss mitigation application is denied for any trial or permanent loan modification option available to the borrower pursuant to paragraph (c) of this section, a servicer shall state in the notice sent to the borrower pursuant to paragraph (c)(1)(ii) of this section the specific reason or reasons for the servicer's determination for each such trial or permanent loan modification option and, if applicable, that the borrower was not evaluated on other criteria.

(e) *Borrower response.*

(1) *In general.* Subject to paragraphs (e)(2)(ii) and (iii) of this section, if a complete loss mitigation application is received 90 days or more before a foreclosure sale, a servicer may require that a borrower accept or reject an offer of a loss mitigation option no earlier than 14 days after the servicer provides the offer of a loss mitigation option to the borrower. If a complete loss mitigation application is received less than 90 days before a foreclosure sale, but more than 37 days before a foreclosure sale, a servicer may require that a borrower accept or reject an

offer of a loss mitigation option no earlier than 7 days after the servicer provides the offer of a loss mitigation option to the borrower.

(2) *Rejection.*

(i) *In general.* Except as set forth in paragraphs (e)(2)(ii) and (iii) of this section, a servicer may deem a borrower that has not accepted an offer of a loss mitigation option within the deadline established pursuant to paragraph (e)(1) of this section to have rejected the offer of a loss mitigation option.

(ii) *Trial Loan Modification Plan.* A borrower who does not satisfy the servicer's requirements for accepting a trial loan modification plan, but submits the payments that would be owed pursuant to any such plan within the deadline established pursuant to paragraph (e)(1) of this section, shall be provided a reasonable period of time to fulfill any remaining requirements of the servicer for acceptance of the trial loan modification plan beyond the deadline established pursuant to paragraph (e)(1) of this section.

(iii) *Interaction with appeal process.* If a borrower makes an appeal pursuant to paragraph (h) of this section, the borrower's deadline for accepting a loss mitigation option offered pursuant to paragraph (c)(1)(ii) of this section shall be extended until 14 days after the servicer provides the notice required pursuant to paragraph (h)(4) of this section.

(f) *Prohibition on foreclosure referral.*

(1) *Pre-foreclosure review period.* A servicer shall not make the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process unless:

(i) A borrower's mortgage loan obligation is more than 120 days delinquent;

(ii) The foreclosure is based on a borrower's violation of a due-on-sale clause; or

(iii) The servicer is joining the foreclosure action of a superior or subordinate lienholder.

(2) *Application received before foreclosure referral.* If a borrower submits a complete loss mitigation application during the pre-foreclosure review period set forth in paragraph (f)(1) of this section or before a servicer has made the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process, a servicer shall not make the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process unless:

(i) The servicer has sent the borrower a notice pursuant to paragraph (c)(1)(ii) of this section that the borrower is not eligible for any loss mitigation option and the appeal process in paragraph (h) of this section is not applicable, the borrower has not requested an appeal within the applicable time period for requesting an appeal, or the borrower's appeal has been denied;

(ii) The borrower rejects all loss mitigation options offered by the servicer; or

(iii) The borrower fails to perform under an agreement on a loss mitigation option.

(g) *Prohibition on foreclosure sale.* If a borrower submits a complete loss mitigation application after a servicer has made the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process but more than 37 days before a foreclosure sale, a servicer shall not move for foreclosure judgment or order of sale, or conduct a foreclosure sale, unless:

(1) The servicer has sent the borrower a notice pursuant to paragraph (c)(1)(ii) of this section that the borrower is not eligible for any loss mitigation option and the appeal process in paragraph (h) of this section is not applicable, the borrower has not requested an appeal within the applicable time period for requesting an appeal, or the borrower's appeal has been denied;

(2) The borrower rejects all loss mitigation options offered by the servicer; or

(3) The borrower fails to perform under an agreement on a loss mitigation option.

(h) *Appeal process.*

(1) *Appeal process required for loan modification denials.* If a servicer receives a complete loss mitigation application 90 days or more before a foreclosure sale or during the period set forth in paragraph (f) of this section, a servicer shall permit a borrower to appeal the servicer's determination to deny a borrower's loss mitigation application for any trial or permanent loan modification program available to the borrower.

(2) *Deadlines.* A servicer shall permit a borrower to make an appeal within 14 days after the servicer provides the offer of a loss mitigation option to the borrower pursuant to paragraph (c)(1)(ii) of this section.

(3) *Independent evaluation.* An appeal shall be reviewed by different personnel than those responsible for evaluating the borrower's complete loss mitigation application.

(4) *Appeal determination.* Within 30 days of a borrower making an appeal, the servicer shall provide a notice to the borrower stating the servicer's determination of whether the servicer will offer the borrower a loss mitigation option based upon the appeal and, if applicable, how long the borrower has to accept or reject such an offer or a prior offer of a loss mitigation option. A servicer may require that a borrower accept or reject an offer of a loss mitigation option after an appeal no earlier than 14 days after the servicer provides the notice to a borrower. A servicer's determination under this paragraph is not subject to any further appeal.

(i) *Duplicative requests.* A servicer must comply with the requirements of this section for a borrower's loss mitigation application, unless the servicer has previously complied with the requirements of this section for a complete loss mitigation application submitted by the borrower and the borrower has been delinquent at all times since submitting the prior complete application.

(j) *Small servicer requirements.* A small servicer shall be subject to the prohibition on foreclosure referral in paragraph (f)(1) of this section. A small servicer shall not make the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process and shall not move for foreclosure judgment or order of sale, or conduct a foreclosure sale, if a borrower is performing pursuant to the terms of an agreement on a loss mitigation option.

(k) *Servicing transfers.*

(1) *In general.*

(i) *Timing of compliance.* Except as provided in paragraphs (k)(2) through (4) of this section, if a transferee servicer acquires the servicing of a mortgage loan for which a loss mitigation application is pending as of the transfer date, the transferee servicer must comply with the requirements of this section for that loss mitigation application within the timeframes that were applicable to

the transferor servicer based on the date the transferor servicer received the loss mitigation application. All rights and protections under paragraphs (c) through (h) of this section to which a borrower was entitled before a transfer continue to apply notwithstanding the transfer.

(ii) *Transfer date defined.* For purposes of this paragraph (k), the transfer date is the date on which the transferee servicer will begin accepting payments relating to the mortgage loan, as disclosed on the notice of transfer of loan servicing pursuant to § 59.5(b)(4)(iv) (relating to mortgage servicing transfers).

(2) *Acknowledgment notices.*

(i) *Transferee servicer timeframes.* If a transferee servicer acquires the servicing of a mortgage loan for which the period to provide the notice required by paragraph (b)(2)(i)(B) of this section has not expired as of the transfer date and the transferor servicer has not provided such notice, the transferee servicer must provide the notice within 10 days (excluding legal public holidays, Saturdays, and Sundays) of the transfer date.

(ii) *Prohibitions.* A transferee servicer that must provide the notice required by paragraph (b)(2)(i)(B) of this section under this paragraph (k)(2):

(A) Shall not make the first notice or filing required by applicable law for any judicial or non-judicial foreclosure process until a date that is after the reasonable date disclosed to the borrower pursuant to paragraph (b)(2)(ii) of this section, notwithstanding paragraph (f)(1) of this section. For purposes of paragraph (f)(2) of this section, a borrower who submits a complete loss mitigation application on or before the reasonable date disclosed to the borrower pursuant to paragraph (b)(2)(ii) of this section shall be treated as having done so during the pre-foreclosure review period set forth in paragraph (f)(1) of this section.

(B) Shall comply with paragraphs (c), (d), and (g) of this section if the borrower submits a complete loss mitigation application to the transferee or transferor servicer 37 or fewer days before the foreclosure sale but on or before the reasonable date disclosed to the borrower pursuant to paragraph (b)(2)(ii) of this section.

(3) *Complete loss mitigation applications pending at transfer.* If a transferee servicer acquires the servicing of a mortgage loan for which a complete loss mitigation application is pending as of the transfer date, the transferee servicer must comply with the applicable requirements of paragraphs (c)(1) and (4) of this section within 30 days of the transfer date.

(4) *Applications subject to appeal process.* If a transferee servicer acquires the servicing of a mortgage loan for which an appeal of a transferor servicer's determination pursuant to paragraph (h) of this section has not been resolved by the transferor servicer as of the transfer date or is timely filed after the transfer date, the transferee servicer must make a determination on the appeal if it is able to do so or, if it is unable to do so, must treat the appeal as a pending complete loss mitigation application.

(i) *Determining appeal.* If a transferee servicer is required under this paragraph (k)(4) to make a determination on an appeal, the transferee servicer must complete the determination and provide the notice required by paragraph (h)(4) of this section within 30 days of the transfer date or 30 days of the date the borrower made the appeal, whichever is later.

(ii) *Servicer unable to determine appeal.* A transferee servicer that is required to treat a borrower's appeal as a

pending complete loss mitigation application under this paragraph (k)(4) must comply with the requirements of this section for such application, including evaluating the borrower for all loss mitigation options available to the borrower from the transferee servicer. For purposes of paragraph (c) or (k)(3) of this section, as applicable, such a pending complete loss mitigation application shall be considered complete as of the date the appeal was received by the transferor servicer or the transferee servicer, whichever occurs first. For purposes of paragraphs (e) through (h) of this section, the transferee servicer must treat such a pending complete loss mitigation application as facially complete under paragraph (c)(2)(iv) as of the date it was first facially complete or complete, as applicable, with respect to the transferor servicer.

(5) *Pending loss mitigation offers.* A transfer does not affect a borrower’s ability to accept or reject a loss mitigation option offered under paragraph (c) or (h) of this section. If a transferee servicer acquires the servicing of a mortgage loan for which the borrower’s time period under paragraph (e) or (h) of this section for accepting or rejecting a loss mitigation option offered by the transferor servicer has not expired as of the transfer date, the transferee servicer must allow the borrower to accept or reject the offer during the unexpired balance of the applicable time period.

§ 59.14. Coordination with existing law.

Nothing in this chapter pre-empts or alters the requirements of the act of January 30, 1974 (P.L. 13, No. 6) (Act 6) (41 P.S. §§ 101—605), and the regulations in Chapter 7 (relating to residential real estate transactions), or the requirements of the act of December 23, 1983 (P.L. 385, No. 91) (Act 91), the Homeowners’ Emergency Mortgage Assistance Program and regulations in 12 Pa. Code Chapter 31 (relating to Housing Finance Agency). All mortgage servicing licensees must comply with Acts 6 and 91.

§ 59.15. Additional notices.

All licensees must comply with the notices required under the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. §§ 101—605), found in § 7.4 (relating to notice of intention to foreclose mortgage), and the notice required by the act of December 23, 1983 (P.L. 385, No. 91), the Homeowners’ Emergency Mortgage Assistance Program regulation in 12 Pa. Code § 31.309 (relating to other program requirements).

[Pa.B. Doc. No. 18-666. Filed for public inspection April 27, 2018, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 109]

Disinfection Requirements Rule

The Environmental Quality Board (Board) amends Chapter 109 (relating to safe drinking water) to read as set forth in Annex A. This final-form rulemaking will strengthen water system requirements relating to microbial protection and disinfection requirements.

This final-form rulemaking also includes minor clarifications to ensure consistency with and obtain or maintain

primary enforcement authority for several Federal rules promulgated by the United States Environmental Protection Agency (EPA), including the Stage 2 Disinfectants/Disinfection Byproducts Rule (Stage 2 DBPR) (71 FR 388 (January 4, 2006)), Long Term 2 Enhanced Surface Water Treatment Rule (LT2) (71 FR 654 (January 5, 2006)) and the Lead and Copper Rule Short-Term Revisions (LCRSTR) (72 FR 57782 (October 10, 2007)). Chapter 109 was previously amended to implement these Federal rules. See 39 Pa.B. 7279 (December 26, 2009), regarding Stage 2 DBPR and LT2, and 40 Pa.B. 7212 (December 18, 2010), regarding LCRSTR.

This final-form rulemaking will protect public health through a multiple barrier approach designed to guard against microbial contamination by ensuring the adequacy of treatment designed to inactivate microbial pathogens and by ensuring the integrity of drinking water distribution systems.

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

The disinfectant residual requirements in the distribution system will apply to all 1,949 community water systems and those noncommunity water systems that have installed disinfection (746) for a total of 2,695 public water systems. These public water systems serve a total population of 11.3 million people.

The CT/log inactivation monitoring and reporting requirements will apply to all 353 filter plants which are operated by 319 water systems.

This final-form rulemaking was adopted by the Board at its meeting of December 12, 2017.

A. Effective Date

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*. Based on advisory committee and public comments, this final-form rulemaking includes the following deferred implementation dates:

- The submission of a sample siting plan is required 6 months after the effective date to allow time for development of the plan.
- The development of a nitrification control plan is required 1 year after the effective date.
- The amended monitoring, reporting and treatment technique requirements for the disinfectant residual in the distribution system are required 1 year after the effective date to allow additional time for operational changes and to effectively increase disinfectant residuals to 0.2 milligram per liter (mg/L) throughout the distribution system. If additional time is needed for capital improvements or to complete more substantial operational changes, a system-specific compliance schedule may be requested.

B. Contact Persons

For further information, contact Lisa D. Daniels, Director, Bureau of Safe Drinking Water, P.O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 787-9633; or William Cumings, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

C. Statutory Authority

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

D. Background and Purpose

Amendments to surface water treatment regulations regarding monitoring and reporting

This final-form rulemaking includes new monitoring and reporting requirements to ensure compliance with existing treatment techniques regarding log inactivation and CT requirements. Log inactivation is a measure of the amount of viable microorganisms that are rendered nonviable during disinfection processes. CT is the product of residual disinfectant concentration (C) and disinfectant contact time (T). The CT value is used to determine the levels of inactivation under various operating conditions.

Public water systems using surface water or groundwater under the direct influence of surface water (GUDI) sources have long been required to meet log inactivation and CT requirements for the inactivation of *Giardia* cysts and viruses. These existing treatment technique requirements are intended to ensure that water systems provide adequate and continuous disinfection for the inactivation of pathogens. The only way to ensure compliance with the existing treatment techniques is to measure and record the data elements that are needed to calculate CTs (that is, disinfectant residual, temperature, pH, flow and volume) and report the results.

This final-form rulemaking also clarifies and strengthens the minimum residual disinfectant level at the entry point by adding a zero to the minimum level (0.20 mg/L). Water suppliers will be required to maintain a residual that is equal to or greater than 0.20 mg/L. Currently, levels of 0.15 mg/L or higher round up to 0.2 mg/L and are considered in compliance. A level of 0.20 mg/L is necessary due to the importance of meeting CTs and of maintaining an adequate disinfectant residual in the water entering the distribution system. Also, this level of sensitivity is consistent with existing requirements for the Groundwater Rule (0.40 mg/L) as specified in § 109.1302(a)(2) (relating to treatment technique requirements). Finally, this level of sensitivity is achievable using current instrumentation for the measurement of disinfectant residuals.

Amendments to disinfectant residual requirements in the distribution system

This final-form rulemaking is intended to strengthen the distribution system disinfectant residual requirements by increasing the minimum residual in the distribution system to 0.2 mg/L free or total chlorine. The Department's previous disinfectant residual requirements for distribution systems had not been substantially updated since 1992 and required the maintenance of a detectable residual that was defined as 0.02 mg/L. The Department's previous treatment technique was not protective of public health because a residual of 0.02 mg/L is

below the minimum reporting level of 0.1 mg/L and represents a false positive reading.

Maintenance of a disinfectant residual in the distribution system is:

- Required under the Federal Surface Water Treatment Rule (40 CFR Part 141, Subpart H (relating to filtration and disinfection)) for all systems using surface water and GUDI sources and under Chapter 109 for all community water systems and those noncommunity water systems that have installed disinfection.
- Designated by the EPA as the best available technology for compliance with both the Total Coliform Rule (TCR) and the Revised TCR.
- Considered an important element in a multiple barrier strategy aimed at maintaining the integrity of the distribution system and protecting public health.
- Intended to maintain the integrity of the distribution system by inactivating microorganisms in the distribution system, indicating distribution system upset and controlling biofilm growth.

The proposed rulemaking was published at 46 Pa.B. 857 (February 20, 2016). The preamble included numerous studies, reports and data in support of the minimum disinfectant residual of 0.2 mg/L in the distribution system. Additional studies, reports and data were reviewed for this final-form rulemaking.

The EPA published a Six-Year Review 3 (SYR 3) Technical Support Document for Microbial Contaminant Regulations in December 2016. The 1996 amendments to the Federal Safe Drinking Water Act (42 U.S.C.A. §§ 300f–300j-27) require the EPA to periodically review existing National primary drinking water regulations and determine which, if any, need to be revised. The purpose of the review, called the SYR, is to identify those regulations for which current health effects assessments, changes in technology, analytical methods, occurrence and exposure, implementation or other factors will improve or strengthen public health protection.

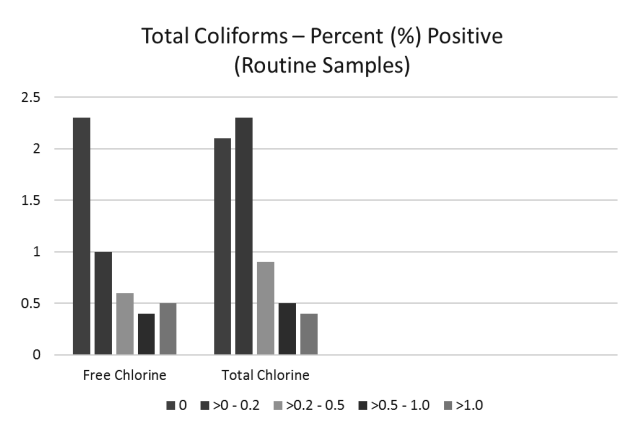
As part of the SYR 3, the EPA requested compliance monitoring data from states/tribes from 2006–2011 regarding the presence/absence of total coliforms, *E. coli* and fecal coliforms, and data for disinfectant residual levels in the distribution system. Microbial contaminant data from 34 states/tribes met the quality assurance/quality control criteria and are included in the SYR 3 microbial dataset.

Using the SYR 3 data, the EPA conducted an occurrence analysis of microbial indicators paired with disinfectant residual data that are measured at the same time and location. The five bins of free and total chlorine residual concentrations are as follows:

- Bin 1: Concentrations equal to 0 (“not detected or below detection limit”)
- Bin 2: Concentrations >0 and ≤0.2 mg/L
- Bin 3: Concentrations >0.2 mg/L and ≤0.5 mg/L
- Bin 4: Concentrations >0.5 mg/L and ≤1.0 mg/L
- Bin 5: Concentrations >1.0 mg/L

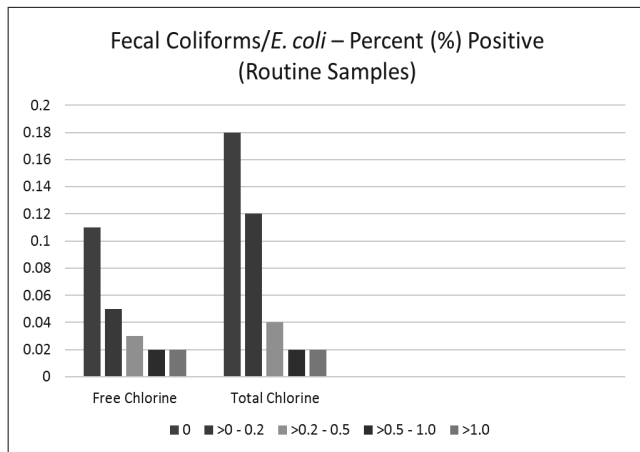
This represents the first National dataset available to evaluate microbial data as a function of disinfectant residual. More than 5 million samples were used for this analysis. The following figures represent a summary of the EPA's findings.

Figure 1. Summary of percent (%) positive routine total coliform samples for each bin of free and total chlorine residual concentrations (mg/L) from SYR 3 dataset (2006–2011). Dataset = 5.434 million samples.



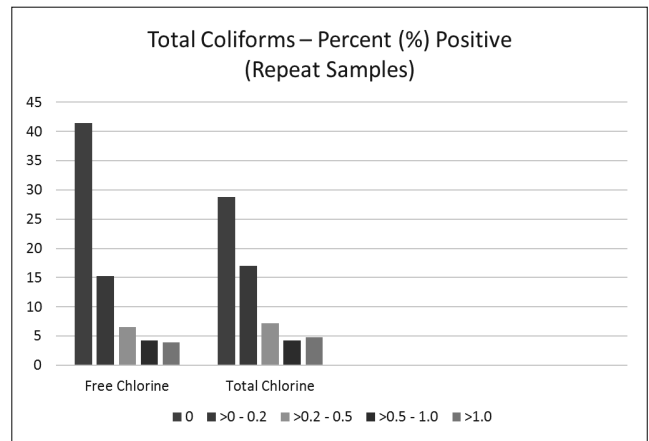
The EPA found that for routine samples with free chlorine, the highest percentage of samples that were positive occurred when free chlorine was equal to 0 mg/L (“not detected”). The percentages dropped by more than half for the >0–0.2 mg/L bin, then appeared to flatten when free chlorine was >0.2 mg/L. The total coliform positive rate was less than 1% when chlorine residuals were greater than or equal to 0.2 mg/L of free chlorine. The EPA found that the trend is similar for total chlorine routine samples except that for total coliforms, the percent of positive samples was slightly higher for the >0–0.2 mg/L bin than for the 0 mg/L bin.

Figure 2. Summary of percent (%) positive routine fecal coliform/*E. coli* samples for each bin of free and total chlorine residual concentrations (mg/L) from SYR 3 dataset (2006–2011). Dataset = 5.434 million samples.



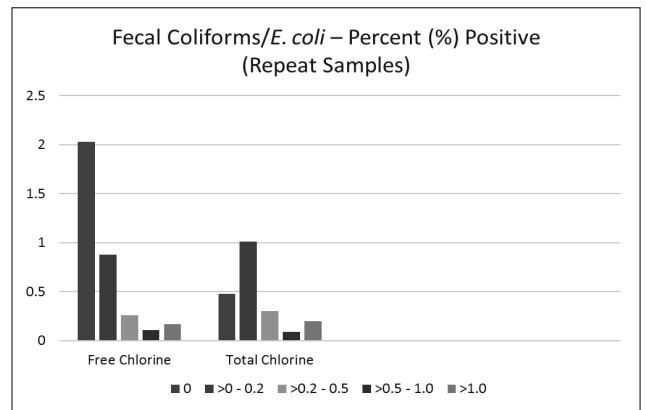
The EPA found that the trend is similar for fecal coliforms/*E. coli* positive samples. For total chlorine routine samples, percent positive fecal coliform/*E. coli* results for the >0.2 mg/L–0.5 mg/L bin were slightly higher than for the >0.5 mg/L–1.0 mg/L bin and the >1.0 bin, indicating a possible tailing off of the positive occurrence at 0.5 mg/L for total chlorine compared to tailing at 0.2 mg/L free chlorine.

Figure 3. Summary of percent (%) positive repeat total coliform samples for each bin of free and total chlorine residual concentrations (mg/L) from SYR 3 dataset (2006–2011). Dataset = 5.434 million samples.



As expected, the EPA found that the percentage of positive total coliform samples was much higher overall for repeat samples than for routine samples. More than 40% of repeat total coliform samples were positive when free chlorine was 0 mg/L, compared to a slightly lower repeat total coliform positive occurrence of ~29% when the total chlorine was 0 mg/L. Similar to routine samples, repeat total coliform positive occurrence declined as free and total chlorine residual increased, with a flattening of occurrence at 0.5 mg/L for both free and total chlorine residuals.

Figure 4. Summary of percent (%) positive repeat fecal coliform/*E. coli* samples for each bin of free and total chlorine residual concentrations (mg/L) from SYR 3 dataset (2006–2011). Dataset = 5.434 million samples.



The EPA found that the trend is similar for fecal coliforms/*E. coli* positive samples.

In summary, based on an assessment of 5.434 million samples, the EPA determined the following:

- A lower rate of both total coliform and fecal coliform/*E. coli* positives occurs as the free or total chlorine residual increased to higher levels.
- This relationship between chlorine residuals and occurrence of total coliform and fecal coliform/*E. coli*

positives was similar to results reported by the Colorado Department of Public Health and Environment (Ingels, 2015). In addition, this relationship is consistent with the findings of LeChevallier, et al. (1996) which stated that disinfectant residuals of 0.2 mg/L or more of free chlorine, or 0.5 mg/L or more of total chlorine, are associated with reduced levels of coliform bacteria. Both of these studies were previously discussed in the preamble of the proposed rulemaking.

- A detectable concentration of disinfectant residual in the distribution system may not be adequately protective of public health due to microbial pathogens. This is based on concerns about analytical methods and the potential for false positives (Wahman and Pressman, 2015). According to the EPA, maintaining a disinfectant residual above a set numerical value in the distribution system may improve public health protection from a variety of pathogens.

The EPA's concerns about the analytical methods and the potential for false positives is consistent with information provided by HACH®, the leading manufacturer of field test equipment. HACH® provided information to the Small Water Systems Technical Assistance Center (TAC) Board during the development of the proposed rulemaking that supported a minimum reporting level for a disinfectant residual of 0.1 mg/L. Details about this data were included in the preamble of the proposed rulemaking.

This determination is also consistent with a detection limit study that was performed by Aqua Pennsylvania in 2015 in conjunction with the Philadelphia Water Department and Corona Environmental Consulting. A summary of these experiments was included in Aqua Pennsylvania's public comments. According to Aqua Pennsylvania:

- Aqua Pennsylvania's laboratory conducted 199 determinations for total chlorine residual by the N,N Diethyl-1,4 Phenylenediamine Sulfate (DPD) method using the HACH Pocket Colorimeter II.

- Seven spike concentrations were used: 0.02 mg/L to 0.65 mg/L total chlorine.

- While method performance generally improved as spike concentration increased, performance did not clearly degrade at a specific concentration. The range of 0.1 mg/L to 0.2 mg/L was not unreasonable as a minimum reporting level.

- These data should be viewed as one piece of information on the topic. A much larger project and National discussion of a "true detectable residual" is needed.

To ensure that the Department's disinfectant residual requirements are adequately protective of public health and are achievable using currently available analytical methods, the Department has retained the level of 0.2 mg/L as a numeric standard. This level represents a standard that is above the minimum reporting level of 0.1 mg/L. Due to the EPA's rules of rounding for compliance determinations, disinfectant residual levels ≥ 0.15 mg/L will round up to 0.2 mg/L and will be in compliance with the numeric standard.

State data

At least 23 states have promulgated more stringent requirements when compared to the Commonwealth's previous standard of 0.02 mg/L. Nineteen of these states have disinfectant residual requirements that are ≥ 0.2 mg/L. The following table includes a summary of other states' requirements, including whether the state allows compliance with the heterotrophic plate count (HPC) standard of 500 as an alternative compliance criteria (ACC).

<i>State</i>	<i>Minimum Distribution System Residual (mg/L)</i>	<i>Allows HPC as ACC</i>
Alabama*	0.2 (free), 0.5 (total)	No
Colorado*	0.2 (free or total)	Yes
Delaware	0.3 (free)	No
Florida*	0.2 (free), 0.6 (total)	No
Georgia	0.2 (free)	Yes
Illinois*	0.2 (free), 0.5 (total)	No
Indiana	0.2 (free), 0.5 (total)	No
Iowa	0.3 (free), 1.5 (total)	Yes
Kansas*	0.2 (free), 1.0 (total)	No
Kentucky*	0.2 (free), 0.5 (total)	No
Louisiana*	0.5 (free or total)	No
Minnesota	0.1 (free or total)	No
Missouri	0.2 (total)	Yes
Nebraska	SW-0.2 (free), 0.25 or 0.5 (total); GW-0.1 (free)	Yes
Nevada	0.05 (free or total)	No
New Jersey*	0.05 (free or total)	Yes
North Carolina*	0.2 (free), 1.0 (total)	Yes
Ohio*	0.2 (free), 1.0 (total)	No
Oklahoma	0.2 (free), 1.0 (total)	No
Tennessee*	0.2 (free)	No
Texas*	0.2 (free), 0.5 (total)	No

State	Minimum Distribution System Residual (mg/L)	Allows HPC as ACC
Vermont	0.1 (free)	No
West Virginia*	0.2 (total)	No

* States with mandatory disinfection

Of the 19 states with disinfectant residual requirements ≥ 0.2 mg/L, only 6 of these states retained the alternative compliance criteria for HPC. The Board requested comment on references to studies, reports or data that provide supporting evidence that an HPC <500 provides an equivalent level of public health protection when compared to a disinfectant residual of 0.2 mg/L. One citation was provided. However, the EPA document that was referenced was an unpublished draft document. Because of the lack of available studies on this issue and the fact that the majority of states (68%) previously listed do not allow the use of HPC as an ACC, the Board has reaffirmed the decision to not allow the use of HPC as an ACC.

The disinfectant residual requirements aim to strike a balance between improving microbial inactivation while limiting adverse impacts on disinfection byproduct (DBP) formation. Water systems can meet more stringent disinfectant residual requirements and still comply with DBP requirements as evidenced by a review of TCR and DBP compliance data from other states (the EPA, ECHO web site). The preamble of the proposed rulemaking included graphs that compared the percentage of community water systems with violations for the TCR and DBPs in Alabama, Tennessee, West Virginia, Illinois, Kentucky, Kansas, North Carolina and Ohio with the compliance rates in this Commonwealth. From 2011 to 2014, the large majority of states requiring disinfectant residual levels ≥ 0.2 mg/L had better TCR compliance rates than this Commonwealth (that is, had lower percentages of community water systems with TCR maximum contaminant level (MCL) violations). Some of these states were also able to maintain low rates of DBP violations as well.

A disinfectant residual serves as an indicator of distribution system contamination and the effectiveness of distribution system best management practices. Best management practices include flushing, storage tank maintenance, cross-connection control, leak detection, and effective pipe replacement and repair practices. The effective implementation of best management practices will help water suppliers comply with the disinfectant residual treatment technique by lowering chlorine demand and maintaining an adequate disinfectant residual throughout the distribution system. These same practices also help to control DBP formation.

Water systems that have participated in the Department's Distribution System Optimization Program have shown great success in utilizing operational changes and other lower cost options to maintain simultaneous compliance with adequate disinfectant residual levels and DBPs. Following are case studies from the Distribution System Optimization Program:

System A: This system serves 13,000 customers through 2,974 connections, uses free chlorine, has 1 standpipe and a distribution system storage capacity of 1.25 million gallons.

- *Historical problems:* This system experienced an upward trend in trihalomethane (THM) levels leading to drinking water locational running annual average (LRAA) MCL exceedances in 2 consecutive quarters and hydraulic

dead-ends in portions of the distribution system requiring significant flushing to maintain a detectable residual.

- *Technical assistance efforts:* Department and system staff conducted in-plant water quality profiling (disinfectant residual, total organic carbon, pH and DBPs), distribution system investigative sampling, in-tank water quality monitoring and storage tank continuous disinfectant residual monitoring for 1 month.

- *Evaluation findings:* The evaluation found significant in-plant DBP formation, and high levels of THMs and low disinfectant residuals associated with stratification of standpipe.

- *Remedies:* The system decreased the pre-filtration chlorine feed rate to reduce in-plant THM formation resulting in a return to compliance with the LRAA MCL and increased the frequency and duration of routine distribution system flushing in problematic areas to maintain a minimum residual of 0.20 mg/L free chlorine. The system is currently evaluating the benefit of additional measures including the use of a mixing aeration system for the standpipe and automatic flushing units in problematic areas of the distribution system.

System B: This system serves 8,600 customers through 3,175 connections, uses chloramines for secondary disinfection, has 2 standpipes, 3 ground level tanks and a distribution system storage capacity of 4.755 million gallons.

- *Historical problems:* This system had difficulty maintaining a disinfectant residual throughout high- and low-pressure zones.

- *Technical assistance efforts:* Department and system staff conducted a chloramine dosing and hold study, entry point hold study, distribution system investigative sampling, in-tank water quality monitoring, storage tank turnover analysis and storage tank continuous disinfectant residual monitoring for 1 month.

- *Evaluation findings:* The evaluation found uneven chlorine dosing at the end of the sedimentation basin, poor control and monitoring of ammonia dosing prior to the entry point, highly reactive monochloramine residual degraded completely within 48 hours, poor mixing performance and excessive storage tank turnover time (~15 days), trace disinfectant residual in both standpipes and areas of nondetect monochloramine residual in both pressure zones.

- *Remedies:* The system developed a weir system to increase mixing at the chlorine dosing location in the sedimentation basins, began routine testing of ammonia strength and feed rates, began routine grab sample monitoring of free ammonia and monochloramine to achieve more precise ammonia dosing, increased flushing of problematic areas of the distribution system to maintain monochloramine residual of 1.0 mg/L, modified operations of storage tanks to decrease turnover time by ~50%, removed the standpipe from service to decrease excessive storage capacity by 1 million gallons and began system-wide flushing of the distribution system in coordination with free chlorine burns to minimize transitional

mixing zones. The system is currently evaluating the benefit of automatic flushing units in problematic areas of the distribution system.

System C: This system serves 6,000 customers through 2,900 connections, uses free chlorine and has 2 ground level storage tanks.

- *Historical problems:* This system had difficulty maintaining a disinfectant residual throughout the distribution system.

- *Technical assistance efforts:* Department and system staff conducted distribution system investigative sampling.

- *Evaluation findings:* The evaluation found that extremities within the distribution system had free chlorine residuals <0.10 mg/L and required significant flushing to maintain residuals >0.20 mg/L.

- *Remedies:* The system performed a flushing study to identify locations for installation of automatic flushing units and installed three automatic flushing units to create an artificial demand in areas of low disinfectant residuals.

System D: This system serves 7,800 customers through 4,382 connections, uses free chlorine, has 2 ground level storage tanks and a distribution system storage capacity of 4.5 million gallons.

- *Historical problems:* This system had difficulty maintaining disinfectant residuals at the master meters of consecutive systems.

- *Technical assistance efforts:* Department and system staff conducted in-tank water quality monitoring, storage tank turnover analysis and storage tank continuous disinfectant residual monitoring for 1 month.

- *Evaluation findings:* The evaluation found poor mixing performance and excessive storage tank turnover (15–22 days) and significant impact from storage tanks on disinfectant residuals in areas of influence.

- *Remedies:* The system modified operation of storage tanks to decrease turnover time and stratification as well as decrease degradation of disinfectant residuals.

System E: This system serves 25,500 customers through 9,300 connections, uses free chlorine, has 5 ground level storage tanks, 1 elevated tank and a distribution system storage capacity of 7.25 million gallons.

- *Historical problems:* This system had low disinfectant residuals at the master meter from the selling system and had difficulty maintaining residuals in portions of the distribution system.

- *Technical assistance efforts:* Department and system staff conducted a master meter hold study, in-tank water quality monitoring, storage tank turnover analysis and storage tank continuous disinfectant residual monitoring for 1 week.

- *Evaluation findings:* The evaluation found rapid degradation of free chlorine residual due to the purchase of chloraminated water at the master meter, poor mixing performance and excessive storage tank turnover (7–8 days), and significant impact of storage tanks on disinfectant residual in areas of influence.

- *Remedies:* The system increased communication with the selling system, modified its residual boosting strategy at the master meter and increased monitoring, and modified its operation of storage tanks to decrease turnover time and stratification as well as decrease degradation of disinfectant residual.

System F: This system serves 10,000 customers through 4,927 connections, uses free chlorine, has 4 ground level tanks, 1 elevated tank, 1 stand pipe and a distribution system storage capacity of 3.2 million gallons.

- *Historical problems:* This system had difficulty maintaining disinfectant residuals throughout the distribution system during summer and early fall.

- *Technical assistance efforts:* Department and system staff conducted a storage tank turnover analysis and distribution system and storage tank continuous disinfectant residual monitoring for 2 weeks.

- *Evaluation findings:* The evaluation found significant impact from storage tanks on the disinfectant residual in areas of influence and that storage tank operations were based on plant production rather than distribution system water quality data.

- *Remedies:* The system increased water quality data collection in the distribution system, modified storage tank operation based on water quality data, and removed a storage tank from service to reduce total distribution system capacity.

System G: This system serves 33,000 customers through 15,000 connections, uses free chlorine, has 4 ground level storage tanks, 1 standpipe and a distribution system storage capacity of 6 million gallons.

- *Historical problems:* This system had difficulty maintaining disinfectant residuals throughout the distribution system during summer and early fall.

- *Technical assistance efforts:* Department and system staff conducted a storage tank turnover analysis and storage tank continuous disinfectant residual monitoring for 2 weeks.

- *Evaluation findings:* The evaluation found poor mixing performance and excessive storage tank turnover time (~8 days).

- *Remedies:* The system installed mixing systems in storage tanks where stratification was observed to homogenize water quality.

System H: This system serves 18,000 customers through 8,200 connections, uses free chlorine, has 3 ground level storage tanks, 1 elevated tank and a distribution system storage capacity of 4.75 million gallons.

- *Historical problems:* This system had elevated THM and haloacetic acid levels.

- *Technical assistance efforts:* Department and system staff conducted a storage tank turnover analysis and storage tank continuous disinfectant residual monitoring at multiple locations over 3 months.

- *Evaluation findings:* The evaluation found significant impact from storage tanks on disinfectant residuals in areas of influence and poor mixing performance and excessive storage tank turnover time (6.2–12.5 days).

- *Remedies:* The system installed mixing systems in storage tanks where stratification was observed to homogenize water quality and modified storage tank operation to decrease turnover time.

Water suppliers can obtain more information about these distribution system assessment and optimization tools from the Department's web site at www.dep.pa.gov (keyword: distribution system optimization).

The Board requested comment on several aspects of the proposed rulemaking, including:

1. Additional studies and reports regarding detection limits for free and total chlorine residual analysis in the field.

The Board received one study and the data were used to inform decisions about the minimum reporting level.

2. Studies, reports or data that support a disinfectant residual of 0.1 mg/L or any other disinfectant residual that is equally protective of public health.

The Board received disinfectant residual and microbial data from six water systems. Following is a summary of the data:

System A: Large system; provided summary disinfectant residual data from 2004–2014; of the 36,500 samples analyzed, only ~3% of the samples were ≤ 0.15 mg/L total chlorine residual

System B: Large system; provided summary data for last 5 years; for the 14 total coliform positive samples reported, the disinfectant residual ranged from 0.02–1.35 mg/L, with an average = 0.67 mg/L

System C: Large system; uses chloramines; provided disinfectant residual and coliform data from 2008–2015; for 2011–2015, 7,363 disinfectant residual samples were analyzed with only 128 (1.7%) < 0.15 mg/L

System D: 33,000 disinfectant residual records were analyzed from 2013–2016; only 332 (1%) < 0.15 mg/L

System E: Medium system; provided a summary of free chlorine residual data for 2014–2015; in 2014, six dead end samples < 0.15 mg/L; in 2015, all results > 0.15 mg/L

System F: Large system; uses chloramines, provided 25,000 sample results from 2012–2016; 99.7% of samples ≥ 0.2 mg/L; only 0.3% of samples < 0.2 mg/L; 59 positive total coliform samples with no correlation between residual

To summarize, data from these medium and large water systems indicate that a very small percentage (0.3–3%) of these historical disinfectant residuals would not have met a disinfectant residual requirement of 0.15–0.2 mg/L. These systems are well-positioned to meet a disinfectant residual of 0.2 mg/L.

Finally, the Board did not receive any studies or reports that support an alternate disinfectant residual of 0.1 mg/L.

3. References to studies, reports or data that provide supporting evidence that an HPC < 500 provides an equivalent level of public health protection when compared to a disinfectant residual of 0.2 mg/L.

The Board received one reference to an unpublished draft document. However, the document was unavailable and could not be used. The Department is not aware of any other studies or reports that provide evidence that an HPC < 500 provides equivalent public health protection.

4. Anticipated costs to comply with the proposed disinfectant residual requirements.

The Board received cost information from four water systems. Cost information in this preamble and the Regulatory Analysis Form (RAF) was updated accordingly.

5. Whether a deferred effective date of 6 months after final promulgation is warranted to provide water systems with additional time to make any necessary operational changes. The anticipated length of time needed to increase disinfectant residuals and whether capital improvements are anticipated to meet the proposed requirements.

The Board received multiple comments on the need for deferred effective dates. The effective dates were amended accordingly.

6. The compliance determination, especially for small systems.

The Board received several comments on the compliance determinations and all comments were taken into consideration.

This final-form rulemaking was presented to the TAC Board on July 13, 2017, and August 24, 2017. The TAC Board made nine recommendations, six of which were incorporated into this final-form rulemaking. Section E includes more information about the TAC Board's recommendations. The recommendation regarding averaging additional grab sample measurements from a sampling location will be included in Department guidance on system monitoring. Regarding the two remaining recommendations, one recommendation was to delay amendments to Chapter 109 until the Safe Drinking Water Program is at full complement and current regulations are uniformly enforced. The Board is taking steps to provide the Department with additional funds through fee increases and believes that proceeding with this final-form rulemaking now is in the public interest because of the compelling public health benefits discussed in previous sections of this preamble. The remaining recommendation is for the Department to conduct a DBP evaluation to determine the impacts of increasing the chlorine residual in the distribution system using data only from water systems in this Commonwealth. The Department will continue to track and analyze TCR and DBP compliance rates as this final-form rulemaking is implemented to determine whether simultaneous compliance is being achieved.

The Independent Regulatory Review Commission (IRRC) submitted several comments. To summarize, IRRC recommended the following:

1. The Board should continue to work with the regulated community to develop a schedule for implementing this final-form rulemaking that adequately protects the health, safety and welfare of the public, while at the same time minimizing the fiscal impact it will have on water systems.

Response: The Department worked with the TAC to develop an implementation plan for this final-form rulemaking. Most provisions will be deferred for 1 year following the effective date of this final-form rulemaking. In addition, compliance schedules will be used to allow more time for capital improvements or to implement more complex operational changes.

2. In the preamble and RAF to the final-form rulemaking, the Board should provide specific estimates of all the costs associated with compliance and an explanation of how the estimates were derived. In addition, the Board should provide further explanation concerning the benefits of the final-form rulemaking compared to the costs.

Response: The Department has updated the cost information in this preamble and the RAF based on comments received. Updated information includes costs to the regulated community as well as potential savings from the prevention of public health crises due to waterborne illnesses.

3. In the preamble of the final-form rulemaking, the Board should explain the reasonableness of requiring weekly monitoring and how the potential benefits outweigh any costs associated with it.

Response: After considerable discussion, the TAC Board issued final recommendations that the weekly monitoring frequency should be retained for two reasons: 1) weekly monitoring helps ensure continuous disinfection and improves public health protection; and 2) the collection of at least four samples per month allows a water system to have one sample below the minimum level and still be in compliance. If systems were to take fewer than four samples per month, any one sample below the minimum level would put the system out of compliance immediately. Finally, it was determined that weekly monitoring should not be a hardship because water system personnel are already onsite on a daily basis collecting daily entry point samples. These same personnel would be able to grab a weekly disinfectant residual sample within the distribution system.

4. In the preamble of the final-form rulemaking, the Board should explain what specific public health issue is being addressed by the proposed disinfectant residual that is not currently being handled by the Revised TCR or is not a premise plumbing concern. The Board should also explain what measures exist to safeguard against increases in DBPs.

Response: Based on an assessment of 5.434 million samples, the EPA found that a lower rate of both total coliform and fecal coliform/*E. coli* positives occurred as the free or total chlorine residual increased to higher levels. This relationship between chlorine residuals and occurrence of total coliform and fecal coliform/*E. coli* positives was similar to results reported by the Colorado Department of Public Health and Environment (Ingels, 2015). In addition, this relationship is consistent with the findings of LeChevallier, et al. (1996) which stated that disinfectant residuals of 0.2 mg/L or more of free chlorine, or 0.5 mg/L or more of total chlorine, are associated with reduced levels of coliform bacteria. (Both of these studies were discussed in the preamble of the proposed rulemaking.) Based on this data, the EPA determined that a detectable concentration of disinfectant residual in the distribution system may not be adequately protective of public health due to microbial pathogens. This is based on concerns about analytical methods and the potential for false positives (Wahman and Pressman, 2015). According to the EPA, maintaining a disinfectant residual above a set numerical value in the distribution system may improve public health protection from a variety of pathogens.

Regarding the ability of water systems to increase disinfectant residual levels to 0.2 mg/L and still meet DBP limits, data from other states shows that simultaneous compliance can be achieved with both rules. In addition, several case studies were described in this preamble regarding systems that have participated in the Department's Distribution System Optimization Program. These systems have been able to achieve simultaneous compliance by implementing operational changes and other lower cost measures.

The Department continues to believe that the large majority of systems will be able to achieve compliance with both rules because: 1) the large majority of systems already deliver water that meets disinfectant residual levels of ≥ 0.15 mg/L; and 2) for the remaining systems that do not currently meet a residual of ≥ 0.15 mg/L

throughout the distribution system, many will be able to meet the requirement through operational changes or lower cost measures.

5. The fiscal analysis provided in the RAF indicates that the total estimated cost to the regulated community is \$823,500. The regulated community believes the Department has overestimated the number of water suppliers that would be in compliance with the proposed residual and has underestimated capital and operational costs. For example, Philadelphia Water estimated \$25 million dollars in capital costs and \$2.5 million dollars in annual operating and maintenance costs. The Borough of Carlisle estimates capital costs ranging from \$115,000 to \$190,000 to potentially comply with a 0.2 mg/L free chlorine requirement. IRRC asked that as the Board developed this final-form rulemaking that they reach out to the regulated community to gain a better understanding of the potential costs associated with the new requirements and include the revised costs in the RAF submitted with this final-form rulemaking.

Response: The Department updated the cost information in this preamble and the RAF based on comments received.

6. In the preamble of the final-form rulemaking, the Board should explain why public notification is needed when the minimum disinfectant residual is not maintained in the distribution system and why the benefits of a notice outweigh any potential costs associated with such notice.

Response: Under 40 CFR 141.203(a) (relating to Tier 2 public notice—form, manner, and frequency of notice), a Tier 2 Public Notice is required for failure to meet the disinfectant residual treatment technique in the distribution system. The Commonwealth must be at least as stringent as 40 CFR 141.203(a). However, this final-form rulemaking is not anticipated to substantially increase the number of Tier 2 Public Notices. A violation does not occur unless the water system fails to meet the minimum level in more than 5% of samples for 2 consecutive months. The Department would expect that most water systems will be able to make operational changes (that is, increase flushing, and the like) after the first monthly failure and improve water quality ahead of the next monthly monitoring period. It should be the exception, not the norm, that water systems fail to meet the minimum level for 2 consecutive months.

7. IRRC noted that the Board asked for comments with references to studies, reports or data comparing whether HPC less than 500 provides the same level of public health protection as a disinfectant residual of 0.2 mg/L. In the preamble of the final-form rulemaking, the Board should explain its rationale for deleting this provision. IRRC will consider the Board's response to comments and changes made to this subsection during the review of the final-form rulemaking to determine whether it is in the public interest.

Response: References or studies were not provided by the public. The Department has not found any studies that HPC is an equivalent standard when compared to a disinfectant residual level of 0.2 mg/L. The majority of states with disinfectant residual standards of 0.2 mg/L or greater do not use HPC as an ACC. For these reasons, the Department is not allowing the use of HPC for compliance purposes. However, water suppliers are encouraged to continue to use HPC as an operational parameter to help inform proper operation of distribution systems.

8. The Board stated that proposed amendments were in response to the EPA comments to obtain primacy for LT2. Water dispensing unit operators commented that adding the HPC test alongside the Total Coliform test is duplicative and adds unnecessary costs. They further point out the drinking water standard for HPC is geared toward public water systems treating nonpotable surface water or GUDI and that it should not apply to water dispensing units that receive already treated municipal water. The Board should explain in the RAF and preamble of this final-form rulemaking the reasonableness of requiring water dispensing units to meet the same disinfection residual requirements as public water systems.

Response: The EPA recognizes bulk water hauling and vended water systems as public water systems under the Federal Safe Drinking Water Act and its regulations. Vended water systems that use purchased surface water shall comply with the various surface water treatment rules. Systems using surface water shall maintain a disinfectant residual in the water delivered to consumers. Since most vended water systems strip chlorine out of the water to improve taste, these systems are unable to comply with the Federal and State requirements. These systems generally retreat the water with ultraviolet or ozone, which does not provide a residual. Therefore, the only option for these systems is to monitor for and comply with the HPC alternative compliance criteria.

9. The EPA submitted comments that identified several instances when the bottled water and vended water systems, retail water facilities, and bulk water hauling systems (BVRB) monitoring provisions are inconsistent with Federal regulations and must be changed to obtain primacy. The EPA also sought clarification on the BVRB entry point residual. IRRRC will review the Board's response to the EPA's comments and any revisions made to this section in its review of the final-form rulemaking to determine whether it is in the public interest.

Response: Revisions have been made to ensure consistency with Federal rules and to maintain primary enforcement authority. Refer to Section E for more information about the revisions.

References

Colorado Department of Public Health and Environment (April 2014). "Draft—Minimum Distribution System Disinfectant Residuals: Chlorine Residual Values Reported from Within Drinking Water Distribution Systems."

Department of Environmental Protection, Pennsylvania Drinking Water Information System (PADWIS) online database.

EPA (December 2016). "Six-Year Review 3 Technical Support Document for Microbial Contaminant Regulations." EPA 810-R-16-010.

EPA, Enforcement and Compliance History Online database.

LeChevallier, M. W., et al. (1996). "Full-Scale Studies of Factors Related to Coliform Regrowth in Drinking Water." *Applied and Environmental Microbiology*, 62(7), p. 2201.

Wahman, D. G. and Pressman, J. G. (2015). "Distribution System Residuals—Is 'Detectable' Still Acceptable for Chloramines." *Journal—American Water Works Association*, 107(8), p. 53.

E. Summary of Changes to the Proposed Rulemaking

§ 109.202. State MCLs, MRDLs and treatment technique requirements

Proposed subsection (c)(1)(ii)(B) was revised for consistent use of the phrase "residual disinfectant concentration."

Proposed subsection (c)(4) was renumbered as subsection (c)(6) and revised for consistent use of the phrase "residual disinfectant concentration."

Subsection (c)(5) was renumbered as subsection (c)(7) and revised for consistent use of the phrase "residual disinfectant concentration."

The proposed amendment to subsection (d) was withdrawn because it was included in the Revised TCR final-form rulemaking published at 46 Pa.B. 6005 (September 24, 2016).

§ 109.301. General monitoring requirements

Paragraph (1)(i)(D) was revised in response to public comments to clarify that the existing disinfectant residual requirements for filtered surface water and GUDI systems will remain in effect until 1 year after the effective date of this final-form rulemaking.

Paragraph (1)(i)(E) was added in response to public comments to defer the compliance date of the new disinfectant residual requirements until 1 year after the effective date of this final-form rulemaking.

Paragraph (1)(i)(E)(II)—(IV) was revised for consistent use of the phrase "residual disinfectant concentration."

Paragraph (1)(i)(E)(V) was added in response to TAC comments to allow the use of online analyzers for disinfectant residual monitoring and recording in the distribution system. Online analyzers are permitted so long as the units are validated for accuracy.

Paragraph (1)(v) and (vi) was revised in response to public comments to clarify that water suppliers shall calculate the log inactivation at least once per day during expected peak hourly flow.

Paragraph (2)(i)(E) was revised in response to public comments to clarify that the existing disinfectant residual requirements for unfiltered surface water and GUDI systems will remain in effect until 1 year after the effective date of this final-form rulemaking.

Paragraph (2)(i)(F) was added in response to public comments to defer the compliance date of the new disinfectant residual requirements until 1 year after the effective date of this final-form rulemaking.

Paragraph (2)(i)(F)(II)—(IV) was revised for consistent use of the phrase "residual disinfectant concentration."

Paragraph (2)(i)(F)(V) was added in response to TAC comments to allow the use of online analyzers for disinfectant residual monitoring and recording in the distribution system. Online analyzers are permitted so long as the units are validated for accuracy.

Paragraph (6)(vii)(D) was revised to correct a misspelled word.

Paragraph (13) was revised for consistent use of the phrase "residual disinfectant concentration."

Paragraph (13)(i)(A) and (B) was revised in response to public comments to defer the effective date of the new disinfectant residual requirements until 1 year after the effective date of this final-form rulemaking.

Proposed paragraph (13)(i)(A)—(C) was renumbered as paragraph (13)(i)(B)(I)—(III).

Paragraph (13)(i)(B)(I) was revised to correct a cross-reference.

Paragraph (13)(i)(B)(IV) was added to clarify that compliance determinations will be made in accordance with § 109.710 (relating to disinfectant residual in the distribution system).

Paragraph (13)(i)(B)(V) was added in response to TAC comments to allow the use of online analyzers for disinfectant residual monitoring and recording in the distribution system and to be consistent with paragraphs (1)(i)(E)(V) and (2)(i)(F)(V). Online analyzers are permitted so long as the units are validated for accuracy.

§ 109.408. *Tier 1 public notice—categories, timing and delivery of notice*

Subsection (a)(2) was revised to correct the cross-reference to § 109.301(7)(ii)(C) (relating to general monitoring requirements) to include subclauses (IV) and (V).

Subsection (a)(6)(iii) was revised for consistent use of the phrase “residual disinfectant concentration” and in response to public comments to clarify that Tier 1 public notice is required for a failure to maintain the minimum entry point disinfectant residual for more than 4 hours and either a failure to calculate the log inactivation, or a failure to meet the minimum log inactivation for more than 4 hours.

§ 109.701. *Reporting and recordkeeping*

Subsection (a)(8) was revised to clarify and renumber the requirements regarding submission of the sample siting plan, for consistent use of the phrase “residual disinfectant concentration” and to incorporate comments from the TAC to identify several items to be included in the sample siting plan, including whether mixing zones exist, the system implements a free chlorine burn and whether the system uses online analyzers.

This section was also revised to add certain reporting requirements regarding these sample siting plan items.

§ 109.710. *Disinfectant residual in the distribution system*

Subsections (a) and (b) were revised and subsection (c) was added in response to public comments to defer the compliance date of the new disinfectant residual requirements until 1 year after the effective date of this final-form rulemaking.

Subsections (c) and (d) were added in response to TAC comments to address measurements for mixing zones and free chlorine burns and to clarify when free or total, or both, chlorine residual should be monitored.

Existing subsections (b)—(d) were renumbered as subsections (d)—(f).

Subsection (d) was revised for consistent use of the phrase “residual disinfectant concentration.”

Subsection (e) was revised in response to TAC comments to allow additional monitoring to be included in the compliance calculations.

Subsection (e)(1) and (2) was revised in response to TAC comments to allow additional monitoring to be included in the compliance calculations and to clarify that public water systems that use surface water or GUDI sources must comply with the Federal and State treatment technique requirement of no more than 5% of samples out of compliance.

Proposed subsection (e)(3) and (4) was renumbered as subsection (e)(4) and (5) and subsection (e)(3) was added in response to TAC comments to clarify how compliance will be determined when both free and total disinfectant residual measurements are reported.

Subsection (e)(5) was revised to correct a cross-reference.

Subsection (e)(6) was added in response to TAC and public comments to clarify that the Department may approve an alternate compliance schedule if the water supplier submits a written request with supporting documentation within 1 year of the effective date of this final-form rulemaking.

§ 109.716. *Nitrification control plan*

Proposed § 109.715 (relating to nitrification control plan) was renumbered as § 109.716 in this final-form rulemaking because § 109.715 (relating to seasonal systems) was added by the Revised TCR published at 46 Pa.B. 6005.

Subsection (a) was revised in response to TAC comments to defer the compliance date of the nitrification control plan until 1 year after the effective date of this final-form rulemaking.

§ 109.1003. *Monitoring requirements*

Subsection (a)(1)(ix)(A) was revised to cross-reference the monitoring requirements in § 109.301(12)(ii) in response to EPA comments to be at least as stringent as the Federal Stage 2 DBPR for bulk hauling, retail and vended water systems that meet the conditions of clause (D) or (E) (that is, systems that meet the definition of a community or nontransient noncommunity water system).

Subsection (a)(1)(ix)(C) was added in response to EPA comments to include language that is at least as stringent with the Federal Stage 2 DBPR that identifies the MCL compliance calculations for total trihalo-methanes and five haloacetic acid compounds to obtain primary enforcement authority for the Stage 2 DBPR.

The Editor’s Note in subsection (a)(1)(xi) was revised. This subparagraph was also amended and proposed subsection (a)(1)(xi)(A)—(C) was deleted in response to EPA comments to include language that is at least as stringent as the Federal rule that identifies the Maximum Residual Disinfectant Level compliance calculations for chlorine dioxide.

Subsection (a)(1)(xii)(B)(II) was revised to be consistent with existing language in § 109.301(12)(iv)(B)(II) that identifies the specific requirements to qualify for reduced bromate monitoring to be at least as stringent as the Federal Stage 2 DBPR.

The Editor’s Note in subsection (a)(1)(xiii) and (xiv) was revised. These subparagraphs were also revised for consistent use of the phrase “residual disinfectant concentration” and in response to EPA comments that the entry point residual disinfectant concentration should be 0.20 mg/L to be consistent with subparagraph (xiii) and § 109.202(c) (relating to State MCLs, MRDLs and treatment technique requirements).

Subsection (a)(2)(iv) was revised to clarify when compliance is required based on the effective date of this final-form rulemaking.

Subsection (b)(2) was revised in response to EPA comments that daily chlorite measurements may be conducted by a person meeting the requirements of

§ 109.1008(c) (relating to system management responsibilities) to be consistent with § 109.304(c) (relating to analytical requirements).

Subsections (d) and (e) were amended in response to the EPA comments for clarity to cross-reference the monitoring requirements in § 109.301 to be at least as stringent as the Federal rules for bulk hauling, retail and vended water systems that meet the definition of a community or nontransient noncommunity water system.

§ 109.1008. *System management responsibilities*

Proposed subsections (g) and (h) were renumbered as subsections (i) and (j) because subsections (g) and (h) were added by the Revised TCR published at 46 Pa.B. 6005.

F. *Benefits, Costs and Compliance*

Benefits

This final-form rulemaking will affect all 1,949 community water systems and those noncommunity water systems that have installed disinfection (746) for a total of 2,695 public water systems. These public water systems serve a total population of 11.3 million people.

This final-form rulemaking is intended to reduce the public health risks and associated costs related to waterborne pathogens and waterborne disease outbreaks. Costs related to waterborne disease outbreaks are extremely high. In 2008, a large Salmonella outbreak caused by contamination of a storage tank and distribution system and no disinfectant residual within the municipal drinking water supply occurred in Alamosa, CO. The outbreak's estimated total cost to residents and businesses of Alamosa using a Monte Carlo simulation model (10,000 iterations) was approximately \$1.5 million (range: \$196,677—\$6,002,879) and rose to \$2.6 million (range: \$1,123,471—\$7,792,973) with the inclusion of outbreak response costs to local, state and nongovernmental agencies, and City of Alamosa health care facilities and schools. This investigation documents the significant economic and health impacts associated with waterborne disease outbreaks and highlights the potential for loss of trust in public water systems following these outbreaks. See “Economic and Health Impacts Associated with a Salmonella Typhimurium Drinking Water Outbreak—Alamosa, CO, 2008,” <http://www.ncbi.nlm.nih.gov/pubmed/23526942>.

Communities in this Commonwealth will benefit from: 1) the avoidance of a full range of health effects from the consumption of contaminated drinking water such as acute and chronic illness, endemic and epidemic disease, waterborne disease outbreaks and death; 2) the continuity of a safe and adequate supply of potable water; and 3) the ability to plan and build future capacity for economic growth and ensure long-term sustainability.

Compliance Costs

Disinfectant residual monitoring at the entry point

It is estimated that 114 of 352 plants (or ~30%) may be using paper chart recorders. Paper chart recorders can record measurements to two decimal places provided the proper scale and resolution is used. In cases where the requisite scale and resolution are not possible, an upgrade to electronic recording devices would cost approximately \$1,500. It is estimated that 11 systems (10%) may need to upgrade to electronic recording devices. The estimated cost is 11 systems × \$1,500 = \$16,500.

This cost should not be prohibitive for filter plants, and the use of electronic devices offers several advantages. Advantages of using electronic recording devices include improved data reliability, faster and more comprehensive data analysis, better data resolution, elimination of the need for interpolating trace values from a chart, cost savings through the elimination of consumables (pens and chart paper) and reductions in errors associated with transferring analog data to a spreadsheet for recordkeeping or reporting purposes.

Disinfectant residuals in the distribution system

It is anticipated that the large majority of water systems will be able to comply with this requirement with little to no capital costs because many of these systems are already meeting a disinfectant residual of ≥0.15 mg/L. In this Commonwealth, 1,949 community water systems are required to provide and maintain disinfection treatment. Of these systems, 1,298 (67%) are required to collect only 1 disinfectant residual measurement each month. An additional 232 systems are only required to collect 2 measurements each month. In total, 1,530 systems (79%) are only required to collect 1 or 2 disinfectant residual measurements each month, which means the average result reported each month for the large majority of systems is essentially the same as the actual sample results.

The Department reviewed the summary data (distribution system disinfectant residual average result values) from January 2012 to May 2017 for the 1,949 community water systems.

- During this period, 165,328 average result values were reported; of these records, 154,623 average result values (93.5%) were at or above 0.15 mg/L.
- For the systems that are required to conduct only 1 or 2 measurements each month, 136,743 average result values were reported; of these records, 126,406 average result values (92.4%) were at or above 0.15 mg/L.
- For the systems that only conduct 1 measurement each month, 116,900 average result values were reported; of these records, 107,366 (91.8%) were at or above 0.15 mg/L.

The following table shows the number of community water systems and the number of average result summary records submitted for each population group.

Community Water System Disinfectant Average Result by Population Category

<i>Population Group</i>	<i>Number of Samples Required</i>	<i>Number of Public Water Supplies</i>	<i>Total POPL¹</i>	<i>Total Number of Records</i>	<i>Number of Results < 0.15</i>	<i>Number of Results ≥ 0.15</i>
<25 ²	1	9	172	300	14	286
25—1,000	1	1,290	311,515	116,600	9,520	107,080
1,001—2,500	2	231	381,322	19,843	803	19,040

<i>Population Group</i>	<i>Number of Samples Required</i>	<i>Number of Public Water Supplies</i>	<i>Total POPL¹</i>	<i>Total Number of Records</i>	<i>Number of Results < 0.15</i>	<i>Number of Results ≥ 0.15</i>
2,501—3,300	3	86	255,069	6,292	168	6,124
3,301—4,100	4	28	103,784	2,534	65	2,469
4,101—4,900	5	37	164,629	2,518	11	2,507
4,901—5,800	10	27	145,425	1,752	0	1,752
5,801—6,700	15	22	137,596	1,672	1	1,671
6,701—7,600	20	22	156,720	1,246	0	1,246
7,601—8,500	25	22	178,117	1,194	22	1,172
8,501—12,900	30	46	469,925	3,311	34	3,277
12,901—33,000	35	69	1,436,581	4,333	66	4,267
>33,000	>40	60	7,628,402	3,733	1	3,732
<i>Total</i>		<i>1,949</i>	<i>11,369,257</i>	<i>165,328</i>	<i>10,705</i>	<i>154,623</i>

¹ Total POPL is the total population served for the population category, based on the community water system population in PADWIS. The Revised TCR required water systems to submit a revised sampling plan which included updated population numbers in accordance with existing EPA guidance. The community water system population served includes nontransient and transient consumers.

² These community water systems triggered applicability under the SDWA because each system provides water to 15 or more service connections.

An additional 621 noncommunity water systems with disinfection treatment are currently required to maintain a disinfectant residual in the distribution system. Of these 621 water systems, 598 (96%) are only required to collect 1 or 2 residual measurements each month; 554 (89%) are only required to conduct 1 measurement each month.

Therefore, the Department believes it is appropriate to use the average result data, and that the data indicate that most water systems are already in compliance with these minimum disinfectant residual requirements.

Systems may need to increase the frequency of or improve the effectiveness of existing operation and maintenance best management practices, such as flushing, storage tank maintenance, cross-connection control, leak detection, and effective pipe replacement and repair practices, to lower chlorine demand and meet disinfectant residual requirements at all points in the distribution system.

Some systems with very large and extensive distribution systems may need to install automatic flushing devices, tank mixers or booster chlorination stations to achieve ≥ 0.15 mg/L (which rounds to 0.2 mg/L) at all points in the distribution system. As a result of public comments, the Department revised its capital expense estimates and added annual operational expense estimates as follows:

<i>Type of Facility</i>	<i>Capital Expenses</i>	<i>Annual Expenses</i>
Automatic flushing device	\$2,500	\$750
Tank mixer	\$75,000	
Booster chlorination station	\$250,000	\$10,000

It is estimated that 25% of community water systems serving over 25,000 people, or ~20 systems, may need to install automatic flushing devices, tank mixers or booster chlorination stations. Of these 20 systems:

- Twelve water systems may need to install up to ten automatic flushing devices for capital costs of up to \$25,000 and annual expenses of up to \$7,500 per system.

The total cost for 12 systems is estimated to be up to \$300,000 in capital costs and up to \$90,000 in annual expenses.

- Four water systems may need to install up to two tank mixers for capital costs of up to \$150,000 per system. The total cost for four systems is estimated to be up to \$600,000 in capital costs.

- Four systems may need to install up to four booster chlorination stations for capital costs of up to \$1 million and annual expenses of up to \$40,000 per system. The total cost for four systems is estimated to be up to \$4 million in capital costs and up to \$160,000 in annual expenses.

Costs for small systems are not expected to increase because most small systems are already maintaining adequate disinfectant residuals (0.40 mg/L) as required by the Groundwater Rule. Further, with regard to operating costs, it is unlikely costs to small systems would increase because § 109.304 specifies that certain parameters (including turbidity and disinfectant residuals) may be analyzed by an appropriately certified operator or a person using a standard operating procedure as specified in the Water and Wastewater Systems Operators' Certification Act (63 P.S. §§ 1001—1015.1). Small water systems that are required to install and maintain disinfection (under either the Surface Water Treatment Rule or the Groundwater Rule) are currently required to measure the disinfectant residual at the entry point at least once per day, so a procedure is in place for conducting daily disinfectant residual measurements. The weekly distribution system measurements may be conducted by the same person.

Total estimated costs to the regulated community are as much as \$4.9 million in capital costs and up to \$250,000 in annual operational expenses. Capital costs are one-time costs expected to be split over the first 3 years. Annual operational expenses are not expected to begin until year 2.

<i>Estimate of Fiscal Savings and Costs</i>						
	<i>Current FY</i>	<i>FY +1</i>	<i>FY +2</i>	<i>FY +3</i>	<i>FY +4</i>	<i>FY +5</i>
<i>Savings</i>	\$	\$	\$	\$	\$	\$
Regulated community	0	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Local and state costs	0	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000
Total savings	0	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000
<i>Costs</i>		\$	\$	\$	\$	\$
Regulated community	0	1,630,000	1,880,000	1,880,000	250,000	250,000
Local and state costs	0	0	0	0	0	0
Total costs	0	1,630,000	1,880,000	1,880,000	250,000	250,000

However, these costs are offset by the avoidance of waterborne disease outbreaks. If even one waterborne disease outbreak is avoided each year, the cost savings to the regulated community (residents and businesses) is estimated at \$1.5 million, with an additional \$1.1 million in savings to local, State and nongovernmental agencies, health care facilities and schools.

Compliance assistance plan

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

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

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

Finally, the Department also provides various tools and technical assistance to water systems through the Distribution System Optimization Program. The goal of distribution optimization is to sustain the water quality leaving the plant throughout all points in the distribution system. To further define distribution system optimization, “optimization” refers to improving drinking water quality to enhance public health protection without significant capital improvements to the water treatment plant or distribution system infrastructure.

The distribution system is the last “barrier” for protecting public health, meaning the physical and chemical barriers that have been established are necessary to protect the public from intentional or unintentional exposure to contaminants after the water has been treated. Distribution system optimization focuses on two primary health concerns related to water quality within the distribution system—microbial contamination and DBP formation.

If implemented, distribution system optimization will lead to increased public health protection through increased monitoring and operational oversight, resulting in improved physical protection and improved water quality for all customers.

Paperwork Requirements

Paperwork requirements include: electronic reporting of log inactivation values on a monthly basis using existing formats; electronic reporting of additional disinfectant residual levels measured in the distribution system using existing formats; development of a disinfectant residual sample siting plan; and development of a nitrification control plan.

G. Sunset Review

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

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 11, 2016, the Department submitted a copy of the notice of proposed rulemaking, published at 46 Pa.B. 857, 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 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.

I. 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) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposed rulemaking published 46 Pa.B. 857.

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

J. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 109, are amended by adding § 109.716 and amending §§ 109.1, 109.202, 109.301, 109.303, 109.408, 109.701, 109.710, 109.1002, 109.1003, 109.1004, 109.1008, 109.1103, 109.1107, 109.1202 and 109.1302 and to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's Note:* Proposed § 109.715 was renumbered as § 109.716 in this final-form rulemaking.)

(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 the IRRC and the Senate and House Environmental Resources and Energy 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 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 7-520 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 25. ENVIRONMENTAL PROTECTION****PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION****Subpart C. PROTECTION OF NATURAL RESOURCES****ARTICLE II. WATER RESOURCES****CHAPTER 109. SAFE DRINKING WATER****Subchapter A. GENERAL PROVISIONS****§ 109.1. Definitions.**

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

* * * * *

Consecutive water system—A public water system which obtains all of its water from another public water system and resells the water to a person, provides treatment to meet a primary MCL, MRDL or treatment technique, or provides drinking water to an interstate carrier. The term does not include bottled water and bulk water systems.

* * * * *

Subchapter B. MCLs, MRDLs OR TREATMENT TECHNIQUE REQUIREMENTS**§ 109.202. State MCLs, MRDLs and treatment technique requirements.**

(a) *Primary MCLs, MRDLs and treatment technique requirements.*

(1) A public water system shall supply drinking water that complies with the primary MCLs, MRDLs and treatment technique requirements adopted by the EQB under the act.

(2) This subchapter incorporates by reference the primary MCLs, MRDLs and treatment technique requirements in the National Primary Drinking Water Regulations 40 CFR Part 141 (relating to National Primary Drinking Water Regulations) as State MCLs, MRDLs and treatment technique requirements under authority of section 4 of the act (35 P.S. § 721.4), unless other MCLs, MRDLs and treatment technique requirements are established by regulations of the Department. The primary MCLs, MRDLs and treatment technique requirements which are incorporated by reference are effective on the date established by the Federal regulations.

(3) A public water system that is installing granular activated carbon or membrane technology to comply with the MCL for TTHMs, HAA5, chlorite (where applicable) or bromate (where applicable) may apply to the Department for an extension of up to 24 months past the applicable compliance date specified in the Federal regulations, but not beyond December 31, 2003. In granting the extension, the Department will set a schedule for compliance and may specify any interim measures that the Department deems necessary. Failure to meet the schedule or interim treatment requirements constitutes a violation of National Primary Drinking Water Regulations.

(b) Secondary MCLs.

(1) A public water system shall supply drinking water that complies with the secondary MCLs adopted by the EQB under the act, except for the MCL for pH which represents a reasonable goal for drinking water quality.

(2) This subchapter incorporates by reference the secondary MCLs established by the EPA in the National Secondary Drinking Water Regulations, 40 CFR 143.3 (relating to secondary maximum contaminant levels), as of January 30, 1991, as State MCLs, under the authority of section 4 of the act, unless other MCLs are established by regulations of the Department. The secondary MCL for copper is not incorporated by reference.

(3) A secondary MCL for aluminum of 0.2 mg/L is adopted as a State MCL.

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

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

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

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

(A) *Conventional or direct filtration.*

(I) The filtered water turbidity shall be less than or equal to .5 NTU in 95% of the measurements taken each month under § 109.301(1) (relating to general monitoring requirements).

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

(III) Beginning January 1, 2002, for public water systems serving 10,000 or more persons, the filtered water turbidity shall meet the following criteria:

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

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

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

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

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

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

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

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

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

(ii) The combined total effect of disinfection processes utilized in a filtration plant shall:

(A) Achieve at least 1.0-log inactivation of Giardia cysts and 3.0-log inactivation of viruses as demonstrated by measurements taken under § 109.301(1). Failure to maintain the minimum log inactivation for more than 4 hours of operation constitutes a breakdown in treatment.

(B) Provide a minimum residual disinfectant concentration of 0.20 mg/L at the entry point as demonstrated by measurements taken under § 109.301(1). Failure to maintain the minimum entry point residual disinfectant concentration for more than 4 hours of operation is a treatment technique violation.

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

(A) Maintain a minimum residual disinfectant concentration in the water delivered to the distribution system prior to the first customer of 2.5 mg/L expressed as free chlorine or its equivalent as approved by the Department.

The residual disinfectant concentration shall be demonstrated by measurements taken under § 109.301(2).

(I) For a system using disinfectants other than free chlorine, the water supplier shall maintain:

(-a-) A minimum concentration that provides, in terms of CTs achieved, a level of protection equivalent to that provided by 2.5 mg/L free chlorine, as determined by the available contact time between the point of application and the first customer, under peak flow conditions.

(-b-) At least .2 mg/L of disinfectant in the water delivered to the distribution system prior to the first customer.

(II) For a system with extended contact times, generally 60 minutes or more, between the point of application and the first customer, the Department may allow the water supplier to maintain a disinfectant residual concentration less than 2.5 mg/L free chlorine or its equivalent if the CTs established by the EPA are achieved.

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

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

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

(-a-) A waterborne disease outbreak.

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

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

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

(-e-) The source water fecal coliform concentration exceeds 20/100 ml or the total coliform concentration exceeds 100/100 ml in a source water sample collected under § 109.301(2).

(-f-) The source water turbidity level exceeds 5.0 NTU in a sample collected under § 109.301(2).

(-g-) The system fails to maintain a continuous residual disinfectant concentration as required under this subparagraph.

(III) By December 31, 1995, for other public water systems not covered by subclause (I) or (II).

(iv) For an unfiltered surface water source which is subject to subparagraph (iii)(B)(II) and (III), the public water supplier shall:

(A) Submit to the Department for approval a feasibility study which specifies the means by which the supplier shall, by the applicable deadline established in subparagraph (iii)(B), meet the requirements of this paragraph. The study shall identify the alternative which best assures the long-term viability of the public water system to meet drinking water standards. The study shall propose a schedule for completion of work, including the design, financing, construction and operation of one of the following alternatives:

(I) Permanent filtration treatment facilities that meet the requirements of this chapter.

(II) Abandonment of the unfiltered surface water source and one of the following:

(-a-) Permanent interconnection with another water supply which meets the requirements of this chapter.

(-b-) Permanent water treatment facilities, utilizing groundwater as the source of supply, which meet the requirements of this chapter.

(-c-) Provision for adequate supply from existing sources which meets the requirements of this chapter.

(B) Submit the feasibility study according to the following schedule:

(I) By March 31, 1992, for a supplier which prior to August 31, 1991, experienced a triggering event as specified in subparagraph (iii)(B)(II).

(II) By June 30, 1992, for a supplier which after August 31, 1991, but before January 1, 1992, experienced a triggering event as specified in subparagraph (iii)(B)(II).

(III) By August 31, 1992, for other suppliers.

(C) Submit a full and complete permit application for the means identified in the approved feasibility study by which the supplier shall meet the requirements of this paragraph, according to the following schedule:

(I) By the date set in the approved feasibility study for a supplier which, prior to January 1, 1992, experienced a triggering event as specified in subparagraph (iii)(B)(II).

(II) By June 30, 1993, for a supplier subject to the requirements of subparagraph (iii)(B)(III), except that a public water supplier serving fewer than 3,300 people may submit its permit application by December 31, 1993.

(D) Initiate construction of the means identified in the approved feasibility study by which the supplier shall meet the requirements of this paragraph, according to the following schedule:

(I) By the date set in the approved feasibility study for a supplier which, prior to January 1, 1992, experienced a triggering event as specified in subparagraph (iii)(B)(II).

(II) By June 30, 1994, for a supplier subject to the requirements of subparagraph (iii)(B)(III), except that a public water supplier serving fewer than 3,300 people may initiate construction by December 31, 1994.

(E) Complete construction and commence operation of the alternative identified in the approved feasibility study by the dates specified in subparagraph (iii)(B).

(v) The requirements of subparagraph (iv) do not modify, repeal, suspend, supersede or otherwise change the terms of a compliance schedule or deadline, established by an existing compliance order, consent order and agreement, consent adjudication, court order or consent decree. For purposes of this paragraph, the term "existing" means a compliance order, consent order and agreement, consent adjudication, court order or consent decree which was issued or dated before December 14, 1991.

(vi) For a source including springs, infiltration galleries, cribs or wells permitted for use by the Department prior to May 16, 1992, and determined by the Department to be a GUDI source, the public water supplier shall:

(A) Maintain a minimum residual disinfectant concentration in the water delivered to the distribution system prior to the first customer in accordance with subparagraph (iii)(A).

(B) Provide continuous filtration and disinfection in accordance with this paragraph within 48 months after the Department determines the source of supply is a GUDI source.

(C) Submit to the Department for approval a feasibility study within 1 year after the Department determines the source of supply is a GUDI source. The feasibility study shall specify the means by which the supplier shall, within the deadline established in clause (B), meet the requirements of this paragraph and shall otherwise comply with subparagraph (iv)(A).

(2) In addition to meeting the requirements of paragraph (1), a public water supplier using surface water or GUDI sources shall also comply with the requirements of, and on the schedules in, Subchapter L (relating to long-term 2 enhanced surface water treatment rule).

(3) A community public water system shall provide continuous disinfection and comply with Subchapter M (relating to additional requirements for groundwater sources) for groundwater sources.

(4) Public water systems shall conduct assessments in accordance with § 109.705(b) (relating to system evaluations and assessments) after meeting any of the triggers under subparagraph (i) or (ii). Failure to conduct an assessment or complete a corrective action in accordance with § 109.705(b) is a treatment technique violation requiring 1-hour reporting in accordance with § 109.701(a)(3) (relating to reporting and recordkeeping) and public notification in accordance with § 109.409 (relating to Tier 2 public notice—categories, timing and delivery of notice).

(i) A Level 1 assessment is triggered if any of the following conditions occur:

(A) For systems taking 40 samples or more per month under § 109.301(3), the system exceeds 5.0% total coliform-positive samples for the month.

(B) For systems taking fewer than 40 samples per month under § 109.301(3), the system has two or more total coliform-positive samples in the same month.

(C) The system fails to take every required check sample under § 109.301(3) after any single total coliform-positive sample.

(ii) A Level 2 assessment is triggered if any of the following conditions occur:

(A) A system fails to meet the *E. coli* MCL as specified under subsection (a)(2).

(B) A system triggers another Level 1 assessment, as defined in subparagraph (i), within a rolling 12-month period, unless the Department has determined a likely reason that the samples that caused the first Level 1 assessment were total coliform-positive and has established that the system has corrected the problem.

(5) Failure by a seasonal water system to complete the approved start-up procedure prior to serving water to the public as required under § 109.715 (relating to seasonal systems) is a treatment technique violation requiring 1-hour reporting in accordance with § 109.701(a)(3) and public notification in accordance with § 109.409.

(6) Community water systems using a chemical disinfectant or that deliver water that has been treated with a chemical disinfectant shall comply with the minimum residual disinfectant concentration specified in § 109.710 (relating to disinfectant residual in the distribution system).

(7) Nontransient noncommunity water systems that have installed chemical disinfection and transient noncommunity water systems that have installed chemical disinfection in accordance with paragraph (1) or § 109.1302(b) (relating to treatment technique requirements) shall comply with the minimum residual disinfectant concentration specified in § 109.710.

(d) *Fluoride.* A public water system shall comply with the primary MCL for fluoride of 2 mg/L, except that a noncommunity water system implementing a fluoridation program approved by the Department of Health and using fluoridation facilities approved by the Department under § 109.505 (relating to requirements for noncommunity water systems) may exceed the MCL for fluoride but may not exceed the fluoride level approved by the Department of Health. The secondary MCL for fluoride of 2 mg/L established by the EPA under 40 CFR 143.3 is not incorporated into this chapter.

(e) *Treatment technique requirements for acrylamide and epichlorohydrin.* Systems which use acrylamide or epichlorohydrin in the water treatment process shall certify in accordance with § 109.701(d)(7) that the following specified levels have not been exceeded:

(1) Acrylamide = 0.05% dosed at 1 ppm (or equivalent).

(2) Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent).

(f) *MRDLs.*

(1) A public water system shall supply drinking water that complies with the MRDLs adopted by the EQB under the act.

(2) This subchapter incorporates by reference the primary MRDLs in the National Primary Drinking Water Regulations, in 40 CFR Part 141, Subpart G (relating to National Primary Drinking Water Regulations: maximum contaminant levels and maximum residual disinfectant levels) as State MRDLs, under the authority of section 4 of the act, unless other MRDLs are established by regulations of the Department. The primary MRDLs which are incorporated by reference are effective on the date established by the Federal regulations.

(g) *Treatment technique requirements for disinfection byproduct precursors.* Community water systems and nontransient noncommunity water systems that use either surface water or GUDI sources and that use conventional filtration treatment shall provide adequate treatment to reliably control disinfection byproduct precursors in the source water. Enhanced coagulation and enhanced softening are deemed by the Department to be treatment techniques for the control of disinfection byproduct precursors in drinking water treatment and distribution systems. This subchapter incorporates by reference the treatment technique in 40 CFR 141.135 (relating to treatment technique for control of disinfection byproduct (DBP) precursors). Coagulants approved by the Department are deemed to be acceptable for the purpose of this treatment technique. This treatment technique is effective on the date established by the Federal regulations.

(h) *Recycling of waste stream.*

(1) Except as provided in paragraph (2), a public water system that uses surface water source or GUDI and provides conventional filtration or direct filtration treatment and recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes shall return these recycled flows through the processes of the system's existing conventional or direct filtration system

as defined in § 109.1 (relating to definitions) or at an alternate location approved by the Department by June 8, 2004.

(2) If capital improvements are required to modify the recycle location to meet the requirement of paragraph (1), the capital improvements shall be completed by June 8, 2006.

(3) Capital improvement means a nonrecurring, significant modification for nonroutine, long-term physical improvements to any part of a public water system, including, but not limited to, construction activities, renovation activities, demolition activities, source development, treatment process modifications, storage modifications, distribution system modifications, waste-processing modifications and all associated design costs.

Subchapter C. MONITORING REQUIREMENTS

§ 109.301. General monitoring requirements.

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

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

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

(A) Shall determine and record the turbidity level of representative samples of the system's filtered water as follows:

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

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

(B) May substitute continuous turbidity monitoring and recording for grab sample monitoring and manual recording if it validates the continuous measurement for accuracy on a regular basis using a procedure specified by the manufacturer. At a minimum, calibration with an EPA-approved primary standard shall be conducted at least quarterly. For systems using slow sand filtration or filtration treatment other than conventional filtration, direct filtration or diatomaceous earth filtration, the Department may reduce the sampling frequency to once per day.

(C) Shall continuously monitor and record the residual disinfectant concentration of the water being supplied to the distribution system and record both the lowest value

for each day and the number of periods each day when the value is less than 0.20 mg/L for more than 4 hours. If a public water system's continuous monitoring or recording equipment fails, the public water supplier may, upon notification of the Department under § 109.701(a)(3) (relating to reporting and recordkeeping), substitute grab sampling or manual recording every 4 hours in lieu of continuous monitoring. Grab sampling or manual recording may not be substituted for continuous monitoring or recording for longer than 5 working days after the equipment fails.

(D) Until April 28, 2019, shall measure and record the residual disinfectant concentration at representative points in the distribution system no less frequently than the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

(E) Beginning April 29, 2019, shall measure and record the residual disinfectant concentration at representative points in the distribution system in accordance with a sample siting plan as specified in § 109.701(a)(8) and as follows:

(I) A public water supplier shall monitor the residual disinfectant concentration at the same time and from the same location that a total coliform sample is collected as specified in paragraph (3)(i) and (ii). Measurements taken under this subclause may be used to meet the requirements under subclause (II).

(II) A public water supplier shall monitor the residual disinfectant concentration at representative locations in the distribution system at least once per week.

(III) A public water supplier that does not maintain the minimum residual disinfectant concentration specified in § 109.710 (relating to disinfectant residual in the distribution system) at one or more sample sites shall include those sample sites in the monitoring conducted the following month.

(IV) Compliance with the minimum residual disinfectant concentration shall be determined in accordance with § 109.710.

(V) A public water system may substitute online residual disinfectant concentration monitoring and recording for grab sample monitoring and manual recording if it validates the online measurement for accuracy in accordance with § 109.304 (relating to analytical requirements).

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

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

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

(iii) For a public water supplier serving fewer than 500 people, the Department may reduce the filtered water turbidity monitoring to one grab sample per day, if the historical performance and operation of the system indicate effective turbidity removal is maintained under the range of conditions expected to occur in the system's source water.

(iv) A public water supplier providing conventional filtration treatment or direct filtration and serving 10,000 or more people and using surface water or GUDI sources shall, beginning January 1, 2002, conduct continuous monitoring of turbidity for each individual filter using an approved method under the EPA regulation in 40 CFR 141.74(a) (relating to analytical and monitoring requirements) and record the results at least every 15 minutes. Beginning January 1, 2005, public water suppliers providing conventional or direct filtration and serving fewer than 10,000 people and using surface water or GUDI sources shall conduct continuous monitoring of turbidity for each individual filter using an approved method under the EPA regulation in 40 CFR 141.74(a) and record the results at least every 15 minutes.

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

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

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

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

(v) A public water supplier shall calculate the log inactivation of *Giardia*, using measurement methods established by the EPA, at least once per day during expected peak hourly flow. The log inactivation for *Giardia* must also be calculated whenever the residual disinfectant concentration at the entry point falls below the minimum value specified in § 109.202(c) (relating to State MCLs, MRDLs and treatment technique requirements) and continue to be calculated every 4 hours until the residual disinfectant concentration at the entry point is at or above the minimum value specified in § 109.202(c). Records of log inactivation calculations must be reported to the Department in accordance with § 109.701(a)(2).

(vi) In addition to the requirements specified in subparagraph (v), a public water supplier that uses a disinfectant other than chlorine to achieve log inactivation shall calculate the log inactivation of viruses at least once per day during expected peak hourly flow. The log inactivation for viruses shall also be calculated whenever the residual disinfectant concentration at the entry point falls below the minimum value specified in § 109.202(c) and continue to be calculated every 4 hours until the residual disinfectant concentration at the entry point is at or above the minimum value specified in § 109.202(c). Records of log inactivation calculations shall be reported to the Department in accordance with § 109.701(a).

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

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

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

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

(B) Shall measure the turbidity of a representative grab sample of the source water immediately prior to disinfection as follows:

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

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

(C) May substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a procedure specified by the manufacturer. At a minimum, calibration with an EPA-approved primary standard shall be conducted at least quarterly.

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

(E) Until April 28, 2019, shall measure the residual disinfectant concentration at representative points in the distribution system no less frequently than the frequency required for total coliform sampling for compliance with the MCL for microbiological contaminants.

(F) Beginning April 29, 2019, shall measure and record the residual disinfectant concentration at representative points in the distribution system in accordance with a sample siting plan as specified in § 109.701(a)(8) and as follows:

(I) A public water supplier shall monitor the residual disinfectant concentration at the same time and from the same location that a total coliform sample is collected as specified in paragraph (3)(i) and (ii). Measurements taken under this subclause may be used to meet the requirements under subclause (II).

(II) A public water supplier shall monitor the residual disinfectant concentration at representative locations in the distribution system at least once per week.

(III) A public water supplier that does not maintain the minimum residual disinfectant concentration specified in § 109.710 at one or more sample sites shall include those sample sites in the monitoring conducted the following month.

(IV) Compliance with the minimum residual disinfectant concentration shall be determined in accordance with § 109.710.

(V) A public water system may substitute online residual disinfectant concentration monitoring and recording for grab sample monitoring and manual recording if it validates the online measurement for accuracy in accordance with § 109.304.

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

* * * * *

(5) *Monitoring requirements for VOCs.* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for VOCs established by the EPA under 40 CFR 141.61(a) (relating to maximum contaminant levels for organic contaminants). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.24(f) (relating to organic chemicals, sampling and analytical requirements), incorporated herein by reference, except as modified by this chapter. Initial or first year monitoring mentioned in this paragraph refers to VOC monitoring conducted on or after January 1, 1993.

(i) *Vinyl chloride.* Monitoring for compliance with the MCL for vinyl chloride is required for groundwater entry points at which one or more of the following two-carbon organic compounds have been detected: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene or 1,1-dichloroethylene and shall consist of quarterly samples. If the results of the first analysis do not detect vinyl chloride, monitoring shall be reduced to one sample during each compliance period. Surface water entry points shall monitor for vinyl chloride as specified by the Department.

(ii) *Initial monitoring.* Initial monitoring shall consist of 4 consecutive quarterly samples at each entry point in accordance with the following monitoring schedule during the compliance period beginning January 1, 1993, except for systems which are granted reduced initial monitoring in accordance with clauses (E) and (F). A system which monitors during the initial monitoring period, but begins monitoring before its scheduled initial monitoring year specified in this subparagraph, shall begin monitoring every entry point during the first calendar quarter of the year it begins monitoring, except as provided in clause (E).

(A) Systems serving more than 10,000 persons shall begin monitoring during the quarter beginning January 1, 1994.

(B) Systems serving 3,301 persons to 10,000 persons shall begin monitoring during the quarter beginning January 1, 1995.

(C) Systems serving 500 to 3,300 persons shall begin monitoring during the quarter beginning January 1, 1993.

(D) Systems serving fewer than 500 persons shall begin monitoring during the quarter beginning January 1, 1994.

(E) For systems serving 3,300 or fewer people which monitor at least one quarter prior to October 1, 1993, and do not detect VOCs at an entry point during the first quarterly sample, the required initial monitoring is reduced to one sample at that entry point. For systems serving 500 to 3,300 people to qualify for this reduced monitoring, the initial monitoring shall have been conducted during the quarter beginning January 1, 1993.

(F) For systems serving more than 3,300 people, which were in existence prior to January 1, 1993, initial monitoring for compliance with the MCLs for VOCs established by the EPA under 40 CFR 141.61(a) is reduced to one sample for each entry point which meets the following conditions:

(I) VOC monitoring required by the Department between January 1, 1988, and December 31, 1992, has been conducted and no VOCs regulated under 40 CFR 141.61(a) were detected.

(II) The first quarter monitoring required by this paragraph has been conducted during the first quarter of the system's scheduled monitoring year under this paragraph, with no detection of a VOC.

(G) Systems with new entry points associated with new sources which are permitted under Subchapter E (relating to permit requirements) to begin operation after December 31, 1992, shall conduct initial monitoring as follows. New entry points shall be monitored quarterly, beginning the first full quarter the entry point begins serving the public.

(iii) *Repeat monitoring for entry points at which a VOC is detected.* For entry points at which a VOC is detected at a level equal to or greater than 0.0005 mg/L, then:

(A) Monitoring shall be repeated quarterly beginning the quarter following the detection for VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), until reduced monitoring is granted in accordance with this subparagraph.

(B) The Department may decrease the quarterly monitoring requirement specified in clause (A) provided it has determined that the system is reliably and consistently below the MCL. For an initial detection of a VOC, the Department will not make this determination until the water system obtains results from a minimum of four consecutive quarterly samples that are reliably and consistently below the MCL.

* * * * *

(6) *Monitoring requirements for SOCs (pesticides and PCBs).* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for SOCs established by the EPA under 40 CFR 141.61(c). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.24(h), incorporated herein by reference except as modified by this chapter.

(i) *Initial monitoring.* Initial monitoring shall consist of 4 consecutive quarterly samples at each entry point beginning during the quarter beginning January 1, 1995,

except for systems which are granted an initial monitoring waiver in accordance with subparagraph (vii). Systems which monitor during the initial monitoring period but begin monitoring before 1995 shall begin monitoring during the first calendar quarter of the year. New entry points associated with new sources which are vulnerable to SOC contamination, as determined in accordance with subparagraph (vii), and which begin operation after March 31, 1995, shall be monitored quarterly, beginning the first full quarter the entry point begins serving the public.

(ii) *Repeat monitoring for SOCs that are detected.* If an SOC is detected (as defined by the EPA under 40 CFR 141.24(h)(18) or by the Department), then:

(A) Monitoring for the detected SOC shall be conducted quarterly, beginning the quarter following the detection, until reduced monitoring is granted in accordance with this subparagraph.

(B) The Department may decrease the quarterly monitoring requirement specified in clause (A) provided it has determined that the system is reliably and consistently below the MCL. For an initial detection of a SOC, the Department will not make this determination until the water system obtains results from a minimum of four consecutive quarterly samples that are reliably and consistently below the MCL.

(C) If the Department determines that the system is reliably and consistently below the MCL, the Department may allow the system to monitor annually. Systems which monitor annually shall monitor during the quarter that previously yielded the highest analytical result, or as specified by the Department.

(D) Systems which have 3 consecutive years of quarterly or annual samples with no detection of a contaminant may apply to the Department for a waiver as specified in subparagraph (vii). A waiver is effective for one compliance period and may be renewed in each subsequent compliance period.

(E) For entry points at which either heptachlor or heptachlor epoxide is detected during the initial round of consecutive quarterly samples, or in subsequent repeat samples, the monitoring shall be continued for both contaminants in accordance with the more frequent monitoring required of the two contaminants based on the level at which each is detected.

(iii) *Repeat monitoring for SOCs that are not detected.* For entry points at which SOCs are not detected during the first year of quarterly monitoring, the required monitoring is reduced to one sample in each 3-year compliance period for systems serving 3,300 or fewer persons and to 2 consecutive quarterly samples in each compliance period for systems serving more than 3,300 persons. Reduced monitoring shall be conducted at 3-year intervals from the year of required initial VOC monitoring, in accordance with paragraph (5)(ii).

(iv) *Repeat monitoring for SOCs with MCL exceedances.* For entry points at which an SOC MCL is exceeded, monitoring for the detected SOC shall be conducted quarterly, beginning the quarter following the exceedance. Quarterly monitoring shall continue until a minimum of 4 consecutive quarterly samples shows the system is in compliance as specified in subparagraph (ix) and the Department determines the system is reliably and consistently below the MCL. If the Department determines that the system is in compliance and is reliably and consis-

tently below the MCL, the Department may allow the system to monitor in accordance with subparagraph (ii)(C).

(v) *Confirmation samples.* A confirmation sample shall be collected and analyzed for each SOC listed under 40 CFR 141.61(c) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of the water supplier receiving notification from the accredited laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation samples will be used to determine compliance. Confirmation monitoring shall be completed by the deadline specified for SOC compliance monitoring.

(vi) *Reduced monitoring.* When reduced monitoring is provided under subparagraph (ii) or (iii), the system shall monitor the entry point during the second calendar year quarter, or the second and third calendar year quarter when 2 quarterly samples are required in each compliance period, unless otherwise specified by the Department. The reduced monitoring option in subparagraph (iii) does not apply to entry points at which treatment has been installed for SOC removal. Compliance monitoring for SOCs for which treatment has been installed to comply with an MCL shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(vii) *Waivers.* A waiver will be granted to a public water supplier from conducting the initial compliance monitoring or repeat monitoring, or both, for an SOC based on documentation provided by the public water supplier and a determination by the Department that the criteria in clause (B), (C) or (D) has been met. A waiver is effective for one compliance period and may be renewed in each subsequent compliance period. If the Department has not granted a use waiver in accordance with clause (B), the public water supplier is responsible for submitting a waiver application and renewal application to the Department for review in accordance with clause (B), (C) or (D) for specific entry points. Waiver applications will be evaluated relative to the vulnerability assessment area described in clause (A) and the criteria in clause (B), (C) or (D). Entry points at which treatment has been installed to remove an SOC are not eligible for a monitoring waiver for the SOCs for which treatment has been installed.

(A) *Vulnerability assessment area for SOCs including dioxin and PCBs.*

(I) For groundwater or GUDI entry points, the vulnerability assessment area shall consist of wellhead protection area Zones I and II.

(II) For surface water entry points, the vulnerability assessment area shall consist of the area that supplies water to the entry point and is separated from other watersheds by the highest topographic contour.

(B) *Use waivers.* A use waiver will be granted by the Department for contaminants which the Department has determined have not been used, stored, manufactured, transported or disposed of in this Commonwealth, or portions of this Commonwealth. A use waiver specific to a particular entry point requires that an SOC was not used, stored, manufactured, transported or disposed of in the vulnerability assessment area. If use waiver criteria cannot be met, a public water supplier may apply for a susceptibility waiver.

(C) *Susceptibility waivers.* A susceptibility waiver for specific contaminants may be granted based on the following criteria, and only applies to groundwater entry points:

(I) Previous analytical results.

(II) Environmental persistence and transport of the contaminant.

(III) Proximity of the drinking water source to point or nonpoint source contamination.

(IV) Elevated nitrate levels as an indicator of the potential for pesticide contamination.

(V) Extent of source water protection or approved wellhead protection program.

(D) *Waiver requests and renewals.* Waiver requests and renewals shall be submitted to the Department, on forms provided by the Department, for review and approval prior to the end of the applicable monitoring period. Until the waiver request or renewal is approved, the public water system is responsible for conducting all required monitoring.

(viii) *Invalidation of SOC samples.*

(A) The Department may invalidate results of obvious sampling errors.

(B) An SOC sample invalidated under this subparagraph does not count towards meeting the minimum monitoring requirements of this paragraph.

(ix) *Compliance determinations.* Compliance with the SOC MCLs shall be determined based on the analytical results obtained at each entry point. If one entry point is in violation of an MCL, the system is in violation of the MCL.

(A) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average of all samples taken at each entry point.

(B) If monitoring is conducted annually or less frequently, the system is out of compliance if the level of a contaminant at any entry point is greater than the MCL. If a confirmation sample is collected as specified in subparagraph (v), compliance is determined using the average of the two sample results.

(C) If any sample result will cause the running annual average to exceed the MCL at any entry point, the system is out of compliance with the MCL immediately.

(D) If a system fails to collect the required number of samples, compliance with the MCL will be based on the total number of samples collected.

(E) If a sample result is less than the detection limit, zero will be used to calculate compliance.

(7) *Monitoring requirements for IOCs.* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for IOCs established by the EPA under 40 CFR 141.62 (relating to maximum contaminant levels for inorganic contaminants). Transient noncommunity water suppliers shall monitor for compliance with the MCLs for nitrate and nitrite. The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.23 (relating to inorganic chemical sampling and analytical requirements). The requirements are incorporated by reference except as modified by this chapter.

(i) *Monitoring requirements for asbestos.*

(A) *Monitoring frequency.* Community water systems and nontransient noncommunity water systems not granted a waiver under clause (F) shall monitor for compliance with the MCL for asbestos by taking one sample at each vulnerable sampling point during the first 3-year compliance period of each 9-year compliance cycle, with the initial compliance monitoring beginning not later than the calendar year beginning January 1, 1995.

(B) *Sampling points.* A system shall monitor at the following locations:

(I) Each entry point to the distribution system.

(II) At least one representative location within the distribution system identified in a written sample site plan that includes a materials evaluation of the distribution system. The written sample site plan shall be maintained on record and submitted to the Department prior to conducting initial monitoring or upon request.

(C) *Monitoring of new entry points.* New entry points which begin operation after December 31, 1995, shall conduct initial monitoring during the first compliance period of the first compliance cycle after the entry point begins serving the public, if the Department determines that a waiver cannot be granted in accordance with clause (F).

(D) *Repeat monitoring for systems that exceed the asbestos MCL.* If a sample exceeds the MCL for asbestos, the monitoring at that sampling point shall be continued quarterly beginning in the quarter following the MCL exceedance. After four consecutive quarterly samples with results reliably and consistently below the MCL at that entry point, the required monitoring is reduced to one sample at that entry point during the first 3-year compliance period of each subsequent 9-year compliance cycle, if treatment has not been installed to remove asbestos from the source water. Compliance monitoring at entry points at which treatment has been installed to remove asbestos from source water shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(E) *Confirmation samples.* For asbestos sample results in excess of the MCL during annual or less frequent compliance monitoring, the water supplier shall take a confirmation sample within 2 weeks of notification by the accredited laboratory performing the analysis. The average of the results of the original and the confirmation sample will be used to determine compliance. Monitoring shall be completed by the deadline specified for asbestos compliance monitoring.

(F) *Waivers for asbestos monitoring.* A waiver will be granted to a public water supplier from conducting compliance monitoring for asbestos based on documentation provided by the public water supplier and a determination by the Department that the criteria in this clause have been met. A waiver is effective for one compliance period and may be renewed in each subsequent compliance period. Entry points at which treatment has been installed to remove asbestos are not eligible for a monitoring waiver.

(I) A waiver for entry point compliance monitoring may be granted if the sources supplying the entry point are not vulnerable to asbestos contamination.

(II) A waiver for distribution system monitoring may be granted if the distribution system does not contain asbestos cement pipe as indicated in the materials evaluation or if the water system has optimized corrosion control as specified in Subchapter K (relating to lead and copper).

(III) Waiver requests and renewals shall be submitted to the Department, on forms provided by the Department, for review and approval prior to the end of the applicable monitoring period. Until the waiver request or renewal is approved, the public water system is responsible for conducting all required monitoring.

(ii) *Monitoring requirements for nitrate and nitrite.*

(A) *Initial monitoring schedule.* A public water system shall begin monitoring for nitrate and nitrite by taking one annual sample at each groundwater or GUDI entry point to the distribution system beginning during the year beginning January 1, 1993. Community water systems and nontransient noncommunity water systems with surface water sources shall monitor quarterly at each surface water entry point for nitrate and nitrite beginning during the quarter beginning January 1, 1993. Transient noncommunity water systems shall monitor each surface water entry point by taking one annual sample beginning during the year beginning January 1, 1993.

(B) *Monitoring of new entry points.*

(I) New community and nontransient noncommunity surface water entry points associated with new sources shall be monitored quarterly, beginning the first full quarter the entry point begins serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with clause (C)(II) or (D).

(II) New community and nontransient noncommunity groundwater or GUDI entry points and new transient noncommunity entry points associated with new sources shall be monitored annually, beginning within 1 year of serving the public.

(C) *Repeat monitoring for systems with nitrate or nitrite levels equal to or greater than 50% of the MCLs.*

(I) For entry points at which initial monitoring results or subsequent monitoring indicate nitrate or nitrite levels equal to or greater than 50% of the MCL, water systems shall begin quarterly monitoring the quarter following detection at that level and continue quarterly monitoring for both nitrate and nitrite, unless reduced monitoring is granted in accordance with subclause (II) or (III).

(II) For surface water entry points, after 4 consecutive quarterly samples at an entry point for a water system indicate nitrate and nitrite levels in each sample are less than 50% of the MCLs, the required compliance monitoring is reduced to 1 sample per year at the entry point. Annual monitoring shall be conducted during the quarter which previously resulted in the highest analytical result, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(III) For groundwater or GUDI entry points, after 4 consecutive quarterly samples at an entry point for a water system indicate nitrate and nitrite levels in each sample are reliably and consistently below the MCL, the required compliance monitoring is reduced to 1 sample per year at the entry point. Annual monitoring shall be conducted during the quarter which previously resulted in the highest analytical result, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(IV) For nitrate or nitrite sample results in excess of the MCLs, the water supplier shall take a confirmation sample within 24 hours of having received the original sample result. A water supplier that is unable to comply with the 24-hour sampling requirement shall immediately

notify persons served by the public water system in accordance with § 109.408. Systems exercising this option shall take and analyze a confirmation sample within 2 weeks of notification of the analytical results of the first sample.

(V) Noncommunity water systems for which an alternate nitrate level has been approved by the Department in accordance with 40 CFR 141.11(d) (relating to maximum contaminant levels for inorganic chemicals) are not required to collect a confirmation sample if only the nitrate MCL is exceeded and nitrate is not in excess of the alternate nitrate level. If the alternate nitrate level is exceeded, the water supplier shall collect a confirmation sample within 24 hours after being advised by the certified laboratory performing the analysis that the compliance sample exceeded 20 mg/L for nitrate. Confirmation monitoring shall be completed by the deadline for compliance monitoring.

(VI) Quarterly performance monitoring is required for nitrate and nitrite at entry points where treatment has been installed to remove nitrate or nitrite.

(D) *Repeat monitoring for systems with nitrate and nitrite levels less than 50% of the MCLs.* For entry points at which initial monitoring results indicate nitrate and nitrite levels in each sample are less than 50% of the MCLs, nitrate and nitrite monitoring shall be repeated annually during the calendar quarter which previously resulted in the highest analytical result, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(iii) *Monitoring requirements for antimony, arsenic, barium, beryllium, cadmium, cyanide, chromium, fluoride, mercury, nickel, selenium and thallium.*

(A) *Initial monitoring schedule.* Community water systems and nontransient noncommunity water systems shall monitor each surface water entry point annually beginning during the year beginning January 1, 1993, and shall monitor each groundwater or GUDI entry point once every 3 years beginning during the year beginning January 1, 1994.

(B) *Monitoring of new entry points.* New groundwater or GUDI entry points which begin operation after December 31, 1994, shall begin initial monitoring in accordance with the schedule in clause (A)—that is, 1997, and so forth. New surface water entry points shall begin initial annual monitoring during the first new calendar year after the entry point begins serving the public.

(C) *Repeat monitoring for entry points at which an IOC MCL is exceeded.*

(I) For entry points at which initial monitoring results or subsequent monitoring indicates an IOC level in excess of the MCL, monitoring shall be repeated quarterly beginning the quarter following detection at that level for each IOC in excess of an MCL, until reduced monitoring is granted in accordance with subclause (II).

(II) After analyses of four consecutive quarterly samples indicate that contaminant levels are reliably and consistently below the MCLs, the required monitoring at an entry point where treatment has not been installed to comply with an IOC MCL for each IOC that is reliably and consistently below the MCL is reduced to the frequencies stated in clause (A). This reduced monitoring option does not apply to entry points at which treatment has been installed for IOC removal. Compliance monitoring for IOCs for which treatment has been installed to comply with an MCL shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

* * * * *

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

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(iv) *Bromate.* Community water systems and nontransient noncommunity water systems that use ozone for disinfection or oxidation shall monitor for bromate.

(A) *Routine monitoring.* Systems shall take one sample per month for each treatment plant that uses ozone. Systems shall take the monthly sample at the entrance to the distribution system while the ozonation system is operating under normal conditions.

(B) *Reduced monitoring.*

(I) Until March 31, 2009, systems that have an average source water bromide concentration that is less than 0.05 mg/L based upon representative monthly bromide measurements for 1 year, the required monitoring is reduced from monthly to quarterly. Systems on reduced monitoring shall continue to take monthly samples for source water bromide. If the running annual average source water bromide concentration, computed quarterly, equals or exceeds 0.05 mg/L based upon representative monthly measurements, the system shall revert to routine monitoring as prescribed by clause (A).

(II) Beginning April 1, 2009, a system required to analyze for bromate may reduce monitoring from monthly to quarterly, if the system's running annual average bromate concentration computed quarterly is less than or equal to 0.0025 mg/L based on monthly measurements as prescribed in clause (A) analyzed using methods specified in 40 CFR 141.132(b)(3)(ii)(B) for the most recent 4 quarters. Systems qualifying for reduced bromate monitoring under subclause (I) may remain on reduced monitoring as long as the running annual average of quarterly bromate samples analyzed using methods specified in 40 CFR 141.132(b)(3)(ii)(B) is less than or equal to 0.0025 mg/L. If the running annual average bromate concentration is greater than 0.0025 mg/L, the system shall resume routine monitoring as prescribed under clause (A).

(v) *DBP precursors.* Community water systems and nontransient noncommunity water systems that use ei-

ther surface water or GUDI sources and that use conventional filtration shall monitor for disinfection byproduct precursors.

(A) *Routine monitoring.* Systems shall take monthly samples of the source water alkalinity, the source water TOC and postsedimentation TOC for each treatment plant that uses conventional filtration. Postsedimentation TOC can be taken at any point between sedimentation effluent and the entry point to the distribution system. The three samples shall be taken concurrently and at a time that is representative of both normal operating conditions and influent water quality.

(B) *Reduced monitoring.* For systems with an average postsedimentation TOC of less than 2.0 mg/L for 2-consecutive years, or less than 1.0 mg/L for 1 year, the required monitoring for source water alkalinity, source TOC and postsedimentation TOC is reduced from monthly to quarterly for each applicable treatment plant. The system shall revert to routine monitoring as prescribed by clause (A) in the month following the quarter when the annual average postsedimentation TOC is not less than 2.0 mg/L.

(C) *Early monitoring.* Systems may begin monitoring to determine whether the TOC removal requirements of 40 CFR 141.135(b)(1) (relating to treatment technique for control of disinfection byproduct (DBP) precursors) can be met 12 months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the requirements of 40 CFR 141.135(b)(1) and shall therefore apply for alternate minimum TOC removal requirements under 40 CFR 141.135(b)(4) is not eligible for retroactive approval of the alternate minimum TOC removal requirements and is in violation. Systems may apply for alternate minimum TOC removal requirements any time after the compliance date.

(13) *Monitoring requirements for disinfectant residuals.* Community water systems and nontransient noncommunity water systems that use either chlorine or chloramines or that obtain finished water from another public water system that uses either chlorine or chloramines, and transient noncommunity water systems that install chemical disinfection treatment in accordance with § 109.1302(b) (relating to treatment technique requirements) shall monitor for residual disinfectant concentration in accordance with this paragraph. Community water systems, nontransient noncommunity water systems and transient noncommunity water systems that use chlorine dioxide to treat the finished water shall monitor for chlorine dioxide in accordance with this paragraph. Systems monitoring for residual disinfectant concentration shall take all samples during normal operating conditions. Compliance with the MRDLs and monitoring requirements for chlorine, chloramines and chlorine dioxide (where applicable) shall be determined in accordance with 40 CFR 141.132 and 141.133 which are incorporated herein by reference. Compliance with the minimum residual disinfectant concentration shall be determined in accordance with § 109.710.

(i) *Chlorine and chloramines.*

(A) Until April 28, 2019, systems shall measure the residual disinfectant level at the same points in the distribution system and at the same time that total coliforms are sampled, as specified in paragraph (3). Systems that used either surface water or GUDI sources

may use the results of residual disinfectant concentration sampling conducted under paragraph (1) or (2) in lieu of taking separate samples.

(B) Beginning April 29, 2019, systems shall measure the residual disinfectant concentration in accordance with a sample siting plan as specified in § 109.701(a)(8) and as follows:

(I) Public water systems shall monitor the residual disinfectant concentration at the same time and from the same location that a total coliform sample is collected as specified in paragraph (3)(i) and (ii). Systems that use either surface water or GUDI sources may use the results of residual disinfectant concentration sampling conducted under paragraph (1) or (2) instead of taking separate samples. Measurements taken under this clause may be used to meet the requirements under subclause (II).

(II) Public water systems shall monitor the residual disinfectant concentration at representative locations in the distribution system at least once per week.

(III) A public water system that does not maintain the minimum residual disinfectant concentration specified in § 109.710 at one or more sample sites shall include those sample sites in the monitoring conducted the following month.

(IV) Compliance with the minimum residual disinfectant concentration shall be determined in accordance with § 109.710.

(V) A public water system may substitute online residual disinfectant concentration monitoring and recording for grab sample monitoring and manual recording if it validates the online measurement for accuracy in accordance with § 109.304.

(ii) *Chlorine dioxide.*

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§ 109.303. Sampling requirements.

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(e) Compliance monitoring samples for the contaminants listed under 40 CFR 141.40(a), 141.61(a) and (c), 141.62 and 141.88 may be composited in accordance with 40 CFR 141.23(a)(4), 141.24(f)(14) and (h)(10) and 141.88(a)(1)(iv) (relating to inorganic chemical sampling and analytical requirements; organic chemicals, sampling and analytical requirements; and monitoring requirements for lead and copper in source water) except:

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Subchapter D. PUBLIC NOTIFICATION

§ 109.408. Tier 1 public notice—categories, timing and delivery of notice.

(a) *General violation categories and other situations requiring a Tier 1 public notice.* A public water supplier shall provide Tier 1 public notice for the following circumstances:

(1) Violation of the MCL for *E. coli*, as specified in § 109.202(a)(2) (relating to State MCLs, MRDLs and treatment technique requirements), or when the water supplier fails to test for *E. coli* when any check sample tests positive for coliforms, as specified in § 109.301(3) (relating to general monitoring requirements).

(2) Violation of the MCL for nitrate, nitrite or total nitrate and nitrite, as defined in § 109.202(a)(2), or when the water supplier fails to take a confirmation sample within 24 hours of the system's receipt of the first sample

showing an exceedance of the nitrate or nitrite MCL, as specified in § 109.301(7)(ii)(C)(IV) and (V).

(3) Exceedance of the nitrate MCL by noncommunity water systems, when permitted by the Department in writing to exceed the MCL in accordance with 40 CFR 141.11(d) (relating to maximum contaminant levels for inorganic chemicals).

(4) Violation of the MRDL for chlorine dioxide, as defined in § 109.202(f)(2), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water supplier does not take the required samples in the distribution system, as specified in § 109.301.

(5) Violation of the turbidity MCL of 5 NTU based on an average for 2 consecutive days by a public water system using an unfiltered surface water source, as specified in § 109.202(a)(2).

(6) Violation of a treatment technique requirement for pathogenic bacteria, viruses and protozoan cysts as defined in § 109.202(c), resulting from:

- (i) A single exceedance of the maximum allowable turbidity limit.
- (ii) A failure to meet the minimum log inactivation for more than 4 hours.
- (iii) A failure to maintain the minimum entry point residual disinfectant concentration for more than 4 hours and either of the following:

- (A) A failure to calculate the log inactivation in accordance with § 109.301(1)(v) and (vi).
- (B) A failure to meet the minimum log inactivation for more than 4 hours.

(7) Violation of a treatment technique requirement for *Cryptosporidium* as defined in § 109.1203 (relating to bin classification and treatment technique requirements), resulting from a failure to provide the level of treatment appropriate for the systems bin classification.

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Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES

§ 109.701. Reporting and recordkeeping.

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

(1) *General reporting requirements.* Unless a different reporting period is specified in this chapter, the water supplier shall assure that the results of test measurements or analyses required by this chapter are reported to the Department within either the first 10 days following the month in which the result is received or the first 10 days following the end of the required monitoring period as stipulated by the Department, whichever is shorter. The test results shall include the following at a minimum:

- (i) The name, address and public water system identification number (PWSID) of the public water system from which the sample was taken.
- (ii) The name, address and identification number of the laboratory performing the analysis unless the analysis is not required to be performed by a certified laboratory.
- (iii) The results of analytical methods, including negative results.

- (iv) Contaminants.
- (v) Analytical methods used.
- (vi) The date of sample.
- (vii) The date of analysis.
- (viii) Sample location.

(2) *Monthly reporting requirements for performance monitoring.* In addition to the reporting requirements specified in paragraph (1), public water systems shall report performance monitoring data as follows:

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

- (A) For turbidity performance monitoring:
 - (I) The number of days of filtration operation.
 - (II) The number of filtered water turbidity measurements taken each month.
 - (III) The number of filtered water turbidity measurements that are less than or equal to 0.5 NTU for conventional, direct or other filtration technologies, or 1.0 NTU for slow sand or diatomaceous earth filtration technologies.
 - (IV) The date, time and values of any filtered water turbidity measurements exceeding 2.0 NTU.

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

- (-a-) The number of filtered water turbidity measurements that are less than or equal to 0.3 NTU.
- (-b-) The date, time and values of any filtered water turbidity measurements exceeding 1 NTU.

(VI) Instead of subclauses (A)(III) and (IV), beginning January 1, 2005, for public water systems that serve fewer than 10,000 persons and use conventional or direct filtration:

- (-a-) The number of filtered water turbidity measurements that are less than or equal to 0.3 NTU.
- (-b-) The date, time and values of any filtered water turbidity measurements exceeding 1 NTU.

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

- (-a-) The number of filtered water turbidity measurements that are less than or equal to 0.3 NTU or a more stringent turbidity performance level requirement that is based upon onsite studies and is specified by the Department.
- (-b-) The date, time and values of any filtered water turbidity measurements exceeding 1 NTU or a more stringent turbidity performance level requirement that is based upon onsite studies and is specified by the Department.

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

- (I) The date, time and lowest value each day the residual disinfectant concentration remains equal to or greater than the required minimum.

(II) The initial date, time and value for each occurrence that the residual disinfectant concentration is less than the required minimum, and the subsequent date, time and value that the residual disinfectant concentration is equal to or greater than the required minimum.

(III) The date the entry point is not in operation.

(C) For performance monitoring of the log inactivation for *Giardia*, public water systems shall report as follows:

(I) The date, time and lowest log inactivation value for each day the value remains equal to or greater than the required minimum.

(II) The initial date, time and value for each occurrence that the log inactivation is less than the required minimum, and the subsequent date, time and value that the log inactivation is equal to or greater than the required minimum.

(III) The date the entry point is not in operation.

(D) For performance monitoring of the log inactivation for viruses, public water systems using a disinfectant other than chlorine to achieve log inactivation of viruses shall report as follows:

(I) The date, time and lowest log inactivation value for each day the value remains equal to or greater than the required minimum.

(II) The initial date, time and value for each occurrence that the log inactivation is less than the required minimum, and the subsequent date, time and value that the log inactivation is equal to or greater than the required minimum.

(III) The date the entry point is not in operation.

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

(A) For turbidity performance monitoring:

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

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

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

(I) The date, time and lowest value each day the concentration is less than the residual disinfectant concentration required under § 109.202(c)(1)(iii) (relating to State MCLs, MRDLs and treatment technique requirements).

(II) If the concentration does not fall below that required under § 109.202(c)(1)(iii) during the month, report the date, time and lowest value measured that month.

(C) For performance monitoring of the *E. coli* or total coliform density determinations on samples of the source water immediately prior to disinfection: the date, time and value of each sample.

(iii) The test results from performance monitoring required under § 109.301(8)(v) of the residual disinfectant concentration of the water in the distribution system shall include the date, time and value of each sample.

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

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

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

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

(A) The occurrence of a waterborne disease outbreak.

(B) A failure or significant interruption in key water treatment processes.

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

(D) A chemical spill.

(E) An unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination.

(F) An overfeed of a drinking water treatment chemical that exceeds a published maximum use value, such as National Sanitation Foundation's "Maximum Use Value," as applicable.

(G) A situation that causes a loss of positive water pressure in any portion of the distribution system where there is evidence of contamination or a water supplier suspects a high risk of contamination.

(H) A lack of resources that adversely affect operations, such as staff shortages, notification by the power utility of planned lengthy power outages or imminent depletion of treatment chemical inventories.

(iv) Any sample result is *E. coli*-positive.

(4) *Notice.* The water supplier shall, within 10 days of completion of each public notification required under Subchapter D (relating to public notification) with the exception of a CCR, submit to the Department a certification that it has fully complied with the public notification requirements. The water supplier shall include with this certification a representative copy of each type of notice distributed, published, posted and made available to persons served by the system and to the media and a description of the means undertaken to make the notice available.

(5) *Siting plan.* The water supplier shall submit to the Department a written sample siting plan for routine and repeat coliform sampling as required under § 109.301(3) by September 24, 2016. A public water system that begins operation after September 24, 2016, shall submit the sample siting plan prior to serving water to the public.

(i) A sample siting plan must include, at a minimum, the following:

(A) A list of sample site locations as specified in § 109.303(a)(2) (relating to sampling requirements) in the distribution system to be used for routine monitoring purposes.

(B) The name of the company or individual collecting the samples.

(C) A sample collection schedule.

(D) Available repeat monitoring locations for each routine monitoring location.

(E) Triggered source water monitoring locations as specified under § 109.1303 (relating to triggered monitoring requirements for groundwater sources).

(F) The population served by the system.

(G) A description of the accessibility of sample sites.

(H) The beginning and ending dates of each operating season for seasonal systems.

(ii) A water supplier shall revise and resubmit its sample siting plan within 30 days of notification by the Department of a sample siting plan which fails to meet the criteria in subparagraph (i).

(iii) The water supplier shall notify the Department of subsequent revisions to a coliform sample siting plan as they occur. Revisions to a coliform sample siting plan shall be submitted in written form to the Department within 30 days of notifying the Department of the revisions.

(6) *Records.* Upon request by the Department, the water supplier shall submit copies of records required to be maintained under this subchapter.

(7) *Form.* Reports required by this chapter shall be submitted in a manner or form acceptable to the Department.

(8) *Reporting requirements for disinfectant residuals.* In addition to the reporting requirements specified in paragraph (1), public water systems monitoring for disinfectant residuals under § 109.301 shall:

(i) Submit to the Department a written sample siting plan by October 29, 2018. A public water system that begins operation after April 28, 2018, shall submit the sample siting plan prior to serving water to the public. The sample siting plan for disinfectant residuals may be combined with the sample siting plan for coliforms specified in paragraph (5) if all content elements are included. At a minimum, the sample siting plan must include all of the following:

(A) A list of representative sample site locations in the distribution system to be used for residual disinfectant concentration monitoring. Representative locations include the following:

- (I) Dead ends.
- (II) First service connection.
- (III) Finished water storage facilities.
- (IV) Interconnections with other public water systems.
- (V) Areas of high water age.
- (VI) Areas with previous coliform detections.
- (VII) Mixing zones for systems using chlorine and purchasing water from a system using chloramines or for systems using chloramines and purchasing water from a system using chlorine.

(B) Whether the sample site location is also used as a coliform, disinfection byproducts, or lead and copper sampling location.

(C) Whether the sample site location is located within a mixing zone.

(D) Whether online monitoring and recording will be substituted for grab sample measurements at the sample site location and the frequency of measurements by the online analyzer.

(E) A sample collection schedule.

(ii) Submit to the Department a revised sample siting plan within 30 days of notification by the Department that a sample siting plan fails to meet the criteria in clauses (A)—(E).

(iii) Notify the Department of subsequent revisions to a sample siting plan as they occur. Revisions to a sample siting plan shall be submitted in written form to the Department within 30 days of notifying the Department of the revisions.

(IV) Report to the Department the beginning and ending dates when a free chlorine burn is conducted for a system using chloramines.

(V) Report to the Department a daily average if online monitoring and recording is substituted for grab sample measurements.

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

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

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

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§ 109.710. Disinfectant residual in the distribution system.

(a) Until April 28, 2019, a disinfectant residual acceptable to the Department shall be maintained throughout the distribution system of the community water system sufficient to assure compliance with the microbiological MCLs and the treatment technique requirements specified in § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements). The Department will determine the acceptable residual of the disinfectant considering factors such as type and form of disinfectant, temperature and pH of the water, and other characteristics of the water system.

(b) Until April 28, 2019, a public water system that uses surface water or GUDI sources or obtains finished water from another permitted public water system using surface water or GUDI sources shall comply with the following requirements:

(1) As a minimum, a detectable residual disinfectant concentration of 0.02 mg/L measured as total chlorine, combined chlorine or chlorine dioxide shall be maintained throughout the distribution system as demonstrated by monitoring conducted under § 109.301(1) and (2) or (8)(v) (relating to general monitoring requirements).

(2) Sampling points with nondetectable disinfectant residuals which have heterotrophic plate count (HPC) measurements of less than 500/ml are deemed to be in compliance with paragraph (1).

(3) When the requirements of paragraph (1) or (2) cannot be achieved, the supplier shall initiate an investigation under the Department's direction to determine the cause, potential health risks and appropriate remedial measures.

(c) Beginning April 29, 2019, a community water system using a chemical disinfectant or that delivers water that has been treated with a chemical disinfectant shall maintain a minimum residual disinfectant concentration throughout the distribution system sufficient to assure compliance with the microbiological MCLs and the treatment technique requirements specified in § 109.202. The minimum residual disinfectant concentration is 0.2 mg/L or another level approved by the Department for systems

using an alternate oxidizing disinfection treatment. The residual disinfectant concentration shall be measured as follows:

- (1) Free chlorine for systems using chlorine.
- (2) Total chlorine for systems using chloramines.
- (3) Both free chlorine and total chlorine for sampling locations in a mixing zone as identified in the monitoring plan.
- (4) Both free chlorine and total chlorine when a system using chloramines is conducting a free chlorine burn.
- (d) Beginning April 29, 2019, a nontransient noncommunity water system that has installed chemical disinfection or a transient noncommunity water system that has installed chemical disinfection in accordance with § 109.202(c)(1) or § 109.1302(b) (relating to treatment technique requirements) shall maintain a minimum residual disinfectant concentration throughout the distribution system sufficient to assure compliance with the microbiological MCLs and the treatment technique requirements specified in § 109.202. The minimum residual disinfectant concentration is 0.2 mg/L or another level approved by the Department for systems using an alternate oxidizing disinfection treatment. The residual disinfectant concentration shall be measured as follows:

- (1) Free chlorine for systems using chlorine.
- (2) Total chlorine for systems using chloramines.
- (3) Both free chlorine and total chlorine for sampling locations in a mixing zone as identified in the monitoring plan.
- (4) Both free chlorine and total chlorine when a system using chloramines is conducting a free chlorine burn.
- (e) Beginning April 29, 2019, compliance with the disinfectant residual treatment technique will be based on the number of samples collected each month as specified in the system distribution sample siting plan submitted to the Department under § 109.701(a)(8) (relating to reporting and recordkeeping). Compliance will be determined as follows:

- (1) For a public water system that collects less than 40 samples per month and uses only groundwater or purchased groundwater sources, if no more than 1 sample collected per month is less than the minimum level specified in subsection (c) or (d) for 2 consecutive months, the system is in compliance with the treatment technique.
- (2) For a public water system that collects 40 or more samples per month or that uses surface water, GUDI, purchased surface water or purchased GUDI sources, if no more than 5% of the samples collected per month are less than the minimum level specified in subsection (c) or (d) for 2 consecutive months, the system is in compliance with the treatment technique.
- (3) For systems reporting both free and total chlorine residual measurements in accordance with subsections (c) and (d), compliance shall be based on the higher residual measurement.
- (4) A public water system that experiences a treatment technique violation shall notify the Department within 1 hour of discovery of the violation in accordance with § 109.701(a)(3) and issue a Tier 2 public notice in accordance with § 109.409 (relating to Tier 2 public notice—categories, timing and delivery of notice).
- (5) In addition to the requirements in paragraphs (1)—(4), a public water system that fails to meet the minimum level specified in subsection (c) or (d) at any

sample location for 2 consecutive months or more shall conduct an investigation to determine the cause and appropriate corrective actions and shall submit a written report to the Department within 60 days.

(6) The Department may approve in writing an alternate compliance schedule if the water supplier submits a written request with supporting documentation by April 29, 2019.

(f) Public water systems may increase residual chlorine or chloramine, but not chlorine dioxide, disinfectant levels in the distribution system to a level that exceeds the MRDL for that disinfectant and for a time necessary to protect public health or to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm runoff events, source water contamination events or cross-connection events.

§ 109.716. Nitrification control plan.

(a) A public water system that uses chloramines or purchases water that contains chloramines shall develop a nitrification control plan by April 29, 2019. The plan must conform to the guidelines in industry standards such as the American Water Works Association's M56 Manual on Nitrification and contain at least the following information:

- (1) A system-specific monitoring plan that includes, at a minimum:
 - (i) The list of parameters that will be monitored such as pH, free ammonia, total chlorine, monochloramine, HPC, nitrite and nitrate.
 - (ii) The monitoring locations.
 - (iii) The monitoring schedule.
- (2) A response plan with expected water quality ranges and action levels.
- (b) The public water system shall implement the nitrification control plan in accordance with accepted practices of the water supply industry.
- (c) The public water system shall review and update the plan as necessary.
- (d) The plan shall be retained onsite and shall be made available to the Department upon request.

Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS

§ 109.1002. MCLs, MRDLs or treatment techniques.

(a) Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall supply drinking water that complies with the MCLs, MRDLs and treatment technique requirements under §§ 109.202 and 109.203 (relating to State MCLs, MRDLs and treatment technique requirements; and unregulated contaminants). Bottled water systems, vended water systems, retail water facilities and bulk water hauling systems using surface water or GUDI sources shall comply with the requirements in § 109.204 (relating to disinfection profiling and benchmarking). Bottled water systems, vended water systems, retail water facilities and bulk water hauling systems shall provide continuous disinfection for groundwater sources. Water for bottling labeled as mineral water under § 109.1007 (relating to labeling requirements for bottled water systems, vended water systems and retail water facilities) shall comply with the MCLs except that mineral water may exceed the MCL for total dissolved solids.

(b) Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall supply drinking water that contains no more than 0.005 mg/L of lead and no more than 1.0 mg/L copper.

(c) Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall comply with the treatment technique requirements under Subchapter L (relating to long-term 2 enhanced surface water treatment rule).

(d) Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall comply with Subchapter M (relating to additional requirements for groundwater sources). For the purpose of determining compliance with Subchapter M, bottled water and vended systems, retail water facilities and bulk water hauling systems using groundwater sources shall comply with standards pertaining to noncommunity groundwater systems.

§ 109.1003. Monitoring requirements.

(a) *General monitoring requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall monitor for compliance with the MCLs, MRDLs and treatment techniques as follows, except that systems which have installed treatment to comply with a primary MCL shall conduct quarterly operational monitoring for the contaminant which the treatment is designed to remove:

(1) Bottled water systems, retail water facilities and bulk water hauling systems, for each entry point shall:

* * * * *

(ix) *TTHM and HAA5 Stage 2 DBP Rule.* Beginning October 1, 2013, monitor annually for TTHM and HAA5 if the system uses a chemical disinfectant or oxidant to treat the water, or obtains finished water from another public water system that uses a chemical disinfectant or oxidant to treat the water as follows:

(A) *Routine monitoring.* Systems shall take at least one dual sample set per year per entry point during the peak historical month except that systems meeting the conditions in subsection (d) or (e) shall monitor in accordance with § 109.301(12)(ii) (relating to general monitoring requirements).

(B) *Increased monitoring.* If any sample results exceed either a TTHM or HAA5 MCL, the system shall take at least one dual sample set per quarter (every 90 days) per entry point. The system shall return to the sampling frequency of one dual sample set per year per entry point if, after at least 1 year of monitoring, each TTHM sample result is no greater than 0.060 mg/L and each HAA5 sample result is no greater than 0.045 mg/L.

(C) *Compliance determinations.* Compliance with the TTHM and HAA5 MCLs is based on the LRAA.

(I) A system required to monitor quarterly shall calculate LRAAs for TTHM and HAA5 using monitoring results collected under this subparagraph and determine that each LRAA does not exceed the MCL. A system that fails to complete 4 consecutive quarters of monitoring shall calculate compliance with the MCL based on the average of the available data from the most recent 4 quarters. A system that takes more than one sample per quarter at a monitoring location shall average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation.

(II) A system required to monitor yearly or less frequently shall determine that each sample result is less

than the MCL. If any single sample result exceeds the MCL, the system shall comply with the requirements of clause (B). If no sample result exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.

(III) A system required to conduct quarterly monitoring shall make compliance calculations at the end of the 4th calendar quarter that follows the compliance date (or earlier if the LRAA calculated based on fewer than 4 quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters) and at the end of each subsequent calendar quarter. A system required to conduct monitoring at a frequency that is less than quarterly shall make compliance calculations beginning with the first compliance sample taken after the compliance date.

(IV) A system is in violation of the MCL when the LRAA at any location exceeds the MCL for TTHM or HAA5, calculated as specified in subclause (I), or the LRAA calculated based on fewer than 4 quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters. If a system fails to monitor, the system is in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA.

(x) Beginning January 1, 2004, monitor daily for chlorite if the system uses chlorine dioxide for disinfection or oxidation. Systems shall take at least one daily sample at the entry point. If a daily sample exceeds the chlorine MCL, the system shall take three additional samples within 24 hours from the same lot, batch, machine, carrier vehicle or point of delivery. The chlorite MCL is based on the average of the required daily sample plus any additional samples.

(xi) Beginning April 28, 2018, a system using chlorine dioxide shall take one sample per day at each entry point. A violation of the chlorine dioxide MRDL occurs when any entry point sample result exceeds the chlorine dioxide MRDL.

(xii) Beginning January 1, 2004, monitor monthly for bromate if the system uses ozone for disinfection or oxidation.

(A) *Routine monitoring.* Systems shall take one sample per month for each entry point that uses ozone while the ozonation system is operating under normal conditions.

(B) *Reduced monitoring.*

(I) Until March 31, 2009, systems shall reduce monitoring for bromate from monthly to quarterly if the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for 1 year. Systems on reduced monitoring shall continue monthly source water bromide monitoring. If the running annual average source water bromide concentration, computed quarterly, is equal to or exceeds 0.05 mg/L, the system shall revert to routine monitoring as prescribed by clause (A).

(II) Beginning April 1, 2009, a system required to analyze for bromate may reduce monitoring from monthly to quarterly, if each sample result analyzed using methods specified in 40 CFR 141.132(b)(3)(ii)(B) (relating to monitoring requirements) is less than or equal to 0.0025 mg/L based on monthly measurements as prescribed in clause (A) for the most recent 12 months. Systems qualifying for reduced bromate monitoring under subclause (I) may remain on reduced monitoring as long as each sample result analyzed using methods specified

in 40 CFR 141.132(b)(3)(ii)(B) from the previous 12 months is less than or equal to 0.0025 mg/L. If any sample result exceeds 0.0025 mg/L, the system shall resume routine monitoring as prescribed under clause (A).

(xiii) Beginning April 28, 2018, a system that provides filtration of surface water or GUDI sources shall comply with the following:

(A) Maintain a residual at the entry point as specified in § 109.202(c)(1)(ii) (relating to State MCLs, MRDLs and treatment technique requirements).

(B) Monitor residual disinfectant concentration at the entry point in accordance with § 109.301(1)(i)(C).

(C) Report the results in accordance with § 109.701(a)(2).

(xiv) Beginning April 28, 2018, a system that uses or obtains finished water from another permitted public water system using surface water or GUDI sources shall comply with the following requirements:

(A) As a minimum, a detectable residual disinfectant concentration of 0.20 mg/L measured as total chlorine, combined chlorine, chlorine dioxide or another level approved by the Department for systems using an alternate oxidizing disinfection treatment shall be maintained at the entry point as demonstrated by monitoring conducted under § 109.301(1) and (2) or (8)(v).

(B) Sampling points with nondetectable residual disinfectant concentrations which have heterotrophic plate count measurements of less than 500/ml are deemed to be in compliance with clause (A).

(C) When the requirements of clause (A) or (B) cannot be achieved, the supplier shall initiate an investigation under the Department's direction to determine the cause, potential health risks and appropriate remedial measures.

(2) Vended water systems shall monitor in accordance with paragraph (1) except that vended water systems qualifying for permit by rule under § 109.1005(b), for each entry point shall:

(i) Monitor monthly for microbiological contaminants.

(ii) Monitor annually for total dissolved solids, lead and cadmium.

(iii) Conduct special monitoring as required by the Department.

(iv) Beginning April 28, 2018, a system that obtains finished water from another permitted public water system using surface water or GUDI sources shall also monitor in accordance with paragraph (1)(xiv).

(b) *Sampling requirements.*

(1) For bottled water and vended water systems, retail water facilities and bulk water hauling systems, samples taken to determine compliance with subsection (a) shall be taken from each entry point.

(i) For bottled water systems, each entry point means each finished bottled water product. If multiple sources are used for a product and are not blended prior to bottling, the bottled water product for each source shall be considered a different product for monitoring purposes.

(ii) For bulk water hauling systems, retail water facilities and vended water systems, each entry point shall mean a point of delivery to the consumer from each carrier vehicle, machine or dispenser representative of each source.

(2) For the purpose of determining compliance with the monitoring and analytical requirements established under this subchapter, the Department will consider only those samples analyzed by a laboratory accredited by the Department, except that measurements of turbidity, fluoridation operation, residual disinfectant concentration, daily chlorite, temperature and pH may be performed by a person meeting the requirements of § 109.1008(c) (relating to system management responsibilities).

(3) Public water suppliers shall assure that samples for laboratory analysis are properly collected and preserved, are collected in proper containers, do not exceed maximum holding times between collection and analysis and are handled in accordance with guidelines governing quality control which may be established by the Department. A public water supplier who utilizes a certified laboratory for sample collection as well as analysis satisfies the requirements of this subsection.

(4) Compliance monitoring samples for VOCs, as required under subsection (a)(1)(iii), shall be collected by a person properly trained by a laboratory certified by the Department to conduct VOC or vinyl chloride analysis.

(5) Compliance monitoring samples required under subsection (a)(1)(iii) may be composited in accordance with 40 CFR 141.24(g)(7) (relating to organic chemicals, sampling and analytical requirements) except:

(i) Samples from groundwater entry points may not be composited with samples from surface water entry points.

(ii) Samples from one type of bottled water product or vended water product may not be composited with samples from another type of bottled water product or vended water product.

(iii) Samples used in compositing shall be collected in duplicate.

(iv) If a VOC listed under 40 CFR 141.61(a) is detected at an entry point, samples from that entry point may not be composited for subsequent compliance or repeat monitoring requirements.

(v) Samples obtained from an entry point which contains water treated by a community water supplier or nontransient noncommunity water supplier to specifically meet an MCL for a VOC listed under 40 CFR 141.61(a) may not be composited with other entry point samples.

(6) Sampling and analysis shall be performed in accordance with analytical techniques adopted by the EPA under the Federal act or methods approved by the Department.

(c) *Repeat monitoring for microbiological contaminants.*

(1) If a sample collected in accordance with subsection (a)(1)(i) or (2)(i) is found to be total coliform-positive:

(i) The bottled water system shall collect a set of three additional samples (check) from the same lot or batch of the type of product.

(ii) The vended water, retail water facility or bulk water hauling systems shall collect a set of three additional samples (check) from the same entry point (machine, point of delivery or carrier vehicle).

(2) Samples shall be collected for analysis within 24 hours of being notified of the total coliform-positive sample. The Department may extend this 24-hour collection limit to a maximum of 72 hours if the system adequately demonstrates a logistical problem outside the system's control in having the check samples analyzed within 30 hours of collection. A logistical problem outside

the system's control may include a coliform-positive result received over a holiday or weekend in which the services of a Department certified laboratory are not available within the prescribed sample holding time.

(3) At a minimum, the system shall collect one set of check samples for each total coliform-positive routine sample. If a check sample is total coliform-positive, the public water system shall collect additional check samples in the manner specified in this subsection. The system shall continue to collect check samples until either total coliforms are not detected in a set of check samples, or the system determines that an assessment has been triggered under § 109.202(c)(4).

(d) *A bulk water hauling system that serves at least 25 of the same persons year around.* A bulk water hauling system that is determined by the Department to serve at least 25 of the same persons year round shall also comply with the monitoring requirements for community water systems in accordance with § 109.301.

(e) *A bulk water hauling system, vended water system or retail water facility that serves at least 25 of the same persons over 6 months per year.* A bulk water hauling system, vended water system or retail water facility that is determined by the Department to serve at least 25 of the same persons over 6 months per year shall also comply with the monitoring requirements for nontransient noncommunity water systems in accordance with § 109.301.

(f) *Additional monitoring requirements for surface water and GUDI sources.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall comply with the monitoring requirements under Subchapter L (relating to long-term 2 enhanced surface water treatment rule).

(g) *Additional monitoring requirements for groundwater sources.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall comply with the monitoring requirements under Subchapter M (relating to additional requirements for groundwater sources).

(h) *Compliance determinations.* Compliance with MCLs, MRDLs and treatment techniques shall be determined in accordance with §§ 109.202 and 109.301.

(i) *Special monitoring requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall comply with § 109.302 (relating to special monitoring requirements).

§ 109.1004. Public notification.

(a) *General public notification requirements.* A bottled water supplier shall give public notification in accordance with this section. A bulk water hauler, vended water supplier or retail water supplier shall give public notification in accordance with Subchapter D (relating to public notification). For the purpose of establishing a bulk hauling, vended or retail water supplier's responsibilities under Subchapter D, a bulk water supplier shall comply with the public notification requirements specified for a community water system and a vended or retail water supplier shall comply with the public notification requirements specified for a noncommunity water system.

(1) A bottled water supplier who knows that a primary MCL or an MRDL has been exceeded or treatment technique performance standard has been violated or has reason to believe that circumstances exist which may adversely affect the quality of drinking water, including, but not limited to, source contamination, spills, accidents,

natural disasters or breakdowns in treatment, shall report the circumstances to the Department within 1 hour of discovery of the problem.

(2) If the Department determines, based upon information provided by the bottled water supplier or other information available to the Department, that the circumstances present an imminent hazard to the public health, the water supplier shall issue a water supply warning approved by the Department and, if applicable, initiate a program for product recall approved by the Department under this subsection. The water supplier shall be responsible for disseminating the notice in a manner designed to inform users who may be affected by the problem.

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§ 109.1008. System management responsibilities.

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(b) *Operation and maintenance plan requirements.* Bottled water, vended water, retail water and bulk water suppliers shall develop an operation and maintenance plan for each system. The operation and maintenance plan shall conform to the guidelines contained in Part III of the Department's *Public Water Supply Manual* which is available from the Bureau of Safe Drinking Water, Post Office Box 8467, Harrisburg, Pennsylvania 17105-8467. The water supplier shall implement the operation and maintenance plan in accordance with this chapter, and if appropriate in accordance with accepted practices of the bottled water, vended water, retail water facility or bulk water hauling industry. The plan shall be reviewed and updated as necessary to reflect changes in the operation or maintenance of the water system. The plan shall be bound and placed in locations which are readily accessible to the water system's personnel, and shall be presented upon request to the Department.

(c) *Operator requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall have competent personnel qualified to operate and maintain the system's facilities.

(d) *Annual system evaluation requirements.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall conduct an evaluation of the water system at least annually that includes the activities listed in paragraphs (1)—(4). A bottled water, vended water, bulk water hauling system or retail water facility obtaining finished water from a permitted public water system is not required to perform the activities in paragraphs (1) and (2) if the Department determines that there are no potential problems necessitating inspection and evaluation of the source.

(1) Watershed surveillance consisting of an inspection of portions of the drainage area necessary to identify and evaluate actual and probable sources of contamination.

(2) Evaluation of source construction and protection and, when appropriate, withdrawal and transmission facilities.

(3) Treatment facilities inspection consisting of an evaluation of the effectiveness of the operation and maintenance procedures and the condition and operability of permitted facilities.

(4) Evaluation of finished water storage facilities.

(e) *Emergency response requirements.*

(1) A bottled water, vended water, retail water or bulk water supplier who knows or has reason to believe that circumstances exist which may adversely affect the qual-

ity of drinking water supplied by the system, shall notify the Department immediately under § 109.1004 (relating to public notification).

(2) The bottled water, vended water, retail water or bulk water supplier shall develop a plan for product recall under emergency circumstances, and submit the plan to the Department for approval. The plan shall:

(i) Identify detailed procedures for implementing product recalls, including emergency communications and notifications.

(ii) Be kept on file in a readily accessible location by the bottled water, vended water, retail water or bulk water supplier.

(iii) Be reviewed and updated at least annually. A copy of the update shall be included in the annual water supply report to the Department under this section.

(f) *Cross-connection control program.* At the direction of the Department, the bottled water, vended water, retail water or bulk water supplier shall develop and implement a comprehensive control program for the elimination of existing cross-connections or the effective containment of sources of contamination, and prevention of future cross-connections. A description of the program, including the following information, shall be submitted to the Department for approval:

(1) A description of the methods and procedures to be used.

(2) An implementation schedule for the program.

(3) A description of the methods and devices which will be used to protect the water system.

(g) *Level 1 and Level 2 assessments.* Bottled water systems, vended water systems, retail water facilities and bulk water hauling systems shall comply with the requirements of § 109.705(b) (relating to system evaluations and assessments). Bottled water systems, vended water systems, retail water facilities and bulk water hauling systems may use a Nationally-recognized organization which inspects bottled water systems for compliance with 21 CFR Part 129, such as NSF, or another organization, state or country which utilizes an inspection protocol as stringent as NSF's protocols to conduct the Level 2 assessment.

(h) *Seasonal systems.* A bottled water system, vended water system, retail water facility or bulk water hauling system that operates as a seasonal system shall comply with the requirements of § 109.715 (relating to seasonal systems).

(i) *Significant deficiencies.* Bottled water and vended water systems, retail water facilities and bulk water hauling systems shall comply with § 109.705(d) and (e).

(j) *Stage 2 Disinfectants/Disinfection Byproducts Rule monitoring plan and operational evaluation levels.* A bulk water hauling system, vended water system or retail water facility that is determined by the Department to meet the definition of a community or nontransient noncommunity public water system and that uses a chemical disinfectant or that obtains finished water from another public water system that uses a chemical disinfectant or oxidant shall comply with § 109.701(g)(2).

Subchapter K. LEAD AND COPPER

§ 109.1103. Monitoring requirements.

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(c) *Follow-up monitoring after construction or modification of corrosion control treatment facilities.* A system which completes construction or modification of corrosion control treatment facilities in accordance with § 109.1102(b)(2) shall conduct the applicable monitoring specified in this subsection. A system which exceeds the lead action level after construction or modification of corrosion control treatment facilities shall begin lead service line replacement in accordance with § 109.1107(d) (relating to system management responsibilities).

(1) *Lead and copper tap monitoring.* A system shall monitor for lead and copper at the tap during each specified monitoring period at the number of sample sites specified in subsection (a)(1)(v).

(i) A large water system shall monitor during each of two consecutive 6-month monitoring periods beginning no later than January 1, 1997. Following completion of this monitoring, but no later than January 31, 1998, the water supplier shall submit a request for the Department to designate optimal corrosion control treatment performance requirements for the system. Upon approval of the request, the Department will designate water quality parameter performance requirements in accordance with § 109.1102(b)(5) or source water treatment performance requirements in accordance with § 109.1102(b)(4), or both. The water supplier may request, and the Department may designate, performance requirements before the system completes the monitoring for both monitoring periods if the system has never exceeded an action level and the system demonstrates in its request that optimal corrosion control treatment has been achieved. After the Department has designated performance requirements, the system shall monitor in accordance with subsection (d)(1).

(ii) A small or medium water system shall monitor during each of two consecutive 6-month monitoring periods beginning no later than 60 months from the end of the monitoring period in which the action level was exceeded. The water supplier shall submit within 30 days of the end of the second monitoring period a request for the Department to designate optimal corrosion control treatment performance requirements for the system. Upon approval of the request, the Department will designate water quality parameter performance requirements in accordance with § 109.1102(b)(5) or source water treatment performance requirements in accordance with § 109.1102(b)(4). A small or medium water system that does not exceed the lead and copper action levels during each of two consecutive 6-month monitoring periods may reduce the number of sample sites and reduce the frequency of sampling to once per year in accordance with subsection (e)(1)(i). Systems not eligible for reduced monitoring under subsection (e)(1) shall monitor in accordance with subsection (d)(1).

(2) *Water quality parameter monitoring.* A system shall monitor for the applicable water quality parameters specified in subparagraph (iii) in the distribution system during each specified monitoring period at the number of sites specified in subsection (a)(2)(ii) and at each entry point at least once every 2 weeks.

(i) A large water system shall measure the water quality parameters during each of the two consecutive 6-month monitoring periods in which the system conducts lead and copper tap monitoring under paragraph (1)(i).

(ii) A small or medium water system which is conducting lead and copper tap monitoring in accordance with paragraph (1)(ii) shall measure the water quality parameters during each 6-month monitoring period in which the system exceeds either the lead or copper action level. Distribution system monitoring shall be conducted once during the monitoring period and biweekly entry point monitoring shall continue as long as the system exceeds the action level.

(iii) The water quality parameters shall be measured as follows:

(A) At sites within the distribution system, two sets of samples taken on different days from the same sample sites for:

- (I) pH.
- (II) Alkalinity.
- (III) Orthophosphate, when an inhibitor containing a phosphate compound is used.
- (IV) Silica, when an inhibitor containing a silicate compound is used.
- (V) Calcium, when calcium carbonate stabilization is used as part of corrosion control.

(B) At each entry point, one set of samples every 2 weeks for:

- (I) pH.
- (II) When alkalinity is adjusted as part of corrosion control treatment, a reading of the dosage rate of the chemical used to adjust the alkalinity, and the alkalinity concentration.
- (III) When a corrosion inhibitor is used as part of corrosion control treatment, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica, whichever is applicable.

(3) *Source water monitoring.* A system which installs source water treatment under § 109.1102(b)(4) shall monitor the source water at source water treatment entry points for the parameters for which the source water treatment was installed. The system shall monitor source water during the two consecutive 6-month monitoring periods specified in paragraph (1). Other systems which exceed either the lead or copper action level while conducting lead and copper tap monitoring in accordance with paragraph (1) shall collect one source water sample from each entry point within 6 months after the end of the monitoring period in which the action level was exceeded for the parameters exceeding the action level.

(d) *Monitoring after performance requirements are established.* A system shall conduct the applicable monitoring under this subsection beginning no later than the next 6-month monitoring period that begins on January 1 or July 1 following the Department's designation of optimal corrosion control treatment water quality parameter performance requirements under § 109.1102(b)(5) or source water performance requirements under § 109.1102(b)(4). A system which exceeds the lead action level after construction or modification of corrosion control treatment facilities shall begin lead service line replacement in accordance with § 109.1107(d).

* * * * *

(e) *Reduced monitoring.*

* * * * *

(3) *Reduced monitoring revocation.*

(i) *Reduced monitoring revocation for large water systems.* A large water system authorized to conduct reduced

monitoring under this subsection that fails to meet the lead or copper action level during any 4-month monitoring period or that fails to operate within the range of performance requirements for the water quality parameters specified by the Department under § 109.1102(b)(5) on more than any 9 days in a 6-month period shall comply with the following:

(A) The water supplier shall resume lead and copper tap monitoring in accordance with subsection (d)(1).

(B) The water supplier shall resume water quality parameter distribution sampling in accordance with the number and frequency requirements specified in subsection (d)(2).

(I) A large system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (2) after it has completed two subsequent consecutive 6-month rounds of monitoring that meet the criteria of paragraph (2)(i).

(II) A large system may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (2) after it demonstrates through subsequent rounds of monitoring that it meets the criteria of paragraph (2)(ii).

(C) If either the lead or copper action level is exceeded, the water supplier shall conduct source water monitoring in accordance with subsection (d)(3). Monitoring is required only for the parameter for which the action level was exceeded. For systems on annual or less frequent monitoring, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.

(ii) *Reduced monitoring revocation for small or medium water systems.* A small or medium water system authorized to conduct reduced lead and copper tap monitoring under this subsection that fails to meet the lead or copper action level during any 4-month monitoring period, or a small or medium system that has installed corrosion control treatment in compliance with § 109.1102(b)(2) and that fails to operate within the range of performance requirements for the water quality parameters specified by the Department under § 109.1102(b)(5) on more than any 9 days in a 6-month period, shall comply with the following:

(A) The water supplier shall conduct water quality parameter monitoring during the monitoring period in which the action level is exceeded. The start of the 6-month monitoring period for the water quality parameter monitoring required under this clause must coincide with the start of the annual or triennial tap monitoring period in which the action level was exceeded.

(I) If the system has installed corrosion control treatment in compliance with § 109.1102(b)(2), water quality parameter monitoring shall be conducted in accordance with subsection (c)(2).

(II) If the system has not installed corrosion control treatment, water quality parameter monitoring shall be conducted in accordance with subsection (a)(2) and the system shall conduct corrosion control treatment activities in accordance with § 109.1102(b)(1)(i).

(B) The water supplier shall collect one source water sample from each entry point within 6 months of the end of the monitoring period in which the action level was exceeded. Monitoring is required only for the parameter for which the action level was exceeded. For systems on

annual or less frequent monitoring, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.

(C) If a system has installed corrosion control treatment in compliance with § 109.1102(b)(2), the water supplier shall resume lead and copper tap monitoring in accordance with subsection (d)(1).

(f) *Additional monitoring by systems.* The results of monitoring conducted at specified sites during specified monitoring periods in addition to the minimum requirements of this section shall be considered by the system and the Department in making determinations—such as calculating the 90th percentile lead or copper action level or determining concentrations of water quality parameters—under this subchapter.

(g) *Sample site location plan.* The water supplier shall complete a sample site location plan which includes a materials evaluation of the distribution system, lead and copper tap sample site locations, water quality parameter sample site locations and certification that proper sampling procedures are used. The water supplier shall complete the steps in paragraphs (1)—(3) by the applicable date for commencement of lead and copper tap monitoring under subsection (a)(1) and the step in paragraph (4) following completion of the monitoring. The water supplier shall keep the sample site location plan on record and submit the plan to the Department in accordance with § 109.1107(a)(1).

(1) *Materials evaluation.* A system shall review the following sources of information in order to identify a sufficient number of lead and copper tap sampling sites.

(i) Plumbing codes, permits and records in the files of the building departments of each municipality served by the system which indicate the plumbing materials that are installed within structures connected to the distribution system.

(ii) Inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system.

(iii) Existing water quality information, which includes the results of prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(2) *Lead and copper tap sample site selection.* Lead and copper tap sampling sites are classified as tier 1, tier 2 or tier 3. Tier 1 sites are the highest priority sample sites.

(i) *Site selection for community water systems.* The water supplier shall select all tier 1 sample site locations, if possible. A community water system with an insufficient number of tier 1 sampling sites shall complete its sampling pool with tier 2 sites. Tier 3 sites shall be used to complete the sampling pool if the number of tier 1 and tier 2 sites is insufficient. If the system has an insufficient number of tier 1, tier 2 and tier 3 sites, the water supplier shall sample from other representative sites throughout the distribution system in which the plumbing materials used at the site would be commonly found at other sites served by the system.

(A) Tier 1 sampling sites shall consist of single family structures that have one or more of the following:

- (I) Copper pipes with lead solder installed after 1982.
- (II) Lead pipes.
- (III) Lead service line.

(B) When multiple-family residences comprise at least 20% of the structures served by a water system, the system may consider a representative number of these types of structures as tier 1 sites in its sampling pool, if they meet the other criteria in clause (A).

(C) Tier 2 sampling sites shall consist of buildings, including multifamily residences, that have one or more of the following:

- (I) Copper pipes with lead solder installed after 1982.
- (II) Lead pipes.
- (III) Lead service line.

(D) Tier 3 sampling sites shall consist of single family structures, constructed as a single family residence and currently used as either a residence or business, that contain copper pipes with lead solder installed before 1983.

(ii) *Site selection for nontransient noncommunity water systems.*

(A) The water supplier shall select all tier 1 sample site locations, if possible. A nontransient noncommunity water system with an insufficient number of tier 1 sampling sites shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the system shall use representative sites throughout the distribution system in which the plumbing materials used at the site would be commonly found at other sites served by the system.

(B) Tier 1 sampling sites shall consist of buildings that have one or more of the following:

- (I) Copper pipes with lead solder installed after 1982.
- (II) Lead pipes.
- (III) Lead service line.

(iii) *Site selection for community and nontransient noncommunity water systems that have fewer than five taps.* A system that has fewer than five taps that can be used for drinking water that meet the sample site criteria specified in this paragraph shall collect at least one sample from each tap and then collect additional samples from those taps on different days during the monitoring period to meet the required number of sites.

(iv) *Site selection for community and nontransient noncommunity facilities that operate continuously.* A community water system meeting the conditions in § 109.1104(a)(2)(i)(I), or a nontransient noncommunity water system, that operates continuously and that has an insufficient number of taps commonly used for drinking water to take each first-draw sample from a different tap, may apply to the Department, in writing, to substitute nonfirst-draw samples. Upon approval by the Department in writing, these systems shall collect as many first-draw samples as possible from taps that can be used for drinking water that meet the sample site criteria specified in this paragraph. The remaining samples shall be collected at the times and from the sites identified with the longest standing times. Nonfirst-draw samples must be 1-liter in volume and collected from an interior tap that is typically used to provide water for human consumption.

(v) *Sample sites with lead service lines.* A system that has a distribution system containing lead service lines shall draw 50% of the samples it collects during each monitoring period from sites that contain lead pipes or copper pipes with lead solder, and 50% of the samples it collects during each monitoring period from sites served by a lead service line. If a water system cannot identify a sufficient number of sampling sites served by a lead service line, the system shall collect first draw samples from each site identified as being served by a lead service line.

* * * * *

(k) *Monitoring waivers for small systems.* A small system that meets the criteria of this subsection may apply to the Department to reduce the frequency of monitoring for lead and copper under this section to once every 9 years if it meets all of the materials criteria specified in paragraph (1) and all of the monitoring criteria specified in paragraph (2). A system that meets the criteria in paragraphs (1) and (2) only for lead, or only for copper, may apply to the Department for a waiver to reduce the frequency of tap water monitoring to once every 9 years for that contaminant only.

(1) *Materials criteria.* The system shall demonstrate that its distribution system, service lines and all drinking water plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials or copper-containing materials or both as follows:

(i) *Lead.* To qualify for a waiver of tap monitoring requirements for lead, the system shall provide certification and supporting documentation to the Department that the system is free of all lead-containing materials as follows:

(A) It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers.

(B) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless the fittings and fixtures meet the specifications of any standard established under 42 U.S.C.A. § 300g-6(e) (relating to plumbing fittings and fixtures).

(ii) *Copper.* To qualify for a waiver of the tap water monitoring requirements for copper, the system shall provide certification and supporting documentation to the Department that the system contains no copper pipes or copper service lines.

(2) *Monitoring criteria for waiver issuance.* The system shall have completed at least one 6-month round of routine tap water monitoring for lead and copper at sites approved by the Department and from the number of sites as required under subsection (a)(1)(v). The system shall demonstrate that the 90th percentile levels for all rounds of monitoring conducted since the system became free of all lead-containing or copper-containing materials, as appropriate, meet the following criteria:

(i) *Lead levels.* To qualify for a waiver of the lead tap monitoring, the system shall demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

(ii) *Copper levels.* To qualify for a waiver of the copper tap monitoring, the system shall demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.

(3) *Department approval of waiver application.* The Department will notify the system of its waiver determi-

nation, in writing, setting forth the basis of the decision and any condition of the waiver. A system shall continue monitoring for lead and copper at the tap as required by this section until it receives written notification from the Department that the waiver has been approved.

(4) *Monitoring frequency for systems with waivers.*

(i) A system shall conduct tap water monitoring for the contaminant waived in accordance with subsection (e)(1)(iii) at the reduced number of sites identified in subsection (e) at least once every 9 years and provide the materials certification specified in paragraph (1) for the contaminants waived along with the monitoring results. Monitoring shall be conducted during the last year of each 9-year compliance cycle—for example 2010, 2019, 2028 and so forth.

(ii) A system shall continue to monitor for any nonwaived contaminants in accordance with subsection (a)(1), as appropriate.

(iii) A system with a waiver shall notify the Department, in writing, within 60 days after becoming aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, as a result of new construction or repair.

(5) *Continued eligibility.* If the system continues to satisfy the requirements of paragraph (4), the waiver will be renewed automatically unless any of the conditions listed in subparagraph (i)—(iii) occurs. A system whose waiver has been revoked may reapply for a waiver when it again meets the appropriate materials and monitoring criteria of paragraphs (1) and (2).

(i) A system with a lead waiver no longer satisfies the materials criteria of paragraph (1)(i) or has a 90th percentile lead level greater than 0.005 mg/L.

(ii) A system with a copper waiver no longer satisfies the materials criteria of subsection (k)(1)(ii) or has a 90th percentile copper level greater than 0.65 mg/L.

(iii) The Department notifies the system, in writing, that the waiver has been revoked.

(6) *Requirements following waiver revocation.* A water system whose waiver has been revoked is subject to the corrosion control treatment, and lead and copper tap water monitoring requirements as follows:

(i) If the system exceeds the lead or copper, or both, action level, the system shall implement corrosion control treatment in accordance with § 109.1102(b), and any other applicable requirements of this subchapter.

(ii) If the system meets both the lead and copper action levels, the system shall monitor for lead and copper at the tap no less frequently than once every 3 years in accordance with the frequency, timing and the reduced number of sample sites specified in subsection (e).

§ 109.1107. System management responsibilities.

* * * * *

(d) *Lead service line replacement.*

(1) *Initiation of lead service line replacement.* A system that exceeds the lead action level when conducting lead and copper tap monitoring in accordance with § 109.1103(c)(1) or (d)(1) after construction or modification of corrosion control treatment facilities shall initiate lead service line replacement. The first year of lead service line replacement begins on the first day following the end of the monitoring period in which the action level was exceeded. If monitoring is required annually or less frequently, the end of the monitoring period is September

30 of the calendar year in which sampling occurred. If the Department has designated an alternate monitoring period in writing, the end of the monitoring period is the last day of the designated alternate monitoring period.

(2) *Replacement schedule.* The water supplier shall replace annually at least 7% of the initial number of lead service lines in place at the beginning of the first year of replacement. The number of lead service lines shall be based on the materials evaluation conducted in accordance with § 109.1103(g)(1). The Department may require a system to replace lead service lines on a shorter schedule where, because of the number of lead service lines in the system, a shorter replacement schedule is feasible. The Department will notify the water supplier in writing within 6 months of the initiation of lead service line replacement of its decision to require a shorter replacement schedule.

(3) *Lead service line sampling.* The water supplier may sample an individual lead service line to determine whether the line is contributing sufficient lead to warrant its replacement. Lead service lines shall be sampled in accordance with § 109.1103(h)(5). The water supplier is not required to replace a lead service line if none of the lead concentrations in any service line samples from that line exceeds 0.015 mg/L.

(4) *Conditions of replacement.* The water supplier shall replace the portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized agent, that the system will replace the portion of the service line that the system owns and shall offer to replace the owner's portion of the line. A system is not required to bear the cost of replacing the privately-owned portion of the line or to replace the privately-owned portion of the line if the owner refuses to pay for the cost of replacement of the privately owned portion of the line, or if any laws prohibit this replacement. A system that does not replace the entire length of service line shall complete the following tasks:

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Subchapter L. LONG-TERM 2 ENHANCED SURFACE WATER TREATMENT RULE

§ 109.1202. Monitoring requirements.

(a) *Initial round of source water monitoring.* A system shall conduct the following monitoring on the schedule in subsection (c) unless it meets the monitoring exemption criteria in subsection (d):

(1) Filtered systems serving at least 10,000 people shall sample their source water for *Cryptosporidium*, *E. coli* and turbidity at least monthly for 24 months.

(2) Unfiltered systems serving at least 10,000 people shall sample their source water for *Cryptosporidium* at least monthly for 24 months.

(3) Filtered systems serving less than 10,000 people shall sample their source water for *E. coli* at least once every 2 weeks for 12 months. A filtered system serving less than 10,000 people may avoid *E. coli* monitoring if the system notifies the Department that it will monitor for *Cryptosporidium* as described in paragraph (4). The system shall notify the Department no later than 3 months prior to the date the system is otherwise required to start *E. coli* monitoring under subsection (c).

(4) Filtered systems serving less than 10,000 people shall sample their source water for *Cryptosporidium* at least twice per month for 12 months or at least monthly

for 24 months if they meet one of the following subparagraphs, based on monitoring conducted under paragraph (3):

(i) For systems using lake/reservoir sources, the annual mean *E. coli* concentration is greater than 100 *E. coli*/100 mL.

(ii) For systems using flowing stream sources, the annual mean *E. coli* concentration is greater than 100 *E. coli*/100 mL.

* * * * *

(i) *Source water sample collection period.* Systems shall collect samples within 2 days before or 2 days after the dates indicated in their sampling schedule (that is, within a 5 day period around the schedule date) unless one of the conditions of paragraph (1) or (2) applies.

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Subchapter M. ADDITIONAL REQUIREMENTS FOR GROUNDWATER SOURCES

§ 109.1302. Treatment technique requirements.

(a) *Community groundwater systems.* Community groundwater systems are required to provide continuous disinfection under § 109.202(c)(3) (relating to State MCLs, MRDLs and treatment technique requirements) and in addition shall:

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[Pa.B. Doc. No. 18-667. Filed for public inspection April 27, 2018, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 809]

General Interactive Gaming Platform Requirements; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its specific authority in 4 Pa.C.S. § 13B03(b) (relating to regulations) and the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers), adds the rules regarding platform operations in connection with interactive gaming in this Commonwealth to read as set forth in Annex A.

Purpose of this Temporary Rulemaking

This temporary rulemaking includes rules regarding platform operations in connection with interactive gaming in this Commonwealth intended to ensure players are not exposed to unnecessary security risks by choosing to participate in interactive gaming in this Commonwealth and to ensure the integrity and security of interactive gaming operations in this Commonwealth.

Explanation of Chapter 809

Chapter 809 (relating to interactive gaming platform requirements—temporary regulations) addresses the physical location of interactive gaming devices and associated equipment used by an interactive gaming certificate holder or an interactive gaming licensee to conduct interactive gaming in this Commonwealth as well as the physical and environmental controls that shall be implemented relative to this equipment. These temporary regulations also delineate proper access, remote or otherwise, to all components of interactive gaming systems.

These temporary regulations establish the interactive gaming system requirements relative to security, integrity, data logging, monitoring, disclosure requirements regarding software and source code, system shutdown and recovery requirements, standards regarding disaster or emergency situations, and geolocation rules.

Affected Parties

Any entity that operates interactive gaming in this Commonwealth, as well as any entity or individual that will interact with platform operations in this Commonwealth, will be affected by this temporary rulemaking. This temporary rulemaking provides interested parties information relative to platform operations in connection with interactive gaming in this Commonwealth.

Fiscal Impact

Commonwealth

The Board expects that this temporary rulemaking will have minimal fiscal impact on the Board and other Commonwealth agencies. Impact should be confined to the additional personnel and expenses related to implementing these rules as well as continued oversight of expanded gaming with portions of these costs absorbed by existing Board staff.

Political subdivisions

This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties benefit from the local share funding mandated by the act of January 7, 2010 (P.L. 1, No. 1).

Private sector

This temporary rulemaking includes rules regarding platform operations in connection with interactive gaming in this Commonwealth. It is anticipated that this temporary rulemaking will have an impact on those individuals seeking to operate a platform in connection interactive gaming in this Commonwealth and those individuals seeking to provide services to platform operators. The fiscal impact to these parties will be offset by revenues collected through the play of interactive games.

General public

This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

Interactive gaming certificate holders, interactive gaming operators, and individuals and entities providing service to those entities in connection with platform operations will be required to generate and maintain various types of information relative to the platform operation, including access logs, revenue information and patron complaint records.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and expires 2 years after publication.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved.

Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Laura R. Burd, Senior Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-213.

Contact Person

The contact person for questions about this temporary rulemaking is Laura R. Burd, Senior Counsel, (717) 346-8300.

Regulatory Review

Under 4 Pa.C.S. § 13B03, the Board has the authority to promulgate temporary regulations to facilitate the prompt implementation of interactive gaming in this Commonwealth. The temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). Under 4 Pa.C.S. § 13B03(c), these temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13B03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and section 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to Pennsylvania Race Horse Development and Gaming Act).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding temporary §§ 809.1—809.8 to read as set forth in Annex A.

(2) The temporary regulations will be posted on the Board's web site.

(3) The temporary regulations are subject to amendment as deemed necessary by the Board.

(4) The Chairperson of the Board has certified this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(5) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin* and expire on April 28, 2020.

DAVID M. BARASCH,
Chairperson

Fiscal Note: 125-213. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD
Subpart L. INTERACTIVE GAMING
CHAPTER 809. INTERACTIVE GAMING
PLATFORM REQUIREMENTS—TEMPORARY
REGULATIONS

Sec.	
809.1.	Scope.
809.2.	Definitions.
809.3.	Location of equipment.
809.4.	Physical and environmental controls for equipment.
809.5.	Access to equipment.
809.6.	System requirements.
809.7.	Geolocation requirements.
809.8.	Security policy requirements.

§ 809.1. Scope.

To ensure players are not exposed to unnecessary security risks by choosing to participate in interactive gaming in this Commonwealth and to ensure the integrity and security of interactive gaming operations in this Commonwealth, the system requirements in this chapter apply to all of the following critical components of an interactive gaming system:

- (1) Interactive gaming system components which record, store, process, share, transmit or retrieve sensitive player information (for example, credit and debit card details, authentication information and player account balances).
- (2) Interactive gaming system components which generate, transmit or process random numbers used to determine the outcome of games or virtual events.
- (3) Interactive gaming system components which store results or the current state of a player's wager.
- (4) Points of entry and exit from the above systems or other systems which are able to communicate directly with core critical systems.
- (5) Communication networks which transmit sensitive player information.

§ 809.2. Definitions.

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

Domain name system—The globally distributed Internet database which maps machine names to IP numbers, and vice versa.

Player device—The device that converts communications from the interactive gaming platform into a human interpretable form and converts human decisions into a communication format understood by the interactive gaming platform. The term includes personal computers, mobile phones, tablets, and the like.

Primary server—First source for Domain Name System data and responds to queries.

Remote access—Any access from outside the interactive gaming system or interactive gaming system network, including access from other networks within the same facility.

Secondary server or redundancy server—A server that shares the same features and capabilities as the primary server serves and acts as a second or substitutive point of contact in case the primary server is unavailable, busy or overloaded.

Stateful protocol—A protocol in which the communication system utilized by the player and the primary or secondary server tracks the state of the communication session.

Stateless protocol—A protocol in which neither the player nor the primary or secondary servers communication systems tracks the state of the communication session.

§ 809.3. Location of equipment.

The Board shall approve the location of all interactive gaming devices and associated equipment used by an interactive gaming certificate holder or interactive gaming operator licensee to conduct interactive gaming. The interactive gaming devices and associated equipment may be located in a restricted area on the premises of the licensed facility, in an interactive gaming restricted area within the geographic limits of the county in this Commonwealth where the licensed facility is situated or any other area, located within the United States, provided the location adheres to all of the following limitations:

(1) The primary server used to resolve domain name service (DNS) inquiries used by an interactive gaming certificate holder or interactive gaming operator licensee to conduct interactive gaming in this Commonwealth must be physically located in a secure data center. At least one secondary server must be able to resolve DNS queries.

(2) Redundancy, secondary and emergency servers used by an interactive gaming certificate holder or interactive gaming operator licensee to conduct interactive gaming in this Commonwealth must be physically located in a secure data center at a separate premises than the primary server.

(3) The Board may require interactive gaming system data necessary to certify revenue and resolve player complaints to be maintained in this Commonwealth in a manner and location approved by the Board. The data must include data related to the calculation of revenue, player transactions, game transactions, game outcomes, responsible gaming and any other data which may be prescribed by the Board. The data must be maintained in a manner which prevents unauthorized access or modification without the prior approval of the Board.

§ 809.4. Physical and environmental controls for equipment.

(a) An interactive gaming system and the associated communications systems must be located in facilities which provide physical protection against damage from fire, flood, hurricane, earthquake, and other forms of natural or manmade disaster by utilizing and implementing at least all of the following measures:

(1) Security perimeters (barriers such as walls, card controlled entry gates or manned reception desks) must be used to protect areas that contain interactive gaming systems components.

(2) Secure areas must be protected by appropriate entry controls to ensure that access is restricted to only authorized personnel.

(3) All access must be recorded in a secure log which is available for inspection by Board staff.

(4) Secure areas must include an intrusion detection system. Attempts at unauthorized access must be logged.

(b) Interactive gaming system servers must be located in server rooms which prohibit unauthorized access.

(c) Interactive gaming system servers must be housed in racks located within a secure area.

(d) Interactive gaming system components must provide all of the following minimum utility support:

(1) Interactive gaming system components must be provided with adequate primary power.

(2) Interactive gaming system components must have uninterruptible power supply equipment to support operations in the event of a power failure.

(3) There must be adequate cooling for the equipment housed in the server area.

(4) Power and telecommunications cabling carrying data or supporting information services must be protected from interception or damage.

(5) There must be adequate fire protection for the interactive gaming system components housed in the server room.

§ 809.5. Access to equipment.

(a) The interactive gaming certificate holder and interactive gaming operator licensee shall limit and control access to the primary server and any secondary servers by ensuring all of the following:

(1) Maintain access codes and other computer security controls.

(2) Maintain logs of user access, security incidents and unusual transactions.

(3) Coordinate and develop an education and training program on information security and privacy matters for employees and other authorized users.

(4) Ensure compliance with all State and Federal information security policies and rules.

(5) Prepare and maintain security-related reports and data.

(6) Develop and implement an incident reporting and response system to address security breaches, policy violations and complaints from external parties.

(7) Develop and implement an ongoing risk assessment program that targets information security and privacy matters by identifying methods for vulnerability detection and remediation and overseeing the testing of those methods.

(b) Remote access to an interactive gaming certificate holder or interactive gaming operator licensee's interactive gaming system is only permitted as follows:

(1) To Board employees upon request and without limitation.

(2) For testing purposes with prior approval from and as limited by the Board.

(3) By employees of an interactive gaming certificate holder or an interactive gaming operator licensee with prior approval from and as limited by the Board.

(c) All interactive gaming certificate holder's or interactive gaming operator licensee's interactive gaming systems must be available for independent testing by the Board, without limitation.

§ 809.6. System requirements.

(a) *Interactive gaming system methodology.* An interactive gaming system shall be designed with a methodology (for example, cryptographic controls) approved by the Board to ensure secure communications between a player's device and the interactive gaming system. When

reviewing the security of an interactive gaming certificate holder or interactive gaming operator licensee's interactive gaming system methodology, the Board will consider all of the following:

(1) The interactive gaming system methodology shall be designed to ensure the integrity and confidentiality of all player communication and ensure the proper identification of the sender and receiver of all communications. If communications are performed across a third-party network, the system must either encrypt the data packets or utilize a secure communications protocol to ensure the integrity and confidentiality of the transmission.

(2) Wireless communications between the player device and the primary or secondary server must be encrypted in transit using a method (for example, AES, IPsec and WPA2) approved by the Board.

(3) An interactive gaming certificate holder or interactive gaming operator licensee shall mask the service set identification of the interactive gaming system network to ensure that it is unavailable to the general public.

(4) All communications that contain patron account numbers, user identification, or passwords and PINs must utilize a secure method of transfer (for example, 128-bit key encryption) approved by the Board.

(5) Only devices authorized by the Board are permitted to establish communications between a player device and an interactive gaming system.

(6) Server-based interactive gaming systems must maintain an internal clock that reflects the current date and time that must be used to synchronize the time and date among all components that comprise the interactive gaming system. The interactive gaming system date and time must be visible to the patron when logged on.

(b) *Change or modification.* Any change or modification to the interactive gaming system which impacts a regulated feature of an approved gaming system, unless otherwise permitted by the Board, requires submission to and approval by the Board or its designee prior to implementation of the change or modification.

(c) *Standards for data logging.* An interactive gaming system must meet all of the following standards regarding data logging:

(1) Interactive gaming systems must employ a mechanism capable of maintaining a separate copy of all of the information required to be logged in this section on a separate and independent logging device capable of being administered by an employee with no incompatible function. If the interactive gaming system can be configured so that any logged data is contained in a secure transaction file, a separate logging device is not required.

(2) Interactive gaming systems must provide a mechanism for the Board to query and export, in a format required by the Board, all interactive gaming system data.

(3) Interactive gaming systems must electronically log the date and time any player gaming account is created or terminated (Account Creation Log).

(4) An interactive gaming system must maintain all information necessary to recreate player game play and account activity during each player session, including any identity or location verifications, for not less than 6 years.

(5) Unless otherwise authorized by the Board, when software is installed on or removed from an interactive gaming system, the action must be recorded in a secure

electronic log (Software Installation/Removal Log), which must include all of the following:

- (i) The date and time of the action.
- (ii) The identification of the software.
- (iii) The identity of the person performing the action.

(6) Unless otherwise authorized by the Board, when a change in the availability of game software is made on an interactive gaming system, the change must be recorded in a secure electronic log (Game Availability Log), which must include:

- (i) The date and time of the change.
- (ii) The identification of the software.
- (iii) The identity of the person performing the change.

(7) Unless otherwise exempted by the Board, an interactive gaming system must record all promotional offers (Promotions Log) issued through the system. The log must provide the information necessary as determined by the Board to audit compliance with the terms and conditions of current and previous offers.

(8) Results of all authentication attempts must be retained in an electronic log (Authentication Log) and accessible for not less than 90 days.

(9) All adjustments to an interactive gaming system data made using stored procedures must be recorded in an electronic log (Adjustments Log), which lists all of the following:

- (i) The date and time.
- (ii) The identification and user ID of user performing the action.
- (iii) A description of the event or action taken.
- (iv) The initial and ending values of any data altered as a part of the event or action performed.

(d) *Security requirements.*

(1) Networks should be logically separated so that there should be no network traffic on a network link which cannot be serviced by hosts on that link.

(2) Networks must meet all of the following requirements to assure security:

(i) The failure of any single item should not result in a denial of service.

(ii) An intrusion detection system/intrusion prevention system must be installed on the network which can do all of the following:

(A) Listen to both internal and external communications.

(B) Detect or prevent Distributed Denial of Service attacks.

(C) Detect or prevent shellcode from traversing the network.

(D) Detect or prevent Address Resolution Protocol spoofing.

(E) Detect other Man-in-the-Middle indicators and server communication immediately if detected.

(iii) Each server instance in cloud and virtualized environments should perform only one function.

(iv) In virtualized environments, redundant server instances cannot run under the same hypervisor.

(v) Stateless protocols should not be used for sensitive data without stateful transport.

(vi) All changes to network infrastructure must be logged.

(vii) Virus scanners or detection programs, or both, should be installed on all pertinent information systems and should be updated regularly to scan for new strains of viruses.

(viii) Network security should be tested by a qualified and experienced individual on a regular basis.

(iv) Testing should include testing of the external interfaces and internal network.

(x) Testing of each security domain on the internal network should be undertaken separately.

(e) *Self-monitoring of critical components.* The interactive gaming system must implement the self-monitoring of critical components. A critical component that fails self-monitoring tests shall be taken out of service immediately and may not be returned to service until there is reasonable evidence that the fault has been rectified. Required self-monitoring measures include all of the following:

(1) The clocks of all components of the interactive gaming system must be synchronized with an agreed accurate time source to ensure consistent logging. Time skew shall be checked periodically.

(2) Audit logs recording user activities, exceptions and information security events must be produced and kept for a period of time to be determined by the Board to assist in investigations and access control monitoring.

(3) System administrators and system operator activities must be logged.

(4) Logging facilities and log information must be protected against tampering and unauthorized access.

(5) Any modifications, attempted modifications, read access, or other change or access to any interactive gaming system record, audit or log must be detectable by the interactive gaming system. It must be possible to see who has viewed or altered a log and when.

(6) Logs generated by monitoring activities shall be reviewed periodically using a documented process. A record of each review must be maintained.

(7) Interactive gaming system faults shall be logged, analyzed and appropriate actions taken.

(8) Network appliances with limited onboard storage must disable all communication if the audit log becomes full or offload logs to a dedicated log server.

(f) *System disclosure requirements.*

(1) A petitioner for or holder of an interactive gaming certificate, an applicant for or holder of an interactive gaming operator license, and an applicant for or holder of an interactive gaming manufacturer license shall seek Board approval of all source code used to conduct interactive gaming in this Commonwealth.

(2) All documentation relating to software and application development should be available for Board inspection and retained for the duration of its lifecycle.

(3) All software used to conduct interactive gaming in this Commonwealth shall be designed with a method, approved by the Board, that permits remote validation of software.

(g) *Shutdown and recovery capabilities.* The interactive gaming system must have all of the following shutdown

and recovery capabilities to maintain the integrity of the hardware, software and data contained therein in the event of a shutdown:

(1) The interactive gaming system must be able to perform a graceful shutdown and only allow automatic restart on power up after all of the following procedures have been performed:

(i) The program resumption routine, including self-tests, completes successfully.

(ii) All critical control program components of the interactive gaming system have been authenticated using a method approved by the Board.

(iii) Communication with all components necessary for the interactive gaming system operation have been established and similarly authenticated.

(2) The interactive gaming system must be able to identify and properly handle the situation when master resets have occurred on other remote gaming components which affect game outcome, win amount or reporting.

(3) The interactive gaming system must have the ability to restore the system from the last backup.

(4) The interactive gaming system must be able to recover all critical information from the time of the last backup to the point in time at which the interactive gaming system failure or reset occurred.

(h) *Recovery plan.* An interactive gaming certificate holder or interactive gaming operator licensee shall have a plan in place, approved by the Board, to recover interactive gaming operations in the event that the interactive gaming system is rendered inoperable (that is, Disaster/Emergency Recovery Plan). When reviewing the sufficiency of an interactive gaming certificate holder or interactive gaming operator licensee's plan to recover interactive gaming system operations in the event the interactive gaming system is rendered inoperable, the Board will consider all of the following:

(1) The method of storing player account information and gaming data to minimize loss in the event the interactive gaming system is rendered inoperable.

(2) If asynchronous replication is used, the method for recovering data should be described or the potential loss of data should be documented.

(i) *Recovery plan requirements.* An interactive gaming certificate holder's or interactive gaming licensee's Disaster/Emergency Recovery Plan must also:

(1) Delineate the circumstances under which it will be invoked.

(2) Address the establishment of a recovery site physically separated from the interactive gaming system site.

(3) Contain recovery guides detailing the technical steps required to re-establish gaming functionality at the recovery site.

(4) Include a Business Continuity Plan that addresses the process required to resume administrative operations of interactive gaming activities after the activation of the recovered platform for a range of scenarios appropriate for the operations context of the interactive gaming system.

(j) *Location of equipment.* Equipment used by a server-based interactive gaming system for the sole purpose of restoring data following a disaster must be located in a location within the United States as approved by the Board.

(k) *Player self-exclusion.* The interactive gaming system must provide an easy and obvious mechanism for players to self-exclude from interactive gaming.

(l) *Mechanism for self-exclusion.* The interactive gaming system must provide a mechanism by which a player may be excluded from interactive gaming according to the terms and conditions agreed to by the player upon registration.

§ 809.7. Geolocation requirements.

(a) An interactive gaming system must employ a mechanism to detect the physical location of a player upon logging into the interactive gaming system and as frequently as specified in the Board's technical standards and the interactive gaming certificate holder's or interactive gaming operator licensee's approved internal controls submission. If the system detects that the physical location of the player is in an area unauthorized for an interactive gaming system, the system may not accept wagers and must disable any interactive gaming activity for that player until the player is in an authorized location.

(b) The geolocation system must be equipped to dynamically monitor the player's location and block unauthorized attempts to access the interactive gaming system throughout the duration of the gaming session.

(c) An interactive gaming certificate holder or interactive gaming operator licensee must prevent registered players within a licensed facility from accessing authorized interactive games on the registered player's own computers or other devices through the use of geolocation technologies.

(d) Interactive gaming shall only occur within this Commonwealth unless the conduct of gaming is not inconsistent with Federal law, law of the jurisdiction, including any foreign nation, in which the participating player is located, or the gaming activity is conducted pursuant to a reciprocal agreement to which the Commonwealth is a party that is not inconsistent with Federal law.

§ 809.8. Security policy requirements.

Interactive gaming certificate holders and interactive gaming operator licensees shall adopt and maintain a Board-approved information security policy which describes the certificate holder's or licensee's approach to managing information security and its implementation. This policy is required in addition to any similar requirements that may be imposed as part of the certificate holder's or licensee's internal controls. The information security policy must:

(1) Have a provision requiring review when changes occur to the interactive gaming system or the processes which alter the risk profile of the interactive gaming system.

(2) Be approved by the certificate holder's or licensee's management.

(3) Be communicated to all employees and relevant external parties.

(4) Undergo review at planned intervals.

(5) Delineate the responsibilities of the certificate holder's or licensee's staff and the staff of any third parties for the operation, service and maintenance of the interactive gaming system and its components.

[Pa.B. Doc. No. 18-668. Filed for public inspection April 27, 2018, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 810, 813 AND 817]

Interactive Gaming Game Testing and Controls; Advertisements, Promotions and Tournaments; Live Studio; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its specific authority in 4 Pa.C.S. § 13B03(b) (relating to regulations) and the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers), adds the rules regarding interactive game testing and controls, advertising, promotions and tournaments, and live studio in connection with interactive gaming in this Commonwealth to read as set forth in Annex A.

Purpose of this Temporary Rulemaking

This temporary rulemaking includes rules to ensure the integrity and security of interactive games, including livestudio games, offered in this Commonwealth, and the fairness and transparency of advertising, promotions and tournaments associated with interactive gaming in this Commonwealth.

Explanation of Chapter 810, 813 and 817

Chapter 810 (relating to interactive gaming testing and controls—temporary regulations) address the standards all interactive games must meet to be operational in this Commonwealth. These temporary regulations also delineate the requirements for submission of games for review and approval, interactive game standards relative to fairness and screen display.

Chapter 813 (relating to interactive gaming advertisements, promotions and tournaments—temporary regulations) addresses the standards for review, submission and approval of all advertisements, promotions and tournaments offered by interactive gaming certificate holders and operators in this Commonwealth.

Chapter 817 (relating to interactive gaming live studio—temporary regulations) addresses the standards and rules relative to live studio interactive gaming in this Commonwealth.

Affected Parties

An entity that operates interactive gaming in this Commonwealth and an entity or individual that will interact with or participate in interactive gaming operations in this Commonwealth will be affected by this temporary rulemaking. This temporary rulemaking provides interested parties information relative to interactive game testing and control, including live studio gaming, as well as advertisements, promotions and tournaments associated with interactive gaming in this Commonwealth.

Fiscal Impact

Commonwealth

The Board expects that this temporary rulemaking will have minimal fiscal impact on the Board and other

Commonwealth agencies. Impact should be confined to the additional personnel and expenses related to implementing these rules as well as continued oversight of expanded gaming with portions of these costs absorbed by existing Board staff.

Political subdivisions

This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties benefit from the local share funding mandated by the act of January 7, 2010 (P.L. 1, No. 1).

Private Sector

This temporary rulemaking includes rules regarding interactive game testing and controls, including live studio gaming, as well as standards for review, submission and approval of all advertisements, promotions and tournaments offered by interactive gaming certificate holders and operators in this Commonwealth. It is anticipated that this temporary rulemaking will have an impact on those individuals seeking to operate interactive gaming in this Commonwealth as well as those individuals and entities affiliated with the operation of interactive gaming in this Commonwealth. The fiscal impact to these parties will be offset by revenues collected through the play of interactive games.

General public

This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork requirements

Interactive gaming certificate holders, interactive gaming operators, and individuals and entities providing services to those entities in connection with interactive gaming operations will be required to generate and maintain various types of information relative to the testing and control of interactive games, including records on game outcomes. Interactive gaming certificate holders, interactive gaming operators, and individuals and entities providing services to those entities in connection with interactive gaming operations will be required to draft, maintain and submit documents related to advertisements, promotions and tournaments associated with interactive gaming in this Commonwealth.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and expires 2 years after publication.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved.

Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Laura R. Burd, Senior Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-214.

Contact Person

The contact person for questions about this temporary rulemaking is Laura R. Burd, Senior Counsel, (717) 346-8300.

Regulatory Review

Under 4 Pa.C.S. § 13B03, the Board has the authority to promulgate temporary regulations to facilitate the prompt implementation of interactive gaming in this Commonwealth. The temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). Under 4 Pa.C.S. § 13B03(c), these temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13B03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and section 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to Pennsylvania Race Horse Development and Gaming Act).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding temporary §§ 810.1—810.13, 813.1—813.5 and 817.1 to read as set forth in Annex A.

(2) The temporary regulations will be posted on the Board’s web site.

(3) The temporary regulations are subject to amendment as deemed necessary by the Board.

(4) The Chairperson of the Board has certified this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(5) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin* and expire on April 28, 2020.

DAVID M. BARASCH,
Chairperson

Fiscal Note: 125-214. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart L. INTERACTIVE GAMING

CHAPTER 810. INTERACTIVE GAMING TESTING AND CONTROLS—TEMPORARY REGULATIONS

Sec.	
810.1.	Scope.
810.2.	Definitions.
810.3.	Minimum game standards.
810.4.	Minimum display standards.
810.5.	Random number generator standards.
810.6.	Software authentication.
810.7.	Changes to game.
810.8.	Game rules.
810.9.	Submission of game rules for approval.
810.10.	Fairness.
810.11.	Prohibitions.
810.12.	Controls.
810.13.	Test accounts.

§ 810.1. Scope.

To ensure players are not exposed to unnecessary security risks by choosing to participate in interactive gaming in this Commonwealth and to ensure the integrity and security of interactive gaming operations in this Commonwealth, this chapter applies to all games an interactive gaming certificate holder or interactive gaming operator licensee seeks to offer to players in this Commonwealth.

§ 810.2. Definitions.

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

Artwork or *art*—Graphical and auditory information that is sent to the player device for presentation to the player.

Game cycle—The finite set of all possible combinations.

Player interface—The interface within the software in which the player interacts. The term is also referred to as the gaming window.

Progressive jackpot—

- (i) An increasing prize based on a function of credits that are wagered.
- (ii) A monetary prize that increases in value based on a function of credits wagered.
- (iii) The term includes prizes that are awarded based on criteria other than obtaining winning outcomes in the game, such as mystery progressives.

§ 810.3. Minimum game standards.

All of the following requirements apply to the game information, artwork, paytables and help screens which include all written, graphical and auditory information provided to the player either directly from the game interface or from a page accessible to the player from the game interface through a hyperlink located in a conspicuous location.

(1) All statements and graphics within the gaming information, artwork, paytables and help screens must be accurate and not misleading.

(2) All game rules and payable information must be available to the player directly on the player interface or accessible from the player interface through a hyperlink without the need for funds to be deposited or funds to be staked.

(3) All game rules and payable information must be sufficient to explain all the applicable rules and how to participate in all stages of the game.

(4) Paytable information must include all possible winning outcomes, patterns, rankings and combinations, and their corresponding payouts with a designated denomination or currency. All displayed payouts must be theoretically possible.

(5) The rules of the game must inform the players of the imperfections of the communications medium for the game and how this affects them.

(6) There must be sufficient information regarding any award payout adjustments such as fees, rakes, commissions, and the like.

(7) If the artwork contains game instructions specifying a maximum win then it must be possible to win this amount from a single game (including features or other game options).

(8) For games that offer bonus bets that require a base game bet, the minimum percentage return to player of the bonus bet must take into account that a base game bet must be placed.

(9) If random/mystery prizes are offered, the maximum value obtainable from the random/mystery prize must be indicated. If the value of the random/mystery prize depends on credits wagered or any other factors, this must be stated.

(10) The artwork should clearly state the rules for payments of prizes when multiple wins are possible.

(i) A description of what combinations will be paid when a pay line may be interpreted to have more than one individual winning combination (“only highest paid win per line”).

(ii) When the game supports multiple pay lines, the artwork should display a message indicating wins on different pay lines are added or equivalent.

(iii) When the game supports scatters, artwork should display a message indicating that scattered wins are added to pay line wins, or equivalent, if this is the rule of the game.

(iv) The artwork should clearly communicate the treatment of coinciding scattered wins with respect to other possible scattered wins. For example, the artwork should state whether combinations of scattered symbols pay all possible prizes or only the highest prize.

(v) The artwork should clearly communicate the treatment of coinciding game outcome (that is, straight flush can be a flush and a straight, three red 7s can be any three 7s).

(11) If it is possible to bet on multiple lines and it is not clear which reel positions are part of each of the possible lines, then the additional lines must be clearly displayed on the artwork and appropriately labeled. The additional lines must either be shown on the displayed artwork, be available for display on a help screen or permanently displayed on all game-play screens in a location separate from the actual reels.

(12) When multiplier instructions are displayed on artwork, there must be no question as to whether the multiplier applies.

(13) All game symbols and objects must be clearly displayed to the player and not be misleading in any way. Game symbols and objects must retain their shape throughout all artwork, except while animation is in progress.

(14) The artwork must clearly state which symbols and objects may act as a substitute or wild and in which winning combinations the substitute/wild may be applied.

(15) The artwork must clearly state which symbols and objects may act as scatter and in which winning combinations the scatter may be applied.

(16) The game may not advertise upcoming wins unless the advertisement is accurate and mathematically demonstrable.

(17) All of the following requirements apply to games depicting cards being drawn from a deck:

(i) A game which utilizes multiple decks of cards must clearly indicate the number of cards and card decks in play.

(ii) Once removed from the deck, cards may not be returned to the deck except as provided by the rules of the game depicted.

(iii) The deck may not be reshuffled except as provided by the rules of the game depicted.

(18) All of the following requirements apply to multiwager games:

(i) Each individual wager to be played must be clearly indicated to inform the player as to which wagers have been made and the credits bet per wager.

(ii) Each winning prize obtained must be displayed to the player in a way that clearly associates the prizes to the appropriate wager. When there are wins associated with multiple wagers, each winning wager must be indicated in turn.

§ 810.4. Minimum display standards.

All of the following game information must be visible or easily accessible to the player at all times during a player session:

(1) The name of the game being played.

(2) Restrictions on play or betting such as any play duration limits, maximum win values, and the like.

(3) The player’s current session balance.

(4) The current bet amount. This is only during the phase of the game when the player can add to or place additional bets for that phase.

(5) Current placement of all bets.

(6) The denomination of the bet.

(7) The amount won for the last completed game (until the next game starts or betting options are modified).

(8) The player options selected for the last completed game (until the next game starts or a new selection is made).

(9) Initial player selection options are to be described. Player selection options once the game has commenced should be clearly shown on the screen.

(10) The winning amount for each separate wager and total winning amount are to be displayed on the screen.

§ 810.5. Random number generator standards.

(a) The random number generator must be cryptographically strong at the time of submission for approval. When more than one instance of a random number generator is used in an interactive gaming system, each instance must be separately evaluated and certified. When each instance is identical, but involves a different implementation within a game/application, each implementation shall also be separately evaluated and certified. Any outcomes from the random number generator used for game symbol selection/game outcome determination must be shown, by data analysis and a source code read, to:

(1) Be statistically independent.

(2) Be fairly distributed (within statistically expected bounds) over their range.

(3) Pass various recognized statistical tests.

(4) Be cryptographically strong.

(b) Random number generators must adhere to standards in § 461a.7 (relating to slot machine minimum design standards).

(c) The gaming laboratory may employ the use of various recognized tests to determine whether or not the random values produced by the random number generator pass the desired confidence level of 95%. These tests include the following:

- (1) Chi-square test.
- (2) Equi-distribution (frequency) test.
- (3) Gap test.
- (4) Overlaps test.
- (5) Poker test.
- (6) Coupon collectors test.
- (7) Permutation test.
- (8) Kolmogorov-Smirnov test.
- (9) Adjacency criterion tests.
- (10) Order statistic test.
- (11) Runs tests (patterns of occurrences should not be recurrent).
- (12) Interplay correlation test.
- (13) Serial correlation test potency and degree of serial correlation (outcomes should be independent of the previous game).
- (14) Tests on subsequences.
- (15) Poisson distribution.

(d) The scaling method may not compromise the cryptographic strength of the random number generator. The scaling method must preserve the distribution of the scaled values. For example, if a 32-bit random number generator with a range of the set of integers in the closed interval $[0, 2_{32}-1]$ were to be scaled to the range of the set of integers in the closed interval $[1, 6]$ so that the scaled values can be used to simulate the roll of a standard six-sided die, then each integer in the scaled range should theoretically appear with equal frequency. In the example given, if the theoretical frequency for each value is not equal, then the scaling method is considered to have a bias. Thus, a compliant scaling method must have bias equal to zero.

(e) If the interactive gaming system utilizes hard-based random number generators, there must be dynamic/active, real-time monitoring of the output with a sample size large enough to allow for reasonably high statistically powerful testing so that game play is disabled when an output testing failure is detected.

(f) If the interactive gaming system utilizes a software-based random number generator, it must adhere to all of the following:

- (1) The period of the random number generator, in conjunction with the methods of implementing the random number generator outcomes, must be sufficiently large to ensure that all game independent outcome combinations/permutations are possible for the given game/application.
- (2) The methods of seeding/re-seeding must ensure that all seed values are determined in a manner that does not compromise the cryptographic security of the random number generator.
- (3) To ensure that random number generator outcomes cannot be predicted, adequate background cycling/activity must be implemented in between games. Whenever a game outcome is made up of multiple mapped random number generator values, background cycling/activity

must be implemented during the game (that is, in between the selection of each mapped random number generator value) to ensure that the game outcome is not comprised of sequential mapped random number generator outcomes. The rate of background cycling/activity must be sufficiently random in and of itself to prevent prediction.

§ 810.6. Software authentication.

The acquisition and development of new software must follow defined processes in accordance with the information security policy.

- (1) The production environment must be logically and physically separated from the development and test environments.
- (2) Development staff shall be precluded from having access to promote code changes into the production environment.
- (3) There must be a documented method to verify that test software is not deployed to the production environment.
- (4) To prevent leakage of personally identifiable information, there must be a documented method to ensure that raw production data is not used in testing.
- (5) All documentation relating to software and application development should be available and retained for the duration of its lifecycle.

§ 810.7. Changes to game.

A change or modification to an interactive game which impacts a regulated feature of an approved game, unless otherwise permitted by the Board, requires submission to and approval by the Board or its designee prior to implementation of the change or modification.

§ 810.8. Game rules.

(a) Interactive gaming certificate holders and interactive gaming operator licensees shall adopt and adhere to written, comprehensive house rules governing wagering transactions by and between authorized players that are available for review at all times by players through a conspicuously displayed link. House rules must include all of the following:

- (1) Clear and concise explanation of all fees.
 - (2) The rules of play of a game.
 - (3) Any monetary wagering limits.
 - (4) Any time limits pertaining to the play of a game.
- (b) House rules must be approved by the Board.
- (c) House rules that deviate from Board regulations shall be submitted to the Board's Office of Gaming Laboratories for review and approval prior to submission to the Board for approval prior to implementation.

§ 810.9. Submission of game rules for approval.

- (a) Prior to offering a table game authorized under this subpart governing interactive gaming in this Commonwealth, the interactive gaming certificate holder or interactive gaming operator licensee shall submit and obtain approval of a Rules Submission which specifies which options the interactive gaming certificate holder or interactive gaming operator will use in the conduct of the table game.
- (b) The initial Rules Submission for any interactive game and any amendment to the Rules Submission shall be submitted electronically to the Bureau of Gaming

Operations using the form specified on the Board's web site at www.gamingcontrolboard.pa.gov.

(c) An interactive gaming certificate holder or interactive gaming operator licensee may implement the provisions in a Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th calendar day following the filing of the Rules Submission unless the interactive gaming certificate holder or interactive gaming operator licensee receives written notice under subsection (d) tolling the Rules Submission or written notice of disapproval from the Board's Executive Director.

(d) If during the 15-day review period in subsection (c) the Bureau of Gaming Operations determines that a provision in the Rules Submission is inconsistent with the regulations for the conduct of that interactive game, the Bureau of Gaming Operations, by written notice to the interactive gaming certificate holder or interactive gaming operator licensee, will:

(1) Specify the nature of the inconsistency and, when possible, an acceptable alternative procedure.

(2) Direct that the 15 calendar day review period in subsection (c) be tolled and that the Rules Submission not be implemented until approved under subsection (e).

(e) When a Rules Submission has been tolled under subsection (d), the interactive gaming certificate holder or interactive gaming operator licensee may submit a revised Rules Submission within 15 days of receipt of the written notice from the Bureau of Gaming Operations. The interactive gaming certificate holder or interactive gaming operator licensee may implement the revised Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th calendar day following the filing of the revised Rule Submission unless the interactive gaming certificate holder or interactive gaming operator licensee receives written notice under subsection (d) tolling the revised Rules Submission or written notice of disapproval from the Board's Executive Director.

(f) The current version of each Rules Submission of an interactive gaming certificate holder or interactive gaming operator licensee shall be maintained and made available in electronic form through secure computer access to the internal audit and surveillance departments of the interactive gaming certificate holder or interactive gaming operator licensee and the Board's casino compliance representatives and other Board employees. Each page of the Rules Submission must indicate the date on which it was approved by the Board's Executive Director.

(g) An interactive gaming certificate holder or interactive gaming operator licensee shall maintain a copy, either in paper or electronic form, of any superseded Rules Submission for a minimum of 5 years.

§ 810.10. Fairness.

(a) All critical functions including the generation of the result of any game (and the return to the player) must be generated by the interactive gaming platform and be independent of the player device. All of the following also apply:

(1) Game outcome may not be affected by the effective bandwidth, link utilization, bit error rate or other characteristic of the communications channel between the interactive gaming platform and the player device.

(2) Determination of events of chance that result in a monetary award may not be influenced, affected or

controlled by anything other than numerical values derived in an approved manner from the certified random number generator when applicable and in conjunction with the rules of the game.

(3) Each possible permutation or combination of game elements that produces winning or losing game outcomes must be available for random selection at the initiation of each play, unless otherwise denoted by the game.

(4) As game symbols are selected/game outcomes are determined, they must be immediately used as directed by the rules of the game.

(5) When the game requires a sequence or mapping of symbols or outcomes to be set up in advance, the symbols or outcomes should not be resequenced or remapped, except as provided for in the rules of the game.

(6) After selection of the game outcome, the game may not make a variable secondary decision which affects the result shown to the player.

(7) Except as provided by the rules of the game, events of chance within games should be independent and not correlated with any other events within the game or events within the previous game.

(8) For game types such as a spinning reel game, unless otherwise disclosed to the player, the mathematical probability of a symbol appearing in a position for any game outcome must be constant.

(b) A game may not be designed to give the player a false expectation of better odds by misrepresenting any occurrence or event.

(1) Games that are designed to give the player the perception that they have control over the game due to player skill when they actually do not must fully address this behavior in the game help screens.

(2) The final outcome of each game must be displayed for a sufficient length of time that permits a player to verify the outcome of the game.

§ 810.11. Prohibitions.

(a) *Forced game play.*

(1) The player may not be forced to play a game just by selecting that game.

(2) It must be possible to start a new game in the same player interface instance before all relevant meters have been updated on the interactive game system and all other relevant connections and player session balance or, if applicable, the player's total balance has been updated.

(3) If an auto play mode is incorporated, it must be possible to turn this mode off at any time during game play.

(b) *Bots and computerized players.* Bots or computerized players are only permitted when employed by the interactive gaming system in free play or training mode, or if use of the bot or computerized player satisfies all of the following:

(1) The use of artificial intelligence software must be clearly explained in the help menus.

(2) All computerized players must be clearly marked at the tables so that players are aware of which players are not human.

(c) *Incomplete games.* A game is incomplete when the game outcome remains unresolved or the outcome cannot be properly seen by the player.

(1) The interactive gaming certificate holder or interactive gaming operator licensee may provide a mechanism for a player to complete an incomplete game.

(2) Incomplete games shall be resolved before a player is permitted to participate in another instance of the same game.

(3) Wagers associated with an incomplete game must be voided within 24 hours and the wagers can be forfeited or returned to the player provided that:

(i) The terms and conditions or the game rules, or both, must clearly define how wagers will be handled when they remain undecided beyond the specified time period and the interactive gaming system must be capable of returning or forfeiting the wagers, as appropriate.

(ii) In the event that a game cannot be continued due to an interactive gaming system action, all wagers must be returned to the players of that game.

(d) *Auto play prohibited.* Game play shall be initiated only after a patron has affirmatively placed a wager and activated play. An auto play feature is not permitted in game software unless authorized by the Board.

§ 810.12. Controls.

(a) A replay last game feature either as a re-enactment or by description must be available to players. The replay must clearly indicate that it is a replay of the entire previous game cycle, and must provide, at a minimum, all of the following information:

(1) The date and time the game started or ended, or both.

(2) The display associated with the final outcome of the game, either graphically or by a clear text message.

(3) Total player cash/credits at start or end of play, or both.

(4) Total amount bet.

(5) Total cash/credits won for the prize (including progressive jackpots).

(6) The results of any player choices involved in the game outcome.

(7) Results of any intermediate game phases, such as gambles or feature games.

(8) Amount of any promotional awards received, if applicable.

(b) For each individual game played, all of the following information must be recorded, maintained and easily demonstrable by the interactive gaming system:

(1) Unique player ID.

(2) Contributions to progressive jackpot pools, if applicable.

(3) Game status (in progress, complete, and the like).

(4) The table number, if applicable, at which the game was played.

(5) The payable used.

(6) Game identifier and version.

(c) An organized event that permits a player to either purchase or be awarded the opportunity to engage in competitive play against other players may be permitted providing all of the following rules are met:

(1) While enabled for tournament play, a game may not accept real money from any source, nor pay out real

money in any way, but must utilize tournament specific credits, points or chips which have no cash value.

(2) Interactive gaming contest/tournament rules are available to a player on the web site where the interactive gaming contest/tournament is being conducted. The rules must include, at a minimum, all of the following:

(i) All conditions players shall meet to qualify for entry into and advancement through the contest/tournament.

(ii) Any conditions concerning late arrivals or complete tournament no-shows and how auto-blind posting or initial entry purchase, or both, is handled.

(iii) Specific information pertaining to any single contest/tournament, including the amount of money placed in the prize pool.

(iv) The distribution of funds based on specific outcomes.

(v) The name of the organization or person that conducted the contest/tournament on behalf of, or in conjunction with, the operator, if applicable.

(3) The results of each contest/tournament shall be made available on the interactive gaming web site for the players to review. Subsequent to being posted on the web site, the results of each contest/tournament shall be available upon request. The recording must include all of the following:

(i) Name of the event.

(ii) Date of event.

(iii) Total number of entries.

(iv) Amount of entry fees.

(v) Total prize pool.

(vi) Amount paid for each winning category.

(d) All of the following requirements apply to the disabling and re-enabling of gambling on the interactive gaming system:

(1) The interactive gaming system must be able to disable or enable all gambling on command.

(2) When any gambling is disabled or enabled on the interactive gaming system an entry must be made in an audit log that includes the reason for any disable or enable.

(e) When a game or gaming activity is disabled:

(1) The game is not to be accessible to a player once the player's game has fully concluded.

(2) The player should be permitted to conclude the game in play (that is, bonus rounds, double up/gamble and other game features related to the initial game wager should be fully concluded).

(3) If wagers have been placed on pending real-life events:

(i) The terms and conditions must clearly define what happens to the wagers if the gaming activity is to remain disabled and the corresponding real-life event is completed, and the interactive gaming system must be capable of returning all bets to the players or settling all bets, as appropriate.

(ii) The terms and conditions must clearly define what happens to the wagers if the gaming activity is to re-enable before the corresponding real-life event is completed, and the interactive gaming system must be capable of returning all bets to the players, or leaving all bets active, as appropriate.

(f) When one or more feature/bonus prize may be paid to the player, the bonus game must be part of the overall payable theoretical return to player.

(g) All progressive jackpots must adhere to all of the following:

(1) All players that play progressive jackpot games must be made aware of actions which would make them eligible to win the progressive jackpot.

(2) When progressive jackpot contributions are part of the return to player calculation, the contributions may not be assimilated into revenue. If a cap is established on any progressive jackpot all additional contributions once that cap is reached are to be credited to a diversion pool.

(3) The rules of the game must incorporate how the progressive jackpot is funded and determined.

(4) If a minimum bet amount exists for a player to win a progressive jackpot, then the return to player (excluding the progressive jackpot) must meet the minimum player return. The calculation of the theoretical payout percentage may not include the amount of any progressive jackpot in excess of the initial reset amount.

(5) The current progressive jackpot amount should be displayed on all player devices participating in the progressive jackpot. This display should be updated on all participating player devices at least every 30 seconds.

(6) The rules of the game must inform the players of any maximum awards or time limits, or both, which may exist for each progressive jackpot.

(7) For progressive jackpots offering multiple levels of awards, the player must always be paid the higher amount if a particular combination is won that should trigger the higher paying award. This may occur when a winning combination may be evaluated as more than one of the available payable combinations (that is, a flush is a form of a straight flush and a straight flush is a form of a royal flush). There may be situations when the progressive jackpot levels must be swapped to ensure the player is being awarded the highest possible value based on all combinations the outcome may be defined as.

(8) If multiple progressive jackpots occur at approximately the same time and there is no definitive way of knowing which jackpot occurred first, the operator shall adopt procedures, approved by the Board, for resolution. The rules of the game must include information which addresses the resolution of this possibility.

§ 810.13. Test accounts.

(a) Interactive gaming certificate holders and interactive gaming operator licensees may establish test accounts to be used to test the various components and operation of an interactive gaming system in accordance with internal controls, which, at a minimum, address all of the following:

(1) The procedures for the issuance of funds used for testing, including the identification of who is authorized to issue the funds and the maximum amount of funds that may be issued.

(2) The procedures for assigning each test account for use by only one person.

(3) The maintenance of a record for all test accounts to include when they are active, to whom they are issued and the employer of the person to whom they are issued.

(4) The procedures for the auditing of testing activity by the interactive gaming certificate holder or interactive

gaming operator licensee to ensure the accountability of funds used for testing and proper adjustments to gross interactive gaming revenue.

(5) The ability to withdraw funds from a test account without the Board's prior approval must be disabled by the interactive gaming system.

(6) For testing of peer-to-peer games:

(i) A person may utilize multiple test accounts.

(ii) Test account play shall be conducted without the participation of players.

(b) In addition to the required internal controls in subsection (a)(1)–(6), for any wagering on test accounts conducted outside the boundaries of this Commonwealth, the procedures for auditing of testing activity must include the method for ascertaining the location from which persons using test accounts access the interactive gaming system.

CHAPTER 813. INTERACTIVE GAMING ADVERTISEMENTS, PROMOTIONS AND TOURNAMENTS—TEMPORARY REGULATIONS

Sec.	
813.1.	Definitions.
813.2.	Advertising.
813.3.	Promotions.
813.4.	Interactive gaming tournaments.
813.5.	Record retention and reports.

§ 813.1. Definitions.

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

Celebrity player—A well-known or professional interactive gaming player who is under agreement with an interactive gaming certificate holder or interactive gaming operator licensee whereby the interactive gaming certificate holder or interactive gaming operator licensee pays the celebrity player a fixed sum to engage in interactive gaming with the certificate holder's players as an advertising or promotional enticement to its customers.

Promotion—An event conducted by an interactive gaming certificate holder or an interactive gaming operator licensee that provides or offers registered or prospective players cash, credits, merchandise, coupons, players club credits, or points, bonuses or anything else of value to entice the player to wager with the interactive gaming certificate holder or interactive gaming operator licensee.

Restricted interactive gaming credit—Interactive gaming funds that cannot be cashed out by the player until the wagering requirements or other restrictions associated with those funds are met in accordance with disclosed terms and conditions.

§ 813.2. Advertising.

(a) Interactive gaming certificate holders and interactive gaming operator licensees shall comply with § 501a.7 (relating to advertising).

(b) Advertising utilized by interactive gaming certificate holders and interactive gaming operator licensees may not:

(1) Consist of indecent or offensive graphics or audio, or both.

(2) Obscure the game play area or obstruct a game in progress.

(3) Contain content that contradicts the game rules or terms and conditions.

(4) Specifically target players which have been excluded from play.

(c) Interactive gaming certificate holders and interactive gaming operator licensees may utilize celebrity or other players to participate in peer-to-peer games for advertising or publicity purposes provided:

(1) The interactive gaming certificate holder or an interactive gaming operator licensee clearly identifies the celebrity player to the players.

(2) The interactive gaming certificate holder or an interactive gaming operator licensee does not realize a profit beyond the rake for hosting the celebrity player.

(3) The interactive gaming certificate holder or an interactive gaming operator licensee shall include winnings by the celebrity player in its gross gaming revenue if the certificate holder or licensee does not permit the celebrity player to retain these funds.

(d) An interactive gaming certificate holder or an interactive gaming operator licensee that contracts with a celebrity player to advertise or promote its services may fund the celebrity player's interactive gaming account in full or in part. The certificate holder or licensee may also pay the celebrity player a one-time or flat fee for his services.

(e) A celebrity player engaged in interactive gaming in this Commonwealth pursuant to an agreement with an interactive gaming certificate holder or an interactive gaming operator licensee for advertising or promotional purposes may or may not utilize his own funds to wager.

§ 813.3. Promotions.

(a) An interactive gaming certificate holder or interactive gaming operator licensee shall, at least 5 days prior to implementing a promotion, submit terms and conditions of each promotion to the Bureau of Gaming Operations. The terms and conditions must include, at a minimum, all of the following:

(1) A description of what is being offered as part of the promotion.

(2) The dates and times that the promotion is being conducted.

(3) The persons who are eligible to participate in the promotion.

(4) The required action to receive whatever is being offered as part of the promotion.

(5) The procedure to claim or redeem the promotional offer, if applicable.

(6) Registration procedures.

(7) Limitations on participation.

(8) Wagering requirements and limitations by type of game.

(9) The order in which funds are used for wagering.

(10) Eligible games.

(11) Any restrictions on the withdrawal of funds.

(12) Rules regarding cancellation.

(13) The statement "If you or someone you know has a gambling problem, help is available. Call 1-800-GAMBLER."

(14) Any other information the Board may require.

(b) An interactive gaming certificate holder or an interactive gaming operator licensee shall designate one em-

ployee responsible for submitting promotions to the Bureau of Gaming Operations. The designated employee shall provide a signed attestation with the submitted promotion indicating the employee has reviewed the promotion for compliance with Board regulations. The designated employee shall serve as the point of contact between a certificate holder or a licensee and the Board on all submitted promotions.

(c) An interactive gaming certificate holder or interactive gaming operator licensee shall be responsible for the submission of the terms and conditions of promotions and the conduct of all promotions offered directly or indirectly by a third-party vendor or marketing affiliate on behalf of the interactive gaming certificate holder or an interactive gaming operator licensee.

(d) The terms and conditions of all promotions communicated to players must be posted on the interactive gaming certificate holder's home webpage as well as any skins the interactive gaming certificate holder operates or an interactive gaming operator licensee operates on behalf of an interactive gaming certificate holder. The terms and conditions must be stated in a clear and conspicuous manner using plain language and be readily accessible and available for review for the duration of the promotion (even after player accepts a promotion).

(e) An interactive gaming certificate holder or interactive gaming operator licensee shall provide a clear and conspicuous method for a player to cancel his participation in a promotion that utilizes restricted interactive gaming credits. Upon request for cancellation, the interactive gaming certificate holder or interactive gaming operator shall inform the player of the amount of unrestricted funds that will be returned upon cancellation and the value of restricted funds that will be removed from the player's interactive gaming account. If the player elects to proceed with cancellation, unrestricted funds remaining in a player's interactive gaming account must be returned in accordance with the terms and conditions.

(f) An interactive gaming certificate holder or interactive gaming operator licensee may not, once a player has met the terms of a promotion, cap or limit winnings earned while participating in the promotion.

(g) An interactive gaming certificate holder or an interactive gaming operator may be required to discontinue, as expeditiously as possible, the use of a particular promotion upon receipt of written notice from the Bureau of Gaming Operations that the Bureau of Gaming Operations has determined that the use of the particular promotion in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(h) An interactive gaming certificate holder or interactive gaming operator licensee may not offer or conduct a promotion which violates any Federal, State or local law.

(i) An interactive gaming certificate holder or an interactive gaming operator shall develop and submit to the Board, as part of the submission required as part of the certificate holder's or licensee's internal controls, procedures governing the conduct of all promotions to be offered by an interactive gaming certificate holder or interactive gaming operator licensee.

§ 813.4. Interactive gaming tournaments.

(a) An organized event that permits a player to purchase or be awarded the opportunity to engage in competitive play against other players (that is, a tournament) may be permitted providing all of the following:

(1) Prior to conducting an interactive gaming tournament, an interactive gaming certificate holder or an interactive gaming operator licensee shall file for approval of the terms and conditions of each interactive gaming tournament type with the Bureau of Gaming Operations as part of the certificate holder's or licensee's internal controls. The terms and conditions shall be followed and include, at a minimum, all of the following:

- (i) Game type (for example, hold'em poker).
- (ii) Rules concerning tournament play and participation.
- (iii) All conditions registered players shall meet to qualify for entry into, and advancement through, the tournament.
- (iv) Any conditions concerning late arrivals or complete tournament no-shows and how auto-blind posting or initial entry purchase, or both, is handled.
- (v) Funding source amounts comprising the prize pool (for example, buy-ins, re-buys or add-ons).
- (vi) Prize structure on payout.
- (vii) Methodology for determining win.
- (viii) Any other information as the Board may require.

(2) While enabled for tournament play, a game may not accept real money from any source, nor pay out real money in any way, and must utilize tournament specific credits, points or chips which do not have cash value.

(b) The terms and conditions of all interactive gaming tournaments communicated to players shall be posted on the interactive gaming web site and stated in a clear and conspicuous manner using plain language. The terms and conditions of each interactive gaming tournament must be readily accessible and remain available for review by the player until the interactive gaming tournament is complete.

(c) An interactive gaming certificate holder or an interactive gaming operator licensee may be required to discontinue, as expeditiously as possible, an interactive gaming tournament upon receipt of written notice from the Board's Executive Director that the Board's Executive Director has determined that the conduct of an interactive gaming tournament could adversely impact the public or the integrity of gaming.

(d) An interactive gaming certificate holder or an interactive gaming operator licensee shall submit a notice of intent to conduct an interactive gaming tournament at least 5 business days prior to the start of the tournament. The notice shall be submitted electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form, which is posted on the Board's web site, and must include all of the following:

- (1) The type of game to be played.
- (2) The dates and times the tournament will be conducted.
- (3) Participation eligibility requirements including all of the following:
 - (i) Who is eligible to participate.
 - (ii) The minimum and maximum number of participants.
 - (iii) Entry fees charged.
 - (4) The monetary amount or description of the prizes to be awarded.
 - (5) Any other information as the Board may require.

(e) Submission of a proposed schedule may not require the interactive gaming certificate holder or interactive gaming operator licensee to conduct all tournaments in the schedule.

(f) An interactive gaming certificate holder or interactive gaming operator licensee may seek to amend or modify the schedule at any time by filing a written request with the Board's Executive Director.

(g) An interactive gaming certificate holder or interactive gaming operator licensee shall maintain records related to the conduct of interactive gaming tournaments in accordance with § 465a.6(c) (relating to retention, storage and destruction of books, records and documents). These records shall be made available to Board staff and the Department upon request and must include all of the following:

(1) A full accounting of gross interactive gaming revenue for each tournament including cash received as entry fees and the total of cash or cash equivalents paid out to registered players.

(2) The names and addresses of all prize winners and the prize each winner was awarded.

§ 813.5. Record retention and reports.

(a) Unless otherwise approved by the Board, a record of all bonus and promotional wagering offers related to interactive gaming shall be maintained in an electronic file that is readily available to the Board. All bonus and promotional wagering offers must be stated in clear and unambiguous terms and be readily accessible by the patron.

(b) Unless otherwise exempted by the Board, a gaming system must record all promotional offers (Promotions Log) issued through the system. The log must provide the information necessary to audit compliance with the terms and conditions of current and previous offers.

(c) An interactive gaming system must be able to provide a Promotional Account Summary Report (or similarly named report) on demand for any player loyalty promotions or bonuses, or both, that are redeemable for cash, monetary game play credits or merchandise. The report must contain, at a minimum, all of the following information:

- (1) Beginning balance for promotion type.
- (2) Total amount of awards by promotion type.
- (3) Total amount used by promotion type.
- (4) Total amount expired by promotion type.
- (5) Total adjustment amount by promotion type.
- (6) Ending balance by promotion type.

CHAPTER 817. INTERACTIVE GAMING LIVE STUDIO—TEMPORARY REGULATIONS

Sec.
817.1. Live studio simulcasting.

§ 817.1. Live studio simulcasting.

(a) An interactive gaming certificate holder or interactive gaming operator licensee shall obtain Board approval to simulcast authorized table games.

(b) An interactive gaming certificate holder or interactive gaming operator licensee shall obtain Board approval for the location of its proposed live simulcast studio.

(c) An entity producing, hosting, offering or otherwise providing live studio services shall be licensed by the Board prior to providing live studio services.

(d) An interactive gaming certificate holder or interactive gaming operator licensee seeking to offer live studio simulcasting, as well as the entity producing, hosting, offering or otherwise providing live studio services, shall adhere to § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions), Chapter 611a (relating to table game minimum training standards) and game approval as set forth in this chapter.

(e) Table game simulcasting must utilize a simulcast control server for the purpose of recording all wagering activity and game results. The simulcast control server must do all of the following:

- (1) Provide the player with real time visual access to the live game being played.
- (2) Prevent anyone from accessing the wagering outcome prior to finalizing a wager.
- (3) Record dealer-verified game results before posting.
- (4) Be equipped with a mechanism to void game results, if necessary.

(f) All of the following information, at a minimum, must be readily available on an interactive gaming certificate holder's or interactive gaming operator's skin/web site before a player begins play and at all times during play:

- (1) The table number and location.
- (2) The table minimum and maximum wagers.
- (3) The number of decks used, if applicable.
- (4) Dealer actions, if applicable.
- (5) The amount wagered.
- (6) The game outcome.
- (7) Vigorish amount, if applicable.
- (8) Payout odds, when applicable.
- (9) The amount won or lost.

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have been vetted for suitability, to ensure the accountability for player accounts and fairness of the conduct of play, as well as to provide player protection mechanisms including player imposed account and play limitations and self-exclusion options.

Explanation

Subpart O (relating to fantasy contests) establishes the temporary regulations necessary for the Board to license fantasy contest operators who make fantasy contests available through an Internet connection and through fantasy contest terminals in licensed gaming facilities, as well as of the principals and key employees of the licensed operators. In addition, Subpart O provides rules for player accounts, licensed operator duties and restrictions, and accounting and internal controls governing the conduct of fantasy contests. Finally, Subpart O addresses advertising, compulsive and problem gambling, and self-exclusion of players from fantasy contest activities in this Commonwealth.

Subpart O establishes a broad regulatory oversight structure for fantasy contests. Section 1201.2 (relating to definitions) provides definitions of terms used throughout Subpart O for the conduct of fantasy contests.

This temporary rulemaking identifies five categories of licensees based upon the statutory criteria for licensure in 4 Pa.C.S. Chapter 3. See 4 Pa.C.S. § 321 (relating to general prohibition). Categories subject to licensure include fantasy contest operators and their principals and key employees, as well as licensed gaming entities which elect to receive a fantasy contest license permitting them to operate fantasy contest terminals within the facility and gaming service providers.

Chapter 1202 (relating to application requirements—temporary regulations) establishes the application and general requirements under which fantasy contest operators, licensed gaming entities, principals, key employees and gaming service providers shall apply to the Board for approval to participate in the regulated conduct of fantasy contests.

Chapter 1203 (relating to application process—temporary regulations) provides for a preliminary review of the application, the processing of applications by Board staff, deficient and abandoned applications, avenues for withdrawing an application from consideration, the terms and renewal periods for licenses and the registration of licensed entity representatives with the Board.

Chapter 1204 (relating to fantasy contest licenses—temporary regulations) addresses the issuance of the fantasy contest license and the conditions placed thereon.

Sections 1205.1 and 1205.2 (relating to fantasy contests generally; and procedures to govern the conduct of fantasy contests) address the requirements for a fantasy contest and the procedures by which fantasy contests shall be operated. Section 1205.3 (relating to fantasy contest accounts) sets forth the requirements for player fantasy contest accounts assuring age, location and identity verifications, funding of player accounts, password access, account options to restrict or limit play as elected by the player, and account withdrawal and closing procedures.

Section 1205.4 (relating to fantasy contest licensed operator duties) imposes affirmative duties on fantasy contest operators to ensure compliance with statutory and regulatory mandates designed to assure integrity of the fantasy contests as well as safeguarding of player's information and assets. Section 1205.5 (relating to fan-

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 1201—1209]

Fantasy Contests; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 311(a) and (b)(6) (relating to general and specific powers of board) and the specific authority in 4 Pa.C.S. § 312 (relating to temporary regulations), promulgates regulations governing the licensing, conduct and regulatory oversight of fantasy contests in this Commonwealth to read as set forth in Annex A.

Purpose of this Temporary Rulemaking

This temporary rulemaking will provide a regulatory oversight structure for the conduct of fantasy contests in this Commonwealth.

This temporary rulemaking is necessary to implement 4 Pa.C.S. Chapter 3 (relating to fantasy contests), the intent of which is to ensure that fantasy contests operated in this Commonwealth are conducted by operators

tasy contest licensed operator restrictions) sets forth restrictions on fantasy contest operations which provide a minimum age for players, limit the sports which can form the basis of fantasy contests, fulfill requirements that a player have established a verified account prior to play, prohibit the issuance of credit to a player and impose a host of restrictions designed to promote fairness in the play of fantasy contests. Section 1205.6 (relating to licensed gaming entities) provides for licensed gaming entities to obtain fantasy contest terminals if desired. Section 1205.7 (relating to record and data retention) addresses record and data retention requirements designed to enhance auditing and accountability.

Chapter 1206 (relating to accounting and internal controls—temporary regulations) addresses the accounting and internal control requirements for fantasy contest operators. Chapter 1206 requires submission to the Board and approval prior to commencement of play.

Chapter 1207 (relating to advertising—temporary regulations) addresses advertising of fantasy contests and provides standards to prohibit false or misleading advertising, portraying minors in the advertisements, representing endorsements by sports prohibited from forming the basis of fantasy contest and marketing to persons on the self-exclusion list.

Chapter 1208 (relating to compulsive and problem gaming—temporary regulations) requires signage providing information sources for those experiencing compulsive or problem gaming.

Chapter 1209 (relating to self-exclusion—temporary regulations) establishes a self-exclusion procedure for individuals who voluntarily seek to be prohibited from playing fantasy contests.

Fiscal Impact

Commonwealth

The Board expects that this temporary rulemaking will have a very minimal fiscal impact on the Board and other Commonwealth agencies, which primarily is the result of the need for some additional personnel needed to process applications and review, as well as to monitor and regulate the conduct of fantasy contests. Most of the additional duties will be absorbed by existing Board staff. The costs of the temporary regulations will be paid for by an assessment against the licensed fantasy contest operators' fantasy contest adjusted revenue as determined by the Department of Revenue.

Political subdivisions

This temporary rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector

This temporary rulemaking is not anticipated to impose a negative fiscal impact on the regulated entities. The decision to participate in fantasy contests by an eligible fantasy contest operator is not mandated by 4 Pa.C.S. Chapter 3 but is left to the discretion of those qualifying establishments.

If pursued, there will be licensing costs as set forth by 4 Pa.C.S. Chapter 3. Otherwise, additional costs to operators will likely be negligible since fantasy contests are currently be operated in other regulated jurisdictions or in unregulated jurisdictions. Any costs incurred to operate fantasy contests in this Commonwealth should be offset by the operator proceeds of the fantasy contests.

General public

This temporary rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

A fantasy contest licensed operator, licensed gaming entity, gaming service provider, and principals and key employees thereof involved in the provision of fantasy contests in this Commonwealth will be required to file applications with the Board providing information regarding the person's proposed activity, as well as accounting and internal control protocols and background information of each individual sufficient to permit the Board to determine the individual's suitability for licensure.

Effective Date

The temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and expires 2 years after publication.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the temporary rulemaking within 30 days after publication in the *Pennsylvania Bulletin* to R. Douglas Sherman, Chief Counsel, Attention: Regulation # 125-212 Public Comment, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060.

Contact Person

The contact person for questions about this temporary rulemaking is R. Douglas Sherman, Chief Counsel, (717) 346-8300.

Regulatory Review

Under 4 Pa.C.S. § 312, the Board is granted the authority to promulgate temporary regulations which shall expire no later than 2 years following publication in the *Pennsylvania Bulletin*. The temporary regulations are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). The authority to adopt temporary regulations expires 2 years after the publication of the temporary regulations, after which regulations adopted by the Board will be promulgated as provide by law.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 312, the temporary regulations are exempt from the requirements in the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and section 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Chapter 3.

Order

The Board, acting under 4 Pa.C.S. Chapter 3, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding temporary §§ 1201.1, 1201.2, 1202.1—1202.6, 1203.1—1203.5, 1204.1, 1205.1—1205.7, 1206.1, 1207.1, 1208.1, 1208.2 and 1209.1—1209.5 to read as set forth in Annex A.

(2) The temporary regulations will be posted on the Board's web site.

(3) The temporary regulations are subject to amendment as deemed necessary by the Board.

(4) The Chairperson of the Board has certified this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(5) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin* and expire on April 28, 2020.

DAVID M. BARASCH,
Chairperson

Fiscal Note: 125-212. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart O. FANTASY CONTESTS

Chap. 1201.	FANTASY CONTESTS GENERALLY—TEMPORARY REGULATIONS
1202.	APPLICATION REQUIREMENTS—TEMPORARY REGULATIONS
1203.	APPLICATION PROCESS—TEMPORARY REGULATIONS
1204.	FANTASY CONTEST LICENSES—TEMPORARY REGULATIONS
1205.	FANTASY CONTESTS—TEMPORARY REGULATIONS
1206.	ACCOUNTING AND INTERNAL CONTROLS—TEMPORARY REGULATIONS
1207.	ADVERTISING—TEMPORARY REGULATIONS
1208.	COMPULSIVE AND PROBLEM GAMING—TEMPORARY REGULATIONS
1209.	SELF-EXCLUSION—TEMPORARY REGULATIONS

CHAPTER 1201. FANTASY CONTESTS GENERALLY—TEMPORARY REGULATIONS

Sec.	
1201.1.	Scope.
1201.2.	Definitions.

§ 1201.1. Scope.

The purpose of this subpart is to implement and govern the operation and conduct of fantasy contests in this Commonwealth as provided for in 4 Pa.C.S. Chapter 3 (relating to fantasy contests).

§ 1201.2. Definitions.

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

Applicant—A person who, on his own behalf or on behalf of another, is applying for permission to engage in any act or activity which is regulated under this subpart. If the applicant is a person other than an individual, the Board will determine the associated persons whose qualifications are necessary as a precondition to the licensing of the applicant.

Beginner—A participant who has entered fewer than 51 contests offered by a single licensed operator or who does not meet the definition of “highly-experienced player.”

Entry fee—The cash or cash equivalent paid by a participant to a licensed operator to participate in a fantasy contest.

Fantasy contest—

(i) An online fantasy or simulated game or contest with an entry fee and a prize or award in which all of the following apply:

(A) The value of all prizes or awards offered to winning participants is established and made known to participants in advance of the contest and the value is not determined by the number of participants or the amount of any fees paid by those participants.

(B) All winning outcomes reflect the relative knowledge and skill of participants and are determined by accumulated statistical results of the performance of individuals, including athletes in the case of sports events.

(C) The winning outcome is not based on the score, point spread or performance of a single actual team or combination of teams, or solely on a single performance of an individual athlete or player in a single actual event.

(ii) The term does not include social fantasy contests.

Fantasy contest account—The formal electronic system implemented by a licensed operator to record a participant's entry fees, prizes or awards and other activities related to participation in the licensed operator's fantasy contests.

Fantasy contest license—A license issued by the Board authorizing a person to offer fantasy contests in this Commonwealth in accordance with this subpart.

Fantasy contest terminal—A computerized or electronic terminal or similar device within a licensed facility that allows participants to do all of the following:

- (i) Register for a fantasy contest account.
- (ii) Pay an entry fee.
- (iii) Select athletes for a fantasy contest.
- (iv) Receive winnings.
- (v) Otherwise participate in a fantasy contest.

Highly experienced player—

(i) Any participant who has done all of the following:

(A) Entered more than 1,000 fantasy contests.

(B) Won more than three fantasy contest prizes or awards valued at \$1,000 or more.

(ii) Once a participant is classified as a highly-experienced player, a player shall remain classified as a highly-experienced player.

Key employee—An individual who is employed by an applicant for a fantasy contest license or a licensed operator in a director or department head capacity or who is empowered to make discretionary decisions that regulate fantasy contest operations as determined by the Board.

Licensed facility—

(i) The physical land-based location at which a licensed gaming entity is authorized to place and operate slot machines and, if authorized by the Board, to conduct table games or interactive gaming, or both.

(ii) The term includes any of the following:

(A) An area of a licensed racetrack at which was previously authorized under 4 Pa.C.S. § 1207(17) (relating to regulatory authority of board) to operate slot machines prior to the April 28, 2018.

(B) A Board-approved interim facility or temporary facility.

(C) An area of a hotel which the Board determines is suitable to conduct table games.

(D) An area of a licensed facility where casino simulcasting is conducted, as approved by the Board.

(iii) The term does not include a redundancy facility or an interactive gaming restricted area which is not located on the premises of a licensed facility as approved by the Board and which is maintained and operated by an

interactive gaming certificate holder in connection with interactive gaming or casino simulcasting.

Licensed operator—A person who holds a fantasy contest license.

Participant—An individual who participates in a fantasy contest, whether the individual is located in this Commonwealth or another jurisdiction.

Person—A natural person, corporation, publicly traded corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association or any other form of legal business entity.

Principal—An officer, director or person who directly holds a beneficial interest in or ownership of the securities of an applicant for a fantasy contest license or a licensed operator, a person who has a controlling interest in an applicant for a fantasy contest license or a licensed operator or who has the ability to elect a majority of the board of directors of a licensed operator or to otherwise control a licensed operator, lender or other licensed financial institution of an applicant for a fantasy contest license or a licensed operator, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business, underwriter of an applicant for a fantasy contest license or a licensed operator or other person or employee of an applicant for a fantasy contest license or a licensed operator deemed to be a principal by the Board.

Prize or award—Anything of value worth \$100 or more, or any amount of cash or cash equivalents.

Publicly traded corporation—A person, other than an individual, who:

(i) Has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78qq).

(ii) Is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

(iii) Is subject to the reporting requirements under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement that has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

Script—A list of commands that a fantasy contest related computer software program can execute that is created by a participant or third party not approved by the licensed operator to automate processes on a licensed operator's fantasy contest platform.

Season-long fantasy contest—A fantasy contest offered by a licensed operator that is conducted over an entire sports season.

Social fantasy contest—A fantasy contest which meets one or more of the following criteria:

(i) Nothing is offered to participants other than game-based virtual currency that cannot be redeemed for cash, merchandise or anything of value outside the context of game play.

(ii) The contest is free to all participants.

(iii) The entity offering the contest does not receive compensation other than an administrative fee for the maintenance of statistical information in connection with the contest.

(iv) The winnings offered are of no greater value than the lowest individual fee charged to a single participant for entering or participating in the contest.

(v) The contest encompasses an entire season of the activity in which the underlying competition is being conducted and the winnings offered, if any, are determined by agreement of the participants only to distribute fully the participants' contributions to a fund established to grant the winnings for the contest.

Suspicious transaction—A transaction between a licensed operator or an employee of a licensed operator and an individual that involves the acceptance or redemption by a person of cash or cash equivalent involving or aggregating \$5,000 or more which a licensed operator or employee of a licensed operator knows, suspects or has reason to believe:

(i) Involves funds derived from illegal activities or is intended or conducted to conceal or disguise funds or assets derived from illegal activities.

(ii) Is part of a plan to violate or evade a law or regulation to avoid a transaction reporting requirement under the laws or regulations of the United States or the Commonwealth, including a plan to structure a series of transactions to avoid a transaction reporting requirement under the laws of the United States or the Commonwealth.

(iii) Has no apparent lawful purpose or is not the type of transaction in which a person would normally be expected to engage and the licensed operator or employee knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

CHAPTER 1202. APPLICATION REQUIREMENTS—TEMPORARY REGULATIONS

Sec.

1202.1.	General licensing requirements.
1202.2.	Fantasy contest licenses.
1202.3.	Licensed gaming entities.
1202.4.	Principals.
1202.5.	Key employees.
1202.6.	Gaming service providers.

§ 1202.1. General licensing requirements.

A fantasy contest license holder may conduct fantasy contests in this Commonwealth in accordance with 4 Pa.C.S. Chapter 3 (relating to fantasy contests) and this subpart.

§ 1202.2. Fantasy contest licenses.

(a) An application for a fantasy contest license shall be submitted on forms or in an electronic format supplied or approved by the Board and must contain all of the following information:

(1) The identity of the applicant as follows:

(i) If the applicant is an individual, the name, Federal employer identification number, contact information and business address of the applicant.

(ii) If the applicant is a corporation, the name and business address of the corporation, the state of its incorporation, and the full name, contact information and business address of each officer and director thereof.

(iii) If the applicant is a foreign corporation, the name and business address of the corporation, whether it is qualified to do business in this Commonwealth, and the full name, contact information and business address of each officer and director thereof.

(iv) If the applicant is a partnership or joint venture, the name, contact information and business address of each officer thereof.

(2) The name and location of the applicant's licensed facility, if applicable.

(3) The name, contact information and business address of the person having custody of the applicant's financial records.

(4) The name and business address, job title, fingerprints and a photograph of each principal and key employee of the applicant who will be involved in fantasy contests and who is not currently licensed by the Board, if known. If the principal and key employee are currently licensed by the Board, the application must specifically identify their participation in offering fantasy contests.

(5) Information and documentation concerning financial background and resources, as the Board may require, to establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant.

(6) A copy of any agreement or agreements the applicant has entered into or a detailed description of the terms and conditions of any agreement the applicant will enter into to facilitate the operation or conduct of fantasy contests.

(7) Any other information the Board may require.

(b) Upon request of the Board or Board staff, the applicant shall cooperate and provide supplemental information in support of its application. The applicant shall provide requested documents, records, supporting data and other information within the time period specified in the request or, if no time is specified, within 30 days of the date of the request. If the applicant fails to provide the requested information within the required time period in the request, the Board may deny the application.

(c) The application, and amendments thereto, and other specific documents designated by the Board shall be sworn to or affirmed by the applicant before a notary public which shall be filed promptly with the Board.

(d) An application and related materials that have been submitted to the Board will become the property of the Board and will not be returned to the applicant.

§ 1202.3. Licensed gaming entities.

(a) An abbreviated application for a fantasy contest license by a licensed gaming entity may be submitted on forms or in an electronic format supplied or approved by the Board.

(b) Upon request of the Board or Board staff, the applicant shall cooperate and provide supplemental information in support of its application. The applicant shall provide requested documents, records, supporting data and other information within the time period specified in the request or, if no time is specified, within 30 days of the date of the request. If the applicant fails to provide the requested information within the required time period in the request, the Board may deny the application.

(c) The application, and amendments thereto, and other specific documents designated by the Board shall be sworn to or affirmed by the applicant before a notary public which shall be filed promptly with the Board.

(d) An application and related materials that have been submitted to the Board will become the property of the Board and will not be returned to the applicant.

§ 1202.4. Principals.

(a) A principal as defined in this subpart shall apply for licensure as a principal in accordance with § 433a.8 (relating to principal applications).

(b) In addition to information required under § 433a.8, an individual required to be licensed as a principal, unless otherwise directed by the Board, shall submit all of the following:

(1) The nonrefundable application fee posted on the Board's web site.

(2) A description of responsibilities as a principal.

(3) Details relating to a similar license, permit or other authorization obtained in another jurisdiction.

(4) The consent to a background investigation by the Bureau and a release to obtain the information necessary for the completion of the background investigation.

(5) Other information required by the Board.

(c) Following review of the application and background investigation, the Board may approve a principal license if the applicant has proven by clear and convincing evidence that the applicant is a person of good character, honesty and integrity, and is eligible and suitable to be licensed as a principal.

(d) A principal license is not transferable.

(e) A temporary credential, which may be valid up to 270 days, may be issued by the Board to a principal if the Board determines additional time is needed to complete an investigation for licensure.

§ 1202.5. Key employees.

(a) A key employee as defined in this subpart shall apply for licensure as a key employee in accordance with § 435a.2 (relating to key employee license).

(b) In addition to information required under § 435a.2, an individual required to be licensed as a key employee, unless otherwise directed by the Board, shall submit all of the following:

(1) The nonrefundable application fee posted on the Board's web site.

(2) A description of employment responsibilities.

(3) The consent to a background investigation by the Bureau and a release to obtain the information necessary for the completion of the background investigation.

(4) Details relating to a similar license or other authorization obtained in another jurisdiction.

(5) Other information required by the Board.

(c) Following review of the application and background investigation, the Board may approve a key employee license if the applicant has proven by clear and convincing evidence that the applicant is a person of good character, honesty and integrity, and is eligible and suitable to be licensed as a key employee.

(d) A temporary credential, which may be valid up to 270 days, may be issued by the Board to a key employee if the Board determines additional time is needed to complete an investigation for licensure.

(e) An individual may not perform duties associated with a position that requires a key employee license prior to receiving a temporary or permanent credential unless otherwise authorized by the Board.

§ 1202.6. Gaming service providers.

The Board may, in its discretion, require a licensed operator who is not a licensed gaming entity to apply for a certificate or registration as a gaming service provider to provide fantasy contests to, or on behalf of, a licensed gaming entity under 4 Pa.C.S. § 342 (relating to licensed gaming entities).

**CHAPTER 1203. APPLICATION
PROCESS—TEMPORARY REGULATIONS**

Sec.

- 1203.1. Application review and processing.
- 1203.2. Application withdrawal.
- 1203.3. Existing activity.
- 1203.4. Renewals.
- 1203.5. Licensed entity representatives.

§ 1203.1. Application review and processing.

(a) The Board will review applications submitted under this subpart to ensure compliance with 4 Pa.C.S. Chapter 3 (relating to fantasy contests) and Board regulations.

(b) If an applicant fails to include any required documentation or information, the Board will notify the applicant and give him an opportunity to cure the deficiency.

(c) Upon a determination that the prerequisites for filing have been met, the application will be accepted for filing and Board staff, if applicable, will:

(1) Obtain information as may be necessary to determine the qualifications of the applicant and any matter relating to the application.

(2) Promptly conduct an investigation of the applicant and on any matter relating to the application, if applicable.

(3) Request the Department to promptly conduct or update a tax clearance review.

(4) Request the Pennsylvania State Police or Federal Bureau of Investigation to conduct or update a criminal history review.

(5) Request any agencies, entities or persons to provide information to the Board as deemed necessary by the Board.

(d) An application submitted under this subpart and information obtained by Board staff relating to the application will be part of the evidentiary record to be utilized by the Board when deciding to approve, condition, issue or deny a fantasy contest license.

(e) A determination as to the merit of the applicant to receive a fantasy contest license will be made within 120 days. If the license is not approved, the Board will provide the applicant with the justification for not issuing the fantasy contest license.

§ 1203.2. Application withdrawal.

(a) A request for withdrawal of an application may be made at any time prior to the Board taking action on the application in accordance with all of the following requirements:

(1) A request for withdrawal of an entity applying for a license, certification or registration, or an individual applying for a principal license shall be made by filing a petition with the Board in accordance with § 493a.4 (relating to petitions generally).

(2) A request for withdrawal of an individual applying for a key employee license or a permit shall be made on a form supplied by the Bureau of Licensing. If Board staff objects to the request for withdrawal, the person filing

the form will be notified and may be required to file a petition for withdrawal with the Board in accordance with § 493a.4.

(b) The petition or form must set forth the reasons for the withdrawal.

(c) When rendering a decision on a petition for withdrawal, the Board may set the conditions of withdrawal and may deny or grant the request with or without prejudice.

(d) Unless the Board otherwise directs, fees or other payments relating to an application, license, permit, registration or certification are not refundable by reason of the withdrawal.

§ 1203.3. Existing activity.

An applicant for a fantasy contest license who is conducting fantasy contests in this Commonwealth prior to the effective date of 4 Pa.C.S. Chapter 3 (relating to fantasy contests), or during the time period of a renewal application, may operate fantasy contests during the application or renewal process and prior to the Board granting a fantasy contest license unless the Board has reasonable cause to believe the person or licensed operator is, or may be, in violation of 4 Pa.C.S. Chapter 3 and the Board has required the person to suspend the operation of a fantasy contest until the Board takes action on the application.

§ 1203.4. Renewals.

(a) Licenses and registrations issued under this subpart will be for a term of 5 years from the date of issuance.

(b) An application for renewal of a license or registration shall be submitted at least 180 days prior to the expiration of the license or registration and must include an update of the information in the initial application and any prior renewal applications.

(c) A license, permit or registration for which an application for renewal has been timely filed will continue in effect until the Board acts upon the application for renewal.

§ 1203.5. Licensed entity representatives.

(a) A licensed entity representative shall register with the Board in a manner prescribed by the Board. The registration must include the name, employer or firm, business address and business telephone number of the licensed entity representative and any licensed operator, applicant for licensure or other person being represented.

(b) A licensed entity representative has an affirmative duty to update its registration information on an ongoing basis. Failure to update a registration is punishable by the Board.

**CHAPTER 1204. FANTASY CONTEST
LICENSES—TEMPORARY REGULATIONS**

Sec.

- 1204.1. Fantasy contest license issuance and statement of conditions.

§ 1204.1. Fantasy contest license issuance and statement of conditions.

(a) *Issuance criteria.* In addition to the criteria in 4 Pa.C.S. Chapter 3 (relating to fantasy contests), the Board will not issue or renew a fantasy contest license unless all of the following criteria have been established by the applicant:

(1) The applicant has fulfilled each condition set by the Board or contained in 4 Pa.C.S. Chapter 3, including the execution of a statement of conditions.

(2) The applicant is found suitable consistent with the laws of the Commonwealth and is otherwise qualified to be issued a fantasy contest license.

(b) *Statement of conditions.*

(1) The applicant, as a condition precedent to the issuance of a fantasy contest license, shall execute a Statement of Conditions in the manner and form required by the Board. Execution of the Statement of Conditions constitutes the acceptance of each provision in the Statement of Conditions by the applicant.

(2) Failure to fully comply with any provision in an executed Statement of Conditions constitutes a violation and may result in Board-imposed administrative sanctions, up to and including revocation, against a licensee.

CHAPTER 1205. FANTASY CONTESTS—TEMPORARY REGULATIONS

Sec.	
1205.1.	Fantasy contests generally.
1205.2.	Procedures to govern the conduct of fantasy contests.
1205.3.	Fantasy contest accounts.
1205.4.	Fantasy contest licensed operator duties.
1205.5.	Fantasy contest licensed operator restrictions.
1205.6.	Licensed gaming entities.
1205.7.	Record and data retention.

§ 1205.1. Fantasy contests generally.

A fantasy contest licensee may offer a fantasy contest only under all of the following conditions:

(1) The value of all prizes or awards offered to winning participants is established and made known in advance of the fantasy contest.

(2) The value of the prize or award is not determined by the number of participants or the amount of fees paid by the participants.

(3) The winning outcome reflects the relative knowledge and skill of the participant.

(4) The winning outcome is not based on the score, point spread or performance of a single actual team or combination of teams, or solely on a single performance of an individual athlete or player in a single actual event.

(5) The winning outcome is based on statistical results accumulated from fully completed athletic sports contests or events, except that participants may be credited for statistical results accumulated in a suspended or shortened sports event which has been partially completed on account of weather or other natural or unforeseen event.

§ 1205.2. Procedures to govern the conduct of fantasy contests.

(a) Each fantasy contest license holder shall establish and implement procedures governing the conduct of fantasy contests, as approved by the Board.

(b) The governing procedures must include, at a minimum, all of the following:

(1) A participant may not be eligible to engage in a fantasy contest by a licensed operator without first establishing a fantasy contest account, unless the fantasy contest is through a fantasy contest terminal in a licensed facility.

(2) Prior to a participant engaging in a fantasy contest or making a deposit in a fantasy contest account, the licensed operator shall verify the age, location and identity of the participant. A person under 18 years of age

may not engage in a fantasy contest by a licensed operator. If the participant is utilizing a fantasy contest terminal in a licensed facility, the participant shall be 21 years of age to engage in a fantasy contest.

(3) Each time a participant enters his registered fantasy account, he shall enter his unique username and password to verify his identity.

(4) Prior to accepting of a participant's entry fee for a specific fantasy contest, all Board-approved rules, prizes and award values must be posted on the specific fantasy contest homepage in a clear and decipherable manner.

(5) Provisions to prohibit a participant from participating in beginner fantasy contests, except as provided by 4 Pa.C.S. § 325(4.1)(ii) (relating to conditions of licensure). If a participant who is not a beginner attempts to enter a beginner contest, his account shall be temporarily suspended from further fantasy contest participation for 15 days and the fantasy contest operator shall ban the individual from any further participation in beginner fantasy contests offered by the licensed operator.

(6) Provisions to prohibit a highly experienced player from participating in fantasy contests that exclude highly experienced players. In accordance with 4 Pa.C.S. § 325(4.2), if a participant who is a highly experienced player attempts to enter a fantasy contest for which he is ineligible, his account must be temporarily suspended for 15 days and his account shall be banned from entering further contests of this type.

(7) Upon the creation of a fantasy contest account or the engagement of a fantasy contest terminal in a licensed facility, the licensed operator shall require the participant to identify any professional sports in which he currently engages in and which are subject to a fantasy contest and shall limit the participant's account from entering into contests of that sport.

(8) Allowing a person to restrict himself from entering a fantasy contest or accessing a fantasy contest account for a specific period of time as determined by the participant and implement procedures to prevent the person from participating in the licensed operator's fantasy contests.

(9) Allowing a person to restrict the total amount of deposits that the participant may pay to the licensed operator for a specific time period established by the participant and implement procedures to prevent the participant from exceeding the limit.

(10) Establishing procedures to monitor for and prevent the use of scripts.

(11) Establishing procedures determining when a fantasy contest locks and when no further entries or substitutions can be made. The procedures must require that the prize stipulated in the entry rules is available and can be demonstrated upon request of the Board.

(12) A process for a fantasy contest operator to receive and respond to participant complaints and reconciling a participant's fantasy contest account.

§ 1205.3. Fantasy contest accounts.

(a) A participant in a fantasy contest by a licensed operator may only enter a fantasy contest if the participant has established an account with the fantasy contest operator.

(b) The licensed operator shall perform all of the following with respect to each participant account:

(1) Verify the age, location and identity of participants in a fantasy contest prior to accepting an entry in a fantasy contest by the participant account holder.

(2) Assure the participant has funds on account sufficient to pay the fantasy contest entry fee at the time of entry.

(3) Require that each time a participant enters his registered fantasy account, he shall enter his unique username and password to verify his identity.

(4) Provide the account holder the option to:

(i) Restrict the participant from entering a fantasy contest or accessing a fantasy contest account for a specific period of time as determined by the account holder.

(ii) Restrict the total amount of deposits that the participant may pay to the licensed operator for a specific time period established by the participant.

(iii) Restrict the total amount of entry fees that the participant may pay to the licensed operator for a specific time period established by the participant.

(iv) Restrict the number of fantasy contests the participant may enter for a specific time period as determined by the account holder.

(v) With respect to subparagraphs (i)—(iv), a participant may make his limits more restrictive at any time but may not make a limit less restrictive within 90 days of imposing a restriction.

(5) Prevent unauthorized withdrawals from a fantasy contest account.

(6) Establish protocols for participants to withdraw funds whether the account is open or closed.

(7) Establish procedures for closing accounts and paying balances.

(8) Establish procedures for the disbursement of unclaimed prizes.

§ 1205.4. Fantasy contest licensed operator duties.

(a) A licensed operator shall comply with the conditions of licensure in 4 Pa.C.S. Chapter 3 (relating to fantasy contests) and the Board's regulations.

(b) A licensed operator shall continually monitor fantasy contests for conduct which violates the provisions and restrictions of 4 Pa.C.S. Chapter 3 and the Board's regulations, and immediately take steps to report this conduct to the Bureau upon discovery.

(c) A licensed operator shall implement measures to ensure the confidentiality of participants' personal, financial and account information, and to prevent the public disclosure of this information except as provided by law.

(d) A licensed operator shall timely remit all taxes and assessments to the Department as provided for in 4 Pa.C.S. Chapter 3.

(e) A licensed operator shall cooperate with the Board, the Bureau, the Department and law enforcement authorities performing any function or duties related to monitoring, investigating or enforcing 4 Pa.C.S. Chapter 3 or regulations relating to fantasy contest-related activities.

(f) A licensed operator shall permit access to the licensee's premises and fantasy contest terminal premises used in connection with the conduct of fantasy contests for the Board, the Bureau, the Department and the

Pennsylvania State Police to facilitate the ability to perform regulatory oversight and law enforcement functions.

(g) A licensed operator shall submit a record of all participant complaints along with a description of how the complaint was resolved and reconciled to the Board on a quarterly basis.

(h) A licensed operator shall submit to the Bureau a record of any suspicious transactions as provided in 4 Pa.C.S. § 325(4.5) (relating to conditions of licensure) within 2 business days of learning of the event.

(i) Each licensed operator shall maintain an office or place of business in this Commonwealth and shall file with the Board the address and contact information for a person or representative in this Commonwealth authorized to receive service of process, documents and requests issued by the Board. If the Board makes a request for information or delivers documents or a notice to that address, it shall constitute receipt of those documents or requests by the licensed operator or applicant. If the Board will require access to the database for the licensed operator, this information shall be kept and be made available to the Board at the Pennsylvania office address.

§ 1205.5. Fantasy contest licensed operator restrictions.

A licensed operator may not do all of the following:

(1) Except as provide in paragraph (2), permit an individual under 18 years of age to participate in a fantasy contest.

(2) Permit an individual under 21 years of age to participate in a fantasy contest which is conducted within a licensed facility.

(3) Offer a fantasy contest based in whole or in part on collegiate or high school events or players.

(4) Permit a participant to enter a fantasy contest prior to establishing a fantasy contest account, unless the licensed operator is also a licensed gaming entity and the participant enters the fantasy contest through a fantasy contest terminal located within the licensed gaming entities licensed facility.

(5) Establish a fantasy contest account for a person who is not an individual.

(6) Alter the rules established for a fantasy contest after a participant has entered the fantasy contest.

(7) Issue credit to a participant to establish or fund a fantasy contest account.

(8) Permit the use of scripts by participants. A licensed operator shall implement technologies to prevent the use of scripts.

(9) Knowingly market to a participant during a time period in which the participant has self-excluded from the licensed operator's fantasy contests.

(10) Knowingly allow a self-excluded person to collect, keep or retain a prize.

(11) Knowingly accept a deposit or entry in excess of a limit established by a participant for the specific time period established by the participant.

(12) Share confidential information that could affect fantasy contest play with third parties until the information is made publicly available.

(13) Knowingly permit a principal, an employee of a licensed operator or a relative living in the same house-

hold of an employee, or a principal of a licensed operator to become a participant in a fantasy contest offered by any licensed operator in which the licensed operator offers a prize or award.

§ 1205.6. Licensed gaming entities.

(a) A licensed gaming entity which holds a fantasy contest license may petition the Board for authority to place and operate fantasy contest terminals within the licensed gaming entity's licensed facility.

(b) A licensed gaming entity may not place a fantasy contest terminal on its approved gaming floor. The Board's Executive Director will approve the placement of terminals within the licensed facility.

(c) A participant entering a fantasy contest through a fantasy contest terminal is not required to establish an account with the licensed gaming entity prior to entering the fantasy contest.

(d) A licensed gaming entity which offers a fantasy contest through a fantasy contest terminal may offer slot machine promotional play or table game match play to a participant who is at least 21 years of age as a prize or award or for participating in a fantasy contest conducted by the licensed gaming entity, as approved by the Board.

(e) A licensed gaming entity which obtains authorization from the Board to conduct fantasy contests through fantasy contest terminals is subject to all requirements and restrictions, except for those relating to prior account establishment, in this chapter and Chapters 1206—1209.

§ 1205.7. Record and data retention.

(a) A licensed operator shall retain account information for a 5-year period, including records of deposits into and out of a fantasy contest account, winnings, payouts and withdrawals, and record of participant play of fantasy contests.

(b) A licensed operator shall retain records of each fantasy contest conducted by the licensed operator for a 5-year period.

(c) A licensed operator shall retain copies of all advertisements for at least 2 years from the date of the last use of the advertisement and shall retain records to identify where advertisements were placed.

CHAPTER 1206. ACCOUNTING AND INTERNAL CONTROLS—TEMPORARY REGULATIONS

Sec.

1206.1. Fantasy contest accounting and internal controls.

§ 1206.1. Fantasy contest accounting and internal controls.

(a) At least 45 days prior to commencing fantasy contests under this subpart, except as provided for in § 1203.3 (relating to existing activity), a fantasy contest licensee or an applicant for a fantasy contest license shall submit to the Board for approval all internal control systems and audit protocols for the fantasy contest operations.

(b) An applicant for a fantasy contest license who is conducting fantasy contests in this Commonwealth prior to the effective date of 4 Pa.C.S. Chapter 3 (relating to fantasy contests) shall submit a copy of its internal control systems and audit protocols for the fantasy contest operations simultaneously with its application for a fantasy contest license.

(c) A fantasy contest licensed operator's internal controls and audit protocols must include all of the following:

(1) Provide for reliable records, accounts and reports of any financial event that occurs in the conduct of fantasy contests, including reports to the Board related to fantasy contests.

(2) Provide for accurate and reliable financial records related to the conduct of fantasy contests, including by or through participants located in this Commonwealth.

(3) Establish procedures and security for the recordation of wagering, winnings, and fantasy contest adjusted revenue and taxation.

(4) Establish procedures and security standards for the maintenance of fantasy contests and associated equipment used in connection with the conduct of fantasy contests.

(5) Establish procedures and rules to govern the conduct of fantasy contests and the responsibility of employees related to fantasy contest.

(6) Establish procedures for the collection, recording and deposit of revenue from the conduct of fantasy contests by or through participants located in this Commonwealth.

(7) Establish reporting procedures and records required to ensure that all money generated from fantasy contests by or through participants located in this Commonwealth is accounted for.

(8) Ensure that all functions, duties and responsibilities related to fantasy contests are appropriately segregated and performed in accordance with sound financial practices by qualified employees.

(9) Ensure the confidentiality of participant's personal and financial information.

(10) Ensure the segregation of participant funds from operational funds in separate accounts and maintain a reserve in the form of cash, cash equivalents, security deposits held by banks and processors, an irrevocable letter of credit, payment processor reserves and receivables, a bond or a combination thereof in an amount sufficient to pay all prizes and awards offered to winning participants.

(d) The submissions required under subsections (a) and (b) must include a detailed description of the fantasy contest license operator's administrative and accounting procedures related to fantasy contests, including its written system of internal controls. Each written system of internal controls must include all of the following:

(1) An organizational chart depicting appropriate functions and responsibilities of employees involved in fantasy contests.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) A detailed narrative description of the administrative and accounting procedures to satisfy the requirements in 4 Pa.C.S. § 325 (relating to conditions of licensure).

(4) The record retention policy of the licensed operator.

(5) The procedure to be utilized to ensure that money generated from the conduct of fantasy contests is safeguarded, including mandatory counting and recording procedures.

(6) Procedures to ensure that recorded accountability for assets is compared with actual assets at intervals required by the Board and appropriate action is taken with respect to discrepancies.

(7) Procedures to be utilized by an employee of a licensed operator in the event of a malfunction of a fantasy contest terminal or other equipment used in the conduct of fantasy contests.

(8) Procedures to be utilized by a licensed operator to prevent minors from entering fantasy contests.

(9) Other items the Board may request in writing to be included in the internal controls.

(10) A statement signed by the chief financial officer of the proposed licensed operator or other competent person and the chief executive officer of the proposed licensed operator or other competent person attesting that the officer believes, in good faith, that the system satisfies the requirements in 4 Pa.C.S. § 325.

(e) Except as provided in § 1203.3, prior to authorizing a licensed operator to commence the conduct of fantasy contests, the Board will review the system of internal controls and audit protocols submitted under subsections (a) and (b) to determine whether it conforms to the requirements in this chapter and whether it provides adequate and effective controls for the conduct of fantasy contests.

(f) If a licensed operator intends to make a change or amendment to its system of internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations in a manner prescribed by the Bureau of Gaming Operations. The licensed operator may implement the change or amendment upon receipt of approval or on the 30th calendar day following the filing of a complete submission unless the fantasy contest licensee receives written notice tolling the change or amendment in accordance with subsection (g) or written notice from the Board's Executive Director rejecting the change or amendment.

(g) If during the 30-day review period in subsection (f), the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains an insufficiency likely to negatively affect the integrity of fantasy contests or the control of revenue generated from fantasy contests, the Bureau of Gaming Operations, by written notice to the licensed operator, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30-calendar day review period in subsection (f) be tolled and that any internal controls at issue not be implemented until approved under subsection (i).

(h) Examples of submissions that may contain an insufficiency likely to negatively affect the integrity of fantasy contests include the following:

(1) Submissions that fail to provide information sufficient to permit the review of fantasy contests.

(2) Submissions that fail to provide for the segregation of incompatible functions so that no employee is in a position to commit an error or perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required under 4 Pa.C.S. Chapter 3 or this subpart.

(4) Submissions that would implement operations or accounting procedures not authorized by 4 Pa.C.S. Chapter 3 or this subpart.

(i) When a change or amendment has been tolled under subsection (g), the licensed operator may submit a revised change or amendment within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The licensed operator may implement the revised change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of the revision unless the licensed operator receives written notice tolling the change or amendment in accordance with subsection (g) or written notice from the Board's Executive Director rejecting the change or amendment.

CHAPTER 1207. ADVERTISING—TEMPORARY REGULATIONS

Sec.

1207.1. Fantasy contest advertising.

§ 1207.1. Fantasy contest advertising.

(a) Advertisements related to fantasy contests used by a licensed operator through any form of media, Internet application, or fantasy contest terminal or its agent may not do all of the following:

(1) Contain false or misleading information. An advertisement will be considered misleading if it makes representations about average winnings without equally prominently representing the average net winnings of all players and that not all players will achieve the results referenced.

(2) Portray play by minors (other than professional athletes who may be minors), students, schools, colleges or their settings.

(3) Represent endorsements by minors, college athletes, colleges or college athletic associations.

(4) Appear in a publication that is aimed exclusively or primarily at minors, or individuals attending an elementary or secondary school or school-related event.

(5) Fail to disclose conditions or limiting factors associated with the advertisement.

(b) A licensed operator may not directly market to a person on the Board's fantasy contest self-exclusion list.

(c) A licensed operator or fantasy contest terminal operator or its agent shall discontinue as expeditiously as possible the use of a particular advertisement in this Commonwealth or directed to residents in this Commonwealth upon receipt of written notice that the Board's Office of Compulsive and Problem Gaming has determined that the use of the particular advertisement in this Commonwealth could adversely impact the public or the integrity of fantasy gaming.

CHAPTER 1208. COMPULSIVE AND PROBLEM GAMING—TEMPORARY REGULATIONS

Sec.

1208.1. Signage requirements.

1208.2. Problem gambling information.

§ 1208.1. Signage requirements.

(a) A fantasy contest licensee shall conspicuously post notices on the licensee's web site, including on the account registration and access page, a statement providing the following: "If you or someone you know has a gambling problem, help is available. Call (1-800-GAMBLER)."

(b) The operator of any fantasy contest terminal shall conspicuously post notice on the front of the fantasy contest terminal and notices on the opening screen and on an account registration or access screen, if applicable,

a statement providing the following: “If you or someone you know has a gambling problem, help is available. Call (1-800-GAMBLER).”

§ 1208.2. Problem gambling information.

A licensed operator shall make available through its web site a Responsible Gaming page, as approved by the Board’s Office of Compulsive and Problem Gaming (Office), containing links to compulsive and problem gaming treatment information and provider sites and materials provided by the Office regarding compulsive and problem gaming in a .pdf format which can be viewed, downloaded and printed by an individual.

CHAPTER 1209. SELF-EXCLUSION—TEMPORARY REGULATIONS

Sec.	
1209.1.	Self-exclusion definitions.
1209.2.	Self-exclusion procedure.
1209.3.	Fantasy contest self-exclusion list.
1209.4.	Duties of fantasy contest licensees.
1209.5.	Removal from fantasy contest self-exclusion list.

§ 1209.1. Self-exclusion definitions.

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

Fantasy contest activity—The play of fantasy contests at any location in this Commonwealth.

Fantasy contest related activity—An activity related to the play of fantasy contests including creating a player account, funding a player account or withdrawing funds on account.

Fantasy contest self-excluded person—A person whose name and identifying information is included, at the person’s request, on the fantasy contest self-exclusion list maintained by the Board.

Fantasy contest self-exclusion list—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be excluded from the conduct of fantasy contests for a period of time as selected by the person.

Winnings—Any money or thing of value received from, or owed by, a fantasy contest licensee as a result of a fully executed fantasy contest transaction.

§ 1209.2. Self-exclusion procedure.

(a) A person may request to be self-excluded from fantasy contest activities in this Commonwealth.

(b) A person requesting self-exclusion shall complete a form approved by the Board for the purpose of self-excluding from fantasy contests and fantasy contest-related activity, and which is available on the fantasy contest licensee’s web site. The person shall do all of the following:

- (1) Provide the individual’s complete name, including any aliases or nicknames, current address, telephone number, e-mail address, age, date of birth, state of issue of driver’s license and driver’s license number.
- (2) Identify the period of time in years for which the individual seeks to self-exclude. The period of time for fantasy contest self-exclusion may not be less than 1 year.
- (3) Agree that, during any period of voluntary self-exclusion, the person may not collect any winnings or recover any losses resulting from any fantasy contest activity.
- (4) Agree to release, indemnify, hold harmless and forever discharge the Commonwealth, the Board and all

fantasy contest licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the fantasy contest self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

- (i) The failure of a fantasy contest licensee to withhold fantasy contest privileges from or restore fantasy contest privileges to a fantasy contest self-excluded person.
 - (ii) Otherwise permitting or not permitting a fantasy contest self-excluded person to engage in fantasy contest activity while on the list of fantasy contest self-excluded persons.
 - (iii) Confiscation of the individual’s winnings.
- (5) Agree to other conditions established by the Board.

(c) Forms to be used to request placement on the fantasy contest self-exclusion list must be available on the responsible gaming webpage of each fantasy contest licensed operator’s web site. The forms will also be available on the Board’s web site.

§ 1209.3. Fantasy contest self-exclusion list.

(a) The Board will maintain the official fantasy contest self-exclusion list and provide access to an updated fantasy contest self-exclusion list on a weekly basis to each licensed operator by transmitting the fantasy contest self-exclusion list electronically to each licensed operator.

(b) The notice provided to licensed operators by the Board will include all of the following information concerning a person who has been added to the fantasy contest self-exclusion list:

- (1) The individual’s complete name, including any aliases or nicknames.
- (2) Current address.
- (3) Telephone number.
- (4) E-mail address.
- (5) Age.
- (6) Date of birth.
- (7) State of issue of driver’s license and driver’s license number.

(c) A licensed operator shall establish procedures to ensure that its data base of self-excluded persons is updated to correspond with the Board’s current fantasy contest self-exclusion list.

(d) A licensed operator shall maintain a copy of the fantasy contest self-exclusion list and establish procedures to ensure that all appropriate employees and agents of the licensed operator are notified of the updated self-exclusion list within 5 business days after the day notice is transmitted electronically to each fantasy contest licensee.

(e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter and 4 Pa.C.S. § 325(6)(ii) (relating to conditions of licensure).

(f) Except as provided in 4 Pa.C.S. § 325(6)(ii), licensed operators and employees or agents thereof may not disclose the name of, or any information about, a person who has requested fantasy contest self-exclusion to anyone other than employees and agents of the licensed operator whose duties and functions require access to the information.

(g) A fantasy contest self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the fantasy contest self-exclusion list.

(h) Winnings incurred by a fantasy contest self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(i) For the purposes of this section, winnings issued to or redeemed by a fantasy contest self-excluded person will be presumed to constitute winnings subject to remittance to the Board.

§ 1209.4. Duties of fantasy contest licensees.

(a) A fantasy contest licensee shall do all of the following:

(1) Deny fantasy contest related activities to a fantasy contest self-excluded person.

(2) Ensure that a fantasy contest self-excluded persons may not establish an account or deposit money in an established account while the person is on the fantasy contest self-exclusion list.

(3) Retain a record of any attempts of a fantasy contest self-excluded person to engage in fantasy contest related activity and to provide the record to the Board's Office of Compulsive and Problem Gaming (Office) in a form and

manner as approved by the Office. The record must include the name of the self-excluded person, the date of the occurrence and a description of the attempted fantasy contest related activity.

(4) Notify the Office within 24 hours of identifying that an individual on the self-exclusion list has gained access to the individual's account or has entered a fantasy contest.

(5) Make available to patrons materials explaining the fantasy contest self-exclusion program.

(b) The list of video gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of 4 Pa.C.S. Chapter 3 (relating to fantasy contests).

§ 1209.5. Removal from fantasy contest self-exclusion list.

An individual who has elected to self-exclude from fantasy contest related activity will remain on the self-exclusion list for the duration of the period selected and will be removed from the fantasy contest self-exclusion list only upon the conclusion of the period of self-exclusion.

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