

PENNSYLVANIA BULLETIN

Volume 48

Number 27

Saturday, July 7, 2018 • Harrisburg, PA

Pages 3939—4080

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for the Subject Index for
January—June 2018

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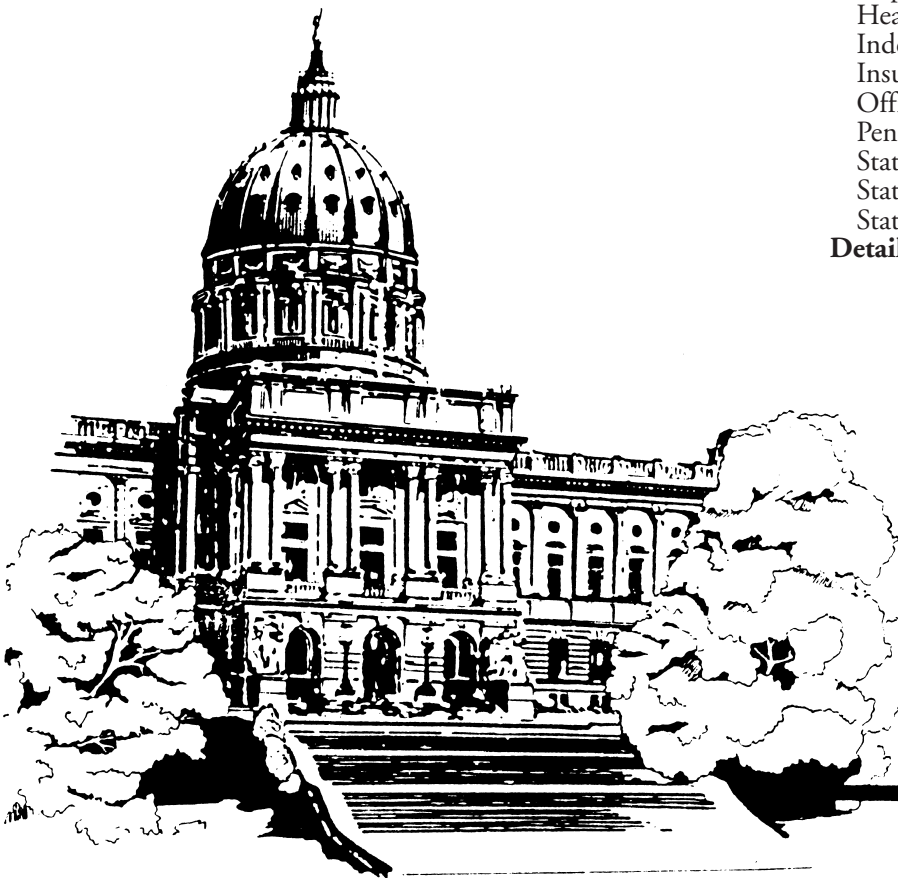
Pennsylvania Public Utility Commission

State Board of Certified Real Estate Appraisers

State Board of Dentistry

State Horse Racing Commission

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

No. 524, July 2018

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PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 4 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$87.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

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Fry Communications, Inc.
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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 COURTS

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Implementation of Butler County Credit for Prison Work Programs; CP-10-AD-2-2018

Administrative Order of Court

And Now, this 12th day of June, 2018, the Court orders and directs that the Administrative Order of Court dated May 31, 2018 related to the Implementation of Credit for Butler County Prison Work Programs be published forthwith in the *Pennsylvania Bulletin*.

It is further ordered that this Administrative Order shall be effective upon publication in the *Pennsylvania Bulletin*.

It is finally ordered that the District Court Administrator shall:

(a) Deliver one copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

(b) Distribute two paper copies and one electronic copy hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) Deliver a copy of the Administrative Order related to the implementation of credit for Butler County Prison Work Programs to the *Butler County Legal Journal* for publication as that organization deems appropriate.

(d) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County.

(e) Publish this Administrative Order on the Butler County Court website.

(f) File a copy of the Administrative Order in the Butler County office of the Clerk of Courts for inspection and copying.

By the Court

MARILYN J. HORAN,
Administrative Judge

Implementation of Credit for Butler County Prison Work Programs; CP-10-AD-2-2018

Administrative Order of Court

And Now, this 31st day of May, 2018, the Court adopts the Butler County Prison Work Program and authorizes the Clerk of Courts to honor and apply credit earned through said program, as verified by Butler County Prison staff, towards reducing County fees, fines and costs from participating inmates' respective criminal case balances. This Order of Court is effective upon publication in the *Pennsylvania Bulletin*.

By the Court

MARILYN J. HORAN,
Administrative Judge

Section: Work Programs

Effective Date: 7-1-2009

Title: Work Programs—Inmate

Chapter: 12

Document # 12.1

I. *Purpose:*

The Butler County Prison shall identify any authorized inmate work programs along with compensation for work performed by the inmates.

II. *Policy:*

It is the policy of the Butler County Prison to provide inmate work programs to include work assignment programs, industries programs, public works/community service programs or work release programs.

III. *Distribution:*

These policies and procedures will apply to all Prison employees, administrative staff and all entities that use inmate community service/work release inmates.

IV. *Reference:*

37 Pa. Code § 95.235

V. *General Information:*

1) The following work programs will be offered to the inmate population:

- 1) Inmate Laundry
- 2) Kitchen detail
- 3) Housing Pod cleaner
- 4) Night cleaner
- 5) Barber
- 6) Specialized Cleaning Projects
- 7) Work Release
- 8) Community Service
 - A) YWCA
 - B) Grapevine
 - C) Food cupboard
 - D) Butler County Community Service Program
 - E) Butler Township
 - F) Or other Community Service projects assigned by the Warden.

2) Butler County Prison staff is strictly prohibited from using their official position or capacity to secure privileges for themselves or others in association with an inmate program.

3) Inmate laundry and the night cleaners will receive a \$1.50; Kitchen workers will receive \$3.00 a day credited towards their fines, costs, and restitution. Inmate laundry and night cleaners without fines, costs and restitution will receive compensation in the form of commissary items to total no less \$7.50 per week. Kitchen inmate workers without fines, costs and restitution will receive compensation in the form of commissary items to total no less than \$15.00 per week.

4) Work programs will be offered to the inmate population regardless of inmate's race, religion, national origin, gender or disability.

VI. *Procedures:*

1) Inmates selected for work programs inside the institution will receive direction on the proper use of any equipment or tools to be used by the inmate during any work assignment program or industries program. Each inmate will receive the appropriate clothing, supplies and

tools for the work assignment. Industries public works, or community service assignments.

2) Inmates who participate in work release/community service programs must be court ordered to do so. These inmates will adhere to the program guidelines.

3) Sentenced inmates will be required to participate in a work program based upon the availability of work. Unsentenced inmates are not required to participate in work programs; however may request to participate in a work program. Depending on charges and bonds, unsentenced inmates may be considered for these programs.

Joe DeMore, Warden

[Pa.B. Doc. No. 18-1030. Filed for public inspection July 6, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 20th day of June, 2018, Dauphin County Local Rules 206.1(a), 206.4(c), 1301, 1302, 1303, 1307 and 1308 are amended and Rule 1306 is rescinded as follows:

Rule 206.1(a). Petitions.

(1) The only applications designated to proceed as petitions are:

- (a) Petitions to Open Judgment;
- (b) Non Pros Petitions;

(c) Applications filed to commence an action where it is not appropriate to file a writ of summons or a complaint; and

(d) Any other applications so designated by statute or rule of court. All other applications shall proceed as motions. If an application is designated by statute or rule of court to proceed as a petition, the statutory basis or specific rule must be specifically set forth in the petition.

(2) All issues relating to the administration, filing and processing of judicial assignments relating to petitions shall be under the direction and supervision of the Civil Calendar Judge.

(3) Except for Petitions in Forfeiture under 42 Pa.C.S.A. § 5805, all petitions and answers or responses thereto shall be accompanied by a proposed order (or alternative orders) as well as a proposed Rule to Show Cause pursuant to Pa.R.C.P. 206.5. The proposed order(s) and Rule to Show Cause shall contain a distribution legend which shall include the name(s) and mailing address(es), telephone number(s), facsimile number(s) and e-mail address(es), if any, of all attorneys and/or self-represented parties to be served.

Rule 206.4(c). Applications Designated to Proceed as Petitions—Rules to Show Cause.

(1) Except for Petitions in Forfeiture under 42 Pa.C.S.A. § [6801 and § 6802] 5805, an original and one copy of a Petition shall be filed with the Prothonotary and a copy shall be served on all other parties.

(a) The Prothonotary shall forward the original petition to the Court Administrator's Office and shall retain the

copy in the file. The petition shall be assigned to a judge for disposition by the Court Administrator's Office.

(b) The assigned judge may issue a rule to show cause pursuant to Pa.R.C.P. 206.5 (Discretionary Issuance). The judge may also issue a scheduling order, which may include any discovery deadlines, briefing schedule, argument or hearing dates and a stay of proceedings as the judge deems necessary upon review of the petition.

(c) Parties shall provide a copy of all subsequent pleadings, filings, briefs and memoranda related to the petition to the Court Administrator's Office for distribution to the assigned judge. No cover letter is necessary.

(2) Petitions in Forfeiture filed pursuant to 42 Pa.C.S.A. § [6801 and § 6802] 5805 shall be filed with the Prothonotary.

(a) Petitions in Forfeiture shall contain a notice as set forth in 42 Pa.C.S.A. § [6802] 5805(b). No rule to show cause should be attached. The Caption shall include a cross-reference by defendant name and docket number to any criminal action. The case shall thereafter proceed in accordance with the procedures set forth in 42 Pa.C.S.A. § [6802] 5805.

(b) If a response is not filed within thirty (30) days **from service**, the moving party shall file a Motion for Default Judgment with the Prothonotary. The Motion for Default Judgment will be assigned by the Court Administrator's Office to the Motions Judge for review.

(c) If a response is filed within thirty (30) days, either party may thereafter file a Certificate of Readiness listing the case for [**arbitration**] a **non-jury trial** pursuant to Dauphin County Local Rule [1301 et seq] 1038. [**Arbitration shall be applicable to all actions in forfeiture.**]

Rule 1301. Arbitration.

[(1)] All actions at issue in which the amount in controversy is \$50,000 or less, except those involving title to real estate, shall be submitted to and be heard by a Board of Arbitration pursuant to applicable law. The term "amount in controversy" shall mean the aggregate amount, exclusive of interest and costs, claimed by any one party in the complaint, counterclaim, or agreement of reference.

[(2) **When a Certificate of Readiness is filed, it shall contain a statement of any other actions pending in this Court involving a common question of law or fact, together with the amount involved therein. If all such cases are subject to arbitration, the Prothonotary shall consolidate them for arbitration. If any such case is not subject to arbitration, all such cases shall be consolidated for trial before the Court.**]

Rule 1302. List of Arbitrators—Appointment of Board. Compensation.

The Board of Directors of the Dauphin County Bar Association shall determine the names of those attorneys in the county who are willing to serve as arbitrators. The Board shall [**thereafter**] provide the Court with the names of thirty persons who are believed by the Board to be competent to serve as arbitrators. [**From the names suggested**] **The** Court shall select [**eighteen**] arbitrators to serve for [**one year and thereafter until their successors have been duly appointed and qualified**

by the Court] **two years**. Insofar as possible, one week out of each month shall be designated by the Court for the hearing of arbitration cases and one panel (three attorneys) will sit for the entire week, with each arbitrator to sit for two weeks each year.

The compensation of each arbitrator shall be set by order of court.

Rule 1303. Listing of a Case. Notice. Location. Continuances.

(a)(1) When a case is READY IN ALL RESPECTS for arbitration, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary in accordance with the timelines established in the Annual Court Calendar. The Prothonotary shall forward all original Certificate of Readiness forms to the Court Administrator's Office. The Chair of the arbitration panel shall prepare the list of cases and send the list of cases to all attorneys [**and pro se**], **self-represented** parties involved in the cases, **as well as to Court Administration**. The Certificate of Readiness shall contain the following statement:

"This matter will be heard by a Board of Arbitrators at the time, date, and place specified by the Chair of the panel but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a Judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a Judge.

A hearing under the provisions of this notice shall be heard by the Arbitration Judge if his/her schedule so permits."

(2) At least thirty days prior to filing a Certificate of Readiness, a party or attorney must notify all other parties or attorneys of the intention to list, **as well as inquire as to any conflicts the other parties or attorneys may have with the arbitration panel scheduled for the term. The listing party or attorney must certify on the Certificate of Readiness that no conflicts exist with the arbitration panel. Failure to certify shall result in the rejection of the Certificate of Readiness.**

(3) All hearings shall be in the Dauphin County Courthouse unless otherwise agreed to in writing by the parties or attorneys and the Court Administrator.

(4) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

(b) *Continuances*

(1) The original and one copy of a pleading designated as an Application for Continuance shall be filed with the Prothonotary. The Prothonotary shall immediately forward the original to the Court Administrator's Office and retain the copy in the file. The Court Administrator's Office shall forward the Application to the Arbitration Chair if the case is less than two years old. If the case is more than two years old, the Court Administrator's Office shall forward the Application to the Arbitration Judge. Applications for Continuance shall be served concurrently upon all other parties. No continuance shall be granted if filed less than ten days prior to the beginning of the

arbitration term except in the most extraordinary circumstances. A courtesy copy of the Application shall be sent to the Arbitration Chair.

(2) The Application for Continuance shall certify that all other parties do or do not concur in the request.

(3) If all parties concur, and the case is less than two years old, the panel Chair shall approve the Application for Continuance and file an order continuing the matter and directing the parties to file a Certificate of Readiness for a subsequent term.

(4) If a party does not concur, and the case is less than two years old, the panel Chair shall convene a telephone conference among all parties, and shall make a decision on the Application for Continuance. The Chair shall then inquire if any aggrieved party wishes to appeal the matter to the Arbitration Judge.

(a) If a party indicates an intention to contest the decision of the panel Chair, an Application for Continuance shall thereafter be presented to the Arbitration Judge, reciting the date the Application for Continuance was presented to the panel Chair, the date of the conference call, the names of the attorneys and parties who participated in the call, and the panel Chair's decision.

(b) If no party indicates an intention to contest the decision of the panel Chair, the panel Chair shall file an order with the Prothonotary indicating the decision.

(5) Only one request for continuance will be granted for cases less than two years old, and none shall be granted for those over two years old, except with leave of court for cause shown.

[Rule 1306. Report & Award. Delay Damages.

(1) **The Chairman of the Board of Arbitrators shall prepare and file the report of the Board's action, which report shall show the time and place of meeting, shall indicate that the parties were heard or that an opportunity to hear the parties was afforded, and shall include the findings of the Board and any award.**

(2)(a) **In all cases subject to the provisions of this Rule where damages for delay are claimed, the Plaintiff shall, no later than the commencement of the hearing, present to the Chairman of the Board of Arbitrators in a sealed envelope a statement containing the required information, which shall be substantially in the form contained in subsection (c) below. Each question on the form shall be answered and the form shall be executed by all parties to the action or their counsel.**

Those parties not concurring in the information contained on the form to be submitted by Plaintiff shall state thereon a brief explanation as to the reasons for their nonconcurrence. Parties failing to state the reasons for nonconcurrence shall be deemed to be in concurrence.

Plaintiff shall serve a copy of the executed form upon all other parties or their counsel at or before the time the same is presented to the arbitrators. Failure of Plaintiff to comply with this rule shall be deemed to be a waiver of any delay damages.

(b) **No arbitrator shall open the aforesaid envelope or in any other manner attempt to ascertain the contents thereof until the Board of Arbitrators shall have reached a decision on the merits in the case and then only if delay damages are applicable.**

If, after deciding the merits of the case, delay damages are not applicable, the Chairman of the Board of Arbitrators shall return the envelope to the Prothonotary, together with the report of the Board.

(c) The form referred to in sub-section (a) shall be as follows:

Plaintiff : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
vs. : CIVIL ACTION—
Defendant : NO.

DELAY DAMAGES

- (1) On what date did the cause of action accrue?
(2) On what date was the Complaint filed?
(3) Was this action pending on April 15, 1979?
(4) Was a written offer of settlement made by any Defendant, or additional Defendant? If so state:
(a) The date of the written offer;
(b) Whether it was in effect at the time of commencement of the hearing;
(c) The amount of the offer of settlement; and
Attach a copy of the written offer of settlement.

Attorney for Plaintiff(s)

Attorney for Defendant(s)

Attorney for Additional Defendant(s)

I do not concur for the following reasons:

Attorney for Defendant(s)

Attorney for Additional Defendant(s)

Where opposing counsel refuses to execute the document, the following shall be attached:

ATTORNEY'S CERTIFICATE

I hereby certify that I served a copy of the foregoing document on opposing counsel on the day of , 19 , and seek his concurrence.

Attorney for Plaintiff]

[Rule 1307. Docketing. Notice.

The Prothonotary shall enter the award upon the docket and judgment index and shall certify that he has given a copy of the report to the parties.]

Rule 1308. Appeal. [Notice.] Compensation.

[(a)(1) When an appeal is taken from the decision of the Board, the appellant shall give written notice thereof to the appellee within five (5) days after the filing of the appeal.

(2)] When an appeal is filed to a decision of the Board of Arbitrators, any party appealing shall repay to the County the fees of the members of the Board of Arbitration, which shall not thereafter be refundable to or recoverable by the said party under any circumstances, under the following schedule:

- (a) If the amount in controversy is less than \$5,000.00 - \$400.00.
(b) If the amount in controversy is \$5,000 or more, but less than \$10,000.00 - \$500.00.
(c) If the amount in controversy is \$10,000.00 or more, but less than \$20,000.00 - \$600.00.
(d) If the amount in controversy is \$20,000.00 or more, but less than \$35,000.00 - \$700.00.
(e) If the amount in controversy is \$35,000.00— \$50,000.00 - \$800.00

For purposes of determining the appeal fee, "amount in controversy" shall be defined as the amount of the award rendered by the Board of Arbitration.

These amendments shall be effective thirty (30) days from date of publication.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 18-1031. Filed for public inspection July 6, 2018, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 32]

[L-2017-2604692]

Minimum Insurance Requirements for Motor Carriers of Passengers

The Pennsylvania Public Utility Commission (Commission), on February 8, 2018, adopted a proposed rulemaking order to amend § 32.11 to increase the minimum required insurance on passenger carriers of less than 16 passengers from \$30,000 for bodily injury and \$5,000 for property damage (\$35,000 split coverage) to \$100,000 for bodily injury and \$25,000 for property damage (\$125,000 split coverage).

Executive Summary

Commission regulation requires motor carriers utilizing vehicles capable of transporting fewer than 16 passengers to maintain at least \$35,000 in “split coverage,” of up to \$30,000 for bodily injury/death (up to \$15,000 per person) and up to \$5,000 for property damage. 52 Pa. Code § 32.11. This amount is much lower than the minimum insurance requirements on passenger carriers capable of transporting fewer than 16 passengers in Maryland, Michigan, New York, Ohio, and federal/interstate jurisdiction. It is also lower than the minimum insurance requirements for Transportation Network Company vehicles. See 66 Pa.C.S. § 2603.1. The Commission believes that the minimum insurance requirement for passenger carriers in the Commonwealth, operating vehicles capable of transporting fewer than 16 passengers, should be raised to \$125,000 split coverage consisting of up to \$100,000 for bodily injury/death per accident (up to \$50,000 per person) and up to \$25,000 for property damage. The Commission believes this increased insurance coverage better protects the public and is in the public interest.

Public Meeting held
February 8, 2018

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; Norman J. Kenard; David W. Sweet; John F. Coleman, Jr.

Rulemaking Pertaining to Minimum Insurance Requirements for Motor Carriers of Passengers, 52 Pa. Code Chapter 32; L-2017-2604692

Proposed Rulemaking Order

By the Commission:

The Pennsylvania Public Utility Commission (Commission) proposes to amend its regulations governing minimum insurance coverage requirements for motor carriers of passengers. 52 Pa. Code Chapter 32. By way of background, on June 14, 2017, the Commission entered an Advanced Notice of Proposed Rulemaking Order wherein we invited comments on certain existing motor common carrier regulations that may need to be updated or revised in response to changing market conditions. These proposals would be in addition to the changes previously approved by the Commission in Temporary Regulations

for the Taxi and Limousine Industries at Docket No. L-2016-2556432.¹

Specifically, we sought comments in this proceeding concerning the following areas: fuel surcharge; fines and assessments; provisional authority; web-based training; motor-carrier insurance; safety code for transportation of property and passengers; policy statements found at Chapter 41 of our regulations; property carrier regulation, group and party carrier regulation; and any other issues commentators deemed relevant.

The Commission received comments from BestDarnMovers, Clarion County Taxi, Safe Transportation Group, Pennsylvania Moving and Storage Associates, Pennsylvania Bus Association, Billtown Cab, K-Cab, Suburban Transit Network, Willow Grove Yellow Cab, Easton Coach Company, Tri-County Transit Service, Bucks County Transport, Rasier-PA LLC, and Robert Ely (collectively “Commentators”). Having reviewed the comments, the Commission now proposes to amend the minimum insurance coverage requirements for motor common carriers of passengers at 52 Pa. Code § 32.11. However, before addressing this regulatory proposal, we will discuss the comments received to the advanced notice of proposed rulemaking.

A. Advanced Notice of Proposed Rulemaking

Commentators provided comments on the following topics, which we address ad seriatim:

1. Fuel Surcharge

Some commentators suggested that a fuel surcharge should be applied to other carriers in addition to household goods carriers, which is the only carrier group which has a fuel surcharge currently established. See Fuel Cost Recovery Surcharge Special Permission, Docket No. SP-28207 (Order entered April 17, 2003) and Extension of the Fuel Cost Recovery Surcharge Special Permission 28207, Docket No. R-2009-2094616 (Order entered May 4, 2017). Commentators submitted that monthly tariff adjustments to reflect fuel price changes are difficult and costly for the Commission and carriers to implement. Commentators recommended that we should consider quarterly adjustments for the Commission to publish so each carrier could incorporate it into their individual tariff on one day’s notice. One commentator also suggested that the fuel surcharge on household goods carriers should stay the same because it directly affects operating costs. Finally, there was a comment recommending that the Commission should allow a flexible tariff to allow the use of a surcharge as needed.

The Commission notes that it has recently implemented tariff regulations for limousine and taxi carriers, allowing those industries greater flexibility. See Temporary Regulation for Taxi and Limousine Industries, Docket No. L-2016-2556432 (Order entered December 23, 2016). The Commission believes that limousine and taxi carriers have sufficient flexibility in setting rates to account for market factors without having to add a specific fuel surcharge. Additionally, other carrier types such as paratransit, airport transfer, and scheduled route carriers, did not request any change to the Commission’s regulations to account for fuel pricing. Therefore, the Commission declines to implement a regulation providing for a fuel surcharge.

¹ Those temporary regulations addressed, inter alia, use of electronic log sheets, use of driver owned or leased vehicles, flexible tariff rates. Pursuant to Act 164 of 2016, amending Act 85 of 2016, the temporary regulations will expire upon the promulgation of final-form regulations or November 4, 2018 whichever is later. As such, absent a new rulemaking on these topics, these temporary regulations remain in place and are enforceable.

2. Fines and Assessments

Commentators recommended that the Commission enhance its means to collect fines by other means such as wage garnishment and liens. One commentator proposed that the Commission institute a “diamond system” like the Taxi and Limousine Commission in New York City. It was suggested that every motor carrier should be required to register with the Commission and receive a “diamond” for each vehicle indicating they have paid their assessment and met other requirements.

In the Commission’s judgment, sufficient measures are currently in place to ensure fine and assessment collection, and no change needs to be made. We do not have a significant delinquency issue regarding fines and assessments. The total delinquent amount for fines on taxi and limousine service in 2017 was \$19,062, and the total delinquent assessments for taxi and limousine service for 2017-2018 was \$351,785. The Commission will pursue satisfaction of these delinquencies through available tools, up to and including cancellation of carrier certificates of public convenience. Additionally, the “diamond system” proposed is not feasible since the Commission does not certificate motor common carriers on a per-vehicle basis. Furthermore, implementing such a system would be costly and cumbersome. Given that the current collection process is sufficient, we decline to adopt this proposal.

3. Provisional Authority

The Commission received one comment from a household goods carrier suggesting provisional authority to allow applicants to operate during the pendency of the application process, asserting that protests only serve to protect monopoly interests of certificated movers. In contrast, several commentators noted that provisional authority should not be granted. They opined that provisional authority would allow applicants with poor safety records, inadequate financial capability, and lack of operational experience to prey upon the public. It was also recommended that provisional authority should not be granted until the process for certification is complete. One commentator recommended that the Commission should adopt a “conditional” status to accommodate single-vehicle operators upon which permanent authority can be granted after an operator satisfies all conditions. It was suggested that if the Commission were to adopt provisional authority, a very high burden on the applicant should be imposed to demonstrate that provisional authority is in the public interest.

The Commission has regulations in place governing emergency temporary authority and temporary authority.² See 52 Pa. Code § 3.383. Those regulations permit service while an application for permanent authority is pending. We believe that these provisions allow sufficient flexibility to provide immediate transportation during the pendency of an application for permanent authority, while ensuring those services are provided safely. Significantly, no protests are permitted to an application for emergency temporary authority. Additionally, since we no longer allow protests on the basis of lack of public need applications for permanent authority should be much less cumbersome. See Final Rulemaking Amending 52 Pa. Code Chapters 1, 3, 5, 23 and 29, Docket No. L-2015-2507592 (Order entered October 27, 2016). Under these circumstances, we decline to propose new regulations providing

² Our authority to grant temporary authority stems from Section 1103 of the Public Utility Code. 66 Pa.C.S. § 1103. There is no provision in the Code governing provisional authority. Temporary authority is available in an emergency situation, which is defined as “[a] situation which presents a clear and present danger to life or property or which is uncontested and requires action prior to the next scheduled public meeting.” 52 Pa. Code § 3.1.

for provisional authority, since our current processes provide adequate flexibility to respond to immediate transportation needs.

4. Web-Based Training

Commentators suggested that web-based training should be provided to include skill-based programs for stakeholders. The topics recommended were:

- How to register for intrastate operating authority (the steps a carrier should take, including who to contact, forms, cost, etc.);
- The responsibility of a motor carrier when an accident occurs;
- What a carrier can expect from a roadside/destination stop;
- A primer on Commission and FMCSA Regulations (including a discussion as to how the Commission regulations compare to the FMCSA regulation);
- Commission motor carrier compliance issues, including the scheduling of inspections by Commission enforcement officers; and
- Training that condenses the motor carrier regulations that are applicable to the charter bus industry.

The Commission believes that web-based training can serve as a benefit to motor common carriers. However, we believe that web-based training should be voluntary and administered through the Bureau of Technical Utility Services and Bureau of Investigation and Enforcement. Therefore, we decline to propose regulations making web-based training mandatory. Rather, we plan to develop current training modules that will be available to the industry to enhance service.

5. 52 Pa. Code Chapter 32—Motor Carrier Insurance

Several commentators suggested that the current minimum insurance coverage limits are very low given the level of potential liability for property damage and bodily injury that can be incurred in motor carrier accidents and, therefore, that the Commission should look at the minimum limits required by other state and local agencies to determine appropriate coverage limits. Commentators submitted that most states require minimum coverages of \$1 million (and up to \$5 million). However, one commentator suggested that any cost increase on motor common carriers occasioned by higher mandated insurance levels would cripple existing conventional carriers and hurt rural and suburban carriers, except for TNCs. Another commentator suggested that the insurance minimum should not increase on vehicles that transport more than 28 passengers unless the Commission conducts a study that demonstrates that an increase would benefit the public safety and is in the public interest.

With respect to how proof of insurance is tendered to the Commission, it was recommended that only insurance carriers should be permitted to file the Form E certificate with the Commission to avoid fraud. Commentators also argued that Form E requirements should remain the same so that motor carriers cannot misrepresent their coverage. Commentators stated that changing this rule would abrogate important oversight, and advised that the Commission should check other jurisdictions on whether carriers are permitted to self-file their own Form E.

We believe that the current procedure requiring insurers to file Form E certificates directly with the Commission does not require any changes. However, appropriate insurance levels should be addressed in a rulemaking and we will do so herein.

6. *52 Pa. Code Chapter 37—Safety Code for Transportation of Property and Passengers*

The Commission received comments pertaining to the Safety Code for Transportation of Property and Passengers. One commentator recommended that the safety regulations should not depart from the FMCSA regulations to keep the riding public safe. A comment was also made with respect to TNC safety, suggesting that TNC drivers should be given an online test on applicable regulations and that a separate license should be issued to TNC drivers.

The Commission will not propose any changes to the safety code for transportation of property and passengers. We note that the Commission's regulations already incorporate the safety regulations from the FMCSA. See 52 Pa. Code § 37.204. We also note that Act 164 has expressly stated that a separate license may not be required for a TNC driver and the Commission cannot require a separate TNC driver license. See 66 Pa.C.S. § 2605. Therefore, we will not propose any changes to Chapter 37.

7. *52 Pa. Code Chapter 41—General Orders, Policy Statement and Guidelines on Transportation Utilities*

A few Commentators suggested that current guidelines offer little in terms of concrete metrics for reviewing applications. Other Commentators, however, believe that existing fitness guidelines should remain in effect and be administered according to the Public Utility Code.

The Commission is currently addressing its policy statement at 52 Pa. Code § 41.14 at Docket No. M-2017-2629722, to reflect the change in evidentiary criteria that motor carrier applicants are required to present to the Commission for a certificate of public convenience. Further, we believe there is sufficient information to guide applicants in the policy statement concerning motor carrier application criteria. There is a necessary flexibility attached to those criteria, evidencing that applicants do not lend themselves to a "one-size-fits-all approach." Therefore, we decline to address those guidelines at this time.

8. *P-00940884; Regulation of Property Carriers, And P-00981458; Regulation of Group and Party Carriers*

The Commission did not receive any comments on regulations at dockets P-00940884 or P-00981458. Accordingly, the Commission will not make any updates or changes with respect to these dockets.

B. Rulemaking

The Commission has considered all the comments it received at this docket and will open a rulemaking to consider appropriate insurance requirements for passenger motor carriers. 52 Pa. Code § 32.11.

The Commission's regulation at Section 32.11 currently provides:

§ 32.11. Passenger carrier insurance.

(a) A common carrier or contract carrier of passengers may not engage in intrastate commerce and a certificate or permit will not be issued, or remain in force, except as provided in § 32.15 (relating to applications to self-insure) until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in this Commonwealth, to provide for the payment of valid accident claims against the insured for bodily injury to or the death of a person, or the loss of or damage to property of others resulting from the

operation, maintenance or use of a motor vehicle in the insured authorized service.

(b) The liability insurance maintained by a common or contract carrier of passengers on each motor vehicle capable of transporting fewer than 16 passengers shall be in an amount not less than \$35,000 to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. The \$35,000 minimum coverage is split coverage in the amounts of \$15,000 bodily injury per person, \$30,000 bodily injury per accident and \$5,000 property damage per accident. This coverage shall include first party medical benefits in the amount of \$25,000 and first party wage loss benefits in the amount of \$10,000 for passengers and pedestrians. Except as to the required amount of coverage, these benefits shall conform to 75 Pa.C.S. §§ 1701—1799.7 (relating to Motor Vehicle Financial Responsibility Law). First party coverage of the driver of certificated vehicles shall meet the requirements of 75 Pa.C.S. § 1711 (relating to required benefits).

(c) The liability insurance maintained by a common or contract carrier of passengers on each motor vehicle capable of transporting 16 to 28 passengers shall be in an amount not less than \$1 million to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. Except as to the required amount of liability coverage, this coverage shall meet the requirements of 75 Pa.C.S. §§ 1701—1799.7.

(d) The liability insurance maintained by a common or contract carrier of passengers on each motor vehicle capable of transporting more than 28 passengers shall be in an amount not less than \$5 million to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. Except as to the required amount of liability coverage, this coverage shall meet the requirements of 75 Pa.C.S. §§ 1701—1799.7.

(e) The limits in subsections (b)—(d) do not include the insurance of cargo.

The last time the Commission amended Section 32.11 was on May 11, 2000. Rulemaking Re: Passenger Carrier Insurance Regulation to Clarify Coverage Requirements 52 Pa. Code § 32.11, Docket No. L-00970124 (Order May 11, 2000). The Independent Regulatory Review Commission noted that the minimum requirement of \$35,000 per accident may be inadequate coverage for passenger carriers of less than 16 passengers. *Id.* at 3. We addressed this comment and reasoned that:

in addition to ensuring that the public is adequately covered in the event of an accident, the Commission must also take into consideration the high cost of insurance for taxicab companies. We are mindful that our goal is not to make getting and maintaining insurance an insurmountable burden on taxicab companies. We must balance the interest of protecting the public with the interests of making it financially feasible for taxicab companies to continue providing adequate, safe and reasonable service to the public.

Id. at 3-4.

Given the concerns that \$35,000 split coverage per accident may be insufficient and that the Commission received comments suggesting the minimum insurance coverage is insufficient the Commission opens a rulemaking to consider increasing this amount. The Commission has reviewed the minimum liability insurance limits

in Maryland, Michigan, New York, and Ohio as well as federal requirements for motor common carriers of passengers.

Based on that review, it is apparent that the minimum liability insurance limits for motor common carriers of passengers with a capacity under 16 passengers in the Commonwealth is significantly lower by comparison to these jurisdictions. In Maryland, passenger carriers of seven passengers or less are required to have at least a \$120,000 combined single limit liability insurance policy. See Md. Code Regs. 20.95.01.18. Passenger carriers in Michigan with a seating capacity under nine passengers requires at least a \$300,000 combined single limit liability insurance policy. Mich. Comp. Laws Ann. § 257.2121 (West). In New York, passenger carriers carrying less than 12 passengers under the jurisdiction of the New York Department of Transportation are required to maintain at least \$100,000 for personal injury or death to one person, \$300,000 for personal injury or death to all persons in one accident with a maximum of \$100,000 for each person; and property damage in the amount of \$50,000. N.Y. Comp. Codes R. & Regs. Title 17, § 750.1. The Public Utilities Commission in Ohio directs its motor common carriers to maintain liability insurance on vehicles with a capacity of less than 16 passengers in the amount of \$1.5 million. Ohio motor common carriers with a seating capacity of 16 or more passengers are required to maintain at least \$5 million in liability insurance. Ohio Admin. Code 4901:2-13-03. Finally, the federal regulations provide that any motor common carrier operating vehicles with a passenger capacity less than 16 (except for taxis that can carry up to seven passengers) must have at least \$1.5 million in liability insurance. Motor common carriers under federal jurisdiction with passenger capacity of 16 or more must have at least \$5 million in liability insurance. 49 C.F.R. § 387.31.

Considering other jurisdictions' requirements for liability insurance on motor common carriers of passengers, the Commission believes it is in the public interest that the minimum level of liability insurance for motor common carriers of passengers operating vehicles with a capacity of less than 16 passengers should be raised to \$100,000 for bodily injury and \$25,000 for property damage. This amount of minimum required liability insurance will ensure that the public is adequately protected in the event of an accident while not imposing an insurmountable burden on passenger carriers operating smaller vehicles. We propose that this coverage amount will be split coverage of \$50,000 for death or bodily injury per person, \$100,000 for death or bodily injury per incident, and \$25,000 for property damage. Additionally, we propose maintaining current first party medical benefits of \$25,000 and first party wage loss benefits of \$10,000 for passengers and pedestrians. We note that this proposed coverage is consistent with coverage amounts and types required for vehicles used in transportation network service that are available for service but not engaged in a ride.

Finally, we do not propose any changes to the current insurance requirements for motor carriers operating vehicles with seating capacities of 16 passengers or more. As noted, those limits are \$1 million for carriers transporting 16 to 28 passengers and \$5 million for carriers transporting over 28 passengers.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 22, 2018, the Commission submitted a copy of this proposed rulemaking and a copy

of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

Accordingly, under sections 501, 512 and 2502 of the Public Utility Code (66 Pa.C.S. §§ 501, 512 and 2502) sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we propose adopting the regulation set forth in Annex A; *Therefore,*

It Is Ordered That:

1. A rulemaking be opened to consider the regulations set forth in Annex A.
2. The Law Bureau shall submit this rulemaking order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Law Bureau shall submit this rulemaking order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Law Bureau shall deposit this rulemaking order and Annex A with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. Original written comments referencing Docket Number L-2017-2604692 be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, Commonwealth Keystone Building, 2nd Floor, 400 North Street, Harrisburg, PA 17120.
6. A copy of this rulemaking order and Annex A shall be served on the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.
7. The contact person for legal matters on this rulemaking is Joseph P. Cardinale, Jr., Assistant Counsel, Law Bureau, (717) 787-5558. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Alyson Zerbe, Regulatory Review Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-320. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 32. MOTOR CARRIER INSURANCE

Subchapter B. INSURANCE REQUIREMENTS

§ 32.11. Passenger carrier insurance.

* * * * *

(b) The liability insurance maintained by a common or contract carrier of passengers on each motor vehicle capable of transporting fewer than 16 passengers [shall] **must** be in an amount not less than [\$35,000] **\$125,000** to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. The [\$35,000] **\$125,000** minimum coverage is split coverage in the amounts of [\$15,000] **\$50,000** bodily injury per person, [\$30,000] **\$100,000** bodily injury per accident and [\$5,000] **\$25,000** property damage per accident. This coverage [shall] **must** include first party medical benefits in the amount of \$25,000 and first party wage loss benefits in the amount of \$10,000 for passengers and pedestrians. Except as to the required amount of coverage, these benefits [shall] **must** conform to 75 Pa.C.S. §§ 1701—1799.7 (relating to Motor Vehicle Financial Responsibility Law). First party coverage of the driver of certificated vehicles [shall] **must** meet the requirements of 75 Pa.C.S. § 1711 (relating to required benefits).

* * * * *

[Pa.B. Doc. No. 18-1032. Filed for public inspection July 6, 2018, 9:00 a.m.]

STATE BOARD OF CERTIFIED
REAL ESTATE APPRAISERS

[49 PA. CODE CH. 36]

Federally-Mandated Revisions

The State Board of Certified Real Estate Appraisers (Board) proposes to amend Chapter 36 to read as set forth in Annex A.

Effective Date

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

Purpose

This proposed rulemaking would amend and clarify requirements regarding applications, initial education, experience, examinations, continuing education and supervisory appraiser experience to be consistent with Federal criteria that are binding on the Board under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (Pub.L. No. 101-73, 103 Stat. 183) (12 U.S.C.A. §§ 3331—3356).

Statutory Authority

Section 5(1) of the Real Estate Appraisers Certification Act (act) (63 P.S. § 457.5(1)) authorizes the Board to pass upon the qualifications and fitness of applicants for

certification or licensure and to adopt and revise rules and regulations requiring applicants for certification to pass examinations regarding qualifications for certification. Section 5(2) of the act authorizes the Board to adopt and revise rules and regulations as may be necessary to carry out the act. Under section 6 of the act (63 P.S. § 457.6), the Board is authorized to issue certificates to real estate appraisers who meet the minimum education and experience criteria established by the Appraiser Qualifications Board (aqb) of The Appraisal Foundation under FIRREA. The aqb publication establishing the minimum education, experience, examination and continuing education requirements for real property appraisers is *The Real Property Appraiser Qualification Criteria* (aqb Qualification Criteria).

The act of July 7, 2016 (P.L. 474, No. 72) (Act 72) amended the act to implement Federally-mandated minimum qualification criteria, including minimum requirements for licensed appraiser trainees. Additionally, section 4 of Act 72 added section 10(b.2) of the act (63 P.S. § 457.10(b.2)), which provides that licensed appraiser trainees are subject to the same continuing education requirements for licensure renewal as residential and general appraisers. Thus, licensed appraiser trainees shall comply with the aqb Qualification Criteria for continuing education.

Description of this Proposed Rulemaking

This proposed rulemaking would incorporate the mandated Federal amendments, including updates for college education, supervisory appraiser criteria and continuing education for licensed appraiser trainees. This proposed rulemaking would also require applicants to submit an official criminal history record information check.

Historically, the Board has promulgated regulations by adopting the aqb Qualification Criteria almost verbatim in the regulations. The Board has determined that having two separate standards (the aqb Qualification Criteria and the regulations that restate the minimum qualification criteria) causes confusion among licensees and is difficult for the Board to administer. When Federal law changes or the aqb evaluates and modifies its minimum qualification criteria, the regulations are not immediately reflective of the new aqb Qualification Criteria because the Board must amend its regulations. In January 2015, the aqb updated its minimum qualification criteria, which included changes in education criteria. Shortly after the new criteria were adopted, the aqb began entertaining potential areas of change to the criteria. After issuing a concept paper, having a public hearing and issuing several versions of exposure drafts proposing changes to the criteria, the aqb modified again the minimum criteria for certification of real property appraisers, which included changes in education and experience criteria that were effective May 1, 2018. Thus, this proposed rulemaking implements the May 1, 2018, minimum qualification criteria. Given the foregoing, the Board determined that it is more efficient and prudent to adopt and incorporate the aqb Qualification Criteria by reference, when practicable. By adopting and incorporating the aqb Qualification Criteria by reference, the Board will eliminate the need to amend its regulations when the aqb updates or modifies the minimum qualification criteria. When the Board wishes to maintain or propose regulations that are more stringent than the Federal minimum standards, this proposed rulemaking would adopt the aqb Qualification Criteria by reference, but would also maintain or propose the Board's more stringent standards.

The Board has incorporated another Federal standard by reference in the same way the Board proposes to adopt the AQB Qualification Criteria in this proposed rulemaking. In § 36.51 (relating to compliance with USPAP), the Board adopted by reference The Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by the Appraisal Standards Board of The Appraisal Foundation.

The Board will take steps to ensure that its licensee population has easy access to the AQB Qualification Criteria. In addition to providing The Appraisal Foundation web site in this proposed rulemaking, the Board will place a link on its web site to The Appraisal Foundation and the AQB Qualification Criteria.

§ 36.1. Definitions

The Board proposes six amendments to § 36.1 (relating to definitions). The Board proposes amendments to the definition of “AQB”—to provide additional information regarding the role of the AQB in establishing the minimum education, experience, examination and continuing education requirements for appraisers. The Board proposes to add a definition of “AQB Qualification Criteria” because the Board proposes adopting this criteria by reference throughout this proposed rulemaking. The Board also proposes to add a definition of “ASC.” The Board proposes an amendment to the definition of “Board” to clarify that the Board operates within the Bureau of Professional and Occupational Affairs in the Department of State. The Board proposes to add “[e]xcept as otherwise required by the AQB Qualification Criteria” to the definition of “distance education.” Because FIRREA requires real estate appraisers and licensed appraiser trainees to adhere to the AQB Qualification Criteria for distance education, the Board proposes to add this phrase to ensure that licensees understand that they are also required to adhere to the AQB Qualification Criteria in addition to the act and Chapter 36, Subchapter A (relating to general provisions).

The Board also proposes to add a definition of “in good standing” because proposed amendments to § 36.54 (relating to duties of supervisory appraiser) include a requirement that the supervisor be in good standing for at least 3 years immediately preceding the supervisory appraiser’s notification to the Board. For that reason, the Board finds it necessary to clarify what it means to be “in good standing.”

§ 36.2. Application process

Application form

The Board proposes to reformat and make three amendments to § 36.2(a) (relating to application process) to clarify the Board’s requirements for applications. The Board proposes to amend § 36.2(a) by requiring an official criminal history record information check from the State Police or other state agency for every state in which the candidate has lived or worked during the past 5 years. Under section 6(c) of the act, the Board is required to determine whether all applicants are of “good moral character.” Under section 11(a) of the act (63 P.S. § 457.11(a)), the Board is authorized to deny an application for certification or licensure, or limit or restrict a license or certification for being convicted of or pleading guilty to crimes substantially related to the qualifications, functions and duties of a person developing real property appraisals and communicating real property appraisal to others. Under section 5(11) of the act, to the extent required by standards and regulations for the qualifications of appraisers promulgated under FIRREA, the

Board may consider criminal history record information of convictions and arrests that do not result in a conviction. Additionally, section 6(c)(3) the act requires applicants for certification and licensure to satisfy requirements for dissemination to the Board of criminal history record information required by the AQB Qualification Criteria.

Effective January 1, 2017, the AQB Qualification Criteria requires background checks for all applicants for a real property appraiser credential to determine whether the applicants possess a background that would call into question public trust. In implementing the required background check, the Board is required to obtain sufficient information and documentation to determine applicants’ fitness for licensure or certification. Under the 2017 amendments to the AQB Qualification Criteria, applicants are not eligible for a real property appraiser credential if, during at least the 5-year period immediately preceding the date of the application for licensing or certification, the applicant has been convicted of or pled guilty or nolo contendere to a crime that would call into question the applicant’s fitness for licensure. Thus, it is imperative under the act and the Federal standards to obtain criminal history record information for applicants to determine criminal history, good moral character and fitness for licensure or certification. The Board determined that requiring the official criminal history record information check will enable the Board to meet its State and Federal obligations.

The Board proposes to amend subsection (a) by adding a provision that applicants shall satisfy all the requirements for licensure or certification, including the requirements set by the AQB Qualification Criteria. Including this provision in the application process will put applicants on notice that applications must contain sufficient information to show compliance with all of the requirements for licensure or certification.

The Board further proposes to amend subsection (a) by deleting the requirement to submit notarized applications. Until recently, the notarization requirement was required under section 6(c) of the act. Act 72 amended the act and this requirement was deleted.

Application fee

The Board proposes to reformat and make one amendment to § 36.2(b) to clarify application procedures. The Board proposed to add electronic payment as an acceptable method for payment of application fees. The Bureau of Professional and Occupational Affairs has the technical capability to accept electronic payments and encourages licensees to use the electronic payment option.

Approved applications

The Board proposes to reformat and amend § 36.2(c)(1) to clarify the effect of approval of the application. Proposed paragraph (2) clarifies that an approval by the Board of an application for licensed appraiser trainee, certified residential real estate appraiser and certified general real estate appraiser under section 7 of the act (63 P.S. § 457.7), pertaining to reciprocity, shall constitute approval to issue a license or certificate to the applicant.

Disapproved applications

The Board proposes to reformat and make minor amendments to § 36.2(d) to clarify procedures regarding disapproved applications.

Compliance with new requirements

The Board proposes throughout this proposed rulemaking to incorporate the AQB Qualification Criteria by

reference with respect to applicants for certification as residential real estate appraisers, certification as general real estate appraisers and licensure as appraiser trainees. Additionally, § 36.2(e) currently requires compliance with any increased education or experience requirements that take effect between the applicant's filing of an initial application and the applicant's passing the certification examination, except as otherwise provided by §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser). For consistency and clarification, the Board proposes to amend § 36.2(e) to clarify that applicants for appraiser trainees shall comply with any increased education requirement, except as otherwise provided in § 36.12a (relating to qualifications for licensure as appraiser trainee) or as required by the AQB Qualification Criteria. The Board also proposes to reformat § 36.2(e) for clarity.

§ 36.3. Examinations

The Board proposes to make minor amendments to this section to clarify the required examinations. The Board proposes to delete the name of the examination and proposes a more general approach, without a specific name of an examination. Thus, if the name of the examination changes in the future, the Board will not have to make further amendments. The current and proposed regulation require the AQB-approved National examination for certification. Therefore, the proposed amendment does not substantively change the examination requirements. Additionally, the Board proposes to delete the web site address. The web site address is readily available and accessible to licensees.

§ 36.11. Qualifications for certification as residential real estate appraiser

Overview

The Board proposes to reformat and amend § 36.11(a) to clarify the requirements for certification. The Board proposes to amend subsection (a) by specifically requiring that applicants for certification as a residential real estate appraiser satisfy all the requirements set by the AQB Qualification Criteria. The Board also proposes to delete the following sentence from § 36.11(a): "Neither a real estate salesperson's license nor a real estate broker's license issued under the Real Estate Licensing and Registration Act (63 P.S. § 455.101—455.902) is a prerequisite to certification as a residential real estate appraiser." The Board proposes to delete this sentence because it is not necessary to indicate that other licenses are not a prerequisite to licensure. The act and the regulations clearly set forth what criteria are required for certification as a residential real estate appraiser. Thus, this information is superfluous.

Appraisal classroom hours

The Board proposes to amend § 36.11(b) to require applicants for certification as a residential real estate appraiser to submit evidence showing completion of the classroom hours required by the AQB as of the date of the application. Because the current regulation, which requires 200 classroom hours, is the same requirement as the AQB Qualification Criteria for classroom hours, this proposed rulemaking does not make a substantive change to the classroom hours required for certification. The Board's purpose in proposing this amendment is to incorporate the Federally-mandated minimum qualification criteria by reference. Incorporating the AQB Qualification Criteria by reference will alleviate future need to amend its regulations when the AQB modifies or updates its

minimum qualification criteria regarding classroom hours. The Board also proposes deletion of the provision that provides an exception for applicants who submitted applications prior to January 1, 2013, because this date has passed, and applicants are no longer eligible to apply for certification under this provision.

Length of classroom hour requirement

The Board proposes to amend the heading of § 36.11(b)(1) from "Length of classroom hour requirement" to "Length of classroom hour and courses; course examination requirement" to more accurately describe the scope of this paragraph. The Board proposes to delete the current specific requirements regarding classroom hours (50 minutes of each 60-minute segment) and courses (length of course is at least 15 hours), which are the current AQB requirements. The Board proposes to amend this paragraph by incorporating the AQB Qualification Criteria by reference. This proposed amendment does not substantively change the requirements of the current regulation. Incorporating the AQB Qualification Criteria by reference will alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria regarding classroom hour or course examination requirements. Additionally, the Board proposes to reformat this paragraph to clarify the requirements for classroom hours and course examinations.

Providers of appraisal courses

The Board proposes to amend § 36.11(b)(2) to specifically require that credit for the classroom hour requirement may be obtained only from providers in the AQB Qualification Criteria. This proposed amendment does not change the current regulations. The Board proposes to amend this paragraph by incorporating the AQB Qualification Criteria by reference. Incorporating the AQB Qualification Criteria by reference will alleviate future need to amend its regulations when the AQB modifies or updates its minimum qualification criteria.

Distance education

The Board proposes to amend § 36.11(b)(3) by specifically requiring compliance with the requirements in the AQB Qualification Criteria. The current regulations comport with the minimum qualification criteria set by the AQB. Therefore, the proposed amendment does not substantively change the current regulation. The Board is proposing to amend this paragraph by incorporating the AQB Qualification Criteria by reference to alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria.

Content of appraisal education

The Board proposes to delete § 36.11(c)(1), which sets forth the content of appraisal education required for applicants subject to the 120 classroom hour requirement. The Board proposes to delete this paragraph because applicants are no longer eligible to apply for certification under this provision.

The Board also proposes to amend subsection (c) by specifically requiring compliance with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum of the AQB Qualification Criteria. Additionally, the Board proposes to adopt and incorporate Guide Note 1 (AQB Guidance for Required Core Curriculum Content) (Required Core Curriculum) of the AQB Qualification Criteria by reference. The Required Core Curriculum is Federally-mandated curriculum for the content of appraisal education. While AQB Guide Note 1 is not binding

on the Board, in promulgating regulations for the content of appraisal education, the Board has in the past adopted verbatim the Required Core Curriculum and Guide Note 1. The current regulations comport with Required Core Curriculum. However, the AQB added additional categories to Guide Note 1. Because the Board is required to adhere to and enforce the Required Core Curriculum and has determined that Guide Note 1 provides the basis for the required content of appraisal education, the Board proposes to adopt and incorporate these Federal standards by reference and proposes to delete the verbatim text in the current regulations. Incorporating the AQB Qualification Criteria by reference will alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria.

Postsecondary education

The Board proposes to amend § 36.11(d) by specifically requiring compliance with the postsecondary education requirements set by the AQB Qualification Criteria. The current regulations, which require an associate's degree or completion of 21 semester credit hours in certain college-level subjects, are noncompliant with Federal requirements and must be amended to reflect the AQB Qualification Criteria, which were adopted on May 1, 2018. Under the May 1, 2018, AQB Qualification Criteria, applicants have the following six educational options to satisfy the postsecondary education requirements, including: option 1) a bachelor's degree from an accredited college or university; option 2) an associate's degree in a field of study related to business administration, accounting, finance, economics or real estate; option 3) successful completion of 30 semester hours of college-level course that cover each of the following specific topic areas and hours—English composition; microeconomics; macroeconomics; finance; algebra, geometry or higher math; statistics; computer science; business law or real estate law; and two elective courses in any of the previously listed topics, or in accounting, geography, agricultural economics, business management or real estate (3 hours each); option 4) successful completion of at least 30 hours of College Level Examination Program® examinations that cover each of the specific topic areas in option 3; option 5) any combination of options 3 and 4 that includes all of the topics identified; and option 6) no college-level education required. This option applies to appraisers who have held a licensed residential credential for a minimum of 5 years and have no record of adverse, final and nonappealable disciplinary action affecting the licensed residential appraiser's legal eligibility to engage in appraisal practice within the 5 years immediately preceding the date of application for a certified residential real estate appraiser credential.

Because the Board is required to adhere to and enforce the AQB Qualification Criteria postsecondary education requirements, the Board proposes to adopt and incorporate the Federal standards by reference. The Board's purpose in proposing this amendment is to become compliant with Federal standards and, in the future, expeditiously effectuate Federally-mandated amendments with regard to the AQB Qualification Criteria. Additionally, the Board wishes to alleviate future need to amend the regulations when the AQB updates its minimum qualification criteria regarding the postsecondary education requirements. The Board also proposes to delete § 36.11(d)(2) because applicants are no longer eligible to apply for certification under this provision.

Experience

The Board proposes to amend § 36.11(e)(1) by incorporating the AQB Qualification Criteria for experience by reference. The Board's purpose in proposing this amendment is to ensure compliance with Federal standards. This proposed amendment will expeditiously effectuate Federally-mandated amendments with regard to the AQB Qualification Criteria. Additionally, the Board wishes to alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria regarding experience requirements.

Incorporating the Federal standards into the regulations changes the experience requirements for the certified residential real estate appraiser credential. For the certified residential real estate appraiser credential, the proposed rulemaking would change the required hours of experience from "2,500 hours of acceptable appraisal experience during a period of at least 24 months" to 1,500 hours of experience in no fewer than 12 months. In deciding to adopt the minimum qualification criteria over the current regulations, which reflect a more stringent standard, the Board considered the National concerns about the appraisal profession, including shortages of appraisers and insufficient number of trainees entering the profession as well as concerns about the graying of the profession. In this Commonwealth, there are approximately 1,380 general real estate appraisers, 1,776 residential real estate appraisers and 359 licensed appraiser trainees. The median and average ages are as follows: general real estate appraiser (median: 58; average: 56.79); residential real estate appraiser (median: 57; average: 56.86); licensed appraiser trainee (median: 36; average: 38.49). Given the National concerns as well as the data for the licensing population in this Commonwealth, the Board believes that adopting the AQB Qualification Criteria is appropriate and prudent.

Although the Board proposes to adopt the AQB Qualification Criteria by reference, in § 36.11(e)(2) the Board proposes to maintain its current requirement that at least 50% of the total number of hours of the experience acquired by the applicant shall be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties. This provision is not an AQB requirement, but the Board continues to believe that appraisal report writing is a critical component of experience and thus has determined that this requirement is appropriate. In current § 36.11(e)(1), the number of hours is expressed in an actual figure (1,250 hours), which represents 50% of the total number of the current experience hours. In the proposed rulemaking, the Board proposes using a percentage figure (50%) instead of a specific figure based upon the current number of required experience hours. The Board's adoption of the AQB Qualification Criteria for experience (from 2,500 hours to 1,500 hours) will change the number of hours in actual preparation of real estate appraisal reports from 1,250 to 750 hours. The Board believes changing to a percentage is prudent because the AQB periodically amends the minimum qualification criteria. While the AQB recently change experience hours on May 1, 2018, there is ongoing discussion within the profession regarding the appropriate number of experience hours. Proposed to amend the regulations to a percentage will alleviate the need to amend the regulations in the event the AQB Qualification Criteria changes in this regard.

The Board proposes to amend § 36.11(e)(2) by renumbering it to § 36.11(e)(3) and by making minor amend-

ments to the second sentence of this paragraph for clarity. The Board also proposes to add an additional requirement. This provision would make the Commonwealth more stringent than the AQB Qualification Criteria and would require applicants for residential real estate appraisers to possess licensure as an appraiser trainee to obtain experience credit. The Board proposes this amendment because it wants to ensure that the experience credit obtained by applicants is reflective of current appraisal standards and that applicants have learned basic appraisal principles and procedures as well as USPAP prior to obtaining experience. Additionally, requiring licensure as an appraiser trainee prior to obtaining experience will provide more mentoring and training of future valuation professionals. The Board proposes to delay the implementation until January 1, 2020, to give sufficient notice to applicants who may wish to use experience credit obtained prior to becoming a licensed appraiser trainee.

The acceptable categories of appraisal experience are included in proposed paragraph (4). The AQB Qualification Criteria for experience is less specific than the regulations. Although the current and proposed regulations incorporate the existing AQB Qualification Criteria, the Board determined that the acceptable categories of appraisal experience in the current regulation are instructive and provide additional guidance to applicants. Because the categories of experience are consistent with the AQB requirements, the Board determined it was not necessary or appropriate to delete these categories. The Board also proposes to make minor amendments to § 36.11(e)(4)(ii) for clarification. The Board proposes to amend the reference from “appraiser” to “applicant” because ad valorem tax appraisals do not have to be performed by an appraiser.

§ 36.12. Qualifications for certification as general real estate appraiser

Overview

The Board proposes to amend and reformat § 36.12(a) to clarify the requirements for certification. The Board proposes to amend subsection (a) by specifically requiring that applicants for certification as a general real estate appraiser satisfy all the requirements in the AQB Qualification Criteria. The Board also proposes to delete the following sentence from subsection (a): “Neither a real estate salesperson’s license nor a real estate broker’s license issued under the Real Estate Licensing and Registration Act (63 P.S. §§ 455.101—455.902) is a prerequisite to certification as a general real estate appraiser.” The Board proposes to delete this sentence because it is not necessary to indicate that other licenses are not a prerequisite to licensure. The act and the regulations clearly set forth what criteria are required for certification as a general real estate appraiser. Thus, this information is superfluous.

Appraisal classroom hours

The Board proposes to amend § 36.12(b) to require applicants for certification as a general real estate appraiser to submit evidence showing completion of the classroom hours required by the AQB as of the date of the application. Because the current regulation, which requires 300 classroom hours, is the same requirement as the AQB Qualification Criteria for classroom hours, the Board’s proposed rulemaking does not make a substantive change to the classroom hours required for certification. The Board’s purpose in proposing this amendment is to incorporate the Federally-mandated minimum qualifica-

tion criteria by reference. Incorporating the AQB Qualification Criteria by reference will alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria regarding classroom hours. The Board also proposes to delete the provision that provides an exception for applicants who submitted applications prior to January 1, 2013, because this date has passed and applicants are no longer eligible to apply for certification under this provision.

Length of classroom hour requirement

The Board proposes to amend the heading of § 36.12(b)(1) from “Length of classroom hour requirement” to “Length of classroom hour and courses; course examination requirement” to more accurately describe the scope of this paragraph. The Board proposes to delete the current specific requirements regarding classroom hours (50 minutes of each 60-minute segment) and courses (length of course is at least 15 hours), which are the current AQB requirements. The Board proposes to amend this paragraph to specifically reference and require compliance with the AQB Qualification Criteria. This proposed amendment does not substantively change the requirements of the current regulation. Incorporating the AQB Qualification Criteria by reference will alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria regarding classroom hour or course examination requirements. Additionally, the Board proposes to reformat this paragraph to clarify the requirements for classroom hours and course examinations.

Providers of appraisal courses

The Board proposes to amend § 36.12(b)(2) to specifically require that credit for the classroom hour requirement may be obtained only from the providers in the AQB Qualification Criteria. This proposed amendment does not substantively change the current regulations. The Board proposes to amend this paragraph by incorporating the AQB Qualification Criteria by reference to alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria.

Distance education

The Board proposes to amend § 36.12(b)(3) by specifically requiring compliance with the requirements in the AQB Qualification Criteria. The current regulations comport with the minimum qualification criteria set by the AQB. Therefore, the proposed amendment does not substantively change the current regulation. The Board proposes to amend this paragraph by incorporating the AQB Qualification Criteria by reference to alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria.

Content of appraisal education

The Board proposes to delete § 36.12(c)(1), which sets forth the content of appraisal education required for applicants subject to the 180-classroom hour requirement. The Board proposes to delete this paragraph because applicants are no longer eligible to apply for certification under this provision.

The Board also proposes to amend § 36.12(c) by specifically requiring compliance with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum of the AQB Qualification Criteria. Additionally, the Board proposes to adopt and incorporate by reference Guide Note 1 of the AQB Qualification Criteria. The Required Core Curriculum is Federally-mandated curriculum for the content of

appraisal education. While the AQB Guide Note 1 is not binding on the Board, in promulgating regulations for the content of appraisal education, the Board has adopted verbatim the Required Core Curriculum and Guide Note 1. The current regulations comport with Required Core Curriculum. However, the AQB added additional categories to Guide Note 1. Because the Board is required to adhere to and enforce the Required Core Curriculum and has determined that Guide Note 1 provides the basis for the required content of appraisal education, the Board proposes to adopt and incorporate these Federal standards by reference and proposes to delete the verbatim text in the current regulations. Incorporating the AQB Qualification Criteria by reference will alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria.

Postsecondary education

The Board proposes to amend § 36.12(d) by specifically requiring compliance with the postsecondary education requirements in the AQB Qualification Criteria. The current regulations, which require a bachelor's degree or completion of 30 semester credit hours in certain college-level subjects, are noncompliant with Federal requirements and must be amended to require a bachelor's degree, or higher, from an accredited college or university. Because the Board is required to adhere to and enforce the postsecondary education requirements, the Board proposes to adopt and incorporate the AQB Qualification Criteria by reference. The Board's purpose in proposing this amendment is to become compliant with Federal standards and, in the future, expeditiously effectuate Federally-mandated amendments with regard to the AQB Qualification Criteria. Additionally, the Board wishes to alleviate future need to amend the regulations when the AQB updates its minimum qualification criteria regarding the postsecondary education requirements. The Board also proposes to delete § 36.12(d)(2) because applicants are no longer eligible to apply for certification under this paragraph.

Experience

The Board proposes to amend § 36.12(e) by incorporating the AQB Qualification Criteria for experience by reference. Incorporating the Federal standards into the regulations changes the experience requirement for the certified general real estate appraiser credential. The Board's purpose in proposing this amendment is to ensure compliance with Federal standards. This amendment will expeditiously effectuate Federally-mandated amendments with regard to the AQB Qualification Criteria. Additionally, the Board wishes to alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria regarding experience requirements.

For the certified general real estate appraiser, the proposed rulemaking will not change the number of hours of experience required (3,000). However, the time to complete the experience hours will change from "in no fewer than 30 months" to in no fewer than 18 months. In deciding to adopt the minimum qualification criteria over the current regulations, which reflect a more stringent standard, the Board considered the National concerns about the appraisal profession, including shortages of appraisers and insufficient number of trainees entering the profession as well as concerns about the graying of the profession. As noted previously, in this Commonwealth, there are approximately 1,380 general real estate appraisers, 1,776 residential real estate appraisers and 359 licensed appraiser trainees. The median and average

ages are as follows: general real estate appraiser (median: 58; average: 56.79); residential real estate appraiser (median: 57; average: 56.86); licensed appraiser trainee (median: 36; average: 38.49). Given the National concerns as well as the data for this Commonwealth's licensing population, the Board believes that adopting the AQB Qualification Criteria is appropriate and prudent.

Although the Board proposes to adopt the AQB Qualification Criteria by reference, in § 36.12(e)(2) the Board proposes to maintain its current requirement that at least 1,500 hours of the experience acquired by the applicant shall be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties. This provision is not an AQB requirement, but the Board continues to believe that appraisal report writing is a critical component of experience and thus has determined that this requirement is appropriate. The Board requires a minimum of 1,500 hours in the preparation of appraisal reports, which is 50% of the total experience required, under current § 36.12(e)(1). In proposed § 36.12(e)(2), the Board proposes to amend the minimum number of hours from 1,500 hours to 50% of the total amount of experience hours required by the AQB Qualification Criteria. The proposed amendment does not substantively change the regulation because the 1,500 is based upon 50% of the current AQB Qualification Criteria, which requires 3,000 hours of experience. Using a percentage figure instead of a figure based upon the current number of required experience hours will prevent the Board from having to revise its regulations in the event the AQB changes its experience requirement. The Board believes this amendment is necessary because it will alleviate the need to amend the regulations when the AQB Qualification Criteria is amended.

The Board proposes to renumber current paragraph (2) to paragraph (3) and making minor amendments to the second sentence of this paragraph to clarify the regulation. The Board also proposes to add an additional requirement to proposed paragraph (3). This provision makes the Commonwealth more stringent than the AQB Qualification Criteria and will require applicants for general real estate appraisers to possess licensure as an appraiser trainee or certification as a residential real estate appraiser to obtain experience credit. The Board proposes this amendment because it wants to ensure that the experience credit obtained by applicants is reflective of current appraisal standards and that applicants have learned basic appraisal principles and procedures as well as USPAP prior to obtaining experience. Additionally, requiring licensure as an appraiser trainee prior to obtaining experience will provide more mentoring and training of future valuation professionals. The Board proposes to delay the implementation of this proposed amendment until January 1, 2020, to give sufficient notice to applicants who may wish to use experience credit obtained prior to becoming a licensed appraiser trainee.

The Board proposes to move the acceptable categories of appraisal experience to proposed § 36.12(e)(4). The AQB Qualification Criteria for experience is less specific than the regulations. Although the current regulation and the proposed rulemaking incorporate the existing AQB Qualification Criteria, the Board determined that the acceptable categories of appraisal experience in the current regulation are instructive and provide additional guidance to applicants. Because the categories of experi-

ence are consistent with the AQB requirements, the Board determined it was not necessary or appropriate to delete these categories.

The Board proposes to make minor amendments in § 36.12(e)(4)(ii) for clarification. The Board proposes to amend the reference from “appraiser” to “applicant” because ad valorem tax appraisals do not have to be performed by an appraiser.

§ 36.12a. Qualifications for licensure as appraiser trainee
Overview

The Board proposes to amend and reformat § 36.12a(a) to clarify the requirements for licensure. The Board proposes to amend § 36.12a(a) by specifically requiring that applicants for licensure as an appraiser trainee satisfy all the requirements in the AQB Qualification Criteria. The proposed amendment also adds the AQB requirement that an applicant shall complete a course that, at a minimum, complies with the specifications for course content established by the AQB, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and licensed appraiser trainees. The Board also proposes to delete the following sentence from § 36.12a(a): “Neither a real estate salesperson’s license nor a real estate broker’s license issued under the Real Estate Licensing and Registration Act (63 P.S. § 455.101—455.902) is a prerequisite for licensure as an appraiser trainee.” The Board proposes to delete this sentence because it is not necessary to indicate that other licenses are not a prerequisite to licensure. The act and the regulations clearly set forth what criteria are required for certification as a general real estate appraiser. Thus, this information is superfluous.

Appraisal classroom hours

The Board proposes to amend § 36.12a(b) to require applicants for licensure as an appraiser trainee to submit evidence showing completion of the classroom hours required by the AQB Qualification Criteria. Because the current regulation, which requires 75 classroom hours, is the same requirement as the AQB Qualification Criteria for classroom hours, the proposed amendment does not make a substantive change to the classroom hours required for licensure. The Board’s purpose in proposing this amendment is to expeditiously effectuate Federally-mandated amendments with regard to the AQB Qualification Criteria. Additionally, the Board wishes to alleviate future need to amend the regulations when the AQB updates its minimum qualification criteria regarding classroom hours. The Board also proposes to delete the provision that provides an exception for applicants who satisfied the education requirement for certification as a residential real estate appraiser that was in effect as of December 31, 2007, because applicants are no longer eligible to apply under this provision.

Content of appraisal education

The Board proposes to amend § 36.12a(b)(1) by specifically requiring compliance with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum of the AQB Qualification Criteria. Additionally, the Board proposes to adopt and incorporate Guide Note 1 of the AQB Qualification Criteria by reference. The Required Core Curriculum is Federally-mandated curriculum for the content of appraisal education. While the AQB Guide Note 1 is not binding on the Board, in promulgating regulations for the content of appraisal education, the Board has in the past adopted verbatim the Required Core Curriculum and Guide Note 1. The current regulations comport with

Required Core Curriculum. However, the AQB added additional categories to Guide Note 1. Because the Board is required to adhere to and enforce the Required Core Curriculum and has determined that Guide Note 1 provides the basis for the required content of appraisal education, the Board proposes to adopt and incorporate these Federal standards by reference and proposes to delete the verbatim text in the current regulations. Incorporating the AQB Qualification Criteria by reference will alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria.

Examination requirement; length of classroom hour

The Board proposes to amend the heading of § 36.12a(b)(2) from “Examination requirement; length of classroom hour” to “Length of classroom hour and courses; course examination requirement” to more accurately describe the scope of this paragraph. The Board proposes to delete the current specific requirement regarding classroom hours (50 minutes of each 60-minute segment), which is the current AQB requirement. The Board proposes to amend this paragraph to specifically reference and require compliance with the AQB Qualification Criteria. This proposed amendment does not substantively change the requirements of the current regulation. Incorporating the AQB Qualification Criteria by reference will alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria regarding classroom hour or course examination requirements. Additionally, the Board proposes to reformat this subsection to clarify the requirements for classroom hours and course examinations.

Providers of appraisal courses

The Board proposes to amend § 36.12a(b)(3) to specifically require that credit for the classroom hour requirement may be obtained only from providers in the AQB Qualification Criteria. This proposed amendment does not substantively change the current regulations. The Board proposes to amend this paragraph by incorporating the AQB Qualification Criteria by reference to alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria for providers of appraisal courses.

Distance education

The Board proposes to amend § 36.12a(b)(4) by specifically requiring compliance with the requirements set by the AQB. The current regulations comport with the AQB Qualification Criteria. Therefore, the proposed amendment does not substantively change the current regulation. The Board proposes to amend this paragraph by incorporating the AQB Qualification Criteria by reference to alleviate future need to amend the regulations when the AQB modifies or updates its minimum qualification criteria for distance education.

§ 36.13. Experience options for preparation of appraisal reports; experience logs

The Board proposes to amend § 36.13(b) (relating to experience options for preparation of appraisal reports; experience logs) by adding the date that appraisal assistants were required to obtain an appraiser trainee license, October 1, 2010, to clarify that only experience acquired as an assistant before October 1, 2010, can be counted towards experience. Additionally, the Board proposes to clarify that for experience acquired before October 1, 2010, an assistant to a certified general real estate appraiser or certified residential real estate appraiser

shall comply with the experience requirements in the regulations. The Board also proposed to amend § 36.13(c) and (d) for clarity.

The Board proposes to add § 36.13(d)(5). This proposed paragraph requires a residential real estate appraiser and a general real estate appraiser to jointly maintain an appraisal experience log on forms provided by the Board. This is not an AQB requirement. However, the Board has historically instructed residential real estate appraisers to utilize the Board's experience logs when submitting experience to the Board. For licensed appraiser trainees, the AQB Qualification Criteria does require the trainee and the supervisory appraiser to jointly maintain an appraisal experience log. Therefore, the Board also proposes to add subsection (e) to require that licensed appraiser trainees to jointly maintain an appraisal experience log on forms provided by the Board. Proposed amendments to subsection (e) further require that appraisal experience logs comply with the AQB Qualification Criteria. The Board also proposes to amend the heading of § 36.13 from "Experience options for preparation of appraisal reports" to "Experience options for preparation of appraisal reports; experience logs" to more accurately describe the scope of this section.

§ 36.41. *Continuing education requirement*

The Board proposes to amend § 36.41(a) and (b) (relating to continuing education requirement) by adding licensed appraiser trainees to the continuing education requirement. Effective January 1, 2015, licensed appraiser trainees were required to comply with the AQB continuing education requirements. Although this is a new provision in the regulations, this is a current AQB requirement which the Board implemented effective January 1, 2015. The Board notified licensed appraiser trainees of this AQB requirement by letter on October 8, 2014, and notice on the Board's web site. Act 72 added section 10(b.2) to the act, which requires licensed appraiser trainees to complete the same continuing education requirements for licensure renewal as residential and general appraisers. Because the Board is required to adhere to and enforce the AQB Qualification Criteria regarding continuing education, the Board proposes to delete the verbatim AQB Qualification Criteria in the current regulation, and instead adopt and incorporate the AQB Qualification Criteria regarding continuing education by reference. The current regulations mirror the AQB's current standards except that the Board requires at least 2 hours of continuing education on the act, the Board's continuing education regulations and the policies of the Board. Therefore, the Board's proposed rulemaking incorporates the AQB Qualification Criteria for continuing education by reference, but also maintains the additional 2-hour continuing education requirement on the act, the Board's continuing education regulations and the policies of the Board. The Board's purpose in proposing this amendment is to become compliant with current Federal standards and, in the future, expeditiously effectuate Federally-mandated amendments with regard to the AQB Qualification Criteria.

§ 36.42. *Subject matter and sources of continuing education*

The Board proposes to amend the heading of § 36.42 from "Continuing education subject matter" to "Subject matter and sources of continuing education" to more accurately reflect the scope of this section. The Board proposes to amend subsection (a) by generally requiring continuing education to comply with the AQB Qualification Criteria. The Board proposes to delete language in

subsection (b), regarding classroom hours, and delete subsection (e), regarding activities which may be granted credit, because those standards are contained in the AQB Qualification Criteria regarding continuing education requirements. The Board further proposes to amend subsection (b) to incorporate the acceptable continuing education subject matter in the AQB Qualification Criteria by reference. The Board is also making necessary amendments to cross-references due to the reorganization of the section. The Board's purpose in proposing this amendment is to expeditiously effectuate Federally-mandated amendments with regard to the AQB Qualification Criteria. Additionally, the Board wishes to alleviate future need to amend the regulations when the AQB updates its minimum qualification criteria on continuing education.

§ 36.43. *Distance education*

The Board proposes to amend § 36.43 (relating to distance education) by specifically requiring compliance with the requirements in the AQB Qualification Criteria. Because the current regulations comport with the AQB Qualification Criteria, the proposed amendment does not substantively change the current regulation. The Board's purpose in proposing this amendment is to expeditiously effectuate Federally-mandated amendments with regard to the AQB Qualification Criteria. Additionally, the Board wishes to alleviate future need to amend the regulations when the AQB updates its minimum qualification criteria on distance education courses for continuing education.

§ 36.54. *Duties of supervisory appraiser*

The Board proposes to amend § 36.54(b) by specifically requiring compliance with the requirements in the AQB Qualification Criteria. The Board's purpose in proposing this amendment is to expeditiously effectuate Federally-mandated amendments with regard to the AQB Qualification Criteria. Unlike most of the Board's proposed amendments, this proposed amendment incorporates by reference the AQB Qualification Criteria and also sets forth the current AQB Qualification Criteria within the proposed rulemaking. The new AQB Qualification Criteria are incorporated in proposed § 36.54(b)(2), (5), (5)(ii), (6), (7) and (12). The Board has drafted the proposed rulemaking in this fashion because the Board has current regulations that are consistent with but not incorporated in the AQB Qualification Criteria for supervisors. Including the current AQB Qualification Criteria along with the Board's regulatory requirements ensures that licensees understand the Federal and State standards. Additionally, adopting the AQB Qualification Criteria by reference also ensures that the regulations will include future updates to the AQB Qualification Criteria for supervisory appraisers.

As previously indicated, the AQB Qualification Criteria are minimum standards. However, the Commonwealth and the Board may impose more stringent requirements. For supervisory appraisers, the AQB Qualification Criteria currently require supervisory appraisers to be State-certified and in good standing for at least 3 years, while the act requires at least 5 years of experience. Additionally, the AQB Qualification Criteria require good standing in the training jurisdiction in which the licensed appraiser trainee practices, but do not require certification in the jurisdiction for a minimum period of time. Consistent with the act's more stringent 5-year experience requirement, the Board proposes to amend § 36.54(b)(4) and (5)(i) to require that supervisory appraisers be in good standing in this Commonwealth for at least 3 years. The Board believes having a jurisdictional requirement for a minimum period of time will ensure that supervi-

sory appraisers have sufficient knowledge and expertise when serving as a supervisory appraiser in this Commonwealth.

The Board also proposes to amend § 36.54(b)(3) to require that supervisory appraisers notify the Board, in writing, of the name and address of the licensed appraiser trainee before the trainee begins work for the appraiser. Currently, the Board's procedures require the notification to ensure adherence to Board regulations and the AQB Qualification Criteria for supervisors. Given the review necessary by Board staff to determine supervisory eligibility, it is necessary and appropriate to require written notification to the Board.

The Board also proposes several minor amendments that do not substantively change requirements. Throughout this section, the Board proposes to change "trainee" to "licensed appraiser trainee" for consistency and clarification.

Fiscal Impact and Paperwork Requirements

The proposed amendments reflect the AQB Qualification Criteria for postsecondary education standards for certified residential real estate appraiser. Prior to May 1, 2018, the AQB Qualification Criteria required applicants for certified residential real estate appraisers to hold a bachelor's degree, or higher, from an accredited college or university. The new AQB Qualification Criteria and the proposed rulemaking will lessen the financial burden on applicants for certified residential real estate appraiser credential due to decreased postsecondary education requirements. Current AQB Qualification Criteria for certified general real estate appraisers require applicants to hold a bachelor's degree, or higher. This Federal requirement represents an increase in education as compared to the Board's current regulations. However, because the bachelor's degree is Federally mandated, the Board implemented this requirement on January 1, 2015. The proposed amendments that require licensed appraiser trainees to obtain 28 classroom hours of continuing education reflect the amendments in Act 72 and the current AQB Qualification Criteria and are mandated for compliance with Federal requirements. The Board's proposed amendments also require an official criminal history record information check from the State Police or other state agency for every state in which the candidate has lived or worked during the past 5 years. This proposed rulemaking will have a fiscal impact on the regulated community due to the cost of continuing education for licensed appraiser trainees (annual cost of \$91,545) and criminal history record information checks (annual cost of \$7,920).

Regarding paperwork requirements, the Board has already revised its application forms to reflect the current Federal standards. Therefore, the Board does not anticipate additional paperwork requirements. The proposed rulemaking requires completion of experience logs for licensed appraiser trainees and certified residential real estate appraisers pursuing experience credit.

Sunset Date

The Board continuously monitors the cost and effectiveness of its regulations and will continue do so with respect to these regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 22, 2018, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory

Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Jacqueline A. Wolfgang, Counsel, State Board of Certified Real Estate Appraisers, P.O. Box 69523, Harrisburg, PA 17106-9523, ra-stregulatorycounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 16A-7022, Federally-Mandated Revisions, on comments.

D. THOMAS SMITH,
Chairperson

Fiscal Note: 16A-7022. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Subchapter A. GENERAL PROVISIONS
GENERAL PROVISIONS

§ 36.1. Definitions.

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

[**AQB—The Appraiser Qualifications Board of the Appraisal Foundation.**]

AQB—The Appraiser Qualifications Board of The Appraisal Foundation—The independent board of The Appraisal Foundation that establishes the minimum education, experience, examination and continuing education requirements for real property appraisers under Title XI of FIRREA (12 U.S.C.A. §§ 3331—3356). The term includes any successor organization as designated by the United States Congress or the ASC.

AQB Qualification Criteria—The AQB publication, The Real Property Appraiser Qualification Criteria, establishing the minimum education, experience, examination and continuing education requirements for real property appraisers to obtain a state license or certification. The publication may be accessed at The Appraisal Foundation web site at www.appraisalfoundation.org.

ASC—The Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Act—The Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19).

Ad valorem tax appraisal—Valuation for tax purposes involving the appraisal of real estate, its analysis, opinions and conclusions regarding taxation.

Applicant—A natural person.

Appraisal—A written analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property, for or in expectation of compensation.

Appraisal review—An analysis of a completed appraisal report to determine if it conforms to specific requirements and guidelines and to [insure] **ensure** that the report is consistent and mathematically correct.

Board—The State Board of Certified Real Estate Appraisers **within the Bureau of Professional and Occupational Affairs in the Department of State** of the Commonwealth.

Certified broker/appraiser—A person who holds a certificate issued under authority of section 6(a)(3) of the act (63 P.S. § 457.6(a)(3)) and who is authorized to perform appraisals of all types of real property in non-Federally-related transactions.

Certified general real estate appraiser—A person who holds a certificate issued under authority of section 6(a)(2) and (e) of the act and § 36.12 (relating to qualifications for certification as general real estate appraiser) and who is authorized to perform appraisals of all types of real property in all transactions, whether Federally-related or non-Federally-related.

Certified real estate appraiser—A certified broker/appraiser, certified residential real estate appraiser or certified general real estate appraiser.

Certified residential real estate appraiser—A person who holds a certificate issued under authority of section 6(a)(1) and (d) of the act and § 36.11 (relating to qualifications for certification as residential real estate appraiser) and who is authorized to perform appraisals of residential properties of one-to-four dwelling units in all transactions, whether Federally-related or non-Federally-related.

Distance education—[**An**] **Except as otherwise required by the AQB Qualification Criteria, an** educational process based on the geographical separation of the learner and instructor, which provides interaction between the learner and instructor and includes testing. Examples include [**CD or DVD ROM**] **CD-ROM or DUD-ROM**, on-line learning, correspondence courses, video conferencing, and video and remote television courses.

FIRREA—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [, **the act of August 9, 1989**] (Pub.L. **No.** 101-73, 103 Stat. 183).

Feasibility analysis—A study of the cost-benefit relationship of an economic endeavor.

Federally-related transaction—A real estate-related financial transaction which a Federal financial institution regulatory agency or the Resolution Trust Corporation engages in, contracts for or regulates, and which requires the services of an appraiser.

Highest and best use analysis—A study which represents the reasonable and probable use that results in the highest present value of the land or improved property after considering all legally permissible, physically possible and economically feasible uses.

IDECC—International Distance Education Certification Center.

In good standing—

(i) When referring to an individual certified or licensed by the Board to perform appraisals, an individual who is authorized under the act to perform appraisals or to act as a licensed appraiser trainee.

(ii) The term includes an individual who has an active, unrestricted certificate or license, or a certificate or license that is on probation or subject to a restriction ordered by the Board.

(iii) The term does not include an individual who holds a certificate or license that is inactive, expired, suspended or revoked.

Licensed appraiser trainee—A person who holds a license issued under section 6(a.1) of the act and § 36.12a (relating to qualifications for licensure as appraiser trainee) and who is authorized to assist a certified residential real estate appraiser or certified general real estate appraiser in the performance of an appraisal.

Real estate counseling—Providing, for a fee, disinterested and unbiased advice, professional guidance and judgment in the broad field of real estate, involving all segments of the business, including marketing, leasing, managing, planning, financing, appraising, providing testimony and other similar services. Real estate counseling is a specialty area in which the counselor clearly identifies the real estate problem to be solved, determines the most satisfactory solutions and, where appropriate, follows through on the implementation.

Real estate-related financial transaction—A transaction involving the following:

(i) Sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof.

(ii) Refinancing of real property or interests in real property.

(iii) Use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

Review appraiser—A person who performs an appraisal review.

USPAP—The Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of [**the**] **The Appraisal Foundation.**

§ 36.2. Application process.

[(a) Application form. A person interested in becoming a licensed appraiser trainee, a certified residential real estate appraiser or a certified general real estate appraiser shall complete and file with the Board a notarized application form and an application fee. Application forms may be obtained by visiting the Board's website at www.dos.state.pa.us/real or by writing, telephoning, or e-mailing the Board at Post Office Box 2649, Harrisburg, PA 17105-2649, (717) 783-4866, or ST-APPRAISE@state.pa.us, respectively.

(b) Application fee. The application fee for licensure as an appraiser trainee or certification as a residential real estate appraiser or general real estate appraiser is set forth in § 36.6 (relating to fees). Application fees are nonrefundable. Payments must be in the form of a personal check or money order made payable to the “Commonwealth of Pennsylvania.”

(c) Approved applications. Subject to the provisions of subsection (e), an approved application for certification as a residential real estate appraiser or general real estate appraiser will be valid for 1 year from the date of approval. If an applicant does not pass the certification examination within this 1-year period, the applicant’s application will be considered to have been withdrawn. If the applicant wishes to take the examination after 1 year from the date of approval, a new application, along with the required fee, shall be submitted to the Board.]

(a) Application form. An individual who applies for licensure as a licensed appraiser trainee or for certification as a certified residential real estate appraiser or a certified general real estate appraiser shall do all of the following:

(1) Submit an application to the Board on a form provided by the Board.

(2) Submit an official criminal history record information check from the State Police or other state agency for every state in which the candidate has lived or worked during the past 5 years. A report must be dated within 90 days of the date of application.

(3) Pay the required application fee in the amount prescribed § 36.6 (relating to fees).

(4) Satisfy the requirements for licensure or certification in this subchapter.

(5) Satisfy the requirements in the AQB Qualification Criteria.

(b) Application fee. The payment of a fee for processing an application is nonrefundable and must satisfy all of the following conditions:

(1) The application fee must be in the amount in § 36.6.

(2) Payment of the application fee must be in the form of a personal check or money order payable to “Commonwealth of Pennsylvania” or an electronic payment in a form or method approved by the Commissioner of Professional and Occupational Affairs.

(c) Approved applications. Residential real estate appraiser and general real estate appraiser certification applications approved by the Board are subject to all of the following conditions:

(1) Approval by the Board of an initial application for certification as a residential real estate appraiser or a general real estate appraiser constitutes approval to take the examination approved by the AQB with all of the following limitations:

(i) Approval of the application will be valid for 1 year from the date of approval.

(ii) Approval of the application will be subject to subsection (e).

(iii) If an applicant does not pass the certification examination approved by the AQB within 1 year of the date of approval, the application will be deemed to be withdrawn.

(iv) If an applicant wishes to take the certification examination approved by the AQB more than 1 year after the date of approval of an application, the applicant shall file a new application that complies with subsections (a) and (b).

(2) Approval by the Board of an application for licensure as an appraiser trainee, certification as a residential real estate appraiser or certification as a general real estate appraiser under section 7 of the act (63 P.S. § 457.7), regarding reciprocity, constitutes approval to issue a license or certificate to the applicant.

(d) Disapproved applications. Subject to [the provisions of] subsection (e), an applicant for licensure as an appraiser trainee, certification as a residential real estate appraiser[,] or certification as a general real estate appraiser whose application has been disapproved by the Board will be notified in writing of the reasons for the disapproval, and will have 1 year from the date of disapproval to correct the deficiencies or to file a request for reconsideration.

(1) A request for reconsideration must give the reason for the applicant’s request, must be accompanied by documentary materials not previously submitted which the applicant wishes the Board to consider and may include a request for an informal interview with the Board.

(2) If a request for reconsideration is denied or, subject to [the provisions of] subsection (e), an applicant is unable to correct the deficiencies which resulted in the disapproval of the application within 1 year from the date of disapproval, a new application, along with the required fee, shall be submitted to the Board.

(e) Compliance with new requirements.

(1) Residential real estate appraiser and general real estate appraiser applicants. Except as otherwise provided in §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) or as required by the AQB Qualification Criteria, an applicant for certification as a residential real estate appraiser or general real estate appraiser shall comply with any increased education or experience requirements that take effect between the applicant’s filing of an initial application and the applicant’s passing the certification examination.

[An] (2) Appraiser trainee applicants. Except as otherwise provided in § 36.12a (relating to qualifications for licensure as appraiser trainee), or as required by the AQB Qualification Criteria, an applicant for licensure as an appraiser trainee shall comply with any increased education requirement that takes effect between the applicant’s filing of an application that is disapproved and the applicant’s filing of a new application.

§ 36.3. Examinations.

(a) [The examination required for certification as a residential real estate appraiser is the AQB-Endorsed Uniform State Certified Residential Real Property Appraiser Examination or its equivalent. The examination required for certification as a

general real estate appraiser is the AQB-endorsed Uniform State Certified General Real Property Appraiser Examination or its equivalent.] The examination required for certification as a residential real estate appraiser or a general real estate appraiser is the AQB-approved National examination for the certification for which an applicant is applying. The certification examinations are administered by a professional testing organization under contract with the Board at times and places established by the professional testing organization. An examination is not required for licensure as an appraiser trainee.

(b) Interested persons may obtain information about the certification examinations from the professional testing organization. Contact information for the professional testing organization appears on the Board's [[website at www.dos.state.pa.us/real](http://www.dos.state.pa.us/real)] web site.

QUALIFICATIONS FOR CERTIFICATION OR LICENSURE

§ 36.11. Qualifications for certification as residential real estate appraiser.

[(a) *Overview.* An applicant for certification as a residential real estate appraiser shall be of good moral character, meet the following education and experience requirements prior to examination, and pass an examination for certification as a residential real estate appraiser. Neither a real estate salesperson's license nor a real estate broker's license issued under the Real Estate Licensing and Registration Act (63 P.S. § 455.101—455.902) is a prerequisite to certification as a residential real estate appraiser.

(b) *Appraisal classroom hours.* Effective January 1, 2008, an applicant shall submit evidence to the Board of having completed 200 classroom hours in the appraisal curriculum set forth in subsection (c)(2). This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2013, that shows evidence of the applicant's having completed 120 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP Course or equivalent course approved by the AQB, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.

(1) *Length of classroom hour requirement.* Credit toward the classroom hour requirement will only be granted when the length of the course is at least 15 hours, and the applicant successfully completes an examination pertinent to the course. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(2) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.]

(a) *General qualifications.* An applicant for certification as a residential real estate appraiser shall:

(1) Be of good moral character.

(2) Satisfy the education and experience requirements in this section prior to the date of examination.

(3) Pass an AQB-approved examination for certification as a residential real estate appraiser.

(4) Satisfy the requirements in the AQB Qualification Criteria for certification as a residential real estate appraiser.

(b) *Appraisal classroom hours.* An applicant for certification as a residential real estate appraiser shall submit evidence to the Board of having completed the classroom hours required by the AQB Qualification Criteria as of the date of the application.

(1) *Length of classroom hour and courses; course examination requirement.*

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only if the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(2) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from types of providers in the AQB Qualification Criteria subject to the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(3) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

[(c) *Content of appraisal education.* The content of an applicant's appraisal education must be as follows:

(1) An applicant who is subject to the 120-classroom hour requirement in subsection (b) shall demonstrate that the classroom hours included coverage of the following topics, with particular emphasis on the appraisal of one-to-four unit residential properties:

- (i) Influences in real estate value.
 - (A) Physical and environmental.
 - (B) Economic.
 - (C) Governmental and legal.
 - (D) Social.
- (ii) Legal considerations in appraisal.
 - (A) Real estate versus real property.
 - (B) Real property versus personal property.
 - (C) Limitations on real estate ownership.
 - (D) Legal rights and interests.
 - (E) Forms of property ownership.
 - (F) Legal descriptions.
 - (G) Transfer of title.
- (iii) Type of values.
 - (A) Market value or value in exchange.
 - (B) Price.
 - (C) Cost.
 - (D) Investment value.
 - (E) Value in use.
 - (F) Assessed value.
 - (G) Insurable value.
- (iv) Economic principles.
 - (A) Anticipation.
 - (B) Balance.
 - (C) Change.
 - (D) Competition.
 - (E) Conformity.
 - (F) Contribution.
 - (G) Increasing and decreasing returns.
 - (H) Opportunity cost.
 - (I) Substitution.
 - (J) Supply and demand.
 - (K) Surplus productivity.
- (v) Real estate markets and analysis.
 - (A) Characteristics of real estate markets.
 - (B) Absorption analysis.
 - (C) Role of money and capital markets.
 - (D) Real estate financing.
- (vi) Valuation process.
 - (A) Definition of the problem.
 - (B) Collection and analysis of data.
 - (C) Analysis of highest and best use.

(D) Application and limitations of each approach to value.

- (E) Reconciliation and final value estimate.
- (F) The appraisal report.
- (vii) Property description.
 - (A) Site description.
 - (B) Improvement description.
 - (C) Basic construction and design.
- (viii) Highest and best use analysis.
 - (A) Four tests.
 - (B) Vacant site or as if vacant.
 - (C) As improved.
 - (D) Interim use.
- (ix) Appraisal math and statistics.
 - (A) Compound interest concepts.
 - (B) Statistical concepts used in appraisal.
- (x) Sales comparison approach.
 - (A) Research and selection of comparables.
 - (B) Elements of comparison.
 - (C) Adjustment process.
 - (D) Application of sales comparison approach.
- (xi) Site value.
 - (A) Sales comparison.
 - (B) Land residual.
 - (C) Allocation.
 - (D) Extraction.
 - (E) Plottage and assemblage.
- (xii) Cost approach.
 - (A) Steps in cost approach.
 - (B) Application of the cost approach.
- (xiii) Income approach.
 - (A) Gross rent multiplier analysis.
 - (B) Estimation of income and expenses.
 - (C) Operating expense ratios.
 - (D) Direct capitalization.
- (xiv) Valuation of partial interests.
 - (A) Life estates.
 - (B) Undivided interest in commonly held property
 - (C) Easements.
 - (D) Timeshares.
 - (E) Cooperatives.
 - (F) Leased fee estate.
 - (G) Leasehold estate.
- (xv) Appraisal standards and ethics.
- (xvi) Narrative report writing.

(2) An applicant who is subject to the 200-classroom hour requirement in subsection (b) shall demonstrate that the classroom hours satisfy the following curriculum requirements:

- (i) Basic appraisal principles (30 hours).
 - (A) Real property concepts and characteristics.
 - (I) Basic real property concepts.
 - (II) Real property characteristics.
 - (III) Legal description.
 - (B) Legal considerations.
 - (I) Forms of ownership.
 - (II) Public and private controls.
 - (III) Real estate contracts.
 - (IV) Leases.
 - (C) Influences on real estate.
 - (I) Governmental.
 - (II) Economic.
 - (III) Social.
 - (IV) Environmental, geographic and physical.
 - (D) Types of value.
 - (I) Market value.
 - (II) Other value types.
 - (E) Economic principles.
 - (I) Classical economic principles.
 - (II) Application and illustrations of the economic principles.
 - (F) Overview of real estate markets and analysis.
 - (I) Market fundamentals, characteristics and definitions.
 - (II) Supply analysis.
 - (III) Demand analysis.
 - (IV) Use of market analysis.
 - (G) Ethics and how they apply in appraisal theory and practice.
 - (ii) Basic appraisal procedures (30 hours).
 - (A) Overview of approaches to value.
 - (B) Valuation procedure.
 - (I) Defining the problem.
 - (II) Collecting and selecting the data.
 - (III) Analyzing.
 - (IV) Reconciling and final value opinion.
 - (V) Communicating the appraisal.
 - (C) Property description.
 - (I) Geographic characteristics of the land/site.
 - (II) Geologic characteristics of the land/site.
 - (III) Location and neighborhood characteristics.
 - (IV) Land/site considerations for highest and best use.
 - (V) Improvements—architectural styles and types of construction.
 - (D) Residential applications.

(iii) National USPAP Course or equivalent (15 hours).

- (A) Preamble and ethics rules.
- (B) Standard 1.
- (C) Standard 2.
- (D) Standards 3 to 10.
- (E) Statements and advisory opinions.
 - (iv) Residential market analysis and highest and best use (15 hours).
 - (A) Residential markets and analysis.
 - (I) Market fundamentals, characteristics and definitions.
 - (II) Supply analysis.
 - (III) Demand analysis.
 - (IV) Use of market analysis.
 - (B) Highest and best use.
 - (I) Test constraints.
 - (II) Application of highest and best use.
 - (III) Special considerations.
 - (IV) Market analysis.
 - (V) Case studies.
 - (v) Residential appraiser site valuation and cost approach (15 hours).
 - (A) Site valuation.
 - (I) Methods.
 - (II) Case studies.
 - (B) Cost approach.
 - (I) Concepts and definitions.
 - (II) Replacement/reproduction cost new.
 - (III) Accrued depreciation.
 - (IV) Methods of estimating accrued depreciation.
 - (V) Case studies.
 - (vi) Residential sales comparison and income approaches (30 hours).
 - (A) Valuation principles and procedures—sales comparison approach.
 - (B) Valuation principles and procedures—income approach.
 - (C) Finance and cash equivalency.
 - (D) Financial calculator introduction.
 - (E) Identification, derivation and measurement of adjustments.
 - (F) Gross rent multipliers.
 - (G) Partial interests.
 - (H) Reconciliation.
 - (I) Case studies and applications.
 - (vii) Residential report writing and case studies (15 hours).
 - (A) Writing and reasoning skills.
 - (B) Common writing problems.
 - (C) Form reports.
 - (D) Report options and USPAP compliance.

- (E) Case studies.
- (viii) Statistics, modeling and finance (15 hours).
- (A) Statistics.
- (B) Valuation models (AVMs and mass appraisal).
- (C) Real estate finance.
- (ix) Advanced residential applications and case studies (15 hours).
- (A) Complex property, ownership and market conditions.
- (B) Deriving and supporting adjustments.
- (C) Residential market analysis.
- (D) Advanced case studies.
- (x) Appraisal subject matter electives (20 hours).
- (d) *Postsecondary education.*

(1) Effective January 1, 2008, an applicant shall submit evidence to the Board of having satisfied one of the following requirements:

- (i) Possession of an associate’s degree, or higher, from an accredited college or university.
- (ii) Completion of 21 semester credit hours in the following college-level subjects at an accredited college or university:
 - (A) English composition.
 - (B) Principles of economics (micro or macro).
 - (C) Finance.
 - (D) Algebra, geometry or higher mathematics.
 - (E) Statistics.
 - (F) Computer science.
 - (G) Business or real estate law.

(2) This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2012, that shows evidence of the applicant’s having completed 120 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP Course or equivalent course approved by the AQB, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.]

(c) *Content of appraisal education.*

(1) The content of an applicant’s appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum in the AQB Qualification Criteria.

(2) All courses must consist of instruction in the subject areas in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(d) *Postsecondary education.* An applicant for certification as a residential real estate appraiser shall satisfy the postsecondary education requirements in the AQB Qualification Criteria.

(e) *Experience.* An applicant’s experience must comply with all of the following:

[(1) In addition to meeting the education requirements, an applicant shall submit evidence to the Board of having acquired 2,500 hours of acceptable appraisal experience during a period of at least 24 months. At least 1,250 hours of the experi-

ence acquired by an applicant must be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options regarding preparation of appraisal reports). Hours may be treated as cumulative to achieve the necessary 2,500 hours of appraisal experience. Cumulative is defined to mean that experience may be acquired over any time period in excess of 24 months. There is no minimum number of hours which must be acquired in any 12 months. The following will serve as an example:

Year 1	400 Hours
Year 2	800 Hours
Year 3	200 Hours
Year 4	500 Hours
Year 5	600 Hours
Total	2,500 Hours]

(1) An applicant for certification as a residential real estate appraiser shall satisfy the experience requirements in the AQB Qualification Criteria.

(2) At least 50% of the total experience requirement shall be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties in accordance with § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

[(2)] (3) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will not be accepted unless the applicant [has first] completed 45 classroom hours of appraisal education, including 15 hours on USPAP **prior to acquiring the experience. Effective January 1, 2020, experience credit may be obtained only by individuals who possess a license as an appraiser trainee.**

(4) Acceptable categories of appraisal experience include **all of the following:**

- (i) Fee and staff appraisals.
- (ii) Ad valorem tax appraisals, if the [appraiser can demonstrate that the appraiser used techniques to value properties similar to those used by other appraisers and that the appraiser] **applicant can demonstrate that the applicant used techniques to value properties similar to those used by appraisers and that the applicant** effectively used the appraisal process.
- (iii) Review appraisals.
- (iv) Appraisal analysis (synonymous with an appraisal).
- (v) Real estate counseling, if the counselor can satisfactorily demonstrate that:
 - (A) The client clearly asked for counseling services.
 - (B) The client was informed that the counselor’s time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.

(C) A file memorandum was prepared on each assignment indicating the nature of the assignment, recommendations and disposition.

(D) Compensation for the counseling services was separate from other real estate services rendered.

(vi) Highest and best use analysis.

(vii) Feasibility analysis/study.

(viii) Real estate related experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.

(ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.

(x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

§ 36.12. Qualifications for certification as general real estate appraiser.

[(a) *Overview.* An applicant for certification as a general real estate appraiser shall be of good moral character, meet the following education and experience requirements prior to examination, and pass an examination for certification as a general real estate appraiser. Neither a real estate salesperson's license nor a real estate broker's license issued under the Real Estate Licensing and Registration Act (63 P.S. §§ 455.101—455.902) is a prerequisite to certification as a general real estate appraiser.

(b) *Appraisal classroom hours.* Effective January 1, 2008, an applicant shall submit evidence to the Board of having completed 300 classroom hours in the appraisal curriculum set forth in subsection (c)(2). This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2013, that shows evidence of the applicant's having completed 180 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP Course or equivalent course approved by the AQB, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.

(1) *Length of classroom hour requirement.* Credit toward the classroom hour requirement will only be granted when the length of the course is at least 15 hours, and the applicant successfully completes an examination pertinent to the course. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(2) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

(3) *Distance education.* A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(c) *Content of appraisal education.* The content of an applicant's appraisal education must be as follows:

(1) An applicant who is subject to the 180-classroom hour requirement in subsection (b) shall demonstrate that the classroom hours included coverage of the following topics, with particular emphasis on the appraisal of nonresidential properties. Residential is defined as one to four residential units.

(i) Influences on real estate value.

(A) Physical and environmental.

(B) Economic.

(C) Governmental and legal.

(D) Social.

(ii) Legal considerations in appraisal.

(A) Real estate versus real property.

(B) Real property versus personal property.

(C) Limitations on real estate ownership.

(D) Legal rights and interests.

(E) Forms of property ownership.

(G) Legal descriptions.

(H) Transfer of title.

(iii) Type of values.

(A) Market value or value in exchange.

(B) Price.

(C) Cost.

(D) Investment value.

(E) Value in use.

(F) Assessed value.

(G) Insurable value.

(H) Going concern value.

(iv) Economic principles.

(A) Anticipation.

(B) Balance.

(C) Change.

(D) Competition.

(E) Conformity.

(F) Contribution.

(G) Increasing and decreasing returns.

(H) Opportunity cost.

(I) Substitution.

(J) Supply and demand.

- (K) Surplus productivity.
- (v) Real estate markets and analysis.
 - (A) Characteristics of real estate markets.
 - (B) Absorption analysis.
 - (C) Role of money and capital markets.
 - (D) Real estate financing.
- (vi) Valuation process.
 - (A) Definition of the problem.
 - (B) Collection and analysis of data.
 - (C) Analysis of highest and best use.
 - (D) Application and limitations of each approach to value.
 - (E) Reconciliation and final value estimate.
 - (F) The appraisal report.
- (vii) Property description.
 - (A) Site development.
 - (B) Improvement description.
 - (C) Basic construction and design.
- (viii) Highest and best use analysis.
 - (A) Four tests.
 - (B) Vacant site or as if vacant.
 - (C) As improved.
 - (D) Interim use.
- (ix) Appraisal math and statistics.
 - (A) Compound interest concepts.
 - (B) Statistical concepts used in appraisal.
- (x) Sales comparison approach.
 - (A) Research and selection of comparables.
 - (B) Elements of comparison.
 - (C) Adjustment process.
 - (D) Application of sales comparison approach.
- (xi) Site value.
 - (A) Sales comparison.
 - (B) Land residual.
 - (C) Allocation.
 - (D) Extraction.
 - (E) Ground rent capitalization.
 - (F) Subdivision analysis.
 - (G) Plottage and assemblage.
- (xii) Cost approach.
 - (A) Steps in cost approach.
 - (B) Application of the cost approach.
- (xiii) Income approach.
 - (A) Estimation of income and expenses.
 - (B) Operating statement ratios.
 - (C) Direct capitalization.
 - (D) Cash flow estimates (before tax only).
 - (E) Measures of cash flow.
 - (F) Discounted cash flow analysis (DCF).
- (xiv) Valuation of partial interests.

- (A) Interests created by a lease.
- (B) Lease provisions.
- (C) Valuation considerations.
- (D) Other partial interests.
- (xv) Appraisal standards and ethics.
- (xvi) Narrative report writing.
 - (2) An applicant who is subject to the 300-hour classroom requirement in subsection (b) shall demonstrate that the classroom hours satisfy the following curriculum requirements:
 - (i) Basic appraisal principles (30 hours).
 - (A) Real property concepts and characteristics.
 - (I) Basic real property concepts.
 - (II) Real property characteristics.
 - (III) Legal description.
 - (B) Legal considerations.
 - (I) Forms of ownership.
 - (II) Public and private controls.
 - (III) Real estate contracts.
 - (IV) Leases.
 - (C) Influences on real estate.
 - (I) Governmental.
 - (II) Economic.
 - (III) Social.
 - (IV) Environmental, geographic and physical.
 - (D) Types of value.
 - (I) Market value.
 - (II) Other value types.
 - (E) Economic principles.
 - (I) Classical economic principles.
 - (II) Application and illustrations of the economic principles.
 - (F) Overview of real estate markets and analysis.
 - (I) Market fundamentals, characteristics and definitions.
 - (II) Supply analysis.
 - (III) Demand analysis.
 - (IV) Use of market analysis.
 - (G) Ethics and how they apply in appraisal theory and practice.
 - (ii) Basic appraisal procedures (30 hours).
 - (A) Overview of approaches to value.
 - (B) Valuation procedure.
 - (I) Defining the problem.
 - (II) Collecting and selecting the data.
 - (III) Analyzing.
 - (IV) Reconciling and final value opinion.
 - (V) Communicating the appraisal.
 - (C) Property description.
 - (I) Geographic characteristics of the land/site.

- (II) Geologic characteristics of the land/site.
- (III) Location and neighborhood characteristics.
- (IV) Land/site considerations for highest and best use.
- (V) Improvements—architectural styles and types of construction.
 - (D) Residential applications.
 - (iii) National USPAP Course or equivalent (15 hours).
 - (A) Preamble and ethics rules.
 - (B) Standard 1.
 - (C) Standard 2.
 - (D) Standards 3 to 10.
 - (E) Statements and advisory opinions.
 - (iv) General appraiser market analysis and highest and best use (30 hours).
 - (A) Real estate markets and analysis.
 - (I) Market fundamentals, characteristics and definitions.
 - (II) Supply analysis.
 - (III) Demand analysis.
 - (IV) Use of market analysis.
 - (B) Highest and best use.
 - (I) Test constraints.
 - (II) Application of highest and best use.
 - (III) Special considerations.
 - (IV) Market analysis.
 - (V) Case studies.
 - (v) General appraiser site valuation and cost approach (30 hours).
 - (A) Site valuation.
 - (I) Methods.
 - (II) Case studies.
 - (B) Cost approach.
 - (I) Concepts and definitions.
 - (II) Replacement/reproduction cost new.
 - (III) Accrued depreciation.
 - (IV) Methods of estimating accrued depreciation.
 - (V) Case studies.
 - (vi) General appraiser sales comparison approach (30 hours).
 - (A) Value principles.
 - (B) Procedures.
 - (C) Identification and measurement of adjustments.
 - (D) Reconciliation.
 - (E) Case studies.
 - (vii) General appraiser income approach (60 hours).
 - (A) Overview.
 - (B) Compound interest.
 - (C) Lease analysis.
 - (D) Income analysis.
 - (E) Vacancy and collection loss.
 - (F) Estimating operating expenses and reserves.
 - (G) Reconstructed income and expense statement.
 - (H) Stabilized net operating income estimate.
 - (I) Direct capitalization.
 - (J) Discounted cash flow.
 - (K) Yield capitalization.
 - (L) Partial interests.
 - (M) Case studies.
 - (viii) General appraiser report writing and case studies (30 hours).
 - (A) Writing and reasoning skills.
 - (B) Common writing problems.
 - (C) Report options and USPAP compliance.
 - (D) Case studies.
 - (ix) Statistics, modeling and finance (15 hours).
 - (A) Statistics.
 - (B) Valuation models (AVMs and mass appraisal).
 - (C) Real estate finance.
 - (x) Appraisal subject matter electives (30 hours).
 - (d) *Postsecondary education*.
 - (1) Effective January 1, 2008, an applicant shall submit evidence to the Board of having satisfied one of the following requirements:
 - (i) Possession of a bachelor's degree, or higher, from an accredited college or university.
 - (ii) Completion of 30 semester credit hours in the following college-level subjects at an accredited college or university:
 - (A) English composition.
 - (B) Macroeconomics.
 - (C) Microeconomics.
 - (D) Finance.
 - (E) Algebra, geometry or higher mathematics.
 - (F) Statistics.
 - (G) Computer science.
 - (H) Business or real estate law.
 - (I) Two elective courses in accounting, geography, ag-economics, business management or real estate.
 - (2) This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2012, that shows evidence of the applicant's having completed 180 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP Course or equivalent course approved by the AQB, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.]

(a) General qualifications. An applicant for certification as a general real estate appraiser shall:

- (1) Be of good moral character.
- (2) Satisfy the education and experience requirements in this section as of the date of the examination.
- (3) Pass an AQB-approved examination for certification as a general real estate appraiser.
- (4) Satisfy all the requirements in the AQB Qualification Criteria for certification as a general real estate appraiser.

(b) Appraisal classroom hours. An applicant for certification as a general real estate appraiser shall submit evidence to the Board of having completed the classroom hours required by the AQB Qualification Criteria as of the date of application.

(1) Length of classroom hour and courses; course examination requirement.

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only if the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(2) Providers of appraisal courses. Credit for the classroom hour requirement may be obtained from the types of providers in the AQB Qualification Criteria subject to all of the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(3) Distance education. Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board, and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(c) Content of appraisal education.

(1) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum in the AQB Qualification Criteria.

(2) All courses must consist of instruction in the subject areas in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(d) Postsecondary education. An applicant for certification as a general real estate appraiser shall satisfy the postsecondary education requirements in the AQB Qualification Criteria.

(e) Experience. An applicant's experience must comply with all of the following:

[(1) In addition to meeting the education requirements, an applicant shall submit evidence to the Board of having acquired 3,000 hours of acceptable appraisal experience, including 1,500 hours in nonresidential work, during a period of no less than 30 months. At least 1,500 hours of the experience acquired by an applicant shall be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options regarding preparation of appraisal reports). Hours may be treated as cumulative to achieve the necessary 3,000 hours of appraisal experience. Cumulative is defined to mean that experience may be acquired over any time period in excess of 30 months. There is no minimum number of hours which must be acquired in any 1 year. The following will serve as an example:

| | |
|--------|---------------|
| Year 1 | 1,000 Hours |
| Year 2 | 800 Hours |
| Year 3 | 100 Hours |
| Year 4 | 1,000 Hours |
| Year 5 | 100 Hours |
| Total | 3,000 Hours] |

(1) An applicant for certification as a general real estate appraiser shall satisfy the experience requirements in the AQB Qualification Criteria.

(2) At least 50% of the total experience requirement must be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

[(2)] (3) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will not be accepted unless the applicant [has first] completed 45 classroom hours of appraisal education, including 15 hours on USPAP prior to acquiring the experience. Effective January 1, 2020, experience credit can be obtained only by individuals who possess a license as an appraiser trainee or a certification as a residential real estate appraiser.

(4) Acceptable categories of appraisal experience include:

- (i) Fee and staff appraisals.
- (ii) Ad valorem tax appraisals, if the [**appraiser can demonstrate that the appraiser used techniques to value properties similar to those used by other appraisers and that the appraiser] applicant can demonstrate that the applicant used techniques to value properties similar to those used by appraisers and that the applicant** effectively used the appraisal process.
- (iii) Review appraisals.
- (iv) Appraisal analysis (synonymous with an appraisal).
- (v) Real estate counseling, if the counselor can satisfactorily demonstrate that:
 - (A) The client clearly asked for counseling services.
 - (B) The client was informed that the counselor's time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.
 - (C) A file memorandum was prepared on each assignment, indicating the nature of the assignment, recommendations and disposition.
 - (D) Compensation for the counseling services was separate from other real estate services rendered.
- (vi) Highest and best use analysis.
- (vii) Feasibility analysis/study.
- (viii) Real estate experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.
- (ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.
- (x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

§ 36.12a. Qualifications for licensure as appraiser trainee.

[(a) *Overview.* An applicant for licensure as an appraiser trainee shall be of good moral character and meet the education requirements prescribed by this section. Neither a real estate salesperson's license nor a real estate broker's license issued under the Real Estate Licensing and Registration Act (63 P.S. § 455.101—455.902) is a prerequisite for licensure as an appraiser trainee.

(b) *Appraisal classroom hours.* An applicant shall submit evidence to the Board of having completed 75 classroom hours in the appraisal curriculum in paragraph (1), except that this requirement does not apply to an applicant who had satisfied the education requirement for certification as a residential real estate appraiser that was in effect as of December 31, 2007.

(1) *Content of appraisal education.* An applicant's classroom hours must satisfy the following curriculum requirements:

- (i) **Basic appraisal principles (30 hours).**
 - (A) **Real property concepts and characteristics.**
 - (I) **Basic real property concepts.**

- (II) **Real property characteristics.**
- (III) **Legal description.**
- (B) **Legal considerations.**
- (I) **Forms of ownership.**
- (II) **Public and private controls.**
- (III) **Real estate contracts.**
- (IV) **Leases.**
- (C) **Influences on real estate.**
 - (I) **Governmental.**
 - (II) **Economic.**
 - (III) **Social.**
 - (IV) **Environmental, geographic and physical.**
- (D) **Types of value.**
 - (I) **Market value.**
 - (II) **Other value types.**
- (E) **Economic principles.**
 - (I) **Classical economic principles.**
 - (II) **Application and illustrations of the economic principles.**
 - (F) **Overview of real estate markets and analysis.**
 - (I) **Market fundamentals, characteristics and definitions.**
 - (II) **Supply analysis.**
 - (III) **Demand analysis.**
 - (IV) **Use of market analysis.**
 - (G) **Ethics and how they apply in appraisal theory and practice.**
 - (ii) **Basic appraisal procedures (30 hours).**
 - (A) **Overview of approaches to value.**
 - (B) **Valuation procedure.**
 - (I) **Defining the problem.**
 - (II) **Collecting and selecting the data.**
 - (III) **Analyzing.**
 - (IV) **Reconciling and final value opinion.**
 - (V) **Communicating the appraisal.**
 - (C) **Property description.**
 - (I) **Geographic characteristics of the land/site.**
 - (II) **Geologic characteristics of the land/site.**
 - (III) **Location and neighborhood characteristics.**
 - (IV) **Land/site considerations for highest and best use.**
 - (V) **Improvements—architectural styles and types of construction.**
 - (D) **Residential applications.**
 - (iii) **National USPAP Course or equivalent (15 hours).**
 - (A) **Preamble and ethics rules.**
 - (B) **Standard 1.**
 - (C) **Standard 2.**
 - (D) **Standards 3 to 10.**
 - (E) **Statements and advisory opinions.**

(2) Examination requirement; length of classroom hour. Credit towards the classroom hour requirement will only be granted when the applicant successfully completes an examination pertinent to the course. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(3) Providers of appraisal courses. Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.]

(a) General qualifications. An applicant for licensure as an appraiser trainee shall:

- (1) Be of good moral character.
- (2) Satisfy the education requirements in this section.
- (3) Complete a course that, at a minimum, complies with the specifications for course content established by the AQB Qualification Criteria, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and licensed appraiser trainees.

(4) Satisfy the requirements in the AQB Qualification Criteria for licensure as an appraiser trainee.

(b) Appraisal classroom hours. An applicant for licensure as an appraiser trainee shall comply with the qualifying educational standards required by the AQB Qualification Criteria.

- (1) Content of appraisal education.
 - (i) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria.
 - (ii) All courses must consist of instruction in the subject areas in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(2) Length of classroom hour and courses; course examination requirement. The length of classroom hours and course requirements must comply with all of the following:

- (i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.
- (ii) Credit toward the classroom hour requirement will be granted only when the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(3) Providers of appraisal courses. Credit for the classroom hour requirement may be obtained from the types of providers in the AQB Qualification Criteria subject to all of the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(4) Distance education. Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets all of the following conditions:

- (i) The course is presented by one of the following:
 - (A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.
 - (B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.
- (ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.
- (iii) The content and classroom hours of the course meet the requirements of paragraphs (1) and (2).

(c) Noneligibility for licensure. A certified real estate appraiser is not eligible to be licensed as an appraiser trainee.

(d) Limitation on license renewal. An appraiser trainee license may not be biennially renewed more than four times unless the Board, for good cause shown and on a case-by-case basis, should determine that one or more additional renewals is warranted.

§ 36.13. Experience options for preparation of appraisal reports; experience logs.

* * * * *

(b) [An] For experience acquired before October 1, 2010, an assistant to a certified general real estate appraiser or certified residential real estate appraiser shall [observe] comply with all of the following requirements when preparing an appraisal report:

* * * * *

(c) A licensed appraiser trainee shall [observe] comply with all of the following requirements when preparing an appraisal report for a certified general real estate appraiser or certified residential real estate appraiser:

* * * * *

(d) A certified residential real estate appraiser shall [observe] comply with all of the following requirements when preparing an appraisal report for a certified general real estate appraiser:

- (1) The residential appraiser shall perform an inspection of the interior and exterior of the property.
- (2) The residential appraiser may not arrive at an independent determination of value.
- (3) The residential appraiser shall comply with USPAP.
- (4) The residential appraiser shall co-sign the appraisal report as set forth in § 36.52 (relating to use of certificate number and title) and ensure that the nature of his significant real property appraisal assistance is specified in the report.

(5) Jointly maintain an appraisal experience log with the general real estate appraiser on forms provided by the Board.

(e) The licensed appraiser trainee shall jointly maintain an appraisal experience log with the supervisory appraiser on forms provided by the Board. An appraisal experience log must comply with the requirements in the AQB Qualification Criteria.

CONTINUING EDUCATION

§ 36.41. Continuing education requirement.

(a) Continuing education for certified real estate appraisers **and licensed appraiser trainees** is necessary to ensure that they maintain and increase their skill, knowledge and competency in real estate appraising. Except as provided in subsection (b), **[a certified real estate appraiser shall complete 28 classroom hours of continuing education—including the 7-hour National USPAP Update Course, or an equivalent 7-hour course approved by the AQB, and] certified real estate appraisers and licensed appraiser trainees shall satisfy the continuing education requirements in the AQB Qualification Criteria, which must include** at least 2 hours on the act, this chapter and the policies of the Board [—] during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period.

(b) A certified general real estate appraiser [or], residential real estate appraiser **or licensed appraiser trainee** whose initial certification **or license** becomes effective between January 1 and June 30 of a biennial renewal year will not be required to furnish proof of continuing education as a condition of renewal of certification in that biennial renewal year.

§ 36.42. [Continuing education subject matter.] Subject matter and sources of continuing education.

[(a) The following subjects are acceptable for continuing education:

- (1) Ad valorem taxation.
- (2) Arbitration.
- (3) Business courses related to the practice of real estate appraisal.
- (4) Development cost-estimating.
- (5) Ethics and standards of professional practice.
- (6) Land use planning, zoning and taxation.
- (7) Management, leasing, brokerage and time-sharing.
- (8) Property development.
- (9) Real estate appraisal.
- (10) Real estate financing and investment.
- (11) Real estate law.
- (12) Real estate litigation.
- (13) Real estate appraisal related computer applications.
- (14) Real estate securities and syndication.
- (15) Real property exchange.
- (16) Mass appraisal model building.
- (17) Mass appraisal model calibration.

(18) Assessment administration.

(19) Mapping.

(b) Credit toward the classroom hour requirement will be granted only when the length of the education offering is at least 2 hours. A classroom hour is defined as 50 minutes out of each 60 minute segment.]

(a) Continuing education subject matter and sources must comply with the requirements in the AQB Qualification Criteria.

(b) Subjects acceptable for continuing education include the subjects in the AQB Qualification Criteria.

(c) Credit for the classroom hour requirement may be obtained from colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies, or commissions, proprietary schools and other providers.

(d) Educational offerings which cover real estate appraisal related topics other than those [**listed in subsection (a)] in subsection (b)** may be acceptable for continuing education credit if the applicant can demonstrate to the Board that the topic or program contributed to the applicant's professional competence and is consistent with the purpose of continuing education as stated in § 36.41 (relating to [**purpose**] continuing education requirement).

[(e) Continuing education credit may also be granted—up to 50% of the biennial requirement—for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted include teaching, program development, authorship of textbooks or similar activities which the applicant can demonstrate to the Board are equivalent to obtaining continuing education.]

§ 36.43. Distance education.

Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable for continuing education credit if it is approved by the Board and meets **all of** the following conditions:

(1) The course is presented by one of the following:

(i) A course provider that presents the course to an organized group in an instructional setting with a person qualified and available to answer questions, provide information and monitor attendance.

(ii) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(iii) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(2) With regard to a course presented under paragraph (1)(ii) or (iii), the certified real estate appraiser **or the licensed appraiser trainee** either successfully completes a written examination proctored by an official approved by the college, university or other course provider or successfully completes the course mechanisms

required for course accreditation that evidence the learner's mastery and fluency of the course content.

(3) The content and length of the course meet the requirements of § 36.42 (relating to **[continuing education subject matter] subject matter and sources of continuing education**).

STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

§ 36.54. Duties of supervisory appraiser.

* * * * *

(b) A certified residential real estate appraiser or certified general real estate appraiser who utilizes a licensed appraiser trainee shall:

(1) Have at least 5 **[years'] years of** experience as a residential **real estate** or general **real estate** appraiser.

(2) Comply with the supervisory appraiser requirements in the AQB Qualification Criteria.

(3) Provide written notification to the Board of the name and address of the licensed appraiser trainee before the trainee begins work for the appraiser.

(4) Be a certified residential real estate appraiser or certified general real estate appraiser in this Commonwealth for at least 3 years immediately preceding the supervisory appraiser's notification to the Board.

(5) Be a certified residential real estate appraiser or certified general real estate appraiser in good standing in this Commonwealth.

(i) The supervisory appraiser shall be in good standing in this Commonwealth for at least 3 years immediately preceding the supervisory appraiser's notification to the Board.

(ii) The supervisory appraiser shall be in good standing while serving as a supervisor.

(6) Have not received from the Board or any jurisdiction any disciplinary action that affects or affected the supervisor's legal eligibility to engage in appraisal practice within 3 years immediately preceding the supervisory appraiser's notification to the Board.

(7) Prior to supervising a licensed appraiser trainee, complete a course, that, at a minimum, complies with the specifications for course content established by the AQB Qualification Criteria, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and licensed appraiser trainees.

[(2)] (8) Supervise no more than three licensed appraiser trainees at one time.

[(3)] (9) Directly supervise and control the licensed appraiser trainee's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

[(4)] (10) Accompany the licensed appraiser trainee during the physical inspection of the property until the licensed appraiser trainee has logged 300 hours of appraisal experience or until the supervising appraiser determines the licensed appraiser trainee is competent under USPAP to perform the physical inspection unaccompanied, whichever is the longer period.

[(5)] (11) Co-sign a Board-approved appraiser trainee checklist that has been completed by the licensed appraiser trainee, relates to the licensed appraiser trainee's work on the appraisal report and is made part of the appraisal report submitted to the client.

(12) Jointly maintain an appraisal experience log with the licensed appraiser trainee. An appraisal experience log must comply with the requirements in the AQB Qualification Criteria.

[(6)] (13) Provide a current or former licensed appraiser trainee who is applying for appraiser certification with copies of designated appraisal reports requested by the Board to verify the licensed appraiser trainee's experience.

(c) A certified general real estate appraiser who utilizes a certified residential real estate appraiser as an assistant for an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units shall:

(1) Directly supervise and control the residential appraiser's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(2) Accompany the residential appraiser during the physical inspection of the property until the general appraiser determines the residential appraiser is competent under USPAP to perform the physical inspection unaccompanied.

(3) Co-sign the appraisal report as set forth in § 36.52 and specify in the appraisal report the nature of the significant real property appraisal assistance rendered by the residential appraiser.

(4) Provide the residential appraiser, at the time of application for general appraiser certification, with copies of designated appraisal reports requested by the Board to verify the residential appraiser's experience.

(5) Jointly maintain an appraisal experience log with the general real estate appraiser on forms provided by the Board.

(6) Comply with the requirements in the AQB Qualification Criteria.

[Pa.B. Doc. No. 18-1033. Filed for public inspection July 6, 2018, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending June 26, 2018.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 6-22-2018 | LINKBANCORP, Inc.
Camp Hill
Cumberland County | Filed |
| | Application for approval to acquire 100% of Stonebridge Financial Corp., West Chester, and thereby indirectly acquire 100% of Stonebridge Bank, West Chester. | |

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--------------------------------------------------------------|-------------------------------------------------------|---------------|
| 6-21-2018 | Somerset Trust Company
Somerset
Somerset Trust Company | 82 West Fayette Street
Uniontown
Fayette County | Filed |

Branch Relocations

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 6-18-2018 | First Commonwealth Bank
Indiana
Indiana County | <i>To:</i> 980 West Central Avenue
Delaware
Delaware County, OH

<i>From:</i> 800 West Central Avenue
Delaware
Delaware County, OH | Effective |

Articles of Amendment

| <i>Date</i> | <i>Name and Location of Institution</i> | <i>Action</i> |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 6-26-2018 | The Pennsylvania Trust Company
Radnor
Delaware County | Effective |
| | Amendment to Article 5A of the institution's Articles of Incorporation provides for the reduction of authorized capital in the amount of \$2,359,217 and allows the Board of Directors to distribute to the sole shareholder. | |

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. 18-1034. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Biblical Theological Seminary to Amend Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Biblical Theological Seminary to amend its Articles of Incorporation to change the name of the institution to Missio Theological Seminary.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in

accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. A person wishing to review the application should phone (717) 783-8228 or write to the previously listed address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

PEDRO A. RIVERA,
Secretary

[Pa.B. Doc. No. 18-1035. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

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

| NPDES No.
(Type) | Facility Name &
Address | County &
Municipality | Stream Name
(Watershed No.) | EPA Waived
Y/N? |
|---------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------|--------------------|
| PA0110761
(Industrial) | Shamokin Dam Borough
Water System
42 W 8th Avenue
P.O. Box 273
Shamokin Dam, PA 17876-9226 | Snyder County
Shamokin Dam
Borough | Fiss Run
(6-A) | Yes |

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

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

PA0042269 A-3, Sewage, SIC Code 4952, **Lancaster Area Sewer Authority Lancaster County**, 130 Centerville Road, Lancaster, PA 17603-4007. Facility Name: Susquehanna Water Pollution Control Facility. This existing facility is located in Manor Township, **Lancaster County**.

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

The receiving stream(s), Dry Run, is located in State Water Plan watershed 7-J and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 15.0 MGD.

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | |
|----------------------------------------------------------------|----------------------|---------------------|---------|-----------------------|-------------------|---------------------|
| | Average
Monthly | Weekly
Average | Minimum | Average
Monthly | Weekly
Average | Instant.
Maximum |
| Flow (MGD) | Report | Report
Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| Carbonaceous Biochemical Oxygen
Demand (CBOD ₅) | 3,128 | 5,004 | XXX | 25 | 40 | 50 |
| Biochemical Oxygen Demand
(BOD ₅) | | | | | | |
| Raw Sewage Influent | Report | Report
Daily Max | XXX | Report | XXX | XXX |
| Total Suspended Solids | 3,753 | 5,630 | XXX | 30 | 45 | 60 |
| Total Suspended Solids
Raw Sewage Influent | Report | Report
Daily Max | XXX | Report | XXX | XXX |
| 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 |
| Ammonia-Nitrogen | | | | | | |
| Nov 1 - Apr 30 | Report | XXX | XXX | Report | XXX | XXX |
| May 1 - Oct 31 | 876 | XXX | XXX | 7.0 | XXX | 14 |
| Total Phosphorus | 250 | XXX | XXX | 2.0 | XXX | 4.0 |

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

| Parameters | Mass Units (lbs) | | Minimum | Concentration (mg/l) | |
|------------|------------------|--------|---------|----------------------|---------|
| | Monthly | Annual | | Monthly
Average | Maximum |
| Ammonia—N | Report | Report | XXX | Report | XXX |

| <i>Parameters</i> | <i>Mass Units (lbs)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | |
|----------------------|-------------------------|---------------|----------------|-----------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | | <i>Monthly Average</i> | <i>Maximum</i> |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |
| Net Total Nitrogen | Report | 310,498 | XXX | XXX | XXX |
| Net Total Phosphorus | Report | 41,400 | XXX | XXX | XXX |

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

The EPA Waiver is not in effect.

PA0266469, Sewage, SIC Code 4952, **Weaverland Valley Authority**, 4610 Division Highway, East Earl, PA 17519. Facility Name: Weaverland Valley Authority Region WWTP. This proposed facility is located in East Earl Township, **Lancaster County**.

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

The receiving stream(s), Conestoga River, is located in State Water Plan watershed 7-J and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .41 MGD. The following are limits from the permit effective date through the permit expiration date.

| <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
Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Carbonaceous Biochemical Oxygen Demand (CBOD ₅) | 85 | 136 | XXX | 25 | 40 | 50 |
| Total Suspended Solids | 102 | 153 | XXX | 30 | 45 | 60 |
| 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 |
| Fecal Coliform (No./100 ml) | | | | | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Ultraviolet light transmittance (%) | XXX | XXX | XXX | Report | XXX | XXX |
| Ammonia-Nitrogen | | | | | | |
| Nov 1 - Apr 30 | 71 | XXX | XXX | 21 | XXX | 42 |
| May 1 - Oct 31 | 23 | XXX | XXX | 7.0 | XXX | 14 |
| Total Phosphorus | 1.0 | XXX | XXX | 0.5 | XXX | 1.0 |

The following are limits from the permit effective date through September 30, 2021:

Effluent Limitations

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

The following are limits from October 1, 2021 through the permit expiration date:

| Parameter | Effluent Limitations | | | | |
|----------------------|----------------------|--------|---------|-----------------------|-----------------|
| | Mass Units (lbs) | | Minimum | Concentrations (mg/L) | |
| | Monthly | Annual | | | Monthly Average |
| Ammonia—N | Report | Report | XXX | Report | XXX |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |
| Net Total Nitrogen | Report | 4,255 | XXX | XXX | XXX |
| Net Total Phosphorus | Report | 566 | XXX | XXX | XXX |

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

The EPA Waiver is not in effect.

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

PA0204153, Industrial, SIC Code 4911, **Cambria CoGen Company**, 243 Rubisch Road, Ebensburg, PA 15931-4500. Facility Name: Cambria CoGen Company. 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 existing discharges of treated industrial waste and storm water.

The receiving streams, North Branch Little Conemaugh River, Little Conemaugh River, and unnamed tributary to North Branch Little Conemaugh River, are located in State Water Plan watershed 18-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 0.118 MGD.—Interim Limits.

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | |
|----------------------------------|----------------------|---------------|------------------|-----------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Instant. Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Temperature (°F) | XXX | XXX | XXX | XXX | XXX | 110.0 |
| Total Suspended Solids | XXX | XXX | XXX | 30.0 | 100.0 | XXX |
| Total Dissolved Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | 10.7 | 14.3 | XXX | Report | Report | XXX |
| Aluminum, Total | XXX | XXX | XXX | Report | Report | XXX |
| Antimony, Total | XXX | XXX | XXX | Report | Report | XXX |
| Cadmium, Total | XXX | XXX | XXX | Report | Report | XXX |
| Chromium, Hexavalent | XXX | XXX | XXX | Report | Report | XXX |
| Copper, 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 | XXX | Report | XXX |
| Thallium, Total | XXX | XXX | XXX | Report | Report | XXX |
| Zinc, Total | XXX | XXX | XXX | Report | Report | XXX |
| 3,3-Dichlorobenzidine (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Pentachlorophenol (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Acrolein (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Acrylonitrile (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| 1,3-Dichloropropylene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Hexachlorobenzene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Benzo(a)Anthracene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Benzo(a)Pyrene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Benzo(k)Fluoranthene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| 3,4-Benzofluoranthene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Chloride | XXX | XXX | XXX | XXX | Report | XXX |
| Bromide | XXX | XXX | XXX | XXX | Report | XXX |
| Chlorodibromomethane (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Bis(2-Chloroethyl)Ether (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Chrysene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Dibenzo(a,h)Anthracene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Hexachlorocyclopentadiene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Indeno(1,2,3-cd)Pyrene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| N-Nitrosodimethylamine (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> |
| N-Nitrosodi-N-Propylamine (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Phenanthrene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Vinyl Chloride (µg/L) | XXX | XXX | XXX | Report | Report | XXX |

The proposed effluent limits for Outfall 001 are based on a design flow of 0.118 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 |
| Temperature (°F) | XXX | XXX | XXX | XXX | XXX | 110.0 |
| Total Suspended Solids | XXX | XXX | XXX | 30.0 | 100.0 | XXX |
| Total Dissolved Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | 10.7 | 14.3 | XXX | Report | Report | XXX |
| Aluminum, Total | XXX | XXX | XXX | 0.75 | 0.75 | 0.75 |
| Antimony, Total | XXX | XXX | XXX | Report | Report | XXX |
| Cadmium, Total | XXX | XXX | XXX | Report | Report | XXX |
| Chromium, Hexavalent | XXX | XXX | XXX | 0.154 | 0.240 | 0.385 |
| Copper, Total | XXX | XXX | XXX | Report | Report | XXX |
| Iron, Total | XXX | XXX | XXX | 1.5 | 3.0 | 3.75 |
| Manganese, Total | XXX | XXX | XXX | 1.0 | 2.0 | 2.5 |
| Sulfate, Total | XXX | XXX | XXX | XXX | Report | XXX |
| Thallium, Total (µg/L) | XXX | XXX | XXX | 5.21 | 8.12 | 13 |
| Zinc, Total | XXX | XXX | XXX | 1.55 | 2.41 | 3.88 |
| 3,3-Dichlorobenzidine (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Pentachlorophenol (µg/L) | XXX | XXX | XXX | 35.4 | 55.2 | 88.5 |
| Acrolein (µg/L) | XXX | XXX | XXX | 21.7 | 33.8 | 54.3 |
| Acrylonitrile (µg/L) | XXX | XXX | XXX | 6.68 | 10.4 | 16.7 |
| 1,3-Dichloropropylene (µg/L) | XXX | XXX | XXX | 44.6 | 69.5 | 112 |
| Hexachlorobenzene (µg/L) | XXX | XXX | XXX | 0.037 | 0.057 | 0.093 |
| Benzo(a)Anthracene (µg/L) | XXX | XXX | XXX | 0.498 | 0.777 | 1.25 |
| Benzo(a)Pyrene (µg/L) | XXX | XXX | XXX | 0.498 | 0.777 | 1.25 |
| Benzo(k)Fluoranthene (µg/L) | XXX | XXX | XXX | 0.498 | 0.777 | 1.25 |
| 3,4-Benzofluoranthene (µg/L) | XXX | XXX | XXX | 0.498 | 0.777 | 1.25 |
| Chloride | XXX | XXX | XXX | XXX | Report | XXX |
| Bromide | XXX | XXX | XXX | XXX | Report | XXX |
| Chlorodibromomethane (µg/L) | XXX | XXX | XXX | 0.4 | 0.8 | 1 |
| Bis(2-Chloroethyl)Ether (µg/L) | XXX | XXX | XXX | 3.93 | 6.13 | 9.83 |
| Chrysene (µg/L) | XXX | XXX | XXX | 0.498 | 0.777 | 1.25 |
| Dibenzo(a,h)Anthracene (µg/L) | XXX | XXX | XXX | 0.498 | 0.777 | 1.25 |
| Hexachlorocyclopentadiene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Indeno(1,2,3-cd)Pyrene (µg/L) | XXX | XXX | XXX | 0.498 | 0.777 | 1.25 |
| N-Nitrosodimethylamine (µg/L) | XXX | XXX | XXX | 0.09 | 0.141 | 0.225 |
| N-Nitrosodi-N-Propylamine (µg/L) | XXX | XXX | XXX | 0.655 | 1.02 | 1.64 |
| Phenanthrene (µg/L) | XXX | XXX | XXX | Report | Report | XXX |
| Vinyl Chloride (µg/L) | XXX | XXX | XXX | 3.28 | 5.11 | 8.2 |

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 0.118 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 |
| Temperature (°F) | XXX | XXX | XXX | XXX | 110 | XXX |
| Total Suspended Solids | XXX | XXX | XXX | 30.0 | 100.0 | XXX |
| Oil and Grease | 10.7 | 14.3 | XXX | Report | Report | XXX |
| Iron, Total | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for Internal Monitoring Point 201 are based on a design flow of 0.092 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 |
| Total Residual Chlorine (TRC) | XXX | XXX | XXX | 0.5 | XXX | 1.25 |
| Free Available Chlorine | XXX | XXX | XXX | 0.2 | XXX | 0.5 |

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | |
|-----------------|----------------------|------------------|---------------------|-----------------------|------------------|---------------------|
| | Average
Monthly | Daily
Maximum | Instant.
Minimum | Average
Monthly | Daily
Maximum | Instant.
Maximum |
| Chromium, Total | XXX | XXX | XXX | 0.2
Avg Qrtly | 0.2 | XXX |
| Zinc, Total | XXX | XXX | XXX | 1.0
Avg Qrtly | 1.0 | XXX |

The proposed effluent limits for Outfall 003 are for storm water discharges.—Limits.

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | |
|------------------------|----------------------|------------------|---------------------|-----------------------|------------------|---------------------|
| | Average
Monthly | Daily
Maximum | Instant.
Minimum | Average
Monthly | Daily
Maximum | Instant.
Maximum |
| Flow (MGD) | XXX | Report | XXX | XXX | XXX | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | 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 |
| Zinc, Total | XXX | XXX | XXX | XXX | Report | XXX |

Outfall 002 is authorized to discharge raw pump recycle water.

Several parameters at Outfall 001 are subject to water quality limits or reporting requirements because the Department's minimum quantitation limits were not achieved for some permit application analyses. The permittee has the option to analyze new samples for these parameters during the 30-day comment period. If supported by new analytical results, the parameters will be removed from the final permit.

In addition, the permit contains the following major special conditions: a Toxics Reduction Evaluation for new water quality limits at Outfall 001; compliance reporting requirements for water quality limits below quantitation limits; requirements for chemical additives; requirements applicable to storm water; requirements for TMDL implementation; and requirements pertaining to Cooling Water Intake Structures 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.

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

PA0271420, Sewage, SIC Code 8800, **Passinger Mitchell**, 2496 Priest Hollow Road, Russell, PA 16345. Facility Name: Mitchell Passinger SRSTP. This proposed facility is located in Pine Grove Township, **Warren County**.

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

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

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

| Parameters | Mass Units (lbs/day) | | | Concentrations (mg/L) | | Instant.
Maximum |
|--------------------------------------------------|----------------------|-------------------|-----------------|-----------------------|---------|---------------------|
| | Average
Monthly | Average
Weekly | Minimum | Annual
Average | Maximum | |
| 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 | XXX | XXX |

Sludge use and disposal description and location(s): Septage must be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP, or disposal at an STP.

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. WQG02461807, Sewage, **Plymouth Township**, 700 Belvoir Road, Plymouth Meeting, PA 19462.

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

Description of Action/Activity: Proposed sanitary sewage pumping station.

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

WQM Permit No. 3192402, A2, Sewerage, **Broad Top City**, P.O. Box 228, Broad Top City, PA 16621.

This proposed facility is located in Broad Top City Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Seeking permit approval for renovations to existing plant.

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

WQM Permit No. 2518411, Sewage, **Joseph Armstrong**, 9243 Station Road, Erie, PA 16510.

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

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

WQM Permit No. 1618407, Sewage, **Jean Gatesman**, 28231 Route 66, Lucinda, PA 16235.

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

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

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. PA0248274, CAFO, **Doug Woglemuth**, 1197 Landis Rd, Elizabethtown, PA 17022.

This existing facility is located in Mount Joy Borough, **Lancaster County**.

Description of size and scope of existing operation/activity: Swine (Wean—Finish): 987.29 AEU's.

The receiving stream, Unnamed Tributary of Donegal Creek, is in watershed 7-G 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.

MS4 PAG-13 Notices of Intent Received.

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>Municipality, County</i> | <i>Waiver Application Submitted (Y/N)</i> | <i>Pollutant Reduction Plan Submitted (Y/N)</i> |
|-------------------------|-----------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------|-------------------------------------------------|
| PAG130184 | Atglen Borough
P.O. Box 250
Atglen, PA 19310-0250 | Atglen Borough
Chester County | Y | Y |
| PAG130179 | Montgomery County
P.O. Box 311
Norristown, PA 19404-0311 | Norristown Borough
Montgomery County | Y | N |
| PAG130063 | Pennsburg Borough
76 W. 6th Street
Pennsburg, PA 18073 | Pennsburg Borough
Montgomery County | N | Y |
| PAG130172 | West Vincent Township
729 St. Matthews Road
Chester Springs, PA 19425 | West Vincent
Township
Chester County | Y | N |
| PAG130112 | Penn State Abington College
1600 Woodland Road
Abington, PA 19001 | Abington Township
Montgomery County | Y | N |

**STATE CONSERVATION COMMISSION
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS
FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

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

| <i>Agricultural Operation
Name and Address</i> | <i>County</i> | <i>Total
Acres</i> | <i>AEU's</i> | <i>Animal
Type</i> | <i>Special
Protection
Waters (HQ
or EV or NA)</i> | <i>New or
Renewal</i> |
|--------------------------------------------------------------------|-----------------------------------|------------------------|--------------|------------------------|---------------------------------------------------------------|---------------------------|
| Mason's Chrome View, LTD
86 Chrome Road
Nottingham, PA 19362 | Chester/East
Nottingham
Twp | 394.2 | 1,116.1 | Dairy | EV | New |

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act.

*Southeast Region: Water Supply Management Program
Manager, 2 East Main Street, Norristown, PA 19401.*

Permit No. 0918509, Public Water Supply.

| | |
|----------------------|-------------------------------------------------------------------------------------|
| Applicant | Albertson Lucerne Dairy
847 Forty Foot Road
Hatfield, PA 19440 |
| Township | Hatfield |
| County | Bucks |
| Responsible Official | Tyler Wallo
Albertson Lucerne Dairy
847 Forty Foot Road
Hatfield, PA 19440 |
| Type of Facility | PWS |
| Consulting Engineer | AEON Geoscience, Inc.
2120 Bellemead Avenue
Havertown, PA 19440 |

Application Received Date May 10, 2018

Description of Action Construction of a new bottled water facility at Lucerne Dairy, utilizing Pine Valley Springs and North Penn Water Authority as sources of water.

Permit No. 0918513, Public Water Supply.

Applicant **Warrington Township Water & Sewer Department**
852 Easton Road
Warrington, PA 18976

Township Warrington

County **Bucks**

Responsible Official Christian R. Jones
Warrington Township Water & Sewer Department
852 Easton Road
Warrington, PA 18976

Type of Facility PWS

Consulting Engineer CKS Engineers
88 South Main Street
Doylestown, PA 18901

Application Received Date June 14, 2018

Description of Action Installation of GAC Filtration and ion exchange units for the treatment of PFA's in Well Nos. 4, 5, 8 and 11.

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

Application No. 4907502-T1-A2—Construction—
Public Water Supply.

Applicant **Cherokee Pharmaceuticals, LLC**

Township/Borough Riverside Borough

County **Northumberland County**

Responsible Official Mr. Mike Lorenz

Type of Facility Public Water Supply—Construction

Consulting Engineer Mr. Thomas R. Komar
O'Brien & Gere, Inc. of North America
46 West Market Street
Suite 101
Danville, PA 17821

Application Received 06/15/2018

Description of Action Authorizes the removal of one unit operation, Accelerator 1, and replace it with a static mixer, a flocculation unit and an inclined plate clarifier. This modification addresses the installation of the replacement process; a separate application has been filed to address the removal of the Accelerator 1.

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

Permit No. 1018502, Public Water Supply.

Applicant **PA American Butler**

Township or Borough City of Butler

County **Butler**

Responsible Official Rachel Beam

Type of Facility Public Water Supply

Consulting Engineer Rachel Beam
PA American Water Co
800 West Hersheypark Drive
Hershey, PA 17033

Application Received Date June 18, 2018

Description of Action Replace cover and liner of Main Reservoir.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made

within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

UPS Lancaster Center, 1155 Enterprise Road, East Petersburg, PA 17520, East Hempfield Township, **Lancaster County**. Arcadis, U.S., Inc., 2410 Paces Ferry Road, Suite 400, Atlanta, GA 30339, on behalf of United Parcel Service, 55 Glenlake Parkway, Atlanta, GA 30328, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with petroleum hydrocarbons. The site will be remediated to the Site-Specific Standard. Future use of the site will continue to be used as a packaging distribution center operated by UPS. The Notice of Intent to Remediate was published in the *LNP Media Group, Inc.*, on May 28, 2018.

UPS Altoona Center, 3042 Route 764, Duncansville, PA 16635, Allegheny Township, **Blair County**. Arcadis U.S., Inc., 2410 Paces Ferry Road, Suite 400, Atlanta, GA 39339, on behalf of United Parcel Service, 55 Glenlake Parkway, Atlanta, GA 30328, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with unleaded gasoline. The site will be remediated to the Site-Specific Standard. Future use of the site will continue to be used as a packaging distribution center operated by UPS. The Notice of Intent to Remediate was published in the *Altoona Mirror* on May 28, 2018.

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

Former Agway Energy Products Site 1, South Center Street and East Second Street, Canton Borough, **Bradford County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Yawga Energy Products, 5748 East Lake Road, Cazenova, NY 13035, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with diesel fuel and unleaded gas. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Remediation was published in *The Canton Independent-Sentinel* on April 19, 2018.

Former Agway Energy Products Site 2, East Second Street, Canton Borough, **Bradford County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Yawga Energy Products, 5748 East Lake Road, Cazenova, NY 13035, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with diesel fuel and unleaded gas. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the

Notice of Remediation was published in *The Canton Independent-Sentinel* on April 19, 2018.

RESIDUAL WASTE GENERAL PERMITS

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

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

General Permit Application No. WMGR096-NE001. Hazleton Creek Properties, LLC, 4000 4th Street, Moosic, PA 18507. A permit renewal application for continued coverage under General Permit WMGR096 for the beneficial use of regulated fill at the Hazleton Remediation/Reclamation Project Site located in the City of Hazleton, **Luzerne County**. The application was received by the Department on June 14, 2018 and deemed administratively complete by the Regional Office on June 20, 2018.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Permit Application No. 301295. Hazleton Oil & Environmental, Inc., 300 Tamaqua Street, Hazleton, PA 18201, a residual waste permit renewal application for the continued operation of this waste oil collection, disposal and recycle for resale facility located in Banks Township, **Carbon County**. The application was received by the Regional Office on March 13, 2018 and supplemental information was received on May 11, 2018 and June 20, 2018. The application was deemed administratively complete on June 21, 2018.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

Contact: Thomas Bianca, Facilities Permitting Chief, 717.705.4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05158D: Perdue AgriBusiness, LLC (1897 River Road, Marietta, PA 17547) on June 18, 2018 for the modification to the vertical seed conditioner fan discharge and the ability to combust propane in Grain Dryer No. 2 (Source ID 104) at the soybean processing facility in Conoy Township, **Lancaster County**.

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

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

24-131T: SGL Carbon, LLC (900 Theresia Street, St. Marys, PA 15857), application received for the installation of two sources (once additional chemical vapor deposition process and one additional vacuum outgas furnace) at their facility located in the City of Saint Marys, **Elk County**. Each proposed source would be controlled by a scrubber. This is an existing non-Title V facility.

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

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

Contact: Thomas Bianca, Facilities Permitting Chief, 717.705.4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-03107: Cargill Animal Nutrition, Inc. (1088 East Main Street, Mount Joy, PA 17552-9332) to issue a State-Only Operating Permit for operation of their animal feed manufacturing plant in Mount Joy Borough, **Lancaster County**. The subject facility has the potential-to-emit 2.6 tons per year CO, 10.5 tons per year NO_x, 84.2 tons per year PM, 42.1 tons per year of PM₁₀, 3.7 tons per year SO_x, and 0.7 ton per year VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing & 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

06-03059: Charles Evans Cemetery Co. (1119 Centre Avenue, Reading, PA 19601) to issue a State Only Operating Permit for two human crematory units located in

Reading City, **Berks County**. The potential emissions from the facility are estimated at 2.3 tpy of NO_x, 6.9 tpy of CO, 4.6 tpy of PM, 1.6 tpy of SO_x and 2.0 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.

38-03003: Bayer Healthcare LLC (400 W. Stoeber Avenue, Myerstown, PA 17067) to issue a State Only Operating Permit for the pharmaceutical manufacturing facility located in Myerstown Borough, **Lebanon County**. The potential emissions from the facility are estimated at 41.1 tpy of NO_x, 27.0 tpy of CO, 3.5 tpy of PM₁₀, 1.0 tpy of SO_x and 2.6 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 derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources and 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

42-00061: Dresser LLC, (41 Fisher Avenue, Bradford, PA 16701-1649), the Department intends to issue the renewal of the Natural Minor State-Only Operating Permit to a facility which manufactures pipe joint products including couplings, tapping sleeves and repair clamps, located in the City of Bradford, **McKean County**. The primary sources at the facility are miscellaneous natural gas combustion, a burn-off over, spray booths and dip coating lines, heat treating ovens, parts washers, emergency generators, dry abrasive blasting operations, machining operations, dry grinding and dry polishing operations and welding operations. Potential emissions for the site are below Title V permitting thresholds for all criteria pollutants, with potential emissions being reported as NO_x, 31 tpy; CO, 25 tpy; SO_x, 0.16 tpy; PM₁₀, 9.26 tpy; VOC, 30.77 tpy; Single HAP, 1.68 tpy, Combined HAP, 10.47 tpy. The permit contains emission restrictions, along with monitoring, recordkeeping, reporting, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the

Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

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

Permit No. 11110201 and NPDES No. PA0263265. Fuel Recovery, Inc., 254 Interpower Drive, Colver, PA 15927, permit renewal for the continued operation and restoration of a bituminous surface mine in Portage Township, **Cambria County**, affecting 71.4 acres. Receiving streams: unnamed tributary to Bens Creek and Spring Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 18, 2018.

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

Permit No. 54813011R7. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 497.5 acres, receiving stream: Schuylkill River Watershed, classified for the following uses: cold water and migratory fishes. Application received: May 24, 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.

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

Permit No. 64950301 and NPDES Permit No. PA0225886. Eureka Stone Quarry, Inc., (P.O. Box 249, 800 Lower State Road, Chalfont, PA 18914), commencement, operation and restoration of a bluestone quarry operation and NPDES Permit for discharge of treated mine drainage in Sterling Township, **Wayne County** affecting 162.0 acres, receiving stream: Uban Creek, classified for the following uses: high quality—cold water fishes and migratory fishes. Application received: June 15, 2018.

Permit No. 64900801. Ciccone Construction, Inc., (3052 Lake Ariel Highway, Honesdale, PA 18431), Stage I & II bond release of a quarry operation in Salem Township, **Wayne County** affecting 5.0 acres on property owned by Gerard Ciccone, John Ciccone, Richard Ciccone, Eugene Ciccone and Gary Ciccone. Application received: June 18, 2018.

Permit No. 64010802. Edward Mattern, Sr., (P.O. Box 216, Madisonville Road, Moscow, PA 18444), Stage I & II bond release of a quarry operation in Sterling Township, **Wayne County** affecting 2.0 acres on property owned by Edward Mattern, Jr. Application received: June 18, 2018.

Permit No. 09920301 and NPDES Permit No. PA0225894. Delaware Valley Landscape Stone, Inc., (P.O. Box 778, New Hope, PA 18938), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Solebury Township, **Bucks County** affecting 11.07 acres, receiving stream: Delaware River and Cuttalossa Creek, classified for the following uses: warm water fishes, migratory fishes and HQ—cold water fishes. Application received: June 6, 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

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

NPDES No. PA0278254 (Mining Permit No. 63170102, replacing 32A77SM5), Twilight Industries, Division of USNR, LLC, NPDES permit for continued water treatment at a reclaimed surface coal mine in East Bethlehem Township, **Washington County** affecting 43 acres. No further coal mining activities will be conducted; all activities will be related to surface water treatment and monitoring. The 43-acre permit has a newly assigned permit number (63170102), and represents a reduction in area from the previous 75-acre permit 32A77SM5 held by Twilight Industries, Division of USNR, LLC. A variance is requested to affect within 50 feet of UNT # 1 beginning at the headwater and extending approximately 950 feet downstream for construction of proposed water treatment facilities. The current lime-based active water treatment system is proposed to be replaced with a passive-type water treatment system. Receiving stream: UNT # 1 to Tenmile Creek classified for the following use: WWF. Application received: June 16, 2017.

The following treated wastewater outfall discharges to UNT # 1 to Tenmile Creek:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> | <i>Type</i> |
|--------------------|--------------------------|----------------------------|
| 001 (5B) | N | Treatment Facility Outfall |

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

| <i>Outfall: 001 (5B)
Parameter</i> | <i>30-Day
Average</i> | <i>Daily
Maximum</i> | <i>Instant.
Maximum</i> |
|---------------------------------------------------------------------|---------------------------|--------------------------|-----------------------------|
| Total Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Total Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Total Aluminum (mg/l) | 2.0 | 4.0 | 5.0 |
| Total Suspended Solids (mg/l) | 35 | 70 | 90 |
| Osmotic Pressure (mOsm/kg) | 50 | 50 | 50 |
| Sulfate (mg/L) | | Monitor & Report | |
| Total Phenolics (mg/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. | | | |

NPDES No. PA0588407 (Mining permit No. 02860201), IP Harmar Holdings, LLC, 2929 Allen Parkway, Houston, TX 77019, Renewal NPDES permit for a bituminous surface mine in Harmar Township, **Allegheny County**, affecting 88.5 acres. Receiving streams: Guys Run to Allegheny River, classified for the following use: WWF. Application received on: April 1, 2016.

The following treated wastewater outfall discharges to Guys Run to Allegheny River:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> | <i>Type</i> |
|---------------------|--------------------------|----------------------------|
| 001 | N | Treatment Facility Outfall |

The proposed effluent limits for the previously listed outfall(s) are as follows:

| <i>Outfalls:
Parameter</i> | <i>30-Day
Average</i> | <i>Daily
Maximum</i> | <i>Instant.
Maximum</i> |
|--------------------------------|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 1.5 | 3.0 | 3.75 |
| Total Suspended Solids (mg/l) | 35 | 70 | 90 |
| Osmotic pressure (mOsm/kg) | | | 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

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

NPDES No. PA0203441 (Mining permit No. 65110401), Ligonier Stone and Lime Inc., 117 Marcia Street, Latrobe, PA 15650 Renewal NPDES permit for noncoal surface mine in Derry Township, **Westmoreland County**, affecting 101.4 acres. Receiving streams: Unnamed Tributary to Stony Run to Conemaugh River, classified for the following use: CWF. The receiving stream is included in the Kiskiminetas-Conemaugh River Watershed TMDL. Application received: November 17, 2017. The following stormwater outfall(s) discharge to: Unnamed Tributary to Stony Run to Conemaugh River.

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

The proposed effluent limits for the previously listed outfall(s) are as follows:

| <i>Outfalls:
Parameter</i> | <i>30-Day
Average</i> | <i>Daily
Maximum</i> | <i>Instant.
Maximum</i> |
|--------------------------------|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 1.5 | 3.0 | 3.8 |
| Manganese (mg/l) | 0.75 | 1.5 | 1.8 |
| Aluminum (mg/l) | 0.75 | 0.75 | 0.75 |
| Total Suspended Solids (mg/l) | 35 | 70 | 90 |

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

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.

E45-615. Barbara Patterson, 12 Miller Road, Newton, PA 18940, in Coolbaugh Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a 16-foot long by 22-foot wide dock in Arrowhead Lake (EV, MF). The project is located at 184 North Arrow Drive. (Thornhurst, PA Quadrangle, Latitude: 41°9'44"; Longitude: -75°34'5").

E48-452. City of Easton, 123 South Third Street, Easton, PA 18042, in City of Easton, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 9-foot wide single-span, steel beam, concrete deck, concrete abutment pedestrian bridge, having a 130-foot span and approximate 14-foot

underclearance, across Bushkill Creek (HQ-CWF, MF). The project is located approximately 1,100 feet downstream from where the Bushkill Creek intersects the North 13th Street Bridge. (Easton, PA Quadrangle, Latitude: 40°41'53"; Longitude: -75°13'28.59").

E54-371. Hydro Extrusion USA, LLC, 53 Pottsville Street, Cressona, PA 17929-0187, in Cressona Borough & North Manheim Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the Hydro Automotive Press Project with work consisting of excavation and re-grading approximately 2.15 acres within the floodway of the West Branch Schuylkill River (CWF, MF) for the construction of at-grade stormwater management facilities and pertinent structures, at-grade roadways, gravel and pavement parking areas and underground utilities pertinent to the project. The project is located at 53 Pottsville Street. (Pottsville, PA Quadrangle, Latitude: 40°37'53"; Longitude: -76°11'17").

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

E42-380, Keating Township, Grifford Hollow Road, Approximately 400' from Route 6. Gifford Hollow Bridge Replacement, in Keating Township, **McKean County**, ACOE Pittsburgh District. (Smethport, PA Quadrangle N: 41°48',42.953"; W: 78°24',30.3579").

To remove the existing steel stringer bridge and to construct and maintain a 12 ft. 11 in. span by 6 ft. aluminum box culvert with a 1 ft. buried invert and a under clearance of 5 ft. over an unnamed tributary to the Potato Creek impacting less than 0.01 wetlands. The roadway will be realigned to improve sight distance and the existing intersection with State Route 6. The bridge will be relocated approximately 25 feet downstream of the current location.

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

E6629-027: Appalachia Midstream Services, LLC, 400 IST Center, Suite 404, Horseheads, NY 14845, Forkston Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Falconero Well Connect Line Project, which consists of one 8-inch natural gas pipeline, with the following impacts:

1. 2,781 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access crossing (Bushkill, PA Quadrangle, Latitude: N41°31'49.44", Longitude: W76°06'53.48");

2. 50.0 linear feet of UNT to Mehoopany Creek (CWF) via open cut trenching and a temporary construction access crossing (Bushkill, PA Quadrangle, Latitude: N41°31'47.11", Longitude: W76°06'53.39");

3. 849 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access crossing (Bushkill, PA Quadrangle, Latitude: N41°31'43.36", Longitude: W76°06'55.30");

4. 415 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access crossing (Bushkill, PA Quadrangle, Latitude: N41°31'40.91", Longitude: W76°06'56.01");

5. 668 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access crossing (Bushkill, PA Quadrangle, Latitude: N41°31'38.72", Longitude: W76°06'54.22");

6. 681 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access crossing (Bushkill, PA Quadrangle, Latitude: N41°31'33.69", Longitude: W76°06'49.88");

7. 1,499 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access crossing (Bushkill, PA Quadrangle, Latitude: N41°31'32.06", Longitude: W76°06'46.37"); and

8. 644 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access crossing (Bushkill, PA Quadrangle, Latitude: N41°31'32.11", Longitude: W76°06'41.35").

The project will result in 50.0 linear feet of temporary stream impacts, 3,630 square feet (0.08 acre) of temporary PEM wetland impacts, and 3,907 square feet (0.09 acre) of temporary EV PEM wetland impacts all for the purpose of installing a natural gas pipeline and associated construction access roadways for Marcellus shale development.

E5929-078: Rockdale Marcellus, LLC, 4600 J. Barry Court, Suite 120, Canonsburg, PA 15317, Liberty and Union Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and a 12 inch diameter waterline impacting 37 linear feet of Salt Spring Run (HQ-CWF) (Liberty, PA Quadrangle 41°34'23"N, 77°00'44"W);

2) A temporary road crossing using timber mats and a 12 inch diameter waterline impacting 35 linear feet of an unnamed tributary to Salt Spring Run (HQ-CWF) and 75 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'23"N, 77°00'41"W);

3) A temporary road crossing using timber mats and a 12 inch diameter waterline impacting 44 linear feet of an unnamed tributary to West Mill Creek (HQ-CWF) (Ralston, PA Quadrangle 41°35'30"N, 76°58'54"W);

4) A temporary road crossing using timber mats and a 12 inch diameter waterline impacting 60 linear feet of West Mill Creek (HQ-CWF) (Ralston, PA Quadrangle 41°35'33"N, 76°58'49"W);

5) A temporary road crossing using timber mats and a 12 inch diameter waterline impacting 14 linear feet of an unnamed tributary to West Mill Creek (HQ-CWF) (Ralston, PA Quadrangle 41°36'03"N, 76°58'18"W);

6) A temporary road crossing using timber mats and a 12 inch diameter waterline impacting 6,578 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 25 linear feet of Mill Creek (HQ-CWF) (Ralston, PA Quadrangle 41°36'07"N, 76°57'27"W).

The project will result in 215 linear feet of temporary stream impacts and 6,653 square feet (0.15 acre) of temporary wetland impacts all for the purpose of installing a freshwater pipeline in Liberty and Union Township, Tioga County.

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, 504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

SSIP

Application

| No. | Applicant Name & Address | County | Municipality | Tank Type | Tank Capacity |
|-------|--------------------------------------------------------------------------------------------------|---------|-----------------|-------------------------------------------------------------|----------------------|
| 18007 | Accella Polyurethane Systems, LLC
140 Sheldon Road
Berea, OH 44131
Attn: John Kosiewicz | Bedford | Bedford Borough | 12 ASTs storing hazardous substances and petroleum products | 44,800 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—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

| Location | Permit Authority | Application Type or Category |
|-------------|------------------|----------------------------------------------------------------|
| 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> |
|-----------------------------|-----------------------------------------------------------------------------|---------------------------------------|----------------------------------------------------------------|----------------------------|
| PAS120002
(Storm Water) | Alger Oil, Inc.
533 Lincoln Street
Oxford, PA 19363-1521 | Chester County
Oxford Borough | Unnamed Tributary of
West Branch Big Elk
Creek
7-K | Y |
| PA0244619
(Sewage) | Rachel A. Wachs
215 West Church Road
King of Prussia, PA 19407 | Chester County
West Brandywine Twp | Unnamed Tributary to
West Branch
Brandywine Creek
3-H | Y |
| PA0058301
(Sewage) | Richard Maurer
807 Ridge Road
Telford, PA 18969-1528 | Montgomery County
Salford Township | Unnamed Tributary to
Ridge Valley Creek
3-E | Y |
| PA0056731
(Sewage) | Historic Salem Village STP
2193 Yellow Springs Road
Malvern, PA 19355 | Chester County
Tredyffrin Township | Valley Creek
3-F | Y |

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> |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------------|----------------------------|
| PA0043494
(Sewage) | Loysville Village Municipal
Authority
P.O. Box 133
Loysville, PA 17047-0133 | Perry County/
Tyrone Township | Muddy Run (7-A) | Y |
| PA0247618
(Sewage) | East Salem Sewer Authority
7530 Route 235
Thompsontown, PA 17094 | Juniata County/
Delaware Township | Delaware Creek (12-B) | Y |
| PA0029947
(Sewage) | Southern Huntingdon County
School District—Spring Farms
Elementary School
10339 Pogue Road
Three Springs, PA 17264-8537 | Huntingdon County/
Clay Township | UNT Spring Creek
(12-C) | Y |
| PA0084883
(Sewage) | Broad Top City Borough
P.O. Box 220
20432 Hazel Street
Broad Top, PA 16621-0220 | Huntingdon County/
Broad Top City Borough | Shoup Run (11-D) | Y |
| PA0082759
(Sewage) | Hopewell Township
Huntingdon County
1115 Dorman Road
James Creek, PA 16657-9512 | Huntingdon County/
Hopewell Township | UNT Shy Beaver Creek
(11-D) | Y |

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

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

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

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

NPDES Permit No. PA0026298, Sewage, **Whitemarsh Township Authority**, P.O. Box 447, 462 Germantown Pike, Lafayette Hill, PA 19444-0447.

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

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

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.
NPDES Permit No. PA0266663, Sewerage, **Gettysburg Battlefield Resort**, 1960 Emmitsburg Road, Gettysburg, PA 17325.

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

Description of Proposed Action/Activity: Permit approval for discharge to UNT Plum Creek in Watershed 13-D.

NPDES Permit No. PAI133536, MS4, **Antrim Township, Franklin County**, 10655 Antrim Church Road, P.O. Box 130, Greencastle, PA 17225-9577.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the discharge to UNT Conococheague Creek, UNT Muddy Run, and UNT Paddy Run in Watershed 13-C.

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

NPDES Permit No. PA0232980, Sewage, SIC Code 4952, **Harvey N. Bailey**, 6601 Chestnut Grove Highway, Luthersburg, PA 15848.

This proposed facility is located in Bloom Township, **Clearfield County**.

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

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

NPDES Permit No. PA0271454, Sewage, SIC Code 8800, **Ellsworth McKnight**, 2930 Club House Road, Lakeland, FL 33812.

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

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

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

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

WQM Permit No. 0914801, Sewage, **East Rockhill Township**, 1622 North Ridge Road, Perkasie, PA 18944.

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

Description of Action/Activity: Construction and operation of a new sewage pumping station to replace the existing facility.

WQM Permit No. 1501403, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

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

Description of Action/Activity: Transfer ownership from West Vincent Township to Bucks County Water & Sewer Authority.

WQM Permit No. 1505420, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

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

Description of Action/Activity: Transfer ownership from West Vincent Township to Bucks County Water & Sewer Authority.

WQM Permit No. 1501426, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

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

Description of Action/Activity: Transfer ownership from West Vincent Township to Bucks County Water & Sewer Authority.

WQM Permit No. 1592417, Sewage, Transfer, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

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

Description of Action/Activity: Transfer ownership from West Vincent Township to Bucks County Water & Sewer Authority.

WQM Permit No. 4618401, Sewage, **Green Lane-Marlborough Joint Authority**, P.O. Box 45, Green Lane, PA 18054.

This proposed facility is located in Green Lane Borough, **Montgomery County**.

Description of Action/Activity: Influent splitter box and effluent ultra-violet disinfection upgrades.

WQM Permit No. 4612407, Sewage, Amendment 2, **Whitemarsh Township Authority**, P.O. Box 447, 462 Germantown Pike, Lafayette Hill, PA 19444-0447.

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

Description of Action/Activity: Secondary replacement for filter media.

WQM Permit No. 1518404, Sewage, **West Goshen Sewer Authority**, 1025 Paoli Pike, West Chester, PA 19380.

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

Description of Action/Activity: New comminutor, wet well, pumps, valve vault, electrical enclosure and emergency generator with sub base fuel tank.

WQM Permit No. 1512401, Sewage, Amendment, **Aqua Pennsylvania Wastewater Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3486.

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

Description of Action/Activity: Conversion of conventional activated sludge process to biological nutrient removal process.

WQM Permit No. 0917405, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

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

Description of Action/Activity: Addition of pipes ranging from 30", 33", 36", 42" and 48" diameter pipes.

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

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

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

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

WQM Permit No. 5070402, A1, Sewerage, **Loysville Village Municipal Authority**, P.O. Box 133, Loysville, PA 17047.

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

Description of Proposed Action/Activity: Permit approval for renovations/upgrades to existing sewage treatment plant.

WQM Permit No. 0118402, Sewerage, **Gettysburg Battlefield Resort**, 1960 Emmitsburg Road, Gettysburg, PA 17325.

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewage facilities to serve the Gettysburg Battlefield Resort.

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. 4986404 A-3, Sewage, SIC Code 4952, **Christ Wesleyan Church**, 363 Stamm Road, Milton, PA 17847-7569.

This existing facility is located in Turbot Township, **Northumberland County**.

Description of Proposed Action/Activity: upgrade of existing treatment facility including converted equalization tank, new aeration/sedimentation unit, and new sludge holding tank.

WQM Permit No. 1718401, Sewage, SIC Code 4952, **Harvey N. Bailey**, 6601 Chestnut Grove Highway, Luthersburg, PA 15848.

This proposed facility is located in Bloom Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction of a new single residence sewage treatment facility to replace a malfunctioning onlot system.

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

WQM Permit No. 2518409, Sewage, **Ellsworth McKnight**, 2930 Club House Road, Lakeland, FL 33812.

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

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions.

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

| <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> |
|------------------------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Whitpain Township,
Montgomery County | PAI130046 | Whitpain Township
Montgomery County
960 Wentz Road
Blue Bell, PA 19422-1835 | Unnamed Tributary
to Plymouth Creek,
Willow Run,
Unnamed Tributary
to Stony Creek,
Unnamed Tributary
to Sawmill Run,
Prophecy Creek, and
Wissahickon
Creek/TSF, WWF,
and MF | DEP Southeast
Regional Office
Clean Water Program
2 E Main Street
Norristown, PA 19401
484.250.5970 |
| Abington Township,
Montgomery County | PAI130031 | Abington Township
Montgomery County
1176 Old York Road
Abington, PA 19001 | Unnamed Tributary
to Jenkintown
Creek, Terwood Run,
Unnamed Tributary
to Wissahickon
Creek, Tacony Creek,
Pennypack Creek,
Sandy Run,
Robinhood Brook,
Unnamed Tributary
to Tacony Creek, and
Jenkintown
Creek/WWF, TSF,
and MF | DEP Southeast
Regional Office
Clean Water Program
2 E Main Street
Norristown, PA 19401
484.250.5970 |
| Upper Uwchlan
Township,
Chester County | PAI130527 | Upper Uwchlan Township
Chester County
140 Pottstown Pike
Chester Springs, PA
19425-9516 | East Branch
Brandywine Creek,
Unnamed Tributary
to Marsh Creek,
Marsh Creek,
Pickering Creek,
Unnamed Tributary
to Black Horse
Creek, Black Horse
Creek, and Unnamed
Tributary to
Pickering Creek/
HQ-TSF and MF | DEP Southeast
Regional Office
Clean Water Program
2 E Main Street
Norristown, PA 19401
484.250.5970 |

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

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

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

| <i>NPDES
Permit No.</i> | <i>Applicant Name &
Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving
Water/Use</i> |
|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|---------------|---------------------|-------------------------------------------------------------------------------------------|
| PAD450047 | HJP Park & Open Space
Commission
2162 Rt 715
P.O. Box 194
Reeders, PA 18352-0194 | Monroe | Jackson Twp | UNT to Pocono Creek
(HQ-CWF, MF)
Rocky Run
(HQ-CWF, MF) |
| <i>Northampton County Conservation District, 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064-9211.</i> | | | | |
| <i>NPDES
Permit No.</i> | <i>Applicant Name &
Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving
Water/Use</i> |
| PAD480047 | Primrose Glen, LLC
559 Main St
Ste 300
Bethlehem, PA 18018 | Northampton | Williams Twp | Frya Run
(HQ-CWF, MF)
EV Wetlands
Unnamed Tributary to
Lehigh River (CWF, MF) |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|------------------------------------------------------------------------------------------------------|------------------|------------------------|-----------------------------------------------------------|
| PAD030002 | Worthington-West Franklin Joint Municipal Authority
102 West Main Street
Worthington, PA 16262 | Armstrong County | West Franklin Township | Buffalo Creek (HQ-TSF);
UNT to Buffalo Creek (HQ-TSF) |
| PAD300006 | Burns Drilling and Excavating
P.O. Box 41
Wind Ridge, PA 15380 | Greene County | Gray Township | Greys Fork (HQ-WWF);
South Fork Tenmile Creek (HQ-WWF) |

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

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

List of NPDES and/or Other General Permit Types.

| | |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PAG-1 | General Permit for Discharges from Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges from Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO) |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | General Permit for Discharges from Aquatic Animal Production Facilities |
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |
| PAG-14 | (To Be Announced) |
| PAG-15 | General Permit for Discharges from the Application of Pesticides |

General Permit Type—PAG-02

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

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|-------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------|
| Gilberton Borough
Schuylkill County | PAC540027 | PA Dept of Transportation
Dist 5-0
Christopher Kufro, PE
1002 Hamilton St
Allentown, PA 18101 | Mahanoy Creek
(WWF, MF) | Schuylkill County
Conservation District
570-622-3742 |
| North Manheim
Twp
Schuylkill County | PAC540034 | John Smith
Forino Company
555 Mtn Home Rd
Sinking Spring, PA 19608 | UNT to Schuylkill
River (CWF, MF) | Schuylkill County
Conservation District
570-622-3742 |

NOTICES

4001

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, 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> |
|----------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Washington Township
Berks County
Issued | PAC060134 | Boyertown Soccer Club
P.O. Box 325
Gilbertsville, PA 19525 | West Branch
Perkiomen Creek
(CWF, MF) | Berks County
Conservation District
1238 County Welfare Road
Suite 200
Leesport, PA 19533-9710
610.372.4657 |
| Bern Township
Berks County
Issued | PAC060125 | Reading Regional Airport
Authority
2501 Bernville Road
Reading, PA 19605 | Schuylkill River
(WWF)
Tulpehocken Creek
(WWF) | Berks County
Conservation District
1238 County Welfare Road
Suite 200
Leesport, PA 19533-9710
610.372.4657 |
| Perry Township
Berks County
Issued | PAC060140 | Bell Trucking
1079 Shoemaker Avenue
Shoemakersville, PA
19555 | Pigeon Creek
(WWF, MF) | Berks County
Conservation District
1238 County Welfare Road
Suite 200
Leesport, PA 19533-9710
610.372.4657 |
| Union Township
Berks County
Issued | PAC060137 | Sonshine II, L.P.
227 Granite Run Drive
Suite 100
Lancaster, PA 17601-6813 | Schuylkill River
(WWF) | Berks County
Conservation District
1238 County Welfare Road
Suite 200
Leesport, PA 19533-9710
610.372.4657 |
| Lower Swatara Township
Dauphin County
Issued | PAC220066 | Conewago Contractors
Inc.
610 Edgegrove Road
Box 688
Hanover, PA 17331 | UNT Swatara Creek
(WWF, MF) | Dauphin County
Conservation District
1451 Peters Mountain
Road
Dauphin, PA 17018
717.921.8100 |
| Swatara Township
Dauphin County
Issued | PAC220109 | The McNaughton
Company
4400 Deer Path Road
Suite 201
Harrisburg, PA 17110 | Beaver Creek
(WWF, MF) | Dauphin County
Conservation District
1451 Peters Mountain
Road
Dauphin, PA 17018
717.921.8100 |
| East Hanover Township
Dauphin County
Issued | PAC220082 | SMD Enterprises, Inc.
252 Bow Creek Road
Grantville, PA 17028 | UNT Bow Creek
(WWF) | Dauphin County
Conservation District
1451 Peters Mountain
Road
Dauphin, PA 17018
717.921.8100 |
| Lewistown Borough
Mifflin County
Issued | PAC440011 | PTV XXVI LLC
400 Penn Center
Boulevard
Building 4
Suite 1000
Pittsburgh, PA 15235 | Juniata River
(WWF) | Mifflin County
Conservation District
20 Windmill Hill
Suite 4
Burnham, PA 17009-1837
717.248.4695 |

*General Permit Type—PAG-3**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> |
|--------------------------------------|-------------------|-------------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| West Caln Township
Chester County | PAG030080 | John Rock Inc.
500 Independence Way
Coatesville, PA
19320-1689 | Unnamed Tributary
to West Branch
Brandywine Creek
3-H | DEP Southeast
Regional Office
Clean Water Program
2 E. Main Street
Norristown, PA 19401
484.250.5970 |

*Facility Location:
Municipality &
County*

Plymouth Township
Montgomery County

Permit No.
PAG030081

*Applicant Name &
Address*
Emanuel Tire of PA, Inc.
1251 Conshohocken Road
Conshohocken, PA 19428

*Receiving
Water/Use*
Schuylkill River
3-F

*Contact Office &
Phone No.*
DEP Southeast
Regional Office
Clean Water Program
2 E. Main Street
Norristown, PA 19401
484.250.5970

General Permit Type—PAG-05

*Facility Location
Municipality &
County*

Richland Township
Allegheny County

Permit No.
PAG056267

*Applicant Name &
Address*
Sunoco, LLC
3801 West Chester Pike
Newtown Square, PA
19073

*Receiving
Water/Use*
West Branch Deer
Creek—18-A

*Contact Office &
Phone No.*
DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA 15222-4745
412.442.4000

General Permit Type—PAG-13

*Facility Location
Municipality &
County*

Perry County/
Marysville County

Permit No.
PAG133690

*Applicant Name &
Address*
Marysville Borough
Perry County
200 Overview Road
Marysville, PA 17053

*Receiving
Water/Use*
Susquehanna River
& Fishing Creek/
WWF, CWF & MF

*Contact Office &
Phone No.*
DEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717.705.4707

Lebanon County/
North Londonderry
Township

Permit No.
PAG133563

*Applicant Name &
Address*
North Londonderry
Township
Lebanon County
655 East Ridge Road
Palmyra, PA 17078-9312

*Receiving
Water/Use*
UNT Spring Creek,
UNT Quittapahilla
Creek, UNT
Killinger Creek &
UNT Swatara Creek/
WWF, TSF, & MF

*Contact Office &
Phone No.*
DEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717.705.4707

Lancaster County/
West Earl Township

Permit No.
PAG133535

*Applicant Name &
Address*
West Earl Township
Lancaster County
P.O. Box 725
Brownstown, PA 17508

*Receiving
Water/Use*
Cocalico Creek,
Conestoga River,
UNT Cocalico Creek,
UNT Conestoga
River and UNT to
Groff Creek/
WWF & MF

*Contact Office &
Phone No.*
DEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717.705.4707

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

**NUTRIENT MANAGEMENT PLAN
PUBLIC NOTICE SPREADSHEET—ACTIONS**

| <i>Agricultural Operation
Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>AEU's</i> | <i>Animal
Type</i> | <i>Special
Protection
Waters (HQ
or EV or NA)</i> | <i>Approved or
Disapproved</i> |
|--------------------------------------------------------------|---------------|--------------------|--------------|------------------------|---------------------------------------------------------------|------------------------------------|
| Meadow Wood Farm
2075 Colebrook Road
Lebanon, PA 17042 | Lebanon | 518.41 | 1,204.65 | Dairy | NA | Approved |

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 1518516, Public Water Supply.

| | |
|------------------|-------------------------------------------------------------------------------------|
| Applicant | UMH Properties, Inc.
150 Clay Street
Suite 450
Morgantown, WV 26501 |
| Township | Penn |
| County | Chester |
| Type of Facility | PWS |

| | |
|----------------------------|------------------------------------------------------------------------------------|
| Consulting Engineer | James R. Holley & Associates, Inc.
18 S. George Street, # 300
York, PA 17401 |
| Permit to Construct Issued | June 8, 2018 |

Operations Permit # 4616533 issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, **PWS ID # 1460073**, Upper Moreland Township, **Montgomery County** on June 13, 2018 for the operation of Rehabilitated Upper Moreland Booster Pump Station approved under construction permit # 4616533.

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

Permit No. 2818501, Public Water Supply.

| | |
|----------------------------|------------------------------------------------------------------------------------------------------------|
| Applicant | Quincy Township |
| Municipality | Quincy Township |
| County | Franklin |
| Responsible Official | Robert Gunder, Chairman
Board of Supervisors
7575 Mentzer Gap Road
Waynesboro, PA 17268 |
| Type of Facility | Installation of Well No. 7. |
| Consulting Engineer | John M. High, P.E.
William A. Brindle Associates Inc.
336 Lincoln Way East
Chambersburg, PA 17201 |
| Permit to Construct Issued | 6/19/2018 |

Operation Permit No. 0117503 MA issued to: **Aqua Pennsylvania Inc (PWS ID No. 7010057)**, Mt. Joy Township, **Adams County** on 6/11/2018 for facilities at Aqua PA—Links at Gettysburg approved under Construction Permit No. 0117503 MA.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 2**

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to

publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Koehler Property, 339 Miller Drive, Tobyhanna Township, **Carbon County**. ARM Environmental LLC, P.O. Box 773, Tannersville, PA 18372, on behalf of Kevin Koehler, 339 Miller Drive, Pocono Pines, PA 18350, submitted a Final Report concerning remediation of a release of heating oil to the soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

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

2649 New Holland Pike Site, 2649 New Holland Pike, Lancaster, PA 19018, Upper Leacock Township, **Lancaster County**. Envirosearch Consultants, P.O. Box 940, Springhouse, PA 19477, on behalf of Federal National Mortgage Association, 14221 Dallas Parkway, Suite 1000, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

DDSP Small Arms Range Downgradient, 2001 Normandy Drive, New Cumberland, PA 17070, Fairview Township, **York County**. Plexus-PARS JV, 5510 Cherokee Avenue, Alexandria, VA 22312, on behalf of Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2639, Fort Belvoir, VA 22060-6221, submitted a Final Report concerning remediation of site soil contaminated with inorganics and nitroglycerin from a small arms

range. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Newhall Property, 3605 Stephen Crane Lane, Hanover Township, **Northampton County**, United Environ-

mental Services Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Loikits Oil & Heating Company, 4401 Spruce Street, Whitehall, PA 18052, submitted a Final Report concerning remediation of site soils contaminated with heating oil. The report documented remediation of the site to meet residential Statewide Health Standards and was approved by the Department on June 20, 2018.

Michael Hummel Property, 1084 Hillview Drive, **Lehigh County**. RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406, on behalf of Ranson Fuel, 1320 Northwestern Boulevard, Quakertown, PA 18951, submitted a Final Report concerning remediation of a release of heating oil to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on June 21, 2018.

Comfort Inn-Clarks Summit, 811 Northern Boulevard, South Abington Township, **Lackawanna County**. United Environmental, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Trudim, Inc., 811 Northern Boulevard, Clarks Summit, PA 18411, submitted a Final Report concerning remediation of soil contamination caused by a release from an underground storage tank that contained heating oil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on June 19, 2018.

Pole Road Spill Site, Pole Road, Kline Township, **Schuylkill County**. Advantage Engineers, 435 Independence Avenue, Suite C, Mechanicsburg, PA 17055, on behalf of Talley Petroleum Enterprises, 10046 Allentown Boulevard, Grantville, PA 17028, submitted a Final Report concerning remediation of soil contaminated with diesel fuel from a truck accident. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on June 21, 2018.

Koehler Property, 339 Miller Drive, Tobyhanna Township, **Carbon County**. ARM Environmental LLC, P.O. Box 773, Tannersville, PA 18372, on behalf of Kevin Koehler, 339 Miller Drive, Pocono Pines, PA 18350, submitted a Final Report concerning remediation of a release of heating oil to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on June 22, 2018.

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

2649 New Holland Pike Site, 2649 New Holland Pike, Lancaster, PA 19018, Upper Leacock Township, **Lancaster County**. Envirosearch Consultants, P.O. Box 940, Springhouse, PA 19477, on behalf of Federal National Mortgage Association, 14221 Dallas Parkway, Suite 1000, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on June 20, 2018.

New Enterprise Stone & Lime Co., Inc.—Tyrone Quarry, 855 Birmingham Pike, Tyrone, PA 16686, Warriors Mark Township, **Huntingdon County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of New Enterprise Stone & Lime Co, Inc., P.O. Box 77, New Enterprise, PA 16664, submitted a Final Report concerning remediation of site

soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on June 19, 2018.

Antonio Randazzo Heating Oil Release, 179, 187 & 197 South Main Street, Yoe, PA 17313, Yoe Borough, **York County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of F&R Romas, LLC, 970 Castle Pond Drive, York, PA 17402, submitted a Final Report concerning remediation of site soil and surface water contaminated with heating oil released from an aboveground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on June 19, 2018.

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

All State Carriers, LLC, Project I-80 @ MM 205W, New Columbia, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of All State Carriers, LLC, 522 Southridge Circle, Yardley, PA 19067, submitted a Final Report concerning remediation of soils contaminated with diesel fuel and antifreeze. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 19, 2018.

MUNICIPAL WASTE GENERAL PERMITS

Permit(s) issued 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southwest Region: Regional Waste Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit No. WMGM019SW003. Reserve Park Recycling and Transfer, Inc., Reserve Park Recycling and Transfer, Inc. facility, 408 Hoffman Road, Pittsburgh, PA 15212. A determination of applicability under a municipal waste general permit for the processing of waste concrete and asphalt to produce a roadway construction material and for the processing of wood waste, uncontaminated soil and leaf and yard waste to product topsoil, landscaping mulch material and compost in Reserve Township, **Allegheny County**, was approved in the Regional Office on June 20, 2018.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration issued Under the Solid Waste Management Act; the Residual 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.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

General Permit Registration No. WMGR025NC005: Bucknell University—West Campus, 1 Dent Drive, Lewisburg, East Buffalo Township, Union County, PA. Registration to operate under General Permit No. WMGR025NC005 for the beneficial use of pre-consumer

and post-consumer food waste, digested food waste, yard waste, and land clearing and grubbing material for use as soil conditioner, soil amendment, fertilizer, mulch, or for erosion control. The registration was approved by Northcentral Regional Office on June 19, 2018.

Persons interested in obtaining more information about the general permit application 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.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued under the Solid Waste Management Act and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).

Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGR038SC009A. Edge Rubber Recycling, LLC, 811 Progress Road, Chambersburg, PA 17201, located in Chambersburg Borough, **Franklin County**. The Department of Environmental Protection has issued a minor permit modification under General Permit WMGR038SC009A for the processing of whole waste tires for beneficial use. This permit modification was issued on June 22, 2018.

Persons interested in reviewing the general 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.

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.

AG5-58-00003A: Williams Field Services LLC (310 State Route 29, Tunkhannock, PA 18657) on June 19, 2018 for installing additional equipment at the Shields Compressor Station site located in Dimock Twp., **Susquehanna County**.

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

Contact: Thomas Bianca, Facilities Permitting Chief, 717.705.4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

GP14-36-03194: Cremation Services of Lancaster (2024 Marietta Avenue, Lancaster, PA 17603) on June 14, 2018, for an existing human crematory, under GP14, at

the facility in East Hempfield Township, **Lancaster County**. The general permit authorization was renewed.

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

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

GP3-04-00742D: Lindy Paving, Inc. (1807 Shenango Road, New Galilee, PA 16141) on June 19, 2018, to allow the installation and operation of a portable nonmetallic mineral processing plant consisting of one crusher with an integrated screen and associated conveyors located in Monaca Township, **Beaver County**.

GP11-04-00742D: Lindy Paving, Inc. (1807 Shenango Road, New Galilee, PA 16141) on June 19, 2018, to allow the installation and operation of a nonroad diesel-fired engine rated at 496 bhp in conjunction with a portable nonmetallic mineral processing plant located in Monaca Township, **Beaver County**.

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

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

GP5-43-375c: Hilcorp Energy Co., Jefferson Montgomery Central Facility (1111 Travis St., Houston, TX 77002) on June 12, 2018, for the authority to continue operation of their Natural Gas Production facility with an addition of one (1) 405 bhp natural gas-fired compressor engine and associated NSCR, the removal of three (3) natural gas-fired compressor engines, and the removal of one (1) heater treater. (BAQ-GPS/GP5) located at their facility in Jefferson Township, **Mercer County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

Contact: Thomas Bianca, Facilities Permitting Chief, 717.705.4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

67-03069C: H & H Castings, Inc. (4300 Lincoln Highway, York, PA 17406) on June 20, 2018, to replace the existing thermal sand reclamation system and associated fabric collector with a new thermal sand reclamation system and a fabric collector and cooling tower, at the facility in Hellam Township, **York County**.

28-05015B: IESI PA Blue Ridge Landfill, Inc. (P.O. Box 399, Scotland, PA 17254) on June 20, 2018, for the Pads 16, 17, & 18 Disposal Areas expansion of the existing landfill facility, located in Greene Township, **Franklin 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.

65-00634A: Dominion Energy Transmission, Inc. (5000 Dominion Boulevard—2NE, Glen Allen, VA 23060) On June 21, 2018, for installation of one Solar Titan 130-20502S natural gas-fired compressor turbine rated at 20,500 HP at ISO conditions, controlled by an oxidation catalyst; one natural gas-fired emergency generator engine rated at 637 bhp; one natural gas-fired boiler rated

at 6.384 MMBtu/hr; one pipeline fluids storage tank, 1,000 gallon capacity; one waste oil tank, 2,500 gallon capacity; and piping components in natural gas service at the JB Tonkin Compressor located in Murrysville Borough, **Westmoreland County**.

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

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

62-032M: Ellwood National Forge (1 Front St., Irvine, PA 16329), on June 21, 2018 issued a Plan Approval to modify Source 1000—Vacuum Oxygen Decarburization (VOD) which 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 in Brokenstraw Township, **Warren County**. This is a Title V facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

62-176B: Lignetics of New England, Inc. (1075 E South Boulder Rd., Suite 210, Louisville, CO 80027) on June 19, 2018, has issued a plan approval minor amendment for the change of ownership from New England Wood Pellet, LLC in Brokenstraw Township, **Warren County**. This is a State Only facility.

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

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

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

40-00021: Hazleton Generation LLC (120 Maplewood Drive, Hazle Twp., PA 18202) on June 19, 2018 for the modification to the Title V operating permit TVOP 40-00021 to incorporate the Reasonable Available Control Technology (RACT II) requirements pursuant to 25 Pa. Code §§ 129.96—129.100 at the facility located in Hazle Township, **Luzerne County**. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Thomas Bianca, Facilities Permitting Chief, 717.705.4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

67-05113: Graham Architectural Products Corp. (1551 Mount Rose Avenue, York, PA 17403-2909) on June 20, 2018, for the metal window and door manufacturing facility located in Spring Garden Township, **York County**. The Title V Permit was renewed.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

Contact: Thomas Bianca, Facilities Permitting Chief, 717.705.4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

28-05020: TB Woods, Inc. (440 5th Avenue, Chambersburg, PA 17201-1763) on June 13, 2018, for the iron foundry located in Chambersburg Borough, **Franklin County**. The State-only permit was renewed.

06-05090: Toppan InterAmerica, Inc. (378 Thousand Oaks Blvd., Morgantown, PA 19543-9769) on June 13, 2018, for the graphic arts printing facility located in Caernarvon Township, **Berks County**. The State-only permit was renewed.

38-03039: Martin's Wood Products (650 Houtztown Road, Myerstown, PA 17067-2196) on June 12, 2018, for the wood furniture manufacturing facility located in Jackson Township, **Lebanon County**. The State-only permit was renewed.

36-05129: H & K Group, Inc. (2052 Lucon Road, P.O. Box 196, Skippack, PA 19474-0196) on June 12, 2018, for the batch asphalt operations at the Silver Hill Quarry located in Brecknock Township, **Lancaster County**. The State-only permit was renewed.

06-05082: Dairy Farmers of America, Inc. (100 McKinley Avenue, Reading, PA 19605-2199) on June 12, 2018, for the milk products processing facility located in Muhlenberg Township, **Berks County**. The State-only permit was renewed.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

24-00167: E Carbon America, LLC (806 Theresia St, Saint Marys, PA 15857). On June 18, 2018, the Department issued 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 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.

OP17-000001: Ashland LLC (2801 Christopher Columbus Boulevard, Philadelphia, PA 19148) issued on June 21, 2018 for the operation of producing and distributing polyester resin in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include fugitive emissions, tank wagon, rail car, drum filling stations, two (2) particulate sources; one is controlled by a filter cartridge dust collector, fourteen (14) product storage tanks, thirteen (13) raw material storage tanks, five (5) reactors with overhead condensers, three (3) thinning tanks, eleven (11) blending tanks, one (1) mix tank, one (1) holding tank; all are controlled by a 14 MMBtu/hr natural gas or # 2 oil-fired fume afterburner, one (1) 8.4 MMBtu/hr natural gas or # 2 oil-fired steam boiler, one (1) 8.4 MMBtu/hr # 2 oil-fired temporary portable steam boiler, one (1) 75 hp # 2 oil-fired air-compressor, one (1) 12.0 MMBtu/hr natural gas or # 2 oil-fired hot oil heater, and one (1) emergency generator. Additional facility air emission control devices include four (4) sets of carbon drums as back-up equipment to the Fume Afterburner.

OP17-000026: Philadelphia Navy Public Work Department (4921 South Broad St, Building 1, Philadelphia, PA 19112) issued on June 21, 2018 for the operation of a Navy Public Works Facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eleven (11) boilers firing natural gas each rated 0.99 MMBtu/hr or less, three (3) air handling units firing natural gas each rated 0.5 MMBtu/hr, one (1) emergency generator firing diesel fuel rated 85 kW, one (1) parts washer, and one (1) dust collector.

OP18-000022: ABB Inc., Philadelphia Service Center (1040 East Erie Avenue, Philadelphia, PA 19124), for a facility that conducts service and repair of industrial transformers, railroad transformers, electrical switchgears and motors in the City of Philadelphia, **Philadelphia County**. The facility's Natural Minor Operating Permit provided public notice under OP17-000048. This notice includes an administrative amendment to incorporate a change of ownership from GE International Inc. (GEII) to ABB Inc.

The facility's air emission sources include two (2) paint booths, rail bay open coating, surface coating operations outside paint booths for a motor generator department, two (2) particulate sources, eleven (11) combustion units each rated at less than 2.3 MMBtu/hr, two (2) cold cleaning degreasers, and a VPI tank. The facility's air emission control devices include two (2) dust collectors, a cyclone, and surface coating filters for particulate capture. The VOC emission from varnish dip tank is limited to 1.5 lb per gallon and VPI tank emission is limited to 3.2 lbs per gallon. The HAP emissions are limited to 0.2 tpy combined from both electric insulating varnish tanks. The facilities' potential emission will be below the significant thresholds.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

SOOP-04-00710: Cronimet Corporation (10 Pilarsky Way, Aliquippa, PA 15001). Per 25 Pa. Code § 127.449(i),

this Notice is for the following de minimis emission increase at the Cronimet Corporation facility located in East Rochester Borough, **Beaver County**:

One new Torch Cutting Booth and Cyclone, collectively known as the SPARCS (Smoke Particulate Air Reduction Cyclone) system is included as this project's de minimis emission increase. Total emissions from this project will not exceed 4 tpy CO, 1 tpy NO_x, 0.6 tpy SO_x, .6 tpy PM₁₀, and 1 tpy VOC.

The list of de minimis increases for this facility includes only this project.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

Permit No. 56880103 and NPDES No. PA0598143. Rosebud Mining Co., 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit Township, **Somerset County**, affecting 1,102.0 acres. Receiving streams: unnamed tributaries to/and Casselman River, unnamed tributaries to/and Lick Run, unnamed tributaries to Bigby Creek and unnamed tributaries to Cranberry Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 4, 2018. Permit issued: June 15, 2018.

Permit No. 11080101 and NPDES No. PA0262587. Rosebud Mining Co., 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in East Taylor & Croyle Townships, **Cambria County**, affecting 555.2 acres. Receiving streams: unnamed tributaries to/and the Little Conemaugh River to the Conemaugh River, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 14, 2018. Permit issued: June 18, 2018.

Noncoal Permits Issued

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

PAM618036. Ralph A. Kline (4177 Neilltown Road, Pleasantville, PA 16341). General NPDES Permit for stormwater discharges associated with mining activities

on Surface Mining Permit No. 27100801 in Harmony Township, **Forest County**. Receiving streams: Unnamed tributary to Dawson Run. Application received: May 10, 2018. Permit Issued: June 18, 2018.

PAM618035. Neshannock Sand & Gravel, Inc. (3340 U.S. Route 422, New Castle, PA 16101). General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37060305 in Scott Township, **Lawrence County**. Receiving streams: Unnamed tributary to Slippery Rock Creek. Application received: May 10, 2018. Permit Issued: June 18, 2018.

PAM618037. Passauer Excavation, Inc. (P.O. Box 304, West Hickory, PA 16370) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 27102802 in Harmony Township, **Forest County**. Receiving streams: Unnamed tributary to the Allegheny River. Application received: May 7, 2018. Permit Issued: June 18, 2018.

PAM613015. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141) Renewal of General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37080303 in Scott & Plain Grove Townships, **Lawrence County**. Receiving streams: Unnamed tributary to Taylor Run and Taylor Run. Application received: May 11, 2018. Permit Issued: June 18, 2018.

PAM613016. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153) Renewal of General NPDES Permit for stormwater discharges associated with mining activities on Mine Drainage Permit No. 4379306 in Lake Township, **Mercer County**. Receiving streams: Little Shenango River. Application received: May 7, 2018. Permit Issued: June 18, 2018.

PAM613017. Donald Lark & Sons, Inc. (339 Garfield Street, West Middlesex, PA 16159) Renewal of General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43970302 in Shenango Township, **Mercer County**. Receiving streams: Unnamed tributary to Shenango Run. Application received: May 14, 2018. Permit Issued: June 18, 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

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

Permit No. 15184108. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Kimberton Glen in East Pikeland Township, **Chester County** with an expiration date of July 1, 2019. Permit issued: June 18, 2018.

Permit No. 36184126. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Wabash Landing in East Cocalico Township, **Chester County** with an expiration date of August 30, 2018. Permit issued: June 18, 2018.

Permit No. 36184127. Douglas Explosives, Inc., (2052 Philipsburg Bigler Highway, Philipsburg, PA 16866),

construction blasting for Worthington Phase 2C in Manheim Township, **Lancaster County** with an expiration date of June 1, 2019. Permit issued: June 18, 2018.

Permit No. 38184111. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Greystone Crossing in North Cornwall Township, **Lebanon County** with an expiration date of June 30, 2019. Permit issued: June 19, 2018.

Permit No. 38184113. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for grain bins in Heidelberg Township, **Lebanon County** with an expiration date of June 30, 2018. Permit issued: June 19, 2018.

Permit No. 15184109. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Valley View Lot 5 in Valley Township, **Chester County** with an expiration date of June 18, 2019. Permit issued: June 20, 2018.

Permit No. 36184128. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for 235 Esra Drive in Mt. Joy Township, **Lancaster County** with an expiration date of June 18, 2019. Permit issued: June 20, 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

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

E02-1715, Borough of Plum, 4575 New Texas Road, Pittsburgh, PA 15239, Plum Borough, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

Operate and maintain a 36-inch diameter, 160 linear foot long, smooth lined corrugated plastic pipe (SLCPP) with an R-4 riprap apron located at the inlet and outlet of the SLCPP in an Unnamed Tributary (UNT) to Plum Creek (WWF) (constructed under Emergency Permit No. EP0215206) for the purpose of remediating an earth movement/slide along the northern lane of Repp Road located near the intersection of Repp Road and Milltown Road (New Kensington West, PA Quadrangle; Latitude: 40°-30' 49.85"; Longitude: -79° 47' 31.1") in Plum Borough, Allegheny County. The project resulted in a permanent impact of 210 linear feet to a UNT to Plum Creek (WWF).

E02-1779, PennDOT District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Elizabeth Township and Lincoln Borough, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

Remove the existing 197' long, 6.1' diameter opening, masonry arch enclosure carrying SR 48 over an unnamed tributary to the Youghiogheny River (WWF) with a drainage area of 0.67 square mile and construct and maintain a replacement 105' long, 10' wide, 7.5' underclearance with 1' depression Box Culvert on an adjacent alignment; remove the existing 56' long, 36" diameter culvert carrying SR 48 over a second unnamed tributary to the Youghiogheny River (WWF) with a drainage area of 82 acres and construct and maintain a replacement 30' long 36" RCP culvert on an adjacent alignment connected to the outlet of the replaced enclosure; construct and maintain 127' of relocated replacement channel to align with the replaced enclosure and road improvement work. The project includes 500' of temporary stream impact to the unnamed tributaries to the Youghiogheny River (WWF). In addition, construct and maintain associated stormwater facilities. Impacts will be mitigated on site. The project is located approximately one mile south of the crossing of SR 48 over the Youghiogheny River in Elizabeth Township and Lincoln Borough, Allegheny County (McKeesport, PA Quadrangle; Latitude: 40° 17' 53"; Longitude: -79° 49' 46").

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

Has been given consent to:

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

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

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

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

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

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

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

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

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

E65-991, Pennsylvania Department of Transportation, Engineering District 12-0, 825 North Gallatin Avenue Extension, Uniontown, PA 15401, Allegheny Township and Ligonier Township; **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

1. Remove the existing 109.8' long 18" RCP enclosure carrying a UNT to the Allegheny River having a drainage area of less than 100 acres; construct and maintain a replacement 147.3' long 18" RCP enclosure for a total extension length of 37.5'. Downstream of this pipe, remove the existing 29.4' long 18" CPP carrying the same UNT; construct and maintain a replacement 29.4' long

18" RCP in the same location. Place and maintain fill in 85.9' of this same UNT; construct and maintain a 64.3' long relocated replacement channel. Mitigation for a loss of 67.1' of this UNT will occur offsite.

2. Remove the existing 136.4' long 48" RCP enclosure carrying a second UNT to the Allegheny River having a drainage area of 124 acres; construct and maintain a replacement 345.9' long 48" RCP enclosure for a total extension length of 209.5'. Place and maintain fill in 567.8' of this same UNT; construct and maintain a 328.4' long relocated replacement channel. Mitigation for a loss of 278.5' of this UNT will occur offsite.

3. Construct and maintain a 393.2' long extension of an existing 125.4' long 36" RCP enclosure for a total enclosure length of 518.6'; the pipe is conveying a third UNT to the Allegheny River having a drainage area of less than 100 acres. Mitigation for a loss of 40.5' of this UNT will occur offsite.

4. Remove the existing 48' long 18" RCP carrying a fourth UNT to the Allegheny River having a drainage area of less than 100 acres; construct and maintain a replacement 72' long 18" RCP. Place and maintain fill in 238.3' of this same UNT and construct and maintain a 185.1' long relocated replacement channel. Mitigation for a loss of 53.2' of this UNT will occur offsite.

5. Place and maintain fill in 956.1' of UNTs to the Allegheny River having drainage areas of less than 10 acres; mitigation for the loss of these UNTs will occur offsite.

6. Place and maintain fill in 0.225 acre of PEM and PSS wetlands; mitigation for these wetlands will occur offsite.

7. Stream and wetland mitigation will occur offsite along Owl Hollow Road in Ligonier Township, Westmoreland County. Stream mitigation includes constructing and maintaining bank grading, bank stabilization, and in-stream habitat structures in 815' of a UNT to Mill Creek having a drainage area of 1.44 square mile and riparian buffer enhancement to 546' of a second UNT to Mill Creek having a drainage area less than 100 acres; 541' of the larger UNT will be permanently filled and a 500' long relocated replacement channel will be constructed; a loss of 41' of the larger UNT will be mitigated for at this site. Work at this site also includes placing and maintaining fill in 70' of a third UNT to Mill Creek having a drainage area of less than 100 acres and constructing and maintaining 58' of 24" CMP and 37' of relocated replacement channel. The loss of 58' of this UNT will be mitigated for at this site. In addition, placement and maintenance of fill in 0.146 acre of exceptional value PEM wetlands will occur associated with the construction of the stream mitigation; this wetland impact will be mitigated for at this site. Wetland mitigation includes the construction and maintenance of 0.152 acre of new exceptional value PEM wetlands and the enhancement of 1.487 acre of existing exceptional value PEM wetlands.

8. In addition, temporarily impact 1,224.5' of streams and 1.953 acre of wetlands for the purpose of constructing these encroachments.

The project is located immediately east of the Freeport Bridge extending to the intersection of SR 356 and White Cloud Road (USGS Freeport, PA Quadrangle, Beginning Latitude: 40° 39' 58.6"; Beginning Longitude: -79° 41' 25.5"; Ending Latitude: 40° 39' 19.6"; Ending Longitude: -79° 40' 3.8"). Off-site stream and wetland mitigation will take place in Ligonier Township, Westmoreland County, located approximately 0.75 mile north of the intersection

of SR 271 and Owl Hollow Road (USGS Wilpen, PA Quadrangle, Latitude: 40° 16' 5.4", Longitude: -79° 10' 35.3").

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

E4129-117: ARD Operating, LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A 16-inch water pipeline and a timber mat bridge impacting 1,942 square feet of floodway of an unnamed tributary to East Branch Murray Run (EV) (Bodines, PA Quadrangle 41°25'38"N 76°56'28"W);

2) A 16-inch water pipeline and a timber mat bridge impacting 14 linear feet of East Branch Murray Run (EV) and 4,880 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°25'39"N 76°56'25"W);

3) A 16-inch water pipeline and a timber mat bridge impacting 13 linear feet of an unnamed tributary to Slacks Run (HQ-CWF) and 3,155 square feet of adjacent PEM wetland (Bodines, PA Quadrangle 41°26'22"N 76°55'32"W);

4) A 16-inch water pipeline and a timber mat bridge impacting 12 linear feet of an unnamed tributary to Slacks Run (HQ-CWF) (Bodines, PA Quadrangle 41°26'24"N 76°55'31"W).

The project will result in a total of 38 linear feet of stream impacts, 0.04 acre of additional floodway impacts, and 0.18 acre of wetland impacts all for the purpose of installing water pipeline and temporary access roadway for Marcellus well development.

E4129-118: HEP Tioga Gathering, LLC, 22024 Route 14, Troy, PA 16947, Jackson Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 4,605 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 73 linear feet of an unnamed tributary to Blockhouse Creek (CWF) (Nauvoo, PA Quadrangle 41°32'44"N, 77°07'32"W);

2) A temporary road crossing using timber mats 4,843 square feet of a palustrine emergent (PEM) wetland (Nauvoo, PA Quadrangle 41°32'24"N, 77°07'43"W);

3) A 16 inch diameter waterline via HDD bore impacting 352 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 126 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 50 linear feet of Blockhouse Creek (CWF) and 5 linear feet of an unnamed tributary of Blockhouse Creek (CWF) (Liberty, PA Quadrangle 41°32'12"N, 77°07'24"W);

4) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 87 linear feet of an unnamed tributary to Blockhouse Creek (CWF) (Liberty, PA Quadrangle 41°32'10"N, 77°07'00"W);

5) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 3,025 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°32'19"N, 77°05'18"W);

6) A temporary road crossing using timber mats impacting 187 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°32'18"N, 77°04'54"W);

7) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 7,757 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°32'09"N, 77°04'39"W).

The project will result in 215 linear feet of temporary stream impacts, 20,895 square feet (0.48 acre) of temporary wetland impacts all for the purpose of installing a freshwater pipeline in Jackson Township, Tioga County.

E5929-076: HEP Tioga Gathering, LLC, 22024 Route 14, Troy, PA 16947, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 50 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°32'53"N, 77°10'19"W);

2) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 51 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°32'53"N, 77°10'17"W);

3) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 51 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'02"N, 77°09'42"W);

4) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 55 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'09"N, 77°09'50"W);

5) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 50 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'11"N, 77°09'50"W);

6) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 546 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 282 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 48 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'26"N, 77°09'53"W);

7) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 52 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'32"N, 77°09'53"W);

8) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 1,701 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 56 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'35"N, 77°09'53"W);

9) A 16 inch diameter waterline impacting 3 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'41"N, 77°09'53"W);

10) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 65 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 53 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'43"N, 77°09'52"W);

11) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 20,378 square feet

of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'48"N, 77°09'05"W);

12) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 16,312 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'38"N, 77°08'40"W);

13) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 13,819 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'29"N, 77°08'07"W);

14) A temporary road crossing using timber mats 16 inch diameter waterline impacting 52 linear feet of Black Creek (CWF) (Nauvoo, PA Quadrangle 41°33'29"N, 77°08'05"W);

15) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 2,762 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'29"N, 77°08'07"W);

16) A temporary road crossing using timber impacting 1,185 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'31"N, 77°07'56"W);

17) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 1,004 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'25"N, 77°08'01"W);

18) A temporary road crossing using timber mats and a 16 inch diameter waterline impacting 7,910 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'18"N, 77°08'01"W);

19) A temporary road crossing using timber mats and 16 inch diameter natural gas pipeline impacting 1,328 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°32'55"N, 77°07'38"W);

The project will result in 521 linear feet of temporary stream impacts and 67,292 square feet (1.54 acre) of temporary wetland impacts all for the purpose of installing a freshwater pipeline in Liberty Township, Tioga County.

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.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESX18-019-0003—Lacerta Well Pad
Applicant EdgeMarc Energy Pennsylvania, LLC
Contact Mr. Hugh Caperton
Address 1800 Main Street, Suite 220
City Canonsburg State PA Zip Code 15317
County Butler Township(s) Allegheny
Receiving Stream(s) and Classification(s) North Branch Bear Creek CWF

ESCGP-2 # ESX17-019-0012A-Tigris Waterline
Applicant EM Energy Pennsylvania, LLC
Contact Mr. Hugh Caperton
Address 1800 Main Street, Suite 220
City Canonsburg State PA Zip Code 15317
County Butler Township(s) Allegheny
Receiving Stream(s) and Classification(s) Allegheny River, UNT 1, UNT 2 to Allegheny River, UNT 3 to Allegheny River, UNT 1 to TRIB 51143 to Lowery Run, Fowler Run, and unnamed tributaries to North Branch Bear Creek/Middle Allegheny River Watershed

ESCGP-2 # ESX13-073-0018—Pulaski Davis Well Site
Applicant Hilcorp Energy Company
Contact Ms. Stephanie McMurray
Address 1111 Travis Street
City Houston State TX Zip Code 77002
County Lawrence Township(s) Pulaski
County Mercer Township(s) Shenango
Receiving Stream(s) and Classification(s) UNT to Shenango River

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESG29-081-16-0003(01)
Applicant Name ARD Operating LLC
Contact Person Stephen Barondeau
Address 33 W Third St, Suite 300
City, State, Zip Williamsport, PA 17701
County Lycoming
Township(s) Cogan House
Receiving Stream(s) and Classification(s) UNT to Wendell Run (HQ-CWF); UNT to Larrys Ck (EV)
Secondary—Wendell Run (HQ-CWF); Larrys Ck (EV)

ESCGP-2 # ESG29-117-18-0017
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) Gaines
Receiving Stream(s) and Classification(s) Lick Run (HQ-CWF)

ESCGP-2 # ESG29-115-17-0049
Applicant Name SWN Production Co LLC
Contact Person Nicki Atkinson
Address 917 SR 92 N
City, State, Zip Tunkhannock, PA 18657
County Susquehanna
Township(s) New Milford
Receiving Stream(s) and Classification(s) UNT to Butler Ck (CWF-MF, NRT)

ESCGP-2 # ESX13-115-0048(01)
Applicant Name Chesapeake Appalachia LLC
Contact Person Keri Fieno
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Susquehanna
Township(s) Auburn
Receiving Stream(s) and Classification(s) Nick Ck (CWF-MF) and Riley Ck (CWF-MF)

ESCGP-2 # ESG29-015-18-0018
Applicant Name SWN Production Co LLC
Contact Person Nicki Atkinson
Address 917 SR 92 N
City, State, Zip Tunkhannock, PA 18657
County Bradford
Township(s) Herrick
Receiving Stream(s) and Classification(s) UNT to Rummerfield Ck (WWF/MF)
Secondary—Rummerfield Ck

ESCGP-2 # ESX29-115-18-0022
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna
Township(s) Brooklyn
Receiving Stream(s) and Classification(s) Dry Ck (CWF, MF); Hop Bottom Ck (CWF, MF)

ESCGP-2 # ESX13-115-0077(01)
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna
Township(s) Brooklyn
Receiving Stream(s) and Classification(s) Hop Bottom Ck (CWF-MF) and UNT thereto

ESCGP-2 # ESG29-117-17-0032(01)
Applicant Name HEP Tioga Gathering LLC
Contact Person Jim Townsley
Address 22024 Rte 14
City, State, Zip Troy, PA 16947
County Tioga
Township(s) Liberty
Receiving Stream(s) and Classification(s) Zimmerman Creek (HQ-CWF)

ESCGP-2 # ESG29-117-17-0033(01)
Applicant Name HEP Tioga Gathering LLC
Contact Person Jim Townsley
Address 22024 Rte 14
City, State, Zip Troy, PA 16947
County Tioga
Township(s) Liberty
Receiving Stream(s) and Classification(s) Little Fall Ck (EV); Long Run (EV)

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

| <i>SSIP Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Tank Type</i> | <i>Tank Capacity</i> |
|------------------------|-------------------------------------------------------------------------------------------------------|---------------|---------------------|-----------------------------------|----------------------|
| 18-04-015 | Bechtel Oil, Gas and Chemicals, Inc.
300 Frankfort Road
Monaca, PA 15061
Attn: Glen Richards | Beaver | Potter Township | 6 ASTs storing petroleum products | 106,386 gal total |

SPECIAL NOTICES

Final State Water Quality Certification Required by Section 401 of the Clean Water Act for the TP-7575 & H-152 Relocation

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

WQ05-017, Equitrans, LP (Applicant), 625 Liberty Avenue, Pittsburgh, PA 15222. TP-7575 and H-152 Relocation (Project), in South Fayette Township, **Allegheny County**, Pittsburgh ACOE District. The proposed project starts at Energy Drive (Cannonsburg, PA Quadrangle N: 40° 20' 9.24"; W: -80° 8' 13.56") and ends at Country Meadows of South Hills (Cannonsburg, PA Quadrangle N: 40° 19' 43.68"; W: -80° 8' 16.44").

On October 20, 1998, Applicant received an Order Issuing Certificate from the Federal Energy Regulatory Commission (FERC) authorizing Applicant to abandon, construct and operate certain facilities including the H152 and TP7575 pipelines in Allegheny County, PA (FERC Docket No. CP96-532). The activities described in this request are covered under Equitrans' automatic blanket certificate authority and reported to the FERC yearly.

On October 18, 2017, Applicant requested a State water quality certification from the Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in this Commonwealth through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project, as proposed, includes approximately 1,250-foot long, 20-inch pipeline and 3,565-foot long, 16-inch pipeline for the purpose of transporting natural gas from the east side of Interstate 79 (N: 40° 19' 44.04"; W: -80° 8' 21.12") to the west side of Interstate 79 (N: 40° 19' 50.16"; W: -80° 8' 25.08"). The Project, as proposed, will require approximately 10.7 acres of earth disturbance, and impacts to 231 linear feet of unnamed tributaries to Chartiers Creek (WWF), 90 linear feet of an unnamed tributary to Coal Run (WWF), 0.06 acre of floodway, and 0.18 acre of PEM wetland permanent impacts.

The Department published notice of its proposed State water quality certification in the *Pennsylvania Bulletin* on March 10, 2018 (Vol. 48 Pa.B. No. 10) and received 0 comments from the public.

The Department certifies to Applicant that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided Applicant complies with the permitting programs, criteria and conditions established under State law:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline under Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued under Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project under Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Depart-

ment to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least 30 days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Dana Drake, P.E., Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities or penalties established under any applicable Federal or State law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may file a petition for review under Section 19(d) of the Federal Natural Gas Act (15 U.S.C.A. § 717r(d)), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 United States Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Important legal rights are at stake, so you should show this document to a lawyer at once.

Public Hearing on the Draft NPDES Permit Amendment for the Cumberland Mine Coal Refuse Disposal Facility (NPDES No. PA0033511, Mining Permit No. 30743711)

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

Notice is hereby given that the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, Coal Center, PA 15423, has received a request for a public hearing on the draft NPDES Permit amendment for the **Cumberland Mine Coal Refuse Disposal Facility (NPDES No. PA0033511—Mining Permit No. 30743711)** owned/operated by Cumberland Contura, LLC, 158 Portal Road, Waynesburg, PA 15370. The draft effluent limitations for the NPDES permit

amendment were published in the *Pennsylvania Bulletin*, Volume 48, No. 18 on May 5, 2018. The site has three (3) NPDES outfalls located in Monongahela and Whiteley Townships, **Greene County** (001, 014 and 016).

The draft NPDES permit includes amended effluent limitations at Outfall 001 for TDS, sulfate, aluminum and flow. The permit amendment application was filed to request year-round effluent limitations for TDS and sulfate at Outfall 001. Seasonal effluent limitations were previously implemented. The amendment was requested because the flow from the facility has decreased and the Monongahela River is no longer impaired for sulfate.

Outfall 001—Lat: 39° 50' 5.2" Long: -79° 55' 27"—Monongahela River

The Department of Environmental Protection (Department) will hold a public hearing on the draft NPDES permit amendment and application at the Greensboro VFD/Church Building, 384 Stoney Hill Road, Greensboro, PA 15338 on Thursday, August 9, 2018, from 1 p.m. until 3 p.m. The nature of the public hearing is to solicit concerns and comments regarding the draft amended NPDES permit for the Cumberland Mine Coal Refuse Disposal Facility. The public hearing will be held in accordance with 25 Pa. Code § 92a.83.

The public hearing is being held at the request of Sierra Club and Center for Coalfield Justice, to state their concerns about the proposed effluent limitations and concerns about impacts to the protected uses of the stream.

A Department representative will be available to receive written testimony regarding the draft NPDES permit. Testimony will be placed into public record for the draft NPDES permit and considered by Department staff in the review process. A court stenographer will be present to document the expressed concerns.

For persons with a disability who wish to attend this public hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, contact Bonnie Herbert at (724) 769-1100 to discuss how the Department may accommodate their needs. If necessary, individuals may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice users) and request that the call be relayed to Bonnie Herbert at (724) 769-1100.

Copies of the draft NPDES permit and associated documents are on file for public review, by appointment, at the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, California Technology Park, Coal Center, PA 15423, Phone: (724) 769-1100.

[Pa.B. Doc. No. 18-1036. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Availability of the Non-Regulatory Agenda

In accordance with the Department of Environmental Protection's (Department) Policy for Development and Publication of Technical Guidance, the Department provides notice of the availability of the Non-Regulatory Agenda (Agenda) twice a year in February and July.

The Agenda serves as a guide and resource to the regulated community, the public, Department staff and members of the Department's advisory committees regarding the focus of the Department's policy development for the coming year. The types of documents listed in the Agenda include policies and technical guidance documents that provide directives, guidance or other relevant compliance-related information.

The Agenda is available on the Department's eLibrary web site at <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-11958> (select "Publications," then "Office of Policy," then "Non-Regulatory Agenda").

Questions regarding the Agenda should be directed to Abbey Cadden, Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, 400 Market Street, Harrisburg, PA 17101 at (717) 783-8727 or ra-epthepolicyoffice@pa.gov.

Questions regarding a specific document listed on the Agenda should be directed to the respective contact person listed on the Agenda for that document.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1037. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us/dsweb/HomePage>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Rescission of Technical Guidance

DEP ID: 550-0300-001. **Title:** Oil and Gas Operator's Manual. **Description:** The Department is rescinding this technical guidance document because processes have significantly changed since the document was last revised in 2001. The Oil and Gas Operator's Manual provides a

broad overview of statutes, regulations and recommended practices relating to the oil and gas industry that are outdated.

Contact: Questions regarding this technical guidance document should be directed to Kurt Klapkowski at kklapkowski@pa.gov or (717) 783-9893.

Effective Date: July 7, 2018.

DEP ID: 550-2100-002. **Title:** Oil and Gas Wastewater Permitting Manual. **Description:** The Department is rescinding this technical guidance document as part of the rescission of the Oil and Gas Operator's Manual, 550-0300-001. The Oil and Gas Wastewater Permitting Manual is included in the Oil and Gas Operators' Manual and processes have significantly changed since that document was last revised in 2001.

Contact: Questions regarding this technical guidance document should be directed to Kurt Klapkowski at kklapkowski@pa.gov or (717) 783-9893.

Effective Date: July 7, 2018.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1038. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 17(0098)101.1, Abandoned Mine Reclamation Project, Boardman—Potts Run No. 3, Knox Township, Clearfield County. The principal items of work and approximate quantities include: mobilization and demobilization, 1 L.S.; implementation of the erosion and sediment pollution control plan, 1 L.S.; subsurface underdrains, 3,150 linear feet; permanent access road and gate, 2,170 linear feet; alkaline addition, 13,200 tons; construction of rock sump, 1,800 tons; and clearing and grubbing, grading, seeding, tree planting preparation and tree planting, 23.7 acres.

This bid issues on June 29, 2018, and bids will be opened on July 26, 2018, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1039. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OOGM 17-4, Cleaning Out and Plugging One Orphan Gas Well, Franklin Park Borough, Allegheny County. The principal items of work and approximate quantities include the following: clean out and plug one orphan gas well, estimated to be 2,000 feet in depth, to Department of Environmental Protection (Department) specifications; prepare and restore well sites/site; and mobilize and demobilize plugging equipment.

This bid issues on July 6, 2018, and bids will be opened on August 16, 2018, at 2 p.m. Bid documents may be downloaded for free beginning on the issue date from the Department by going to www.BidExpress.com. A mandatory prebid conference is scheduled for August 2, 2018, at 10 a.m. Meet at the project site at 2205 McAleer Road, Franklin Park, PA 15143. Failure to attend the prebid conference will be cause for rejection of the bid. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this project is exempted from Small Construction Business Program.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1040. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OOGM 18-1, Cleaning Out and Plugging One Orphan Gas Well, Pike Township, Potter County. The principal items of work and approximate quantities include the following: clean out and plug one orphan gas well, estimated to be 2,000 feet in depth, to Department of Environmental Protection (Department) specifications; prepare and restore well sites/site; and mobilize and demobilize plugging equipment.

This bid issues on July 6, 2018, and bids will be opened on August 9, 2018, at 2 p.m. Bid documents may be downloaded for free beginning on the issue date from the Department by going to www.BidExpress.com. A prebid conference is scheduled for July 26, 2018, at 10 a.m. Meet at the intersection of Loucks Mills Road and Hard Scrabble Road, Pike Township, PA 16948 (west of Galetton, PA). Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1041. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Draft Pennsylvania's Solar Future Plan; Public Comment

Finding Pennsylvania's Solar Future is a Statewide planning project led by the Department of Environmental Protection's (Department) Energy Programs Office seeking to develop strategies for increasing this Commonwealth's in-State solar power generation by 2030. The project is funded by an award from the United States Department of Energy's Solar Energy Technologies Office and is set to produce several deliverables, including the Pennsylvania Solar Future Plan (Plan).

The Plan explores the Commonwealth's technical and economic potential to increase in-State solar generation to provide 10% of in-State electricity consumption by 2030. Over 500 stakeholders participated in exploring the likely pathways to achieving the 2030 target by modeling the economic, environmental and health factors across different sectors in this Commonwealth.

The Plan, the primary deliverable thus far, includes extensive modeling of multiple solar growth scenarios out to 2030, as well as 15 strategies that could lead this Commonwealth to increasing solar to 10% of electric consumption. The strategies, developed and discussed by the project team and stakeholder group, were identified as the most impactful actions that will lead to significant, and equitable, growth of the solar industry in this Commonwealth.

The draft Plan formulated by the Department, the project team and stakeholder groups is available for public comment.

The Department will consider all comments received on or before August 20, 2018. Comments, including comments submitted by e-mail, must include the commentator name and address. Commentators are encouraged to submit comments using the Department's online eComment system at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Comments submitted by facsimile will not be accepted. Written comments should be submitted by mail to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105.

Questions regarding this draft Plan should be directed to David Althoff at dalthoff@pa.gov or (717) 783-0542.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1042. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Radiation Protection Advisory Committee Rescheduled Meeting

The Radiation Protection Advisory Committee meeting previously scheduled for October 18, 2018, has been rescheduled to Thursday, November 15, 2018. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

For additional information, contact John Chipppo, Bureau of Radiation Protection, at jchippo@pa.gov or (717) 783-9730. The agenda and materials for the November 15, 2018, meeting will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov> (select "Public Participation," then "Advisory Committees," then "Radiation Advisory Committees").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should con-

tact the Department at (717) 787-3720, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1043. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates 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> |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pottstown Ambulatory Center | 28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of "classification levels," regarding Class B facilities PS III patients |

The previously listed request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 18-1044. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospital has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

| <i>Facility Name</i> | <i>Regulation</i> |
|----------------------|---------------------------------------------------|
| Nazareth Hospital | 28 Pa. Code § 107.61 (relating to written orders) |

The previously listed request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or 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. 18-1045. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Platinum Ridge Center for Rehabilitation and Healing
1050 Broadview Boulevard
Brackenridge, PA 15014
FAC ID # 070302

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1046. Filed for public inspection July 6, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Designated Exceptional Durable Medical Equipment

In accordance with the Department of Human Services' (Department) currently approved State Plan, the Department is required to publish an annual list of exceptional Durable Medical Equipment (DME) by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2017, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as

exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted DME" is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. It may have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semielectric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. It may have a Gortex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation).

(3) *Augmentative communication devices*. Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies)*.

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

Effective Date

This notice is effective upon publication in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit petitions for the Department to consider additions to the exceptional DME list or written comments regarding these designated DME items to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1233. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-1047. Filed for public inspection July 6, 2018, 9:00 a.m.]

**DEPARTMENT OF REVENUE
OFFICE OF THE BUDGET**

Certification of Federal Revenue Received and Deposited in the General Fund of the State Treasury

June 22, 2018

Honorable Tom Wolf
Governor of Pennsylvania
Room 225, Main Capitol
Harrisburg, Pennsylvania 17120

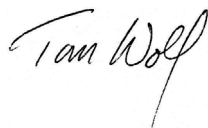
Governor Wolf:

We hereby certify that Federal revenue to be received and deposited in the General Fund of the State Treasury during the fiscal year beginning July 1, 2018 is estimated to be \$28,370,290,000. This certification is in accordance with existing statutes.

Respectfully,
C. DANIEL HASSELL,
Secretary of Revenue

RANDY ALBRIGHT,
Secretary of the Budget

APPROVED:



Governor

[Pa.B. Doc. No. 18-1048. Filed for public inspection July 6, 2018, 9:00 a.m.]

**DEPARTMENT OF REVENUE
OFFICE OF THE BUDGET**

Unrestricted State Revenue to be Received and Deposited in the General Fund of the State Treasury

June 22, 2018

Honorable Tom Wolf
Governor of Pennsylvania
Room 225, Main Capitol
Harrisburg, Pennsylvania 17120

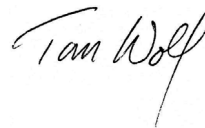
Dear Governor Wolf:

We hereby certify that unrestricted State revenue to be received and deposited in the General Fund of the State Treasury during the fiscal year beginning July 1, 2018 is estimated to be \$33,974,800,000. Detailed estimates for revenue sources are shown in the accompanying table. This certification is in accordance with existing statutes.

Respectfully,
C. DANIEL HASSELL,
Secretary of Revenue

RANDY ALBRIGHT,
Secretary of the Budget

APPROVED:



Governor

**2018-2019
OFFICIAL GENERAL FUND REVENUE ESTIMATE**

TAX REVENUE

| | |
|--------------------------------|--------------------------|
| Corporation Taxes: | |
| Corporate Net Income | \$ 2,926,300,000 |
| Selective Business: | |
| Gross Receipts | 1,150,600,000 |
| Utility Property | 34,200,000 |
| Insurance Premiums | 403,100,000 |
| Financial Institutions | 366,100,000 |
| Total—Corporation Taxes | \$ 4,880,300,000 |
| Consumption Taxes: | |
| Sales and Use | \$ 10,752,600,000 |
| Cigarette | 1,132,300,000 |
| Other Tobacco Products | 120,900,000 |
| Malt Beverage | 24,100,000 |
| Liquor | 386,300,000 |
| Total—Consumption Taxes | \$ 12,416,200,000 |
| Other Taxes: | |
| Personal Income | \$ 14,174,100,000 |
| Realty Transfer | 561,200,000 |
| Inheritance | 1,078,000,000 |
| Gaming | 154,100,000 |
| Minor and Repealed | (46,700,000) |
| Total—Other Taxes | \$ 15,920,700,000 |
| TOTAL TAX REVENUE | \$ 33,217,200,000 |

| | |
|---------------------------------|--------------------------|
| NON-TAX REVENUE | |
| Liquor Store Profits | \$ 185,100,000 |
| Licenses, Fees & Miscellaneous: | |
| Licenses and Fees | 276,100,000 |
| Miscellaneous | 224,200,000 |
| Fines, Penalties and Interest: | |
| On Taxes | 72,200,000 |
| TOTAL NON-TAX REVENUE | \$ 757,600,000 |
| GENERAL FUND TOTAL | \$ 33,974,800,000 |

[Pa.B. Doc. No. 18-1049. Filed for public inspection July 6, 2018, 9:00 a.m.]

**2018-2019
OFFICIAL MOTOR LICENSE FUND
NON-RESTRICTED REVENUE ESTIMATE**

| | |
|---------------------------------|-------------------------|
| Liquid Fuel Taxes | \$ 1,831,400,000 |
| License and Fees | 1,055,900,000 |
| Other Motor Fund Revenues | 19,900,000 |
| Total Motor License Fund | \$ 2,907,200,000 |

[Pa.B. Doc. No. 18-1050. Filed for public inspection July 6, 2018, 9:00 a.m.]

**DEPARTMENT OF REVENUE
OFFICE OF THE BUDGET**

Unrestricted State Revenue to be Received and Deposited in the Motor License Fund of the State Treasury

June 22, 2018

Honorable Tom Wolf
Governor of Pennsylvania
Room 225, Main Capitol
Harrisburg, Pennsylvania 17120

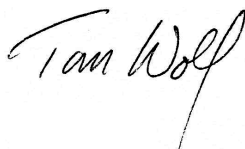
Dear Governor Wolf:

We hereby certify that unrestricted State revenue to be received and deposited in the Motor License Fund of the State Treasury during the fiscal year beginning July 1, 2018, is estimated to be \$2,907,200,000. Detailed estimates for revenue sources are shown in the accompanying table. This certification is in accordance with existing statutes.

Respectfully,
C. DANIEL HASSELL,
Secretary of Revenue

RANDY ALBRIGHT,
Secretary of the Budget

APPROVED:



Governor

**HEALTH CARE COST
CONTAINMENT COUNCIL**

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, July 11, 2018—Executive Committee at 1 p.m. and Thursday, July 12, 2018—Council meeting at 10 a.m.

The meetings will be held at 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and who wish to attend should contact Reneé Greenawalt at (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 18-1051. Filed for public inspection July 6, 2018, 9:00 a.m.]

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Close of the Public Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------|
| 57-319 | Pennsylvania Public Utility Commission
Electricity Generation Customer Choice
48 Pa.B. 1696 (March 24, 2018) | 5/22/18 | 6/21/18 |

**Pennsylvania Public Utility Commission
Regulation # 57-319 (IRRC # 3201)
Electricity Generation Customer Choice
June 21, 2018**

We submit for your consideration the following comments on the proposed rulemaking published in the March 24, 2018 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Early Termination Fee (ETF)—Economic impact; Reasonableness.

The PUC proposes to eliminate ETFs after the initial notice to the customer by amending Sections 54.3(2), 54.5(c)(11) and 54.10(1)(vi). The initial notice is required to be sent to the consumer 45 to 60 days before the expiration of the contract under existing Paragraph 54.10(1). The PUC explains in the Preamble that consumers have objected to ETFs assessed upon them. These consumers switched suppliers when they received the expiration notice and did not understand that their current contract was still in effect for another 45 to 60 days. This inadvertent early termination of contracts exposed the customers to ETFs. ETFs in this circumstance can understandably frustrate and discourage customers from participating in the competitive market. The PUC also acknowledges that ETFs are often waived by suppliers. We commend the PUC for proposing amendments to address ETFs in this circumstance and for encouraging affected parties to offer their perspectives relating to any possible unintended consequences.

In addition to eliminating ETFs after the initial notice, we have two suggestions. First, we note that under existing 52 Pa. Code § 57.173(1), the customer can specify a future date for the switch to a new supplier. However, in practice, customers and their new suppliers do not appear to be specifying a future date for the switch. Instead, the switch request is immediately processed, creating problems for both the customer and current supplier. Should prospective suppliers be required to better inform customers of the option to specify a future date to align a switch with the end of the customer's current contract?

Second, while we recognize the importance of timely customer notice, commentators suggested that notices closer to the expiration date may more reasonably limit the economic impact on suppliers while still protecting the consumer. The PUC should consider whether, consistent with its statutory authority, the regulation can better balance the interests of both the suppliers and consumers by amending the customer notice process.

2. Regulatory Analysis Form (RAF) responses—Economic impact; Compliance with the Regulatory Review Act.

Economic impact

The RAF is required by the RRA at 71 P.S. § 745.5(a). It includes requirements for the agency to provide esti-

mates of direct and indirect costs, and identification of the financial impact on individuals, small businesses and the private sector. Economic and fiscal impacts of the regulation must be considered in our determination of whether a regulation is in the public interest. 71 P.S. § 745.5(a)(4), and (10) and § 745.5b(b)(1). The responses submitted with the proposed regulation to RAF Questions (19), (23) and (23a) are not sufficient to determine whether the regulation is in the public interest relating to the criterion of economic impact. These RAF questions do not ask whether costs and savings are due or undue, but rather ask for specific cost estimates. Even if costs or savings are estimated to be zero, the responses should reflect that rather than state the required cost data is "Not Applicable." In addition, commentators have stated there are impacts on pricing relating to elimination of ETFs toward the end of the contract period. Therefore, we ask the PUC to review its responses to these RAF questions and provide the best estimates of costs in the RAF submitted with the final regulation so that we have the information required by the RRA to determine whether the final regulation is in the public interest.

Delivery date of the final regulation

The response to RAF (29) states the expected date of delivery of the final regulation is January, 2020. Given the current and ongoing problems the PUC describes in the Preamble, we encourage the PUC to work toward filing the final regulation sooner, if possible.

3. Miscellaneous Clarity.

- § 54.3(1)(ii) requires terminology used in customer communications to use "the terms in accordance with the glossary posted at www.PaPowerswitch.com or other successor media platform as determined by the Commission." The regulation should specify how the reader can determine whether the PUC has opted to use another "successor media platform as determined by the Commission." For example, would this determination be conveyed by a PUC order? This same clarity concern applies to §§ 54.5(c)(13) and (e).

- Should the term "product" used in § 54.5(c)(4) and (14)(i) be defined?

- Are the requirements in §§ 54.5(c)(3)(ii)(A) and (c)(11) relating to price variability duplicative? If so, they should be combined into one requirement.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 18-1052. Filed for public inspection July 6, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Physicians Mutual Insurance Company; Rate Increase Filing for LTC Form P105PA (PHYS-131477344)

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 35% over

2 years on 16 policy holders with the following individual LTC policy form number: P105PA.

Unless formal administrative action is taken prior to September 20, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlavery@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1053. Filed for public inspection July 6, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Physicians Mutual Insurance Company; Rate Increase Filing for LTC Form P125PA (PHYS-131471994)

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 117% over 3 years on six policy holders with the following individual LTC policy form number: P125PA.

Unless formal administrative action is taken prior to September 20, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlavery@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1054. Filed for public inspection July 6, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Physicians Mutual Insurance Company; Rate Increase Filing for LTC Form P131PA (PHYS-131476787)

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 143%

over 3 years on 15 policy holders with the following individual LTC policy form number: P131PA.

Unless formal administrative action is taken prior to September 20, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlavery@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1055. Filed for public inspection July 6, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Physicians Mutual Insurance Company; Rate Increase Filing for Several LTC Forms (PHYS-131476897)

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 105% over 3 years on 119 policy holders with the following individual LTC policy form numbers: P103PA and P104PA.

Unless formal administrative action is taken prior to September 20, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlavery@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1056. Filed for public inspection July 6, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Physicians Mutual Insurance Company; Rate Increase Filing for Several LTC Forms (PHYS-131477998)

Physicians Mutual Insurance Company is requesting approval to increase the premium an aggregate 41% over

2 years on 44 policy holders with the following individual LTC policy form numbers: P145PA, P146PA, P147PA and P148PA.

Unless formal administrative action is taken prior to September 20, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1057. Filed for public inspection July 6, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 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 §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Jon A. Galante; Erie Insurance Exchange; File No. 18-198-224730; Doc. No. P18-06-010; July 26, 2018, 1 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at a hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1058. Filed for public inspection July 6, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed in the event that there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 23, 2018. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2018-3002357. Bernard Annarino (118 1/2 Clark Street, Punxsutawney, Jefferson County, PA 15767) persons in group and party service, in vehicles seating between 11 and 15 passengers, including the driver, from points in the Counties of Indiana and Jefferson, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1059. Filed for public inspection July 6, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due July 12, 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. Stephen T.
Brougher, t/a S & K Trucking;
Docket No. C-2018-3001794**

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 Stephen T. Brougher, t/a S & K Trucking, (respondent) is under suspension effective May 01, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 2908 Smoketown Rd, Fayetteville, PA 17222.
3. That respondent was issued a Certificate of Public Convenience by this Commission on February 07, 2006, at A-00121731.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00121731 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: 5/16/2018

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. Flood Trucking, LLC; Docket No. C-2018-3001798

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 Flood Trucking, LLC, (respondent) is under suspension effective May 01, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1448 Cortez Rd., Lake Ariel, PA 18436.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 21, 2017, at A-00122918.

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-00122918 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: 5/16/2018

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. FI Transport, Inc.; Docket No. C-2018-3001892

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 FI Transport, Inc., (respondent) is under suspension effective May 04, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1607 North 9th Street, Apartment C1, Reading, PA 19604-1738.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 07, 2017, at A-8919717.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8919717 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: 5/16/2018

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. Fazio Construction and Excavating, Inc.;
 Docket No. C-2018-3002010**

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 Fazio Construction and Excavating, Inc., (respondent) is under suspension effective May 08, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 406 Willow St, Dunmore, PA 18512.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 12, 2017, at A-8920027.

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-8920027 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: 5/22/2018

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.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1060. Filed for public inspection July 6, 2018, 9:00 a.m.]

STATE BOARD OF DENTISTRY

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Ayman Abusoud Jacobs, DMD, Respondent; File No. 17-46-11888; Doc. No. 0001-46-18

Notice to Ayman Abusoud Jacobs, DMD:

On March 27, 2018, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Dentistry, alleging that you have violated certain provisions of the Pennsylvania Dental Law, Act of May 1, 1933, P.L. 216, No. 76, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Dentistry has issued an Order authorizing service of process upon you by publication.

Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

JOHN F. ERHARD, III, DDS,
Chairperson

[Pa.B. Doc. No. 18-1061. Filed for public inspection July 6, 2018, 9:00 a.m.]

STATE HORSE RACING COMMISSION

Rules of Administrative Practice and Procedure; Intervention Procedures

The State Horse Racing Commission (Commission) provides notice that on June 26, 2018, at its regularly scheduled public meeting, it issued an Order governing intervention practices and procedures in certain enumerated licensing matters expected to come before the Commission. The Commission reviewed its existing regulations relating to intervention practice and determined the need for these updated practices and procedures. The Order was adopted under the authority of 3 Pa.C.S. §§ 9311(h) and 9312(6)(i) (relating to State Horse Racing Commission; and additional powers of commission), under Administrative Docket No. 2018-5.

The general purpose of the Commission's Order is: (1) to provide individuals who wish to intervene in certain licensing matters coming before the Commission with the applicable practice and procedures and timing requirements for intervention; (2) to provide the enumerated types of licensing matters for which the Commission will entertain petitions to intervene; and (3) to set forth the method by which the Commission will notify the general public of the receipt of the enumerated licensing matters for which intervention may be appropriate.

The Order and specific provisions have been posted and published on the Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/commission/Pages/Publications.aspx>. The Commission will also provide copies of the Order upon request directed to (717) 787-5539.

BRETT REVINGTON,
Director
Bureau of Standardbred Horse Racing
THOMAS F. CHUCKAS, Jr.,
Director
Bureau of Thoroughbred Horse Racing

[Pa.B. Doc. No. 18-1062. Filed for public inspection July 6, 2018, 9:00 a.m.]