

# PENNSYLVANIA BULLETIN

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for the Department of the  
Auditor General's Audit Report on  
Energy Conservation and Assistance  
Programs Notice

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

**No. 524, July 2018**

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

## *Pennsylvania Bulletin*

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

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

The following documents are published in the *Pennsylvania Bulletin*: Governor's Executive Orders; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

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

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

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

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

The agency then allows sufficient time for public comment before taking final action. A Final Rulemaking must be published in the *Pennsylvania Bulletin* before the changes can take effect. If the agency wishes to adopt changes to the Proposed Rulemaking to enlarge the scope, it must repropose.

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

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

## ***Pennsylvania Code***

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

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

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years. In item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2018.

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2016-05 AMENDED ]

### Contract Compliance

June 18, 2018

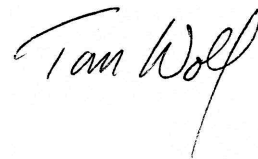
*Whereas*, this Administration is committed to promoting the prosperity and economic growth of all businesses and citizens of the Commonwealth of Pennsylvania, regardless of race, gender, creed, color, sexual orientation, gender identity or expression, or participation or decision to refrain from participation in protected labor activities; and

*Whereas*, this Administration believes the contracting processes of Commonwealth agencies should be nondiscriminatory and that all businesses contracting with the Commonwealth as well as all grantees should use nondiscriminatory practices in subcontracting, hiring, promoting, and other labor matters; and

*Whereas*, this Administration believes that a single Commonwealth agency should be assigned the responsibility of developing and managing programs for Commonwealth agencies to ensure that discrimination by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or participation or decision to refrain from participation in protected labor activities does not exist with respect to the award, selection, or performance of any contracts or grants issued by Commonwealth agencies; and

*Whereas*, under Sections 301 and 3701 of the Commonwealth Procurement Code, the Department of General Services is generally responsible for the formulation of procurement policy.

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Pennsylvania, do hereby designate the Department of General Services as the central agency to develop and manage Commonwealth agency programs to ensure that discrimination by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or participation or decision to refrain from participation in protected labor activities does not exist with respect to the award, selection, or performance of any contracts or grants issued by Commonwealth agencies.



Governor

**Fiscal Note:** GOV-2016-05 (Amended). No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter HHH. CONTRACT COMPLIANCE PROGRAM

#### § 1.871. Establishment of contract compliance program.

Commonwealth agencies shall establish, implement and maintain contract compliance programs to ensure that Commonwealth contracts and grants are nondiscriminatory in three aspects:

(1) Nondiscrimination in the award of Commonwealth contracts and grants.

(2) Nondiscrimination by those who are awarded Commonwealth contracts and grants in the hiring and treatment of their employees and in the provision of services to their clients and service recipients.

(3) Nondiscrimination by those who are awarded Commonwealth contracts and grants in their award of subcontracts and supply contracts for performance under Commonwealth contracts.

#### § 1.872. Definitions.

The following words and phrases when used in this subchapter have, unless otherwise defined by Commonwealth State law or the context clearly indicates otherwise, or both, the following meanings given:

*Gender expression*—The external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice and/or body characteristics.

*Gender identity*—A person's internal, deeply held sense of their gender, regardless of their biological sex and/or the sex they were assigned at birth.

*Protected labor activities*—Labor activities protected under the Public Employe Relations Act (43 P.S. §§ 1101.101—1101.2301), Pennsylvania Labor Relations Act (43 P.S. §§ 211.1—211.13) or National Labor Relations Act (29 U.S.C.A. §§ 151—169), as applicable and to the extent determined by entities charged with these acts' enforcement.

*Sexual orientation*—An individual's enduring physical, romantic and/or emotional attraction to members of the same or opposite sex, including lesbian, gay, bisexual and heterosexual (straight) orientations, or lack thereof, including asexual orientation.

#### § 1.873. Responsibilities.

(a) The Department of General Services (Department) shall:

(1) Develop standards for a uniform Statewide contract compliance program that ensures nondiscrimination by Commonwealth contractors and grantees.

(2) Review agency contract compliance programs, plans, reports and procedures to ensure consistency with the Department contract compliance policies.

(3) Develop and implement monitoring and reporting systems to measure the effectiveness of agency contract compliance programs.

(4) Provide leadership and training to agencies and assist them in conducting contract compliance program audits such as periodic onsite reviews.

(5) Investigate and make reports relating to the administration of contracting programs and operations.

(6) Require contractors and grantees to agree, as a condition in their contracts or agreements with the Commonwealth, not to discriminate in the award of subcontracts or supply contracts or in hiring, promotion or other labor matters on the basis of race, gender, creed, color, sexual orientation, gender identity or expression, or participation or decision to refrain from participation in protected labor activities.

(7) Ensure that contractors and grantees receiving Commonwealth funds have, as a condition of payment or funding, a written sexual harassment policy and that employees of the contractor or grantee are aware of the policy.

(b) Agency heads under the Governor's jurisdiction shall:

(1) Ensure that the agency's commitment to the contract compliance program is clearly understood and appropriately furthered by all agency employees.

(2) Create contract compliance plans, coordinate the development of activities to implement agency plans, and develop audit and reporting systems to measure the effectiveness of the agency's contract compliance programs.

(3) Designate a responsible official to supervise the agency's contract compliance program.

(4) Designate a contract administrator to carry out all agency responsibilities regarding contract compliance as articulated in this subchapter.

(5) Upon request, furnish pertinent information or assistance to the Department.

(6) Recommend sanctions to the Secretary of General Services, as may be appropriate, for lack of compliance with Commonwealth contracting programs.

(c) For programs when an agency's receipt and use of Federal funds are subject to approval and oversight by a Federal funding agency, agency heads under the Governor's jurisdiction will comply with those contract compliance requirements imposed by that Federal agency as a condition of eligibility for the funds rather than program requirements established by the Department.

**§ 1.874. Cooperation by Commonwealth agencies.**

Agency heads and agencies, boards and commissions under the Governor's jurisdiction shall work cooperatively with the Department of General Services (Department) to fulfill the demands of this subchapter. Independent agencies, State-affiliated entities and State-related agencies are strongly encouraged to work with the Department to adopt, refine and implement similar procurement practices and procedures to support greater diversity, inclusion and fairness in the contracting process.

**§ 1.875. General provisions.**

Nothing in this subchapter shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency or the head thereof. This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

**§ 1.876. Rescission.**

Executive Order 2006-02, Contract Compliance, was rescinded April 6, 2016.

**§ 1.877. Effective date.**

This amended subchapter takes effect immediately.

[Pa.B. Doc. No. 18-1100. Filed for public inspection July 20, 2018, 9:00 a.m.]

**Title 4—ADMINISTRATION****PART I. GOVERNOR'S OFFICE**

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2016-02 AMENDED ]

**Minimum Wage for Employees of the Commonwealth and of Organizations Receiving State Contracts**

June 28, 2018

*Whereas*, the inflation-adjusted hourly earnings of the bottom fifth of Pennsylvania workers are lower today than they were in 1979; and

*Whereas*, the current minimum wage of \$7.25 per hour has 26 percent less purchasing power than the minimum wage had in 1979; and

*Whereas*, the decline in the purchasing power of the minimum wage is the major reason why the earnings of the lowest-paid Pennsylvanians have fallen; and

*Whereas*, a full-time, year-round worker earning the current minimum wage earns less than the federal poverty threshold for a family of two; and

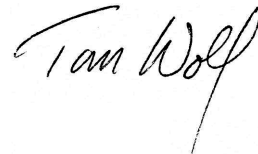
*Whereas*, studies have consistently shown that increases in the minimum wage have not reduced the employment of low-wage workers; and

*Whereas*, an increase in the minimum wage will lead to increases in employee morale, productivity, and quality of work and decreases in turnover and the costs of training and supervision; and

*Whereas*, it is the policy of this administration to increase efficiency and achieve cost savings in state government; and

*Whereas*, an increase in the minimum wage will achieve efficiency and cost savings for state government and reduce state expenditures on income support programs;

*Now, Therefore*, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Pennsylvania do hereby direct the following:



Governor

**Fiscal Note:** GOV-16-02 (Amended). (1) Multiple Funds;

(7) General Fund; (2) Implementing Year 2018-19 is \$663,000; (3) 1st Succeeding Year 2019-20 is \$789,000; 2nd Succeeding Year 2020-21 is \$917,000; 3rd Succeeding Year 2021-22 is \$1,044,000; 4th Succeeding Year 2022-23 is \$1,170,000; 5th Succeeding Year 2023-24 is \$1,296,000;

(7) State Lottery Fund; (2) Implementing Year 2018-19 is \$33,000; (3) 1st Succeeding Year 2019-20 is \$39,000; 2nd Succeeding Year 2020-21 is \$45,000; 3rd Succeeding Year 2021-22 is \$51,000; 4th Succeeding Year 2022-23 is \$57,000; 5th Succeeding Year 2023-24 is \$63,000;

(7) Motor License Fund; (2) Implementing Year 2018-19 is \$64,000; (3) 1st Succeeding Year 2019-20 is \$76,000; 2nd Succeeding Year 2020-21 is \$88,000; 3rd Succeeding Year 2021-22 is \$100,000; 4th Succeeding Year 2022-23 is \$112,000; 5th Succeeding Year 2023-24 is \$123,000;

(7) State Stores Fund; (2) Implementing Year 2018-19 is \$131,000; (3) 1st Succeeding Year 2019-20 is \$225,000; 2nd Succeeding Year 2020-21 is \$317,000; 3rd Succeeding Year 2021-22 is \$505,000; 4th Succeeding Year 2022-23 is \$1,321,000; 5th Succeeding Year 2023-24 is \$2,218,000;

(7) Game Fund; (2) Implementing Year 2018-19 is \$43,000; (3) 1st Succeeding Year 2019-20 is \$55,000; 2nd Succeeding Year 2020-21 is \$67,000; 3rd Succeeding Year 2021-22 is \$79,000; 4th Succeeding Year 2022-23 is \$91,000; 5th Succeeding Year 2023-24 is \$102,000;

(7) Rehabilitation Center Fund; (2) Implementing Year 2018-19 is \$3,000; (3) 1st Succeeding Year 2019-20 is \$4,000; 2nd Succeeding Year 2020-21 is \$4,000; 3rd Succeeding Year 2021-22 is \$5,000; 4th Succeeding Year 2022-23 is \$5,000; 5th Succeeding Year 2023-24 is \$6,000;

(4)\* 2017-18 Program—\$70,295,000; 2016-17 Program—\$67,950,000; 2015-16 Program—\$64,314,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

\*Totals include General Fund, State Lottery Fund, Motor License Fund, State Stores Fund, Game Fund and Rehabilitation Center Fund.

### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter EEE. MINIMUM WAGE FOR EMPLOYEES OF THE COMMONWEALTH AND OF ORGANIZATIONS RECEIVING STATE CONTRACTS

##### § 1.841. Minimum wage.

All employees covered by this subchapter, other than tipped employees, shall be paid no less than:

(1) \$12.00 per hour after the effective date of this subchapter.

(2) Beginning July 1, 2019, and annually thereafter, the minimum wage will be increased by of \$0.50 until July 1, 2024, when the minimum wage reaches \$15.00. Thereafter, the minimum wage rate would be increased by an annual cost-of-living adjustment using the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for Pennsylvania, New Jersey, Delaware and Maryland. The applicable amount will be published in the *Pennsylvania Bulletin* by March 1 of each year to be effective the following July 1.

##### § 1.842. Coverage.

For the purpose of this subchapter, "employee" is defined as in section 3 of The Minimum Wage Act of 1968 (43 P.S. § 333.103). Employees exempt from the minimum wage under The Minimum Wage Act of 1968 (43 P.S. §§ 333.101—333.115) are not covered by this subchapter. The employees covered by this subchapter are:

(1) Employees of Commonwealth agencies under the jurisdiction of the Governor.

(2) Employees who meet any of the following, when the service, construction or ancillary service is called for in a new lease of property or contract for services or construction exceeding the applicable small purchase threshold entered into with a Commonwealth agency under the jurisdiction of the Governor, or bilateral modifications to existing leases or contracts, entered into after the effective date of this subchapter:

(i) Directly perform services or construction.

(ii) Directly perform services for the Commonwealth and are employed by a lessor of property to the Commonwealth.

(iii) Spend at least 20% of their working time in a given work week performing an ancillary service.

##### § 1.843. Implementation.

All Commonwealth agencies under the jurisdiction of the Governor shall take all steps necessary to implement this subchapter. Independent agen-

cies, State-affiliated entities and State-related institutions are also strongly encouraged to implement this subchapter.

**§ 1.844. Sanctions.**

Failure of a covered contractor or lessor to comply with this subchapter may result in the imposition of sanctions, which may include, but are not limited to, termination of the contract or lease, nonpayment, debarment or referral to the Office of General Counsel for appropriate civil or criminal referral.

**§ 1.845. Application.**

(a) Nothing in this subchapter shall be construed to contravene or supersede:

(1) Any State or Federal law or collective bargaining agreement.

(2) Any State or local policy requiring a covered employee to be paid more than the minimum wage required by this subchapter.

(b) This chapter is not applicable when the provisions may jeopardize the receipt of Federal funds.

(c) This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

**§ 1.846. Effective dates.**

This subchapter shall take effect on the following dates and shall remain in effect until modified or rescinded:

(1) For employees described in § 1.842(1) (relating to coverage), July 1, 2018.

(2) For employees described in § 1.842(2), on the effective date of the applicable contract or lease solicited or bilaterally modified on or after July 1, 2018.

[Pa.B. Doc. No. 18-1101. Filed for public inspection July 20, 2018, 9:00 a.m.]

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1910 ]

#### Proposed Amendment of Pa.R.C.P. Nos. 1910.16-4 and 1910.16-6

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania amendments to Pa.R.C.P. Nos. 1910.16-4 and 1910.16-6 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by November 2, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

WALTER J. McHUGH, Esq.,  
*Chair*

### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation, Formula.

(a) The following formula shall be used to calculate the obligor's share of basic child support, either from the schedule in Rule 1910.16-3 or the formula in Rule 1910.16-3.1(a), as well as spousal support and alimony pendente lite obligations. In high income cases, Part IV shall be used as a preliminary analysis in the calculation of spousal support or alimony pendente lite obligations:

\* \* \* \* \*

#### PART IV. SPOUSAL SUPPORT OR APL

#### With Dependent Children

\* \* \* \* \*

18. Less Obligor's [ Total ] Adjusted ( \_\_\_\_\_ )  
Monthly Child Support Obligation  
Without Part II Substantial or  
Shared Custody Adjustment  
(Obligor's line 10 [ plus line 12f ])

\* \* \* \* \*

#### Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

The [ trier of fact ] court may allocate between the parties the additional expenses identified in subdivisions (a)—(e). [ If ] However, if under the facts of the case an order for basic support is not appropriate, the [ trier of fact ] court may allocate between the parties the additional expenses. **Except as set forth in subdivisions (b)(4) and (e), when allocating the expenses in this rule, the court shall calculate the party's proportionate share of the expenses after adjusting the party's monthly net income by the monthly support amount received or paid and then dividing each party's adjusted monthly net income by the parties' combined monthly net income.**

(a) *Child care expenses.* [ Reasonable ] **The court shall allocate reasonable** child care expenses paid by the parties, if necessary to maintain employment or appropriate education in pursuit of income[ , shall be allocated between the parties in proportion to their monthly net incomes ]. The court may order that the obligor's share **of the expense** is added to his or her basic support obligation, paid directly to the service provider, or paid directly to the obligee. When a party is receiving a child care subsidy through the Department of Human Services, the [ expenses to be ] **expense** allocated between the parties [ shall be ] **is** the amount actually paid by the party receiving the subsidy.

*Example.* Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Pa.R.C.P. No. 1910.16-3 is \$1,463 for two children. As Father's income is 64% of the parties' combined income, his share is \$936. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses each month. The total amount of child care expenses, \$500, will be apportioned between the parties[ , with Father paying 64%, or \$320 ] **after adjusting the parties' respective monthly net incomes by the child support amount paid by Father and received by Mother. For purposes of apportioning the total child care expenses, Father's adjusted monthly net income is \$2,564 (\$3,500 - \$936) and Mother's adjusted monthly net income is \$2,936 (\$2,000 + \$936). Father will pay 47%, or \$235 of the total child care expenses.** As he is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining



[ \$220 ] \$135 to Mother for a total child support obligation of [ \$1,156 ] \$1,071 (\$936 + [ \$220 = \$1,156 ] \$135 = \$1,071).

\* \* \* \* \*

(b) *Health Insurance Premiums.*

[ (1) A party's payment of a premium to provide health insurance coverage on behalf of the other party and/or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it, as long as a statutory duty of support is owed to the party. If there is no statutory duty of support owed to the party who is paying the premium, the portion attributable to that person must be deducted from the premium as set forth in subdivision (2) below. If, prior to the entry of a divorce decree, a party's policy covers that party, a child, and a spouse and the spouse has separate additional coverage not needed to cover the child and/or the other party, the cost of the spouse's insurance premium shall not be allocated between the parties. If, prior to the entry of a divorce decree, a party provides coverage for that party and a child, but not the spouse, and the spouse has separate coverage, both parties' premiums shall be allocated between the parties in proportion to their net incomes. If, prior to the entry of a divorce decree, each spouse has his or her own health insurance that does not cover the other party, and there are no children subject to the order, the cost of both parties' premiums shall be allocated between the parties in proportion to their net incomes. If health insurance coverage for a child who is the subject of the support proceeding is being provided and paid for by a third party resident of either party's household, the cost shall be allocated between the parties in proportion to their net incomes. If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

(2) When the health insurance covers a party to whom no statutory duty of support is owed, even if that person is paying the premium as set forth in subdivision (1) above, or other persons who are not parties to the support action or children who are not the subjects of the support action, the portion of the premium attributable to them must be excluded from allocation. In the event that evidence as to this portion is not submitted by either party, it shall be calculated as follows. First, determine the cost per person by dividing the total cost of the premium by the number of persons covered under the policy. Second, multiply the cost per person by the number of persons who are not owed a statutory duty of support, or are not parties to, or the subject of the support action. The resulting amount is excluded from allocation.

(2.1) The actual incremental amount of the premium which provides coverage for the subjects of the support order, if submitted by either party, shall be used in determining the amount of the premium to be allocated between the parties. If not submitted by either party, then the amount of the

premium shall be divided by the number of persons covered to calculate the portion of the premium that provides coverage to each person. ]

(1) The court shall allocate between the parties the health insurance premiums paid by the parties, including the portion of the premium attributable to the party paying the premium, provided that a statutory duty of support is owed to the parties or child covered by the health insurance. If the party paying the health insurance premium is the obligor, then the obligee's share is deducted from the obligor's basic support obligation, and if the obligee is paying the health insurance premium, then the obligor's share is added to his or her basic support obligation. An allocation of health insurance premiums between the parties shall also include health insurance that is provided and paid by a third-party resident of either party's household (e.g., step-parent) for a child who is the subject of the support order.

(2) The court shall not allocate employer-paid premiums or premiums paid for a party, person, or child to whom no statutory duty of support is owed. If the parties present evidence of the actual amount of the excluded premium attributable to that party, person, or child, the court shall deduct from the total premium the actual amount excluded before allocation of the health insurance premium between the parties. If the parties do not submit evidence as to the actual amount of the excluded premium, the court shall calculate the excluded amount as follows:

(i) determine the premium's cost per person by dividing the total premium by the number of persons covered under the policy;

(ii) multiply the cost per person by the number of persons who are not owed a statutory duty of support, or are not parties to, or the subject of the support action; and

(iii) the resulting amount is excluded from allocation.

*Example 1.* If the parties are separated, but not divorced, and Husband pays \$200 per month toward the cost of a health insurance policy provided through his employer which covers himself, Wife, the parties' child, and two additional children from a previous marriage, the portion of the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing \$200 by five persons and then multiplying the resulting amount of \$40 per person by the two additional children, for a total of \$80 to be excluded from allocation. Deduct this amount from the total cost of the premium to arrive at the portion of the premium to be allocated between the parties—\$120. Since Husband is paying the premium, and spouses have a statutory duty to support one another pursuant to 23 Pa.C.S. § 4321, Wife's percentage share of the \$120 is deducted from Husband's support obligation. If Wife had been providing the coverage, then Husband's percentage share would be added to his basic support obligation.

*Example 2.* If the parties are divorced and Father pays \$200 per month toward the cost of a health insurance policy provided through his employer which covers himself, the parties' child and two additional children from a previous marriage, the portion of the premium attributable to Father and the two additional children will not be allocated between the parties. Thus, using the same

calculations in Example 1, the amount of the premium attributable to Father and the two other children is \$150 (\$200 premium divided among four covered persons equals \$50 per person multiplied by three) and that amount is deducted from the total cost of the premium, leaving \$50 (\$200 - \$150 = \$50) to be allocated between the parties.

*Example 3.* The parties are divorced and Mother is the obligee of a child support order. Father, the obligor, pays \$200 per month toward the cost of a health insurance policy provided by his employer that covers himself and the parties' child. Mother pays \$400 per month for her employer-sponsored health insurance that covers only herself. The amount of the premium Father pays to cover the parties' child, \$100 (\$200 premium divided between two covered persons, Father and the child), will be allocated between the parties in proportion to their respective **adjusted monthly net** incomes. The portion of the premium that covers Father will not be allocated because the parties are no longer married and he is not owed a duty of support by Mother. The premium Mother pays to provide her own coverage will not be allocated because the parties are no longer married and she is not owed a duty of support by Father.

\* \* \* \* \*

(c) *Unreimbursed Medical Expenses.* [ **Unreimbursed** **The court shall allocate unreimbursed** medical expenses of the obligee or the children [ **shall be allocated between the parties in proportion to their respective net incomes** ] **between the parties.** [ **Notwithstanding the prior sentence, there shall be no apportionment of** ] **However, the court shall not allocate** unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. [ **The court may direct that the obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.** ] **The court may order that the obligor's share of the expense is added to his or her basic support obligation, paid directly to the health care provider, or paid directly to the obligee.**

\* \* \* \* \*

(4) If the trier of fact determines that out-of-network medical expenses were not obtained due to medical emergency or other compelling factors, the court may decline to assess any of such expenses against the other party.

[ (5) **In cases involving only spousal support or alimony pendente lite, the parties' respective net incomes for purposes of allocating unreimbursed medical expenses shall be calculated after the amount of spousal support or alimony pendente lite is deducted from the obligor's income and added to the obligee's income.** ]

*Official Note:* If the trier of fact determines that the obligee acted reasonably in obtaining services which were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

(d) *Private School Tuition. Summer Camp. Other Needs.* Expenditures for needs outside the scope of typical child-rearing expenses, e.g., private school tuition, summer camps, have not been factored into the Basic Child Support Schedule.

(1) If a party incurs an expense for a need not factored into the Basic Child Support Schedule and the court

determines the need and expense are reasonable, the court shall allocate the expense between the parties [ **in proportion to the parties' monthly net incomes** ]. The court may order that the obligor's share **of the expense** is added to his or her basic support obligation, paid directly to the service provider, or paid directly to the obligee.

\* \* \* \* \*

**PUBLICATION REPORT**

**Recommendation 171**

The Domestic Relations Procedural Rules Committee (Committee) is planning to propose to the Supreme Court of Pennsylvania amendments to Pa.R.C.P. Nos. 1910.16-4 and 1910.16-6 as those rules relate to the apportionment of expenses in support actions, including alimony *pendente lite* (APL). Specifically, the proposed amendments provide for an adjustment to the parties' monthly net incomes prior to determining the percentage each party pays toward the expenses set forth in Pa.R.C.P. No. 1910.16-6. The Committee proposes that the parties' monthly net incomes should be adjusted, upward or downward, by the total child or spousal support/APL amount paid or received by that party prior to apportioning those expenses.

Currently, the Rules of Civil Procedure apportion the enumerated expenses in Pa.R.C.P. No. 1910.16-6(a)—(d), with the exception of (c)(5), between the parties based on the parties' respective monthly net incomes as calculated pursuant to Pa.R.C.P. No. 1910.16-2. This apportionment does not consider the amount of support paid by the obligor or received by the obligee. The Committee believes the current methodology for apportioning those expenses ignores the economic realities of the parties' circumstances.

Instead, the Committee believes a more appropriate and equitable methodology is adjusting the parties' monthly net incomes prior to the apportionment by subtracting the total amount of support paid from the obligor's monthly net income and adding the total amount of support received to the obligee's monthly net income. This methodology is not new to the Rules of Civil Procedure. In Pa.R.C.P. No. 1910.16-6(c)(5), the parties' monthly net incomes in spousal support/APL-only cases are similarly adjusted prior to the apportionment of unreimbursed medical expenses. Likewise, Pa.R.C.P. No. 1910.16-6(e) considers the parties' monthly net income after the receipt or payment of the total support obligation for purposes of determining a mortgage deviation. The Committee's proposed amendments would utilize this methodology for all support cases (child support, spousal support, APL) and for all of the Pa.R.C.P. No. 1910.16-6 expenses. As a result, the Recommendation proposes rescinding Pa.R.C.P. No. 1910.16-6(c)(5) since that subdivision would be redundant if the amendments are adopted by the Supreme Court.

Finally, the Committee proposes consolidating Pa.R.C.P. No. 1910.16-6(b)(1), (2), and (2.1), revising the Example in Pa.R.C.P. No. 1910.16-6(a) to correspond with proposed apportionment methodology, and other stylistic changes.

[Pa.B. Doc. No. 18-1102. Filed for public inspection July 20, 2018, 9:00 a.m.]

# Title 237—JUVENILE RULES

## PART I. RULES

### [ 237 PA. CODE CH. 1 ]

#### Proposed Amendment of Pa.R.J.C.P. 161

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 161 to (1) clarify that “juvenile probation files” used in paragraph (A) includes records existing in both paper and digital form; and (2) distinguish between “juvenile probation files” and other information maintained by the juvenile probation office for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by August 31, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court  
 Procedural Rules Committee*

JUDGE JENNIFER R. SLETVOLD,  
*Chair*

### Annex A

## TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

### PART C. RECORDS

#### PART C(1). ACCESS TO JUVENILE RECORDS

#### Rule 161. Inspecting, Copying, and Disseminating Juvenile Probation Files.

A. *Inspecting and [ copying ] Copying.* Except as provided in paragraph (C), juvenile probation files shall be open to inspection and/or copying only by:

- 1) the juvenile’s attorney;
- 2) the attorney for the Commonwealth;
- 3) the State Sexual Offenders Assessment Board;

- 4) the Juvenile Court Judges’ Commission; or
- 5) any other person, agency, or department by order of court.

#### B. [ *Electronic records.* ] Juvenile Probation Information.

1) [ **Records which are maintained electronically by juvenile probation offices** ] Information maintained by juvenile probation offices other than juvenile probation files shall be subject to inspection and/or copying only pursuant to court order.

2) Each juvenile probation office shall create a document, which describes the information that is maintained by the juvenile probation office concerning each juvenile. This document shall be open to inspection and copying pursuant to paragraph (A).

#### C. *Contents of [ order ] Order.* The order shall:

1) specify who shall be permitted to inspect the [ **record or any portion of the record** ] file, information, or any portion thereof;

2) specify who shall be permitted to copy the [ **record** ] file or information;

3) state that the file or information received shall not be disseminated to any person, agency, or department not listed in the court order; and

4) state that dissemination of any file or information received is a violation of the court order.

#### D. *Disseminating.*

1) The juvenile probation office has discretion to disseminate portions of its files or information to the juvenile, service providers, placement facilities, and courts and courts’ professional staff of other jurisdictions when facilitating placement, the delivery of services, treatment, or transfer of the case to, or supervision by another jurisdiction consistent with applicable Federal or state law.

2) Unauthorized dissemination of any file or information [ **contained in the juvenile probation file** ] to a person, agency, or department not permitted to inspect or copy the file pursuant to this rule may result in a finding of contempt of court.

### Comment

Documents contained in the juvenile probation files are not a part of the official court record unless the juvenile probation office officially files the documents in the official court record. Those documents placed in the official court record are governed by Rule 160 and 42 Pa.C.S. § 6307.

The notes of a juvenile probation officer, which describe the officer’s impressions or personal observations but which are not included in a report to the court or other report, are not considered a component of a juvenile probation file that is open to inspection or copying under paragraph (A). “Juvenile probation files,” as used in paragraph (A) and defined in Rule 120, is intended to include files existing in whole or in part in either paper or digital form.

Nothing in this rule is intended to preclude the juvenile probation office from sharing information [ **in its file** ] with the juvenile.

**Official Note:** Rule 161 adopted May 21, 2012, effective August 1, 2012. Amended August 23, 2012, effective immediately. Amended , 2018, effective , 2018.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 161 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Final Report explaining the amendments to Rule 161 published with the Court's Order at 42 Pa.B. 5734 (September 8, 2012).

**Final Report explaining the amendments to Rule 161 published with the Court's Order at Pa.B. ( , 2018).**

**REPORT**

**Proposed Amendment of Pa.R.J.C.P. 161**

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 161 to (1) clarify that "juvenile probation files" used in paragraph (A) includes records existing in both paper and digital form; and (2) distinguish between "juvenile probation files" and other information maintained by the juvenile probation office.

Rule 161(A) provides access to juvenile probation files for an identified class of people (e.g., juvenile's attorney, attorney for the Commonwealth). Rule 161(B) states that records maintained electronically by juvenile probation offices are only accessible by court order. The Committee has received feedback that Rule 161(B) is being interpreted to require a court order for digital forms of juvenile probation files being "maintained electronically" by the juvenile probation office.

Rule 161(B) was intended to limit access to non-file information on the Juvenile Case Management System (JCMS), not to "juvenile probation files," as defined by Rule 120. The JCMS is a software application used by juvenile probation offices for case management purposes. If a record exists on JCMS and that record is part of a juvenile probation file, see Pa.R.J.C.P. 120, then that record is accessible pursuant to paragraph (A). If there is information on JCMS that is not part of the juvenile probation file, then a court order is required pursuant to paragraph (B) to access that information.

To clarify, the Committee proposes the consistent usage of "file" in Rule 161 to refer to the "juvenile probation file" and "information" to refer to all other information maintained by the juvenile probation office not part of the "juvenile probation file." Further, a revision of the Comment is proposed to instruct that paragraph (A) is intended to apply regardless of the form of the file.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 18-1103. Filed for public inspection July 20, 2018, 9:00 a.m.]

**Title 237—JUVENILE RULES**

**PART I. RULES**

**[ 237 PA. CODE CH. 15 ]**

**Proposed Amendment of Pa.R.J.C.P. 1510**

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 1510 to establish that a

dispositional hearing shall be conducted within 20 days of any adjudicatory hearing finding a child dependent for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
Juvenile Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9541  
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by August 31, 2018. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court*

*Procedural Rules Committee*

JUDGE JENNIFER R. SLETVOLD,  
*Chair*

**Annex A**

**TITLE 237. JUVENILE RULES**

**PART I. RULES**

**Subpart B. DEPENDENCY MATTERS**

**CHAPTER 15. DISPOSITIONAL HEARING**

**PART B. DISPOSITIONAL HEARING AND AIDS**

**Rule 1510. Prompt Dispositional Hearing.**

**[ If the child has been removed from the home, the ]** The dispositional hearing shall be held no later than twenty days after the findings on the petition under Rule 1408.

**Comment**

For continuances, see 42 Pa.C.S. § 6341(e).

**Official Note:** Rule 1510 adopted August 21, 2006, effective February 1, 2007. Amended , 2018, effective , 2018.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1510 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

**Final Report explaining the amendments to Rule 1510 published with the Court's Order at Pa.B. ( , 2018).**

**REPORT****Proposed Amendment of Pa.R.J.C.P. 1510**

The Juvenile Court Procedural Rules Committee proposes the amendment of Rule 1510 to establish that a dispositional hearing shall be conducted within 20 days of any adjudicatory hearing finding a child dependent.

The Juvenile Act states:

If the court finds from clear and convincing evidence that the child is dependent, the court shall proceed immediately or at a postponed hearing, which shall occur not later than 20 days after adjudication if the child has been removed from his home, to make a proper disposition of the case.

42 Pa.C.S. § 6341(c). Reflective of the Act, Rule 1510 presently contains a 20-day requirement for holding a dispositional hearing in cases in which the dependent child is removed from home. However, a similar period does not exist when the child is at home.

The Committee received a request to amend Rule 1510 to extend the 20-day requirement to all dispositional hearings regardless of whether the child is removed from home. The goal is to create uniformity and to ensure there is a procedural requirement for children remaining in their home lest the absence of such a requirement be interpreted as an invitation for those hearings to occur more than 20 days after adjudication.

The Committee believes this amendment will facilitate a timely dispositional hearing to establish a permanency plan and begin services necessary to achieve that plan. Accordingly, the Committee is proposing to eliminate the conditional phrase, "if the child has been removed from the home," from the rule text.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal, especially in those counties where the practice may be for dispositional hearings for at-home dependent children to occur more than 20 days after adjudication.

[Pa.B. Doc. No. 18-1104. Filed for public inspection July 20, 2018, 9:00 a.m.]

**Title 249—PHILADELPHIA RULES****PHILADELPHIA COUNTY****Court-Appointed Counsel, Investigative and Expert Witness Payment Orders and Vouchers to be Used for Court-Appointments Made on and After July 1, 2018; No. 01 of 2017****Order**

*And Now*, this 28th day of June, 2018, in order to implement the Fee Schedule for court-appointment counsel which will become effective for appointments made on and after July 1, 2018, as provided in the orders dated June 26, 2017 and September 18, 2017, it is hereby *Ordered* and *Decreed* that the following Payment Order/Voucher forms are adopted by the Court and shall be used by court-appointed counsel, investigators and expert witnesses appointed on and after July 1, 2018.

*By the Court*

HONORABLE SHEILA WOODS-SKIPPER,  
*President Judge*  
*Court of Common Pleas*



First Judicial District of Pennsylvania  
 Court-Appointed Counsel Payment Order/Voucher  
*Fees and Procedures Are Applicable Only to Court Appointments Made On and After July 1, 2018*  
 Trial Division – Criminal

1. A. APPOINTMENT LETTER INVOICE NO.
B. DATE OF APPOINTMENT

2. ATTORNEY'S LAST NAME	ATTORNEY'S MIDDLE NAME	ATTORNEY'S FIRST NAME	3. PA ATTORNEY I.D. NO.
4. ATTORNEY ADDRESS (Counsel must maintain their principal office in Philadelphia)		EMAIL ADDRESS	
Philadelphia, PA		TELEPHONE NUMBER	
5. DEFENDANT'S LAST NAME	MIDDLE INITIAL	DEFENDANT'S FIRST NAME	6. CPCMS NUMBER CP-51-CR- _____
			7. POLICE PHOTO NO.

Payment Voucher must be submitted for processing and approval within 90 days: of verdict in homicide cases, or disposition or sentencing in others.

<b>8. PREPARATION FEES - PER DIEM FEES – MAXIMUM FEE CASE TYPES</b> <b>Preparation Fees</b> <input type="checkbox"/> Capital Homicide - Lead Counsel: \$10,000.00 <input type="checkbox"/> Capital Homicide – Penalty Phase Counsel: \$7,500.00 <input type="checkbox"/> Non-Capital Homicide Trial: \$3,500.00 <input type="checkbox"/> Non-Capital Homicide – Second Chair: \$600.00 <input type="checkbox"/> Felony Trial First Degree: \$1,200.00 <input type="checkbox"/> Felony Trial – Other: \$750.00 <input type="checkbox"/> M.C. Appeal to C.P.: \$750.00 No Fee paid if Defendant withdraws Appeal at any time No Fee paid if Commonwealth withdraws appeal prior to trial <input type="checkbox"/> Writ of certiorari to C.P.: \$450.00 <input type="checkbox"/> Plea Accepted-Diversion Felony-Treatment Court: \$750.00 <input type="checkbox"/> Successful Decertification Motion: \$1,200.00 <input type="checkbox"/> Retrial Preparation Fee: \$ _____ <input type="checkbox"/> Mistrial Preparation Fee: \$ _____ <input type="checkbox"/> Early Parole Petition: \$250.00		<b>Preparation Fees – Cont.</b> <input type="checkbox"/> Violation of Probation/Parole (VOP): \$150.00 <input type="checkbox"/> 5 <sup>th</sup> Amendment Witness: \$150.00 <input type="checkbox"/> Contempt Hearing: \$150.00 <input type="checkbox"/> Status Listing/Hearing: \$100.00 - Date: _____ <b>Per Diem Rate</b> <input type="checkbox"/> Homicide-Capital: \$400 (3 hours or less); \$700 (More than 3 hours) + Mitigation <input type="checkbox"/> Homicide-Non-Capital: \$300 (3 hours or less); \$600 (More than 3 hours) + Mitigation <input type="checkbox"/> Felony Non-Homicide: \$225 (3 hours or less); \$450 (More than 3 hours) <input type="checkbox"/> Misdemeanor Appeal (Per Diem) \$150 (3 Hours or Less); \$300 (More than 3 Hours) NOTE: CONTINUANCES ARE NOT COMPENSABLE <b>Maximum Fee Case Types – Must Attach Chronological List of Services Rendered.</b> <input type="checkbox"/> Felony: Appellate/PCRA: Maximum Fee: \$2,400 *Billable at \$65@hour (in-court and out-of-court) <input type="checkbox"/> Homicide: Appellate/PCRA: Maximum Fee: \$6,000 *Billable at \$85@hour (in-court and out-of-court) Rate: \$ _____ # of Hours: _____ = TOTAL: \$ _____
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A. APPLICABLE PREPARATION FEE: \$	B. APPLICABLE PER DIEM RATE: \$	C. MAXIMUM FEE/ HOURLY TOTAL: \$
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<b>D. PER DIEM CHARGES (LIST THE DATE AND THE APPLICABLE RATE FOR EACH DAY OR TRIAL/HEARING). NOTE: CONTINUANCES ARE NOT COMPENSABLE</b> (Add Additional Pages As Necessary)					
	¼ Day	Full Day		¼ Day	Full Day
1) Day 1 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>	6) Day 6 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>
2) Day 2 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>	7) Day 7 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>
3) Day 3 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>	8) Day 8 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>
4) Day 4 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>	9) Day 9 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>
5) Day 5 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>	10) Day10 _____ / _____ / _____	<input type="checkbox"/>	<input type="checkbox"/>
No. of Full Days: _____ Multiplied by Per Diem Rate: \$ _____ = SUB-TOTAL: \$ _____					
No. of Half Days: _____ Multiplied by Per Diem Rate: \$ _____ = SUB-TOTAL: \$ _____					

E. TOTAL AMOUNT REQUESTED:	9. DATE REPRESENTATION ENDED/PAYMENT AUTHORIZED:
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10. ATTORNEY SIGNATURE	DATE
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I certify that: I maintain my principal office in Philadelphia County, I maintain professional liability insurance, I have been certified by the Philadelphia Bar Association Screening Committee, I have undergone Court-Appointed Counsel Fee system training, and I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

**FOR COURT USE ONLY- JUDICIAL REVIEW AND APPROVAL**

**ORDER**  
 The City of Philadelphia is ordered to pay the Court-appointed attorney listed above, consistent with the terms of AGB Order No. 01 of 2017 and AGB Order No. 02 of 2012, the total sum of \$ \_\_\_\_\_ in connection with the above-referenced case for the services rendered as certified by counsel and as approved by the Court.

11. NAME OF TRIAL JUDGE	TRIAL JUDGE'S SIGNATURE	DATE
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SUPERVISING JUDGE OR ADMINISTRATIVE JUDGE'S SIGNATURE (When necessary)	DATE	PRESIDENT JUDGE'S SIGNATURE (When necessary)	DATE
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**Instructions for the Completion of Attorney Payment Order/Voucher  
Trial Division - Criminal**

- Line 1: A. Enter the Appointment Letter invoice number & B. the Date of Appointment as they appear on the appointment letter.
- Line 2: Enter the court-appointed attorney's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
- Line 3: Enter the attorney's PA Attorney ID number.
- Line 4: Enter the attorney's full Philadelphia address as it appears on the appointment letter. AGB Order 02 of 1997 requires the court-appointed attorney maintain a principal office in Philadelphia County in order to qualify to receive court-appointments.
- Line 5: Enter defendant's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
- Line 6: Enter the CPCMS Docket Number in the following sequence:  
Common Pleas Trial Division cases CP-51-CR-(XXXXXXXX) -Year (XXXX)
- Line 7: Enter the defendant's six-digit police photo number.
- Line 8: Check as appropriate: Preparation Fee, Status Hearing/Listing Fee, *Per Diem* Fee, and Maximum Fee.
- A. Enter the applicable Preparation Fee or Treatment Court Status Listing Fee for the instant case.
- B. Enter the applicable *Per Diem* Rate for the instant case.
- C. For *Maximum Fee Case Types*: Enter the Requested Amount. The court-appointed attorney *must* attach a Chronological List of Services Rendered to this Voucher. A Fee Petition and Order are no longer necessary.
- D. Insert the specific date for each court appearance and check whether you spent a full day or a half-day in court. AGB Order 01 of 2017 defines a full day as more than 3 hours and a half-day as 3 hours or less. Add the number of Full Days and Half Days spent in court, multiply by the applicable *per diem* rate stated in Section 8.B. and Sub-Total the *per diem* charges for Full and Half Days. **Time spent in court asking for a continuance is not compensable.**
- E. Enter the total amount requested. For Maximum Fee cases, see subsection C., above.
- Line 9: Enter the date Representation ended or conclusion of stage for which payment is authorized.
- Line 10: Sign the Payment Voucher. Failure to sign the Voucher will delay processing of payment.
- Line 11: Enter the name of the Trial Judge. The blank entry on the Order portion will be entered by the Trial Judge.

**Please Note**

- 1) AGB Order No. 01 of 2017 requires that all Fee Petitions and Payment Vouchers must be filed within the following periods:
  - a) For yearly payments, no later than ninety (90) days after the calendar year at issue.
  - b) After verdict, plea, or mistrial, no later than ninety (90) days after the disposition.
  - c) After sentencing, no later than ninety (90) days after sentencing, regardless of whether the case is appealed.
  - d) For Appeals and PCRA's, no later than ninety (90) days after resolution of the appeal by the court with which the appeal or PCRA was filed.
- 2) The Payment Vouchers must be completed by the court-appointed attorney and submitted, together with a copy of the Appointment Letter, directly to the appropriate judge for review and approval without first being filed with the Office of Judicial Records or other applicable filing office or officer.
- 3) Upon approval by the appropriate judge, the original Payment Voucher shall be promptly filed of record by the attorney with Criminal Listings, 2nd Floor, Justice Stout Center, or with any other filing office or officer as the Court may direct from time to time. The attorney should keep a copy of the signed Payment Order/Voucher.
- 4) Upon receipt, the applicable filing officer shall time-stamp, docket and scan the Payment Order/Voucher. As provided in Philadelphia Criminal Rule 576 (g), the Payment Order/Voucher shall be served on all parties, including the City of Philadelphia Counsel Fee Unit ([CounselFeeUnit@courts.phila.gov](mailto:CounselFeeUnit@courts.phila.gov)). All original hard-copy Fee Petitions and Payment Vouchers will be promptly provided to the City of Philadelphia, Counsel Fee Unit, for processing and retention consistent with Philadelphia Criminal Rule 576 (d).
- 5) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher has been received by the City of Philadelphia Counsel Fee Unit. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor  
[counselfees@phila.gov](mailto:counselfees@phila.gov)  
 City of Philadelphia Managing Director's Office  
 1401 JFK Blvd. Suite 1340  
 Philadelphia, PA. 19102  
 215-686-5639

Payment Order/Voucher forms are available on the Court's website at: <http://www.courts.phila.gov/forms>.



**First Judicial District of Pennsylvania**  
**Court-Appointed Counsel Payment Order/Voucher**  
*Fees and Procedures Are Applicable Only to Court Appointments*  
*Made On and After July 1, 2018*  
**Municipal Court – Criminal Division**

1. A. APPOINTMENT LETTER INVOICE NO.			
B. DATE OF APPOINTMENT			
2. ATTORNEY'S LAST NAME	MIDDLE	ATTORNEY'S FIRST NAME	3. PA ATTORNEY I.D. NO.
4. ATTORNEY ADDRESS <i>(Counsel must maintain their principal office in Philadelphia)</i>  Philadelphia, PA _____		EMAIL ADDRESS  TELEPHONE NUMBER	
5. DEFENDANT'S LAST NAME	MIDDLE	FIRST NAME	6. CPCMS NUMBER MC-51-CR- _____
7. POLICE PHOTO NO.			
<b>Payment Voucher must be submitted for processing and approval within 90 days of disposition or sentencing.</b>			
<b>8. APPLICABLE FEES</b>			
<b>A. FIXED FEE CASES</b> <input type="checkbox"/> Municipal Court Trial - Felony: \$450.00 <input type="checkbox"/> Felony Remand-Trial: \$450.00 <input type="checkbox"/> Municipal Court Trial - Misdemeanor: \$450.00 <input type="checkbox"/> Plea Accepted-Diversion-Felony-Treatment Court: \$450.00 <input type="checkbox"/> Early Parole Petition: \$250.00 <input type="checkbox"/> Felony Preliminary Hearing Disposition: \$225.00 <input type="checkbox"/> Non-Traffic Summary Offenses: \$150.00 <input type="checkbox"/> Fifth Amendment Witness: \$150.00 <input type="checkbox"/> Contempt Hearing: \$150.00 <input type="checkbox"/> Violation of Probation/Parole Hearing (VOP): \$150.00		<b>B. STATUS HEARING FEES:</b> <input type="checkbox"/> Mental Health Court Status Hearing: \$100.00 <input type="checkbox"/> Early Bail Review Hearings: \$100.00 <input type="checkbox"/> Treatment Court Hearing - Status Hearing: \$100.00 <input type="checkbox"/> Bench Warrant Hearing: \$100.00 <input type="checkbox"/> Diversion Program Status Hearing: \$100.00 <input type="checkbox"/> Problem Solving Courts Status Hearing: \$100.00  Date of Hearing: _____	
<b>C. TOTAL AMOUNT REQUESTED (AS APPLICABLE)</b> \$ _____		<b>11. DATE REPRESENTATION ENDED/PAYMENT AUTHORIZED:</b> _____	
12. ATTORNEY SIGNATURE			DATE
I certify that: I maintain my principal office in Philadelphia County, I maintain professional liability insurance, I have been certified by the Philadelphia Bar Association Screening Committee, I have undergone Court-Appointed Counsel Fee system training, and I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.			
<b>FOR COURT USE ONLY- JUDICIAL REVIEW AND APPROVAL</b>			
<b>ORDER</b>			
The City of Philadelphia is ordered to pay the Court-appointed attorney listed above, consistent with the terms of AGB Order No. 01 of 2017 and AGB Order No. 02 of 2012, the total sum of \$ _____ in connection with the above-referenced case for the services rendered as certified by counsel and as approved by the Court.			
11. NAME OF TRIAL JUDGE		TRIAL JUDGE'S SIGNATURE	
DATE		DATE	
SUPERVISING JUDGE'S SIGNATURE <i>(When necessary)</i>		PRESIDENT JUDGE'S SIGNATURE <i>(When necessary)</i>	
DATE		DATE	

03-70 (Rev. 6-26-18)







First Judicial District of Pennsylvania  
 Court-Appointed Counsel Payment Order/Voucher

*Fees and Procedures Are Applicable Only to Court Appointments  
 Made On and After July 1, 2018*

Municipal Court Traffic Division

1. A. APPOINTMENT LETTER INVOICE NO.
B. DATE OF APPOINTMENT

2. ATTORNEY'S LAST NAME		MIDDLE	ATTORNEY'S FIRST NAME		3. PA ATTORNEY I.D. NO.
4. ATTORNEY ADDRESS <i>(Counsel must maintain their principal office in Philadelphia)</i>			EMAIL ADDRESS		
Philadelphia, PA _____			TELEPHONE NUMBER		
<b>Payment Voucher must be submitted for processing and approval within 90 days of trial.</b>					
5. APPLICABLE FEES					
A. TRAFFIC DIVISION ON-CALL COUNSEL			A1. NUMBER OF CASES APPOINTED FOR THE COURT SESSION		
<input type="checkbox"/> On-Call Counsel – per daily list (\$350.00)					
B. APPEAL FROM TRAFFIC DIVISION CASE					
<input type="checkbox"/> Traffic Division Appeal for Trial <i>De Novo</i> in the Court of Common Pleas (\$450.00)					
B1. DEFENDANT'S LAST NAME	MIDDLE	DEFENDANT'S FIRST NAME	B2. CITATION NUMBER	B3. CPCMS NUMBER	
				CP-51-SA - _____ - _____	
<i>Please see Instructions on Reverse side concerning documents to attach to this Payment Order/Voucher which must be filed with the Municipal Court Traffic Division after the Summary Appeal has been disposed.</i>					
D) AMOUNT REQUESTED			DATE REPRESENTATION ENDED		
\$ _____					
6. ATTORNEY SIGNATURE					DATE
I certify that: I maintain my principal office in Philadelphia County, I maintain professional liability insurance, I have been certified by the Philadelphia Bar Association Screening Committee, I have undergone Court-Appointed Counsel Fee system training, and I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.					
<b>FOR COURT USE ONLY- JUDICIAL REVIEW AND APPROVAL</b>					
<b>ORDER</b>					
The City of Philadelphia is ordered to pay the Court-appointed attorney listed above, consistent with the terms of AGB Order No. 01 of 2017 and AGB Order No. 02 of 2012, the total sum of \$ _____ in connection with the above-referenced case for the services rendered as certified by counsel and as approved by the Court.					
7. TRAFFIC DIVISION ADMINISTRATIVE JUDGE			TRAFFIC DIVISION ADMINISTRATIVE JUDGE'S SIGNATURE		DATE

(Est. 6-26-18)

## Instructions for the Completion of Attorney Payment Order/Voucher Municipal Court Traffic Division

- Line 1: If applicable, A. Enter the Appointment Letter invoice number & B. the Date of Appointment as they appear on the appointment letter
- Line 2: Enter the court-appointed attorney's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
- Line 3: Enter the attorney's PA Attorney ID number.
- Line 4: Enter the attorney's full Philadelphia address as it appears on the appointment letter. AGB Order 02 of 1997 requires the court-appointed attorney maintain a principal office in Philadelphia County in order to qualify to receive court-appointments.
- Line 5: The Fee for On-Call Counsel and for Appeal for a *Trial De Novo* are listed. Check option A or option B.
- A) If you are requesting compensation as On-Call Counsel:
1. Enter the number of cases appointed for the Court session. This information is needed for internal tracking.
- B) If you are requesting compensation for filing an Appeal for a *Trial De Novo*:
1. Enter defendant's name as it appears on the appointment letter.
2. Enter the Traffic Division Citation Number.
3. Enter the CPCMS Docket Number, when appointed in connection with an appeal for a trial de novo before the Court of Common Pleas, in the following sequence:
- Traffic Division Appeal                      CP-51-SA-(XXXXXXXX) -Year (XXXX)
- Note: You must submit the following documents with this Payment Voucher: (1) Appointment letter for date of On-Call Representation; and (2) Entry of Appearance in connection with the Appeal.**
- C) Enter the total amount requested.
- Line 6: Enter the date the representation rendered pursuant to 5.A. or 5.B. concluded.
- Line 7: Sign the Payment Order/Voucher. Failure to sign the Voucher will delay processing of payment.
- Line 8: Enter the name of the Traffic Division Administrative Judge. The blank entry on the Order portion will be entered by the Administrative Judge.

### Please Note

- 1) AGB Order No. 01 of 2017 requires that all Fee Petitions and Payment Orders/Vouchers must be filed within the following periods:
  - a) After verdict, plea, or mistrial, no later than ninety (90) days after the disposition.
  - b) After sentencing, no later than ninety (90) days after sentencing, regardless of whether the case is appealed.
  - c) For Appeals and PCRA's, no later than ninety (90) days after resolution of the appeal by the court with which the appeal or PCRA was filed.
- 2) The Payment Order/Voucher must be completed by the court-appointed attorney and submitted, together with a copy of the Appointment Letter, directly to the Administrative Judge of the Traffic Division for review and approval.
- 3) Upon approval, the Administrative Judge of the Traffic Division shall forward the original Payment Order/Voucher to the Municipal Court Traffic Division, Attorney Filing Unit, 800 Spring Garden Street, Philadelphia, PA.
- 4) The Attorney Filing Unit shall time-stamp, docket and scan the Payment Order/Voucher, and shall promptly serve all parties, including the court-appointed attorney and the City of Philadelphia Counsel Fee Unit ([CounselFeeUnit@courts.phila.gov](mailto:CounselFeeUnit@courts.phila.gov)). All original hard-copy Fee Petitions and Payment Orders/Vouchers will be promptly provided to the City of Philadelphia Counsel Fee Unit for processing and retention.
- 5) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher has been received by the City of Philadelphia Counsel Fee Unit. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor  
[counselfees@phila.gov](mailto:counselfees@phila.gov)  
 City of Philadelphia Managing Director's Office  
 1401 JFK Blvd. Suite 1340  
 Philadelphia, PA. 19102  
 215 686-5639

Payment Order/Voucher forms are available on the Court's website at: <http://www.courts.phila.gov/forms>.

(Est. 6-26-18)







**First Judicial District of Pennsylvania  
Court-Appointed Counsel Payment Order/Voucher**  
*Fees and Procedures Are Applicable Only to Court Appointments  
Made On and After July 1, 2018*  
**Family Court  
Delinquent, Abuse & Domestic Relations**

1. A. APPOINTMENT LETTER INVOICE NO.
B. DATE OF APPOINTMENT
C. HAS THERE BEEN PRIOR CONFLICT COUNSEL <input type="checkbox"/> Yes <input type="checkbox"/> No

2. ATTORNEY'S LAST NAME )	MIDDLE	ATTORNEY'S FIRST	3. PA ATTORNEY I.D. NO.
---------------------------	--------	------------------	-------------------------

4. ATTORNEY ADDRESS (Counsel must maintain their principal office in Philadelphia)  Philadelphia, PA _____	EMAIL ADDRESS
	TELEPHONE NUMBER

5. DEFENDANT'S LAST NAME	MIDDLE	DEFENDANT'S FIRST NAME	6. A. CASE NUMBER
--------------------------	--------	------------------------	-------------------

6. B. CPCMS NUMBER(S) CP-51-JV- _____ - _____	CP-51-JV- _____ - _____
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**Payment Voucher must be submitted for processing and approval within 90 days of disposition or, for yearly payments, after the calendar year at issue.**

7. A. FEES FOR DELINQUENT/ABUSE COURT-APPOINTED REPRESENTATION	
<input type="checkbox"/> Delinquency Felony: \$550.00 <input type="checkbox"/> Delinquency Misdemeanor: \$450.00 <input type="checkbox"/> Rape, IDSI, Juvenile Felony Sex Case*: \$750.00 <i>*Requires 3 CLE @ year and Certification by Family Court</i> <input type="checkbox"/> Consent Decree – at JJSC: \$225.00 <input type="checkbox"/> Delinquent Review – per hearing: \$75.00 Date of Hearing: _____	<input type="checkbox"/> On-Call Counsel-No Appointment: \$350.00 <input type="checkbox"/> Protection from Abuse – D.R.: \$350.00 <input type="checkbox"/> Private Counsel Retained: \$225.00 <input type="checkbox"/> Fifth Amendment Witness: \$225.00 <input type="checkbox"/> Bench Warrant: \$225.00
B. DATE OF SERVICE	B. DATE OF SERVICE

8. A. FEES FOR ON-CALL COUNSEL – DOMESTIC RELATIONS <input type="checkbox"/> On-Call Counsel – 1501 Arch Street – No Appointment: \$350.00 per Daily List	B. DATE OF SERVICE
--	--------------------

9. ATTORNEY SIGNATURE	DATE
I certify that: I maintain my principal office in Philadelphia County, I maintain professional liability insurance, I have been certified by the Philadelphia Bar Association Screening Committee, I have undergone Court-Appointed Counsel Fee system training, and I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.	

**FOR COURT USE ONLY- JUDICIAL REVIEW AND APPROVAL**

**ORDER**

The City of Philadelphia is ordered to pay the Court-appointed attorney listed above, consistent with the terms of AGB Order No. 01 of 2017 and AGB Order No. 02 of 2012, the total sum of \$ \_\_\_\_\_ in connection with the above-referenced case for the services rendered as certified by counsel subject to correction by the Legal Liaison Payment Unit, as noted below:

Fee adjusted to \$ \_\_\_\_\_ due to the following ministerial error by counsel:

LEGAL LIAISON UNIT- NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

10. NAME OF PRESIDING JUDGE/JCHO	PRESIDING JUDGE/JCHO'S SIGNATURE	DATE
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SUPERVISING JUDGE OR ADMINISTRATIVE JUDGE'S SIGNATURE (When necessary)	DATE
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**Instructions for the Completion of Attorney Payment Order/Voucher  
Family Court – Delinquent, Abuse & Domestic Relations**

- Line 1: Enter: A. the Appointment Letter invoice number; B. the Date of Appointment as they appear on the appointment letter; and C. indicate whether prior counsel had been appointed. Substituted counsel will be paid as “new” counsel, at the rates in effect on the date of substituted counsel’s appointment.
- Line 2: Enter the court-appointed attorney’s LAST Name, MIDDLE, and FIRST Name as it appears on the appointment letter.
- Line 3: Enter the attorney’s PA Attorney ID number.
- Line 4: Enter the attorney’s full Philadelphia address as it appears on the appointment letter. AGB Order 02 of 1997 requires the court-appointed attorney maintain a principal office in Philadelphia County in order to qualify to receive court-appointments.
- Line 5: Enter defendant’s LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
- Line 6: A.: Enter the Domestic Relations, or Abuse Case Docket Number.  
B.: Enter the CPCMS Docket Number(s) in the following sequence:  

Family Court – Delinquent cases	CP-51-JV-(XXXXXXXX) -Year (XXXX)
---------------------------------	----------------------------------
- Line 7: A. The Fees for Delinquent and Abuse representation are listed. Check applicable fee. Note: new counsel appointed for trial after a Consent Decree is revoked for non-compliance shall be paid, as applicable, the Delinquency Misdemeanor or Felony fee after adjudication.  
B. Enter the Date of Service.
- Line 8: A. Check this Option if you were appointed as On-Call Counsel in Domestic Relations.  
B. Enter the Date of Service as On-Call Counsel.
- Line 9: Sign and date the Payment Order/Voucher. Failure to sign and date the Voucher will delay processing of payment.
- Line 11: Enter the name of the Presiding Judge/JCHO. The blank entry on the Order portion will be entered by the Presiding Judge/JCHO.

**Please Note**

- 1) AGB Order No. 01 of 2017 requires that all Fee Petitions and Payment Vouchers must be filed within the following periods:
  - a) For yearly payments, no later than ninety (90) days after the calendar year at issue.
  - b) After verdict, plea, or mistrial, no later than ninety (90) days after the disposition.
  - c) After sentencing, no later than ninety (90) days after sentencing, regardless of whether the case is appealed.
  - d) For Appeals and PCRA’s, no later than ninety (90) days after resolution of the appeal by the court with which the appeal or PCRA was filed.
- 2) The Payment Orders/Vouchers must be completed by the court-appointed attorney and submitted, together with a copy of the Appointment Letter, directly to the appropriate judge or Juvenile Hearing Officer for review and approval.
- 3) Upon approval by the appropriate judge or Juvenile Hearing Officer, the original Payment Order/Voucher shall be promptly filed of record at the Legal Liaison Payment Unit, 11<sup>th</sup> Floor, 1501 Arch Street, Philadelphia, PA. The attorney should keep a copy of the signed Payment Order/Voucher.
- 4) The Legal Liaison Payment Unit shall time-stamp, docket and scan the Payment Order/Voucher and, as authorized, may correct ministerial errors made by the attorney in completing the Payment Order/Voucher. Any correction will be identified and the name of the employee will be entered. Any questions regarding any corrections can be directed to the Legal Liaison Payment Unit.
- 5) The Legal Liaison Payment Unit shall serve the Payment Order/Voucher on all parties, including the City of Philadelphia Counsel Fee Unit ([CounselFeeUnit@courts.phila.gov](mailto:CounselFeeUnit@courts.phila.gov)), as required. All original hard-copy Fee Petitions and Payment Orders/Vouchers will be promptly provided to the City of Philadelphia Counsel Fee Unit for processing and retention.
- 6) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher has been received by the City of Philadelphia Counsel Fee Unit. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor  
[counselfees@phila.gov](mailto:counselfees@phila.gov)  
 City of Philadelphia Managing Director's Office  
 1401 JFK Blvd. Suite 1340  
 Philadelphia, PA. 19102  
 215-686-5639

Payment Order/Voucher forms are available on the Court’s website at: <http://www.courts.phila.gov/forms>.

30-1084A (Rev 6-26-18)



First Judicial District of Pennsylvania  
AGB Order 01 of 2017

Fees and Procedures Are Applicable Only to Court Appointments Made On and After July 1, 2018

Investigator Payment Order/Voucher

1. A. APPOINTMENT LETTER INVOICE NO.
B. DATE OF APPOINTMENT

SECTION 1 – ATTORNEY & DEFENDANT INFORMATION			
2. ATTORNEY'S LAST NAME	MIDDLE	ATTORNEY'S FIRST NAME	3. ATTORNEY STATE I.D. NO.
4. ATTORNEY ADDRESS (Counsel must maintain their principal office in Philadelphia)		EMAIL ADDRESS	
Philadelphia, PA _____		TELEPHONE NUMBER	
5. DEFENDANT'S/PARTY'S LAST NAME	MIDDLE	DEFENDANT'S/PARTY'S FIRST NAME	6. CPCMS NUMBER OR OTHER DOCKET NUMBER
			-51- _____ - _____

SECTION 2 – INVESTIGATOR INFORMATION			
7. INVESTIGATOR'S LAST NAME	MIDDLE	INVESTIGATOR'S FIRST NAME	8. LICENSE NUMBER
INVESTIGATOR ADDRESS		EMAIL ADDRESS	
		TELEPHONE NUMBER	

SECTION 3 - COURT-DIVISION-CASE TYPE		
9. CRIMINAL-COURT OF COMMON PLEAS & MUNICIPAL COURT <input type="checkbox"/> Guaranteed Initial Fee <input type="checkbox"/> Homicide: \$300.00 <input type="checkbox"/> Felony: \$100.00 <input type="checkbox"/> Per Hour: \$40.00 Must Attach Chronological List of Services Rendered. <i>Maximum Billable Amount Without Court Order: \$500</i> <i>Amounts in Excess of \$500 require approval of Trial Judge and Supervising or Administrative or President Judge as appropriate</i>	10. FAMILY COURT-DELINQUENT <input type="checkbox"/> Trial Preparation <input type="checkbox"/> Initial Fee: \$100 <input type="checkbox"/> Per Hour: \$40 Number of Hours: _____ Must Attach Chronological List of Services Rendered. See No. 12 below.	11. FAMILY COURT-DEPENDENT <input type="checkbox"/> Per Hour: \$40 Number of Hours: _____ Must Attach Chronological List of Services Rendered. See No. 12 below.

SECTION 4 – SERVICES PROVIDED OR TO BE PROVIDED BY INVESTIGATOR-PAYMENTS TO INVESTIGATOR		
12. PROVIDE A SUMMARY OF INVESTIGATIVE SERVICES RENDERED. MUST ATTACH CHRONOLOGICAL LIST OF SERVICES RENDERED AND TIME EXPENDED.		

13. A. FEE REQUESTED: \$	B. AMOUNT PAID TO DATE: \$	C. OTHER FEE PETITIONS PENDING: <input type="checkbox"/> Yes <input type="checkbox"/> No
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14. ATTORNEY SIGNATURE	DATE
I certify that I have retained the above named investigator, that the investigatory services requested are necessary to provide appropriate representation to the above Defendant, and I will ensure that the investigator performs his/her duties satisfactorily as requested. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.	

15. INVESTIGATOR SIGNATURE	DATE
I certify that I have been retained by the above named attorney to perform investigatory services in connection with this case. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.	

FOR COURT USE ONLY- JUDICIAL REVIEW AND APPROVAL			
ORDER			
The City of Philadelphia is ordered to pay to the Investigator listed above, consistent with the terms of AGB Order No. 01 of 2017 and AGB Order No. 02 of 2012, the total sum of \$ _____ in connection with the above-referenced case for the services rendered as certified by counsel and by the Investigator, and as approved by the Court.			
16. NAME OF TRIAL JUDGE	TRIAL JUDGE'S SIGNATURE	DATE	
SUPERVISING JUDGE OR ADMINISTRATIVE JUDGE'S SIGNATURE (When necessary)		DATE	PRESIDENT JUDGE'S SIGNATURE (When necessary)
			DATE



## Instructions for the Completion of Investigator Payment Order/Voucher

### SECTION 1- ATTORNEY & DEFENDANT INFORMATION

- Line 1: A. Enter the Appointment Letter invoice number & B. the Date of Appointment as they appear on the appointment letter.  
 Line 2: Enter the court-appointed attorney's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.  
 Line 3: Enter the attorney's PA Attorney ID number.  
 Line 4: Enter the attorney's full Philadelphia business address, email address and telephone number.  
 Line 5: Enter the Defendant's or Party's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.  
 Line 6: Enter the CPCMS Docket Number or other appropriate Docket Number

### SECTION 2 - INVESTIGATOR INFORMATION

- Lines 7 - 8: Enter the full name, business address, email address, telephone number, and License number of the Investigator.

### SECTION 3 - COURT-DIVISION-CASE TYPE

- Lines 9 - 11: Select the applicable Court/Division and case type. Select the Fee that is being requested. If payment on an hourly basis is being requested, the Investigator shall attach a detailed Chronological List of Services Rendered to this Voucher. A Fee Petition and Order are no longer necessary.

### SECTION 4 – SERVICES PROVIDED OR TO BE PROVIDED BY INVESTIGATOR

- Line 12: Provide a general summary of investigative services rendered. If payment on an hourly basis is being requested, the Investigator shall attach a detailed Chronological List of Services Rendered to this Voucher.  
 Line 13: A. Enter the Amount Requested.  
 B. The Investigator must enter the Amount Paid to the Investigator to date, not including current Request.  
 C. The Investigator must check whether other Investigator Fee requests are pending for the instant case.  
 Line 14: The Court-Appointed attorney must sign the Payment Voucher, verifying necessity of investigatory services. Failure to sign and date will delay payment.  
 Line 15: The Investigator must sign the Payment Voucher, verifying performance of investigatory services. Failure to sign and date will delay payment.  
 Line 16: Enter the name of the Trial Judge. The blank entry on the Order portion will be entered by the Trial Judge.

### Please Note

- 1) The Payment Order/Voucher must be completed by both the court-appointed attorney and the Investigator before the Court-Appointed Attorney submits it directly to the appropriate judge for review and approval.
- 2) Upon approval by the appropriate judge, the attorney should keep a copy of the signed Payment Order/Voucher, and shall promptly file the original as follows:  
**Criminal Cases:** Justice Stout Center, Criminal Listings, 2<sup>nd</sup> Floor, 1301 Filbert Street, Philadelphia, PA.  
**Family Division Cases:** at the Legal Liaison Payment Unit, 11<sup>th</sup> Floor, 1501 Arch Street, Philadelphia, PA.
- 3) Upon receipt, the applicable filing officer shall time-stamp, docket and scan the Payment Voucher/Voucher. Service of the Order or Payment Voucher shall be accomplished on all parties as well as on the City of Philadelphia Counsel Fee Unit ([CounselFeeUnit@courts.phila.gov](mailto:CounselFeeUnit@courts.phila.gov)), as required. All original hard-copy Fee Petitions and Payment Vouchers will be provided promptly to the City of Philadelphia, Counsel Fee Unit, for processing and retention.
- 4) Payment will be made directly to the Investigator.
- 5) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Voucher has been received by the City of Philadelphia Counsel Fee Unit. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor  
[counselfees@phila.gov](mailto:counselfees@phila.gov)  
 City of Philadelphia Managing Director's Office  
 1401 JFK Blvd. Suite 1340  
 Philadelphia, PA. 19102  
 215-686-5639

Payment Order/Voucher forms are available on the Court's website at: <http://www.courts.phila.gov/forms>.

30-1085 (Rev. 6-26-18)



First Judicial District of Pennsylvania  
 AGB Order 01 of 2017  
*Fees and Procedures Are Applicable Only to Court Appointments  
 Made On and After July 1, 2018*

**Expert Witness Payment Order/Voucher**

1. A. APPOINTMENT LETTER INVOICE NO.
B. DATE OF APPOINTMENT

SECTION 1 – ATTORNEY & DEFENDANT INFORMATION			
2. ATTORNEY'S LAST NAME	MIDDLE	ATTORNEY'S FIRST NAME	3. ATTORNEY STATE I.D. NO.
4. ATTORNEY ADDRESS <i>(Counsel must maintain their principal office in Philadelphia)</i>  Philadelphia, PA _____		EMAIL ADDRESS	
		TELEPHONE NUMBER	
5. DEFENDANT LAST NAME	MIDDLE	DEFENDANT'S FIRST NAME	6. CPCMS NUMBER OR OTHER DOCKET NUMBER ____-51-____-____-____

SECTION 2 – EXPERT WITNESS INFORMATION			
7. EXPERT WITNESS' LAST NAME	MIDDLE	EXPERT WITNESS' FIRST NAME	8. PHILA. BUSINESS LICENSE NUMBER
EXPERT WITNESS ADDRESS		EMAIL ADDRESS	
		TELEPHONE NUMBER	

SECTION 3 – CASE TYPE		
<input type="checkbox"/> Homicide	<input type="checkbox"/> Adult- Non-Homicide	<input type="checkbox"/> Juvenile

SECTION 4 – EXPERT WITNESS FEES	
9. FEE TYPES  <input type="checkbox"/> Decertification - Mental Health Evaluation: \$750.00 <input type="checkbox"/> Fixed Amount Allowed by the Court: \$ _____. Attached is a copy of the Court Order. <input type="checkbox"/> Compensation on an hourly basis was approved by the Court. Attached is a copy of the Court Order. Number of Hours: _____ Hourly Rate: \$ _____. Total Amount Requested: \$ _____. <b>Must Attach Chronological List of Services Rendered to this Voucher.</b>  <b>Amounts in Excess of \$7,500.00 must be approved by the Supervising, Administrative, or President Judge – as applicable.</b>	
A. AMOUNT PAID TO EXPERT WITNESS TO DATE: \$ _____	B. OTHER FEE PETITIONS PENDING: <input type="checkbox"/> Yes <input type="checkbox"/> No

10.. ATTORNEY SIGNATURE	DATE
I certify that I have retained the above named Expert Witness, that the Expert Witness is necessary to provide appropriate representation to the above Defendant, and I will ensure that the Expert Witness performs his/her duties satisfactorily as requested. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.	

11. EXPERT WITNESS SIGNATURE	DATE
I certify that I have been retained by the above named attorney as an Expert Witness services in connection with this case. I understand that false statements and/or representations made herein are subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.	

FOR COURT USE ONLY- JUDICIAL REVIEW AND APPROVAL			
ORDER			
The City of Philadelphia is ordered to pay to the Expert Witness listed above, consistent with the terms of AGB Order No. 01 of 2017 and AGB Order No. 02 of 2012, the total sum of \$ _____ in connection with the above-referenced case for the services rendered as certified by counsel and by the Expert Witness, and as approved by the Court.			
12. NAME OF TRIAL JUDGE	TRIAL JUDGE'S SIGNATURE	DATE	DATE
SUPERVISING JUDGE OR ADMINISTRATIVE JUDGE'S SIGNATURE <i>(When necessary)</i>	DATE	PRESIDENT JUDGE'S SIGNATURE <i>(When necessary)</i>	DATE

## Instructions for the Completion of Expert Witness Payment Order/Voucher

### SECTION 1- ATTORNEY & DEFENDANT INFORMATION

- Line 1: A. Enter the Appointment Letter invoice number & B. the Date of Appointment as they appear on the appointment letter.
- Line 2: Enter the court-appointed attorney's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
- Line 3: Enter the attorney's PA Attorney ID number.
- Line 4: Enter the attorney's full Philadelphia business address, email address and telephone number.
- Line 5: Enter the Defendant's LAST Name, MIDDLE Name, and FIRST Name as it appears on the appointment letter.
- Line 6: Enter the CPCMS Docket Number or other appropriate Docket Number

### SECTION 2 – EXPERT WITNESS INFORMATION

- Lines 7 - 8: Enter the full name, business address, email address, telephone number, and Business License number of the Expert Witness.

### SECTION 3 - CASE TYPE

Select Homicide, Adult Non-Homicide, or Juvenile option depending on the Case type

### SECTION 4 – EXPERT WITNESS FEES

- Line 9: Select the applicable Fee Type requested. Attach required documentation to Payment Voucher. If compensation on an hourly basis is requested, the Expert **must** attach a Chronological List of Services rendered to this Voucher. A Fee Petition and Order are no longer required.
- A. Enter the Amount previously paid to the Expert Witness, if any
- B. The Expert Witness must check whether other Expert Witness Fee requests are pending for the instant case.
- Line 10: The Court-Appointed attorney must sign and date the Payment Voucher. Failure to sign and date will delay payment.
- Line 11: The Expert Witness must sign and date the Payment Voucher. Failure to sign and date will delay payment.
- Line 12: Enter the name of the Trial Judge. The blank entry on the Order portion will be entered by the Trial Judge.

### Please Note

- 1) The Payment Order/Voucher must be completed by both the court-appointed attorney and the Expert Witness before the Court-Appointed Attorney submits it directly to the appropriate judge for review and approval.
- 2) Upon approval by the appropriate judge, the attorney should keep a copy of the signed Payment Order/Voucher, and shall promptly file the original as follows:  
**Criminal Cases:** Justice Stout Center, Criminal Listings, 2<sup>nd</sup> Floor, 1301 Filbert Street, Philadelphia, PA.  
**Family Division Cases:** at the Legal Liaison Payment Unit, 11<sup>th</sup> Floor, 1501 Arch Street, Philadelphia, PA.
- 3) Upon receipt, the applicable filing officer shall time-stamp, docket and scan the Payment Voucher/Voucher. Service of the Order or Payment Voucher shall be accomplished on all parties as well as on the City of Philadelphia Counsel Fee Unit ([CounselFeeUnit@courts.phila.gov](mailto:CounselFeeUnit@courts.phila.gov)), as required. All original hard-copy Fee Petitions and Payment Vouchers will be provided promptly to the City of Philadelphia, Counsel Fee Unit, for processing and retention.
- 4) Payment will be made directly to the Expert Witness.
- 5) Payment status should only be requested from the City of Philadelphia sixty (60) days or more after the Payment Order/Voucher has been received by the City of Philadelphia Counsel Fee Unit. Any payment questions may be directed to:

Kelly Press, Counsel Fee Unit Supervisor  
[counselfees@phila.gov](mailto:counselfees@phila.gov)  
 City of Philadelphia Managing Director's Office  
 1401 JFK Blvd. Suite 1340  
 Philadelphia, PA. 19102  
 215-686-5639

Payment Order/Voucher forms are available on the Court's website at: <http://www.courts.phila.gov/forms>.

30-1086 (Rev. 6-26-18)

[Pa.B. Doc. No. 18-1105. Filed for public inspection July 20, 2018, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DELAWARE COUNTY

#### Local Rule of Judicial Administration; Case Records Public Access Policy of the Unified Judicial System of Pennsylvania; Civil Doc. No. 17-5120; Criminal Doc. No. MD-1545-17

Whereas, the Pennsylvania Supreme Court has recently amended its past adopted Public Access Policy (the “Policy”) of the Unified Judicial System of Pennsylvania: Case Records of Appellate and Trial Courts,<sup>1</sup> which applies to all court records, including civil, family, criminal, Orphans’ Court; minor courts’ matter; and

Whereas, the Policy establishes uniform standards for all appellate and trial courts in responding to requests from the public for case records; and

Whereas, the Policy is built upon the principle that court records are open for inspection by the public while maintaining appropriate boundaries for the protection of individuals who come into the court system; and

Whereas, the Policy provides access protocols for sensitive information which might be found in case files, including the following:

1. Where applicable authority requires information listed in Section 7.00(A) of the Public Access Policy of the Unified Judicial System of Pennsylvania to appear on certain documents, the Public Access Policy does not apply. Otherwise, certain types of information set forth in Section 7.00(A) (“Confidential Information”), cannot be included in court filings, but instead must be identified to the court on a separate form, called a Confidential Information Form (the “CIF”) and attached to the filing. The CIF is not available to the public. Alternatively, a court may require a party to file two versions of every document—a redacted and unredacted version. The unredacted version is not available to the public. Following as Exhibit “A” is the “CIF.”

2. Certain documents set forth in Section 8.00 of the Public Access Policy of the Unified Judicial System of Pennsylvania must be filed with a Confidential Document Form (the “CDF”), such as Financial Documents. While the CDF which describes the document is available to the public, the underlying document is not. The “CDF” form follows as Exhibit “B.”

3. The forms shall be available in each filing office as well as on the Court and OJS websites at <http://www.co.delaware.pa.us/>.

4. Certain cases are not accessible to the public because there is no method to ensure that all of the sensitive information contained in the case file can be redacted before permitting public access.

5. Certain Information is only accessible at the courthouse and not online.

6. A certification shall be filed on every document filed with a court or custodian. The Certificate of Compliance Form follows as Exhibit “C.”

<sup>1</sup> The Policy was initially promulgated by the Supreme Court of Pennsylvania under such an administrative order dated January 6, 2017. See Order dated January 6, 2017 No. 477—Judicial Administration Docket. The Supreme Court of Pennsylvania more recently amended the Policy via its administrative order of March 28, 2018, to include within the Policy’s scope all minor courts (E.g. Magisterial District Courts) and relatedly rescinded as of July 1, 2018, the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts. See Order dated March 28, 2018, No. 496—Judicial Administration Docket.

And Now, this 26th day of June, 2018, it is hereby ordered and decreed that the following policy regarding access to case records, is hereby adopted effective July 1, 2018. It is further ordered and decreed that the local rule Public Access Policy signed on December 7th, 2017 and effective on January 6th, 2018, is hereby rescinded, effective July 1st, 2018.

#### 1. Relationship to the Policy.

This Local Rule of Judicial Administration shall be known as the Delaware County Public Access Policy Local Rule, and is intended to conform procedure and practice in the Courts operating within the 32nd Judicial District to the Public Access Policy adopted by the Unified Judicial System of Pennsylvania concerning case records (“the Policy”).

#### 2. Definitions.

“Confidential Information” is all information identified in Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania, and to conform with the schedule following as Exhibit “D,” which identifies Limits of Public Access to the Unified Judicial System Case Records (“Limits of Public Access Matrix”).

“Confidential Document” is all documents identified in Section 8 of the Public Access Policy of the Unified Judicial System of Pennsylvania.

All remaining definitions are addressed in section 1.0 of the State Public Access Policy of the Unified Judicial System of Pennsylvania and are incorporated herein by reference.

#### 3. Compliance/Appropriate Sanctions.

Compliance with the Delaware County Public Access Policy Local Rule including the Limits of Public Access Schedule is the responsibility of litigants and attorneys, each of whom shall be responsible for safeguarding Confidential Information and Confidential Documents. Those litigants and attorneys who are found to have failed to comply with this local rule shall be subject to the imposition of appropriate sanctions.

#### 4. Responding to Requests for Access to Case Records

A custodian shall fulfill a request for access to case records as promptly as possible under the circumstances existing at the time of the request. If the request is unable to be fulfilled promptly or at all, the custodian shall inform the requestor of the specific reasons why access to the information is being delayed and/or denied. If a request is denied, the denial shall be in writing. A Request For Access Form follows and marked as Exhibit “E.”

#### 5. Orphans’ Court Division.

For all Orphans’ Court matters, all “Confidential Information” as defined in Section 7.0 of the Policy which is to be filed with any Case Record, shall be set forth on the Confidential Information Form. Such policy is subject to change upon Order of Court, which could direct (among other things) that a redacted version of any document be produced.

#### Trial Division

#### 6. Civil Section and Family Section.

For all Civil and Family matters, any filing containing Confidential Information, not required by applicable authority to appear in the document, shall be redacted and accompanied by a Confidential Information Form (CIF), and only the redacted version will be accessible by the public. Any filing of a Confidential Document shall be

accompanied by a Confidential Document Form (CDF) and only the CDF will be accessible by the public. As to all Family matters, on-line remote access is limited to the Docket. The presiding judge, upon application of a litigant or attorney or acting sua sponte, retains the right to require filing in a redacted/unredacted form.

#### 7. *Criminal Section.*

For all Criminal matters, any filing containing Confidential Information, not required by applicable authority to appear in the document, shall be redacted and accompanied by a Confidential Information Form (CIF), and only the redacted version will be accessible by the public. Any filing of a Confidential Document shall be accompanied by a Confidential Document Form (CDF), and only the CDF will be accessible by the public. Additionally, all confidentiality provisions regarding Juvenile Court proceedings shall continue to comply with the Juvenile Act. The presiding judge, upon application of a litigant or attorney or acting sua sponte, retains the right to require filing in a redacted/unredacted form.

#### 8. *Magisterial District Courts*

##### a. *Magisterial District Courts*

For all Magisterial District Court matters, any filing containing Confidential Information, not required by applicable authority to appear in the document, shall be redacted and accompanied by a Confidential Information Form (CIF), and only the redacted version will be accessible by the public. Any filing of a Confidential Document shall be accompanied by a Confidential Document Form (CDF), and only the CDF will be accessible by the public. If a filed document fails to comply with the requirements of this section, a Magisterial District Court may, upon request or its own initiative, with or without a hearing order the filed document redacted, amended or both.

##### b. *Public Access*

When desiring to inspect or copy case records, an oral or written request must be made to the applicable custodian. Requests shall identify or describe the records sought with specificity to enable the custodian to ascertain which records are being requested. If the information that is the subject of a request is complex or voluminous, the custodian may require a written request. The custodian may also designate an individual to monitor access to ensure the integrity of the case records is maintained.

##### c. *Fees*

Fees for the duplication by photocopying or printing from electronic media or microfilm will be \$0.25 per page. All Fee schedules for the Magisterial District Court shall be publicly posted in an area accessible to the public.

##### d. *Relief from Denial*

Relief from a denial by a Magisterial District Court may be sought by filing a written appeal within ten (10) business days of a denial to the Deputy Administrator, Special Courts, 100 N. Front Street, Media, Pa. 19063. Within twenty (20) business days, the Deputy Administrator, Special Courts shall make a determination and forward it in writing to the requestor. Any further appeal shall be subject to Chapter 15, Judicial review of Government Determinations, of the Rule of Appellate Procedure.

#### 9. *Corrections of Clerical Errors in Case Record*

A Party, or the party's attorney, seeking to correct a Clerical Error in a case record may submit a Request for Correction of Clerical Error to the Custodian which follows as Exhibit "F."

All requests shall be in writing on the form designated by the Administrative Office of Pennsylvania Courts. The requestor shall specifically describe within the request the alleged Clerical Error and shall provide sufficient facts, including supporting documentation, to corroborate the allegation of Clerical Error. The requestor shall provide copies of the request to each party in the case.

Within 10 business days of its receipt of the request, the Custodian shall reply in writing to the requestor and each party in the case, selecting one of the following responses:

a. The request does not contain sufficient facts to determine the information alleged to be in error, and no further action will be taken in the reply to the request;

b. The request does not concern a Case Record which is subject to this policy, and no further action will be taken on the request;

c. A Clerical Error does exist in the Case Record and the Clerical Error in question has been corrected;

d. A Clerical Error does not exist in the Case Record; or

e. The request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.

The requestor and each party in the case may seek review of the Custodian's reply under subsections 9(a)—(d) of this Local Rule of Judicial Administration within 10 business days of the mailing date of the Custodian's Reply. The Request For Review of Custodian's Reply shall be made on the form designated by the Administrative Office of Pennsylvania Courts. The Request For Review shall be considered by the judge(s) who presided over the case. However, if the Request For Review concerns a Magisterial District Court's decision, it shall be reviewed by the Special Court Administrator in accordance with previously listed 8(d).

#### 10. *Motions to Seal Court Records.*

This Public Access Policy Local Rule in no way alters the ability and authority of the Court, upon application of a litigant or attorney or acting sua sponte, to seal a record or any portion of a record for reasons not inconsistent with the Policy of the Unified Judicial System of Pennsylvania.

#### 11. *Public Accessibility to Case Records.*

Accessibility of all case record information by the public shall be governed by the following Limits of Public Access Matrix. (Follows as Exhibit 'C'.) Please note that certain case record information is inaccessible, while other case record information may be publicly accessible at the courthouse but not accessible online.

*By the Court*

KEVIN F. KELLY,  
*President Judge*

Exhibit A

**CONFIDENTIAL  
INFORMATION  
FORM**



*Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*  
204 Pa. Code § 213.81  
[www.pacourts.us/public-records](http://www.pacourts.us/public-records)

\_\_\_\_\_  
(Party name as displayed in case caption)

\_\_\_\_\_  
Docket/Case No.

Vs.

\_\_\_\_\_  
(Party name as displayed in case caption)

\_\_\_\_\_  
Court

This form is associated with the pleading titled \_\_\_\_\_, dated \_\_\_\_\_.

Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Information Form shall accompany a filing where confidential information is **required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter**. This form, and any additional pages, shall remain confidential, except that it shall be available to the parties, counsel of record, the court, and the custodian. This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

This Information Pertains to:	Confidential Information:	References in Filing:
<p>_____ (full name of adult)</p> <p>OR</p> <p>This information pertains to a minor with the initials of _____ and the full name of _____</p> <p>_____ (full name of minor)</p> <p>and date of birth: _____</p>	<p>_____ Social Security Number (SSN):</p> <p>_____ Financial Account Number (FAN):</p> <p>_____ Driver's License Number (DLN):</p> <p>_____ State of Issuance:</p> <p>_____ State Identification Number (SID):</p>	<p>Alternative Reference: SSN 1</p> <p>Alternative Reference: FAN 1</p> <p>Alternative Reference: DLN 1</p> <p>Alternative Reference: SID 1</p>
<p>_____ (full name of adult)</p> <p>OR</p> <p>This information pertains to a minor with the initials of _____ and the full name of _____</p> <p>_____ (full name of minor)</p> <p>and date of birth: _____</p>	<p>_____ Social Security Number (SSN):</p> <p>_____ Financial Account Number (FAN):</p> <p>_____ Driver's License Number (DLN):</p> <p>_____ State of Issuance:</p> <p>_____ State Identification Number (SID):</p>	<p>Alternative Reference: SSN 2</p> <p>Alternative Reference: FAN 2</p> <p>Alternative Reference: DLN 2</p> <p>Alternative Reference: SID 2</p>

**CONFIDENTIAL  
INFORMATION  
FORM**



Additional page(s) attached. \_\_\_\_\_ total pages are attached to this filing.

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

\_\_\_\_\_  
Signature of Attorney or Unrepresented Party

\_\_\_\_\_  
Date

Name: \_\_\_\_\_

Attorney Number: (if applicable) \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**NOTE: Parties and attorney of record in a case will have access to this Confidential Information Form. Confidentiality of this information must be maintained.**

**CONFIDENTIAL  
INFORMATION  
FORM**



Additional page (if necessary)

This Information Pertains to:	Confidential Information:	References in Filing:
<p>_____</p> <p>(full name of adult)</p> <p>OR</p> <p>This information pertains to a minor with the initials of _____ and the full name of _____</p> <p>(full name of minor)</p> <p>and date of birth: _____</p>	<p>Social Security Number (SSN): _____</p> <p>Financial Account Number (FAN): _____</p> <p>Driver's License Number (DLN): _____</p> <p>State of Issuance: _____</p> <p>State Identification Number (SID): _____</p>	<p>Alternative Reference: SSN _____</p> <p>Alternative Reference: FAN _____</p> <p>Alternative Reference: DLN _____</p> <p>Alternative Reference: SID _____</p>
<p>_____</p> <p>(full name of adult)</p> <p>OR</p> <p>This information pertains to a minor with the initials of _____ and the full name of _____</p> <p>(full name of minor)</p> <p>and date of birth: _____</p>	<p>Social Security Number (SSN): _____</p> <p>Financial Account Number (FAN): _____</p> <p>Driver's License Number (DLN): _____</p> <p>State of Issuance: _____</p> <p>State Identification Number (SID): _____</p>	<p>Alternative Reference: SSN _____</p> <p>Alternative Reference: FAN _____</p> <p>Alternative Reference: DLN _____</p> <p>Alternative Reference: SID _____</p>



**CONFIDENTIAL  
INFORMATION  
FORM**



**Instructions for Completing the Confidential Information Form**

The following information is confidential and shall not be included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.
3. Driver License Numbers
4. State Identification (SID) Numbers
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355). "Minor" is a person under the age of eighteen.
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S. § 62A01 et seq. **If necessary, this information must be provided on the separate Abuse Victim Addendum. Please note there are separate instructions for the completion of the Addendum located on the form.**

Please note this form does not need to be filed in types of cases that are sealed or exempted from public access pursuant to applicable authority (e.g. juvenile, adoption, etc.).

- **The best way to protect confidential information is not to provide it to the court. Therefore, only provide confidential information to the court when it is required by law, ordered by the court or is otherwise necessary to effect the disposition of a matter.**
- Do not include confidential information in any other document filed with the court under this docket.
- If you need to refer to a piece of confidential information in a document, use the alternate references. If you need to attach additional pages, sequentially number each alternate reference – i.e. SSN 3, SSN 4, etc.
- This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

A court or custodian is not required to review or redact any filed document for compliance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

If a filed document fails to comply with the requirements of the above referenced policy, a court of record may, upon motion or its own initiative, with or without a hearing, order the filed document sealed, redacted, amended or any combination thereof; a magisterial district court may, upon request or its own initiative, redact, amend or both. A court of record may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

Rev. 7/2018

**THIS FORM IS CONFIDENTIAL**

**CONFIDENTIAL  
INFORMATION  
FORM**



**Abuse Victim Addendum**

**Instructions for Completing the Abuse Victim Addendum:** The Abuse Victim Addendum shall accompany a filing where confidential information is being provided by an abuse victim, as defined in this policy, in family court actions (see Pa.R.C.P. No. 1931(a)), as required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter. This addendum, and any additional pages, shall only be provided to the court and shall remain confidential. The best way to protect confidential information is not to provide it to the court. Therefore, only provide confidential information to the court when it is required by law, ordered by the court or is otherwise necessary to effect the disposition of a matter.

Type of Family Court Action		
<input type="checkbox"/> Divorce, Annulment, Dissolution of Marriage	<input type="checkbox"/> Child Custody	
<input type="checkbox"/> Support	<input type="checkbox"/> Paternity	<input type="checkbox"/> Protection from Abuse
This Information Pertains to:	Confidential Information:	References in Filing:
_____	AV Address:	Alternative Reference: AV 1 Address
(full name of abuse victim)	_____	
_____	AV Employer's Name & Address:	Alternative Reference: AV 1 Employer's Name & Address
Docket/Case No. of Protection Order	_____	
_____	AV Work Schedule:	Alternative Reference: AV 1 Work Schedule
Court/County	_____	
	AV Other contact information:	Alternative Reference: AV 1 Other contact information

Attach additional page(s) if necessary.

**CONFIDENTIAL  
INFORMATION  
FORM**



**Abuse Victim Addendum**  
Additional page (if necessary)

<b>Type of Family Court Action</b>		
<input type="checkbox"/> Divorce, Annulment, Dissolution of Marriage	<input type="checkbox"/> Child Custody	
<input type="checkbox"/> Support	<input type="checkbox"/> Paternity	<input type="checkbox"/> Protection from Abuse
This Information Pertains to:	Confidential Information:	References in Filing:
<p>_____</p> <p>(full name of abuse victim)</p> <p>_____</p> <p>Docket/Case No. of Protection Order</p> <p>_____</p> <p>Court/County</p>	<p>AV Address:</p> <p>_____</p> <p>AV Employer's Name &amp; Address:</p> <p>_____</p> <p>AV Work Schedule:</p> <p>_____</p> <p>AV Other contact information:</p> <p>_____</p>	<p>Alternative Reference: AV __ Address</p> <p>Alternative Reference: AV __ Employer's Name &amp; Address</p> <p>Alternative Reference: AV __ Work Schedule</p> <p>Alternative Reference: AV __ Other contact information</p>

<b>Type of Family Court Action</b>		
<input type="checkbox"/> Divorce, Annulment, Dissolution of Marriage	<input type="checkbox"/> Child Custody	
<input type="checkbox"/> Support	<input type="checkbox"/> Paternity	<input type="checkbox"/> Protection from Abuse
This Information Pertains to:	Confidential Information:	References in Filing:
<p>_____</p> <p>(full name of abuse victim)</p> <p>_____</p> <p>Docket/Case No. of Protection Order</p> <p>_____</p> <p>Court/County</p>	<p>AV Address:</p> <p>_____</p> <p>AV Employer's Name &amp; Address:</p> <p>_____</p> <p>AV Work Schedule:</p> <p>_____</p> <p>AV Other contact information:</p> <p>_____</p>	<p>Alternative Reference: AV __ Address</p> <p>Alternative Reference: AV __ Employer's Name &amp; Address</p> <p>Alternative Reference: AV __ Work Schedule</p> <p>Alternative Reference: AV __ Other contact information</p>

Exhibit B

**CONFIDENTIAL  
DOCUMENT FORM**



*Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*

204 Pa. Code § 213.81

[www.pacourts.us/public-records](http://www.pacourts.us/public-records)

\_\_\_\_\_  
(Party name as displayed in case caption)

\_\_\_\_\_  
Docket/Case No.

Vs.

\_\_\_\_\_  
(Party name as displayed in case caption)

\_\_\_\_\_  
Court

This form is associated with the pleading titled \_\_\_\_\_, dated \_\_\_\_\_, \_\_\_\_.

Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Document Form shall accompany a filing where a confidential document is required by law, ordered by the court, or is otherwise necessary to effect the disposition of a matter. This form shall be accessible to the public, however the documents attached shall not be publicly accessible, except as ordered by a court. The documents attached will be available to the parties, counsel of record, the court, and the custodian.

**Please only attach documents necessary for the purposes of this case.** Complete the entire form and check all that apply. This form and any additional pages must be served on all unrepresented parties and counsel of record.

Type of Confidential Document	Paragraph, page, etc. where the confidential document is referenced in the filing:
<input type="checkbox"/> Financial Source Documents	
<input type="checkbox"/> Tax Returns and schedules	
<input type="checkbox"/> W-2 forms and schedules including 1099 forms or similar documents	
<input type="checkbox"/> Wage stubs, earning statements, or other similar documents	
<input type="checkbox"/> Credit card statements	
<input type="checkbox"/> Financial institution statements (e.g., investment/bank statements)	
<input type="checkbox"/> Check registers	
<input type="checkbox"/> Checks or equivalent	
<input type="checkbox"/> Loan application documents	
<input type="checkbox"/> Minors' educational records	
<input type="checkbox"/> Medical/Psychological records	
<input type="checkbox"/> Children and Youth Services' records	
<input type="checkbox"/> Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33	
<input type="checkbox"/> Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c)	
<input type="checkbox"/> Agreements between the parties as used in 23 Pa.C.S. §3105	

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

\_\_\_\_\_  
Signature of Attorney or Unrepresented Party

\_\_\_\_\_  
Date

Name: \_\_\_\_\_

Attorney Number: (if applicable) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

**CONFIDENTIAL  
DOCUMENT FORM****Instructions for Completing the Confidential Document Form**

The following documents are confidential and shall be filed with a court or custodian with the "Confidential Document Form":

1. Financial Source Documents as listed on the form
2. Minors' educational records
3. Medical/Psychological records are defined as "records relating to the past, present, or future physical or mental health or condition of an individual"
4. Children and Youth Services' records
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c)
7. Agreements between the parties as used in 23 Pa.C.S. § 3105

For each confidential document, list the paragraph, page, etc. where the document is referenced in the filing. Please note, this form does not need to be filed in types of cases that are sealed or exempted from public access pursuant to applicable authority (e.g. juvenile, adoption, etc.)

- **Please only attach documents necessary for the purposes of this case.**
- Complete the entire form and check all that apply.
- This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

A court or custodian is not required to review or redact any filed document for compliance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. A party's or attorney's failure to comply shall not affect access to case records that are otherwise accessible.

If a filed document fails to comply with the above referenced policy, a court of record may, upon motion or its own initiative, with or without a hearing, order the filed document sealed; a magisterial district court may do so upon request or its own initiative. A court of record may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

Rev. 7/2018

THE COURTS

Exhibit C

CERTIFICATE OF COMPLIANCE

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

Submitted by: \_\_\_\_\_

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

Name: \_\_\_\_\_

Attorney No. (if applicable): \_\_\_\_\_

LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

THE COURTS

4245

Exhibit D

Subject Area	Record Description	Accessibility	Authority
Civil	Jurors Notes.	No Public Access. Collected and destroyed post-trial.	Pa.R.C.P. No. 223.2.
Commonwealth Court	Child Line Registry Cases.	No Public Access to documents in the case except Orders and Opinions wherein the court shall use initials of the minor child involved rather than full name.	Admin. Order No. 126 Misc. Docket No. 3 (February 8, 2013).
Criminal	Juror's Address.	No Public Access.	<i>Commonwealth v. Long</i> , 922 A.2d 892 (Pa. 2007).
Criminal	Sealed affidavit of probable cause for a search warrant.	No Public Access while sealed. The affidavit may not be sealed for more than 60 days unless an extension is received. Extensions may not be longer than 30 days, but an unlimited number of extensions are available. Public may access the affidavit after it has been unsealed.	Pa.R.Crim.P. 211.
Criminal	Unexecuted Search Warrant.	No Public Access until warrant is executed.	Pa.R.Crim.P. 212(A).
Criminal	Arrest Warrant Information.	A court may delay public access for good cause for up to 72 hours. In addition, a court may seal arrest warrant information for a longer period of time.	Pa.R.Crim.P. 513(C), Pa.R.Crim.P. 513.1.
Criminal	Motion filed by attorney for the Commonwealth to present the matter to an indicting grand jury and subsequent order.	No Public Access - the motion and order are sealed.	Pa.R.Crim.P. 556.2.

## LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

Subject Area	Record Description	Accessibility	Authority
Criminal	All indicting grand jury proceedings and related documents.	No Public Access. Disclosure may be granted to attorney for the Commonwealth, defendant in a criminal case, witnesses, law enforcement personnel, and upon motion when necessary.	Pa.R.Crim.P. 556.10
Criminal	Sealed indictments.	No Public Access.	Pa.R.Crim.P. 556.11(E).
Criminal	Sealed records concerning mental health experts.	No Public Access.	Pa.R.Crim.P. 569.
Criminal	Sealed written statements pertaining to protective orders.	No Public Access. The entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.	Pa.R.Crim.P. 573(F).
Criminal	Sealed plea agreement.	No Public Access.	Pa.R.Crim.P. 590.
Criminal	Juror qualification forms.	No Public Access.	Pa.R.Crim.P. 625(A)(3).
Criminal	Juror information questionnaires.	No Public Access. Questionnaires are retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge.	Pa.R.Crim.P. 632.
Criminal	Sealed verdict.	No Public Access.	Pa.R.Crim.P. 649.
Criminal	Notes taken by jurors.	No Public Access.	Pa.R.Crim.P. 644(B)(7).
Criminal	Pre-sentence reports and related psychiatric psychological reports.	No Public Access.	Pa.R.Crim.P. 703(A).



LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

Subject Area	Record Description	Accessibility	Authority
Criminal	Records revealing the names of human trafficking victims.	No Public Access, unless otherwise ordered by a court in a prosecution involving a victim of human trafficking.	18 Pa.C.S. § 3019(a).
Criminal	Wiretap applications, final reports and orders.	No Public Access except upon showing of good cause before a court of competent jurisdiction.	18 Pa.C.S. § 5715.
Criminal	Names of minor victims of sexual or physical abuse.	No Public Access. Records revealing a victim's name are sealed. A minor victim who is 18 years of age or older at the time of the commencement of the prosecution may waive this protection and allow the court to release the name of the minor victim.	42 Pa.C.S. § 5988.
Domestic Relations	Information regarding the registration, filing of a petition for, or issuance of a protection from abuse in either the issuing or enforcing State.	No Public Access via internet publication, if such publication would be likely to publically reveal the identity or location of the protected party.	18 U.S.C. § 2265(d)(3).
Domestic Relations	Social security number of any individual subject to a divorce decree, support order, paternity determination, or acknowledgement of paternity, which is required in all records of those matters.	No Public Access.	23 Pa.C.S. § 4304.1(a)(3).

LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

Subject Area	Record Description	Accessibility	Authority
Domestic Relations	Child Support Records	No Public Access, except for PACSES dockets, court orders and opinions.	42 U.S.C. §§ 654 (26)(A), 654a(d)(1)(A); 45 CFR §§ 303.21(c)-(d), 307.13(a)(1); 23 Pa.C.S. §4304.1(d); Sections 2.4 and 3.4 of the Cooperative Agreement.
Domestic Relations	<p>(a) Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to:...</p> <p>(10) Implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including:...</p> <p>(ii) prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered; and</p> <p>(iii) prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in physical or emotional harm to the party or the child.</p>	No Public Access.	23 Pa.C.S. § 4305 (a)(10)(ii)-(iii).

LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

Subject Area	Record Description	Accessibility	Authority
Domestic Relations	List of weapons ordered to be relinquished by the defendant in an action for protection from abuse.	No Public Access, except (A) upon an order of the court granted upon cause shown; (B) as necessary, by law enforcement and court personnel; or (C) after redaction of information listing any firearm, other weapon or ammunition.	23 Pa.C.S. § 6108(a)(7)(v).
Domestic Relations	All records pertaining to a confidential address for individuals participating in the Office of Victim Advocate's Address Confidentiality Program.	No Public Access, except for the substitute address provided by the Office of Victim Advocates.	23 Pa.C.S. § 6703(d); see also 23 Pa.C.S. § 5336(b)(1).
Juvenile Court	Juvenile Dependency and Delinquency records.	No Public Access; except as set forth in 42 Pa.C.S. § 6307, Pa.Rs.J.C.P. 160 and/or 1160, including with leave of court.	42 Pa.C.S. § 6307; Pa.Rs.J.C.P. 160, 1160.
Orphans' Court	Proceedings related to appointment of guardianship for incapacitated persons.	Shall be closed to the public upon request of the alleged incapacitated person or his counsel. After the individual's death his/her estate may access the record of the guardianship proceedings.	20 Pa.C.S. § 5511(a); <i>In re Estate of duPont</i> , 2 A.3d 516 (Pa. 2010).
Orphans' Court	Records required for foreign adoption decrees.	No Public Access unless a court order is granted upon good cause.	23 Pa.C.S. § 2908(F); Pa.O.C.R. 15.7.

LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

Subject Area	Record Description	Accessibility	Authority
Orphans' Court	Adoption records.	No Public Access unless otherwise ordered.	23 Pa.C.S. § 2915; <i>see also</i> 23 Pa.C.S. § 2906; Pa.O.C.R. 15.7.
Orphans' Court (Family Court in Philadelphia County or Juvenile Court Section of Family Division in Allegheny County Pa.R.J.A. 2157)	Applications of a minor for judicial approval of decision to have an abortion, under the Abortion Control Act, as well as proceedings and the name of the minor.	No Public Access; sealed dockets, and documents shall be maintained in a closed file marked "confidential" and identified by case number only.	18 Pa.C.S. § 3206(f); Pa.O.C.R. 16.2 and 16.6. Note also Pa.R.J.A. No. 2157 and Pa.R.A.P. 3801.
General	For certain offenses graded as a misdemeanor of the second or third degree, any information relating to the conviction, arrest, indictment or other information leading to the conviction, arrest, indictment or other information.	No public access. The court shall not release the information to an individual, noncriminal justice agency or an internet website.	18 Pa.C.S. § 9122.1 and amends 18 Pa.C.S. § 9121.
General	Records concerning persons in treatment under the Mental Health Procedures Act.	Limited Public Access in compliance with the Mental Health Procedures Act and controlling case law.	50 P.S. § 7111.
General	Court documents, rules, or orders in Gaming Law proceedings.	Any party may request proceeding and record to be sealed if in best interest of any person or Commonwealth.	4 Pa.C.S. § 1518.2(b).
General	Proceedings and records involving juveniles charged with a summary offense before the minor judiciary, the Philadelphia Municipal Court or a Court of Common Pleas.	No Public Access.	42 Pa.C.S. §§ 6303(c), 6307(c), and 6336(g).

LIMITS ON PUBLIC ACCESS TO UNIFIED JUDICIAL SYSTEM CASE RECORDS

Subject Area	Record Description	Accessibility	Authority
General	Transcript of proceedings in the judicial districts within the Unified Judicial System.	A court may order the person preparing the transcript to redact confidential, personal and/or financial data and other identifiers and information listed in Section 7.0 of the Case Records Public Access Policy of the Unified Judicial System.	Pa.R.J.A. No 4014.

\*Note this may not be a complete listing; the public and court staff are directed to consult federal and state statutes, court rules or case law.

THE COURTS

Exhibit E

REQUEST FOR ACCESS FORM



Case Records Public Access Policy of the Unified Judicial System of Pennsylvania  
 204 Pa. Code § 213.81  
[www.pacourts.us/public-records](http://www.pacourts.us/public-records)

DATE OF REQUEST: \_\_\_\_\_

REQUESTOR INFORMATION:

NAME: \_\_\_\_\_ DAYTIME TELEPHONE NUMBER: ( ) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_ FAX NUMBER: ( ) \_\_\_\_\_

REQUESTING CASE RECORD FROM:

<input type="checkbox"/> Supreme Court	<input type="checkbox"/> Superior Court	<input type="checkbox"/> Commonwealth Court
<input type="checkbox"/> Court of Common Pleas	<input type="checkbox"/> Philadelphia Municipal Court	<input type="checkbox"/> Magisterial District Court

DESCRIBE INFORMATION REQUESTED: (See instructions on following page)

Official Use Only	CHARGE	Comments
Date Received _____	_____	
Tracking Number (if applicable) _____	Total Cost _____	

Rev. 7/2018

## REQUEST FOR ACCESS FORM



## INSTRUCTIONS FOR OBTAINING A CASE RECORD

1. A requestor shall identify or describe the record sought with specificity to enable the custodian to ascertain which record is being requested.
2. The completed form shall be submitted to the appropriate custodian. Incomplete forms may result in delayed access to the requested record.
3. The requestor may be charged reasonable fees for access to court records. Fees for duplication by photocopying or printing from electronic media or microfilm shall not exceed \$0.25 per page, unless otherwise provided by applicable authority.
4. Requests will be completed as promptly as possible under the circumstances existing at the time of the request. If the custodian cannot fulfill the request promptly or at all, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.
5. If a request is denied by the custodian, relief may be sought by filing a motion or application with the court for which the custodian maintains the records. If a request is denied by a magisterial district court, relief may be sought by filing an appeal with the president judge of the judicial district or the president judge's designee. If a request is denied by the Philadelphia Municipal Court, relief may be sought by filing a motion with the president judge of Philadelphia Municipal Court or the president judge's designee.

## For Court Use Only

Your request was received on \_\_\_/\_\_\_/\_\_. In accordance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, please be advised that:

- this request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- the information/record does not exist.
- the information/record is not a case record as defined by the Policy.
- you have failed to properly complete the Request Form.
- Other \_\_\_\_\_

---

 Signature

---

 Date

Rev. 7/2018

Exhibit F

REQUEST FOR CORRECTION OF CLERICAL ERRORS



Case Records Public Access Policy of the Unified Judicial System of Pennsylvania
204 Pa. Code § 213.81
www.pacourts.us/public-records

Requestor Information:

Name: \_\_\_\_\_ Attorney No. (if applicable): \_\_\_\_\_
Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_
\_\_\_\_\_ Email Address: \_\_\_\_\_
\_\_\_\_\_ Fax Number: \_\_\_\_\_

I am: [ ] A party to the case. [ ] An attorney for a party to the case.

Case caption of the case record: \_\_\_\_\_ Docket number of the case record: \_\_\_\_\_

Set forth in specificity the information that is alleged to be a clerical error, as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. Attach additional sheets if necessary.
Set forth in specificity sufficient facts, including supporting documentation, that corroborates your allegation. Attach additional sheets if necessary.

I, \_\_\_\_\_, verify that the facts set forth in this form are true and correct to the best of my knowledge or information and belief. This statement is subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.

Signature of Requestor: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: A request to correct a clerical error in a case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court. A request to correct a clerical error in a case record of a court of common pleas, magisterial district court, or Philadelphia Municipal Court shall be submitted to the applicable custodian. You shall provide a copy of this completed form to all parties to the case.



**REQUEST FOR CORRECTION  
OF CLERICAL ERRORS**



**For Custodian Use Only**

Please be advised that your request was received on \_\_\_/\_\_\_/\_\_\_ . In accordance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, please be advised that:

- the request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.
- the request does not concern a case record that is covered by this policy, and no further action will be taken on the request.
- a clerical error does exist in the case record and the information in question has been corrected.
- a clerical error does not exist in the case record.
- the request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.

Comments:

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

*If an additional period of time not exceeding 30 business days was necessary to complete the review of the request, please be advised that:*

- this request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- this request is being returned to you because it does not concern a case record. No further action will be taken on this matter.
- it was determined a clerical error existed in the case record, and the information has been corrected.
- it was determined a clerical error does not exist in the case record.

Comments:

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

**For Use by Requestor**

Unless applicable authority requires otherwise, please follow the following procedure. This procedure cannot be used to correct alleged inaccuracies in orders and judgments. If you wish to seek review of the decision set forth above, please complete this section and submit this entire form to the custodian within 10 business days of the mailing date of the response. The custodian will submit the form to the judge(s) who presided over the case for review. If the request for review concerns a magisterial district court's decision, it shall be reviewed by the president judge or his/her designee.

I, \_\_\_\_\_, request that a review of the decision set forth above be made.

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

Rev. 7/2018

## Title 255—LOCAL COURT RULES

### GREENE COUNTY

#### Office of President Judge Administrative Order; Court Administration Doc. No. 8 of 2018

#### Order

#### Criminal Court Division

#### Central Booking Center Fee

And Now This 15th day of June, 2018, it is hereby Ordered and Directed that pursuant to Pa.C.S.A. § 1725.5 and 1725.6, a booking center fee of \$175.00 shall be imposed against defendants who are placed on Probation Without Verdict, receive Accelerated Rehabilitative Disposition for, plead guilty or nolo contendere to, or are convicted of a misdemeanor or felony offense in accordance with 42 Pa.C.S.A. § 1725.5.

The fee shall be assessed as a cost of prosecution and collected by the Greene County Clerk of Courts. The fee shall be allocated to a Central Booking Center Fund for the implementation, start-up, operation and maintenance of the booking center.

The booking center shall be available for all law enforcement agencies having arrest powers in Greene County. The adoption of the fee shall be effective August 1, 2018.

If it further Ordered and Directed that the District Court Administrator distribute this Order as follows:

1. File one (1) copy of this Order with the Administrative Office of Pennsylvania Court via email of adminrules@pacourts.us.

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

3. Publish a copy of this Order in the *Greene County Law Journal*.

4. Copies of this Order shall be kept continuously available for public inspection in the office of the Greene County Clerk of Court and on the Greene County Website.

So Ordered and Decreed

FARLEY TOOTHMAN,  
President Judge

[Pa.B. Doc. No. 18-1107. Filed for public inspection July 20, 2018, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### MONROE COUNTY

#### Amendment of Local Rules of Civil Procedure in Custody, Divorce and Domestic Relations; 5 AD 2018

#### Order

And Now, this 2nd day of July, 2018, it is Ordered that effective immediately the following Monroe County Rules of Civil Procedure in Custody, Divorce and Domestic Relations are rescinded in their entirety: 1915.3, 1915.4-3, 1915.22 and 1920.55-2.

It Is Further Ordered that the District Court Administrator shall:

1. File one copy of this Rule with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two paper copies and one electronic copy of this Rule in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Provide one copy of this Rule to the Monroe County Law Library.

4. Keep such Administrative Local Rules, as well as all local rules of this Court, continuously available for public inspection and copying in the Monroe County Offices of the Prothonotary

a. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have this Administrative Rule published on the Monroe County Bar Association website at www.monroebar.org.

6. Arrange to have this Administrative Rule, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

By the Court

MARGHERITA PATTI-WORTHINGTON,  
President Judge

[Pa.B. Doc. No. 18-1108. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Marc D'Arienzo (# 68625), having been disbarred in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order on June 29, 2018, disbaring Marc D'Arienzo from the Bar of this Commonwealth, effective July 29, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary

[Pa.B. Doc. No. 18-1109. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Barry Jay Beran having been suspended from the practice of law in the State of New Jersey; the Supreme Court of Pennsylvania issued

an Order dated June 29, 2018 suspending Barry Jay Beran from the practice of law in this Commonwealth for a period of three months, effective July 29, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary

[Pa.B. Doc. No. 18-1110. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that John Andrew Klamo having been suspended from the practice of law in the State of New Jersey; the Supreme Court of Pennsylvania issued an Order dated June 29, 2018 suspending John Andrew Klamo from the practice of law in this Commonwealth for a period of three months, effective July 29, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Common-

wealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary

[Pa.B. Doc. No. 18-1111. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that William J. Soriano having been suspended from the practice of law in the State of New Jersey; the Supreme Court of Pennsylvania issued an Order dated June 29, 2018 suspending William J. Soriano from the practice of law in this Commonwealth for a period of two years, effective July 29, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,  
Secretary

[Pa.B. Doc. No. 18-1112. Filed for public inspection July 20, 2018, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF LABOR AND INDUSTRY

[ 34 PA. CODE CH. 231 ]

### Minimum Wage; Extension of Public Comment Period

The Department of Labor and Industry (Department) published proposed rulemaking 12-106 at 48 Pa.B. 3731 (June 23, 2018), which proposed to amend Chapter 231 (relating to minimum wage) to update the exemptions from the minimum wage and overtime provisions of The Minimum Wage Act of 1968 (43 P.S. §§ 333.101—333.115). The public comment period for this proposed rulemaking was due to close on July 23, 2018. By this notice, the Department is extending the public comment period for this proposed rulemaking by 30 days. Public comment will now close on August 22, 2018.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Bryan Smolock, Director, Bureau of Labor Law Compliance, Department of Labor and Industry, 651 Boas Street, Room 1301, Harrisburg, PA 17121, (717) 787-0606, bsmolock@pa.gov no later than August 22, 2018.

W. GERARD OLEKSIAK,  
*Secretary*

[Pa.B. Doc. No. 18-1113. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

[ 31 PA. CODE CH. 146a ]

### Privacy of Consumer Financial Information

The Insurance Department (Department) proposes to amend Chapter 146a (relating to privacy of consumer financial information) to read as set forth in Annex A. This rulemaking is proposed under the Department's general rulemaking authority as set forth in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412) and the Department's rulemaking authority under the Unfair Insurance Practices Act (40 P.S. §§ 1171.1—1171.15). See *PALU v. Insurance Department*, 371 A.2d 564 (Pa. Cmwlth. 1977) (further explaining the Insurance Commissioner's authority to promulgate regulations under the Unfair Insurance Practices Act).

#### *Purpose*

Chapter 146a governs the treatment of nonpublic personal financial information by various licensees of the Department. Among other requirements, Chapter 146a requires a licensee to provide notice to individuals about its privacy policies and practices; describes the conditions under which a licensee may disclose nonpublic personal financial information about individuals to affiliated and nonaffiliated parties; and provides methods for individuals to prevent a licensee from disclosing that information. Chapter 146a, adopted in 2001, is based upon National Association of Insurance Commissioners (NAIC) Model Regulation No. 672, "Privacy of Consumer Financial and

Health Information Regulation." NAIC Model Regulation No. 672 was originally designed to satisfy the minimum standards for financial information privacy in the Gramm-Leach-Bliley Act (GLBA) (15 U.S.C.A §§ 6801—6827). The NAIC Model Regulation was largely based upon privacy regulations promulgated by Federal banking regulatory agencies and sets forth similar standards for notice and opt out requirements.

On December 4, 2015, President Obama signed the Fixing America's Surface Transportation Act (FAST Act) (Pub.L. No. 114-94) into law. Section 75001 of the FAST Act contains an amendment entitled "Eliminate Privacy Notice Confusion," which amended section 503 of the GLBA (15 U.S.C.A. § 6803) to provide for exceptions to the requirement that financial institutions provide annual privacy notices to customers. In response to the changes to the GLBA, the NAIC amended NAIC Model Regulation No. 672. The amendments incorporate the exceptions to the privacy notice requirement and provide that if a licensee uses a sample privacy form in 16 CFR Part 313 (relating to privacy of consumer financial information), the licensee would be deemed compliant with the state's model regulation.

The purpose of this proposed rulemaking is to update the Commonwealth's requirements for the treatment of nonpublic financial information in accordance with the changes made to the GLBA and the corresponding provisions of NAIC Model Regulation No. 672.

A copy of the copyrighted NAIC Model Regulation was provided to the House Insurance Committee, the Senate Banking and Insurance Committee, the Independent Regulatory Review Commission (IRRC), the Governor's Office of Policy and Planning, the Governor's Office of General Counsel and the Office of Attorney General to assist in the analysis of this proposed rulemaking. Copies of the NAIC Model Regulation are available to the general public by contacting the NAIC.

#### *Explanation of Regulatory Requirements*

Section 146a.1(d) (relating to purpose) is proposed to be deleted to accommodate changes made to the NAIC Model Regulation that would provide for a safe harbor for compliance for licensees who use the Federal model privacy form.

Section 146a.2 (relating to definitions) is proposed to be amended to add a definition of "Federal model privacy form" to promote readability throughout Chapter 146a.

Section 146a.3 (relating to examples and safe harbor) is proposed to be added in accordance with changes to the NAIC Model Regulation. Subsection (a) would provide that a licensee would be considered compliant with Chapter 146a if the licensee uses an example, a sample clause or the Federal model privacy form. Subsection (a) also provides that licensees may rely on the Federal model privacy form used consistently with its attached instructions as a safe harbor for compliance with the requirements of Chapter 146a regarding privacy notice content. Subsection (b) clarifies that the use of the examples in Chapter 146a, the sample clauses in Appendix A (relating to sample clauses), or the Federal model privacy form would not be the exclusive means of compliance with the requirements of the regulation. Additionally, subsection (c) provides that licensees may not rely on use of privacy notices containing the sample clauses in

Appendix A as a safe harbor for compliance with the privacy notice content requirements of Chapter 146a after July 1, 2019.

Proposed § 146a.12(b) (relating to annual privacy notice to customers required) would provide for an exemption from the annual privacy notice provisions if a licensee has not changed its policies and practices regarding nonpublic personal information for certain types of disclosures. Current subsections (b) and (c) are proposed to be renumbered as subsections (c) and (d), respectively.

Section 146a.13(f) (relating to information to be included in privacy notices) is proposed to be amended to add language referencing the Federal model privacy form.

*External Comments*

The Department circulated an exposure draft substantially similar to this proposed rulemaking to several industry participants including the Insurance Federation of Pennsylvania, the Pennsylvania Association of Mutual Insurance Companies, Insurance Agents and Brokers, and the American Insurance Association. The Department received six responses, four of which contained editorial comments with suggested edits that were carefully considered before initiating the regulatory process.

*Affected Parties*

This proposed rulemaking applies to all entities that fall within the definition of a “licensee” in § 146a.2 including:

- Licensed insurers as defined in section 201-A of The Insurance Department Act of 1921 (40 P.S. § 65.1-A) and entities doing the business of insurance under The Insurance Company Law of 1921 (40 P.S. §§ 341—991.2610).
- Fraternal benefit societies licensed under sections 2401—2466 of The Insurance Company Law of 1921 (40 P.S. §§ 991.2401—991.2466).
- Producers licensed under sections 601-A—699.1-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a).
- Reinsurance intermediaries licensed under sections 701—710 of The Insurance Department Act of 1921 (40 P.S. §§ 321.1—321.10); insurance administrators licensed under the Insurance Administrator Licensure Act (40 P.S. §§ 324.1—324.13); and other miscellaneous persons or entities licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered under The Insurance Department Act of 1921 (40 P.S. §§ 1—326.7).
- Health maintenance organizations holding a certificate of authority under section 201 of the Health Care Facilities Act (35 P.S. § 448.201).
- Nonadmitted insurers that accept business placed through a surplus lines licensee (as defined in section 1602 of The Insurance Company Law of 1921 (40 P.S. § 991.1602)) in this Commonwealth with regard to surplus lines placements placed under sections 1601—1626 of The Insurance Company Law (40 P.S. §§ 991.1601—991.1626).

*Fiscal Impact*

*State government*

There will not be fiscal impact to the Department as a result of this proposed rulemaking.

*General public*

This proposed rulemaking will not have fiscal impact upon the general public.

*Political subdivisions*

This proposed rulemaking will not have fiscal impact upon political subdivisions.

*Private sector*

While the Department cannot quantify the exact savings to the private sector, the Department believes that the private sector will see savings due to a reduction in postage and printing costs associated with the annual disclosure.

*Paperwork*

The proposed rulemaking would not impose additional paperwork on the Department because no filing is required to be made by licensees. The proposed rulemaking would reduce paperwork for the private sector because it would reduce the need to provide duplicative disclosures.

*Effectiveness and Sunset Dates*

This proposed rulemaking will become effective immediately upon final-form publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

*Contact Person*

Questions or comments regarding this proposed rulemaking may be addressed in writing to Bridget Burke, Regulatory Coordinator, Insurance Department, 1341 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, [briburke@pa.gov](mailto:briburke@pa.gov) within 30 days following the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 11, 2018, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance 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 comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

**Fiscal Note:** 11-257. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 31. INSURANCE**

**PART VIII. MISCELLANEOUS PROVISIONS**

**CHAPTER 146a. PRIVACY OF CONSUMER**

**FINANCIAL INFORMATION**

**Subchapter A. GENERAL PROVISIONS**

**§ 146a.1. Purpose.**

\* \* \* \* \*

(c) *Compliance.* A licensee domiciled in this Commonwealth that is in compliance with this chapter in a state that has not enacted laws or regulations that meet the requirements of Title V of the act of November 12, 1999

(Pub.L. No. 106-102, 113 Stat. 1338) known as the Gramm-Leach-Bliley Act (Financial Services Modernization Act of 1999) (15 U.S.C.A. §§ 6801–6827) may nonetheless be deemed to be in compliance with Title V of the Gramm-Leach-Bliley Act in the other state.

**[ (d) *Examples.* The examples provided in this chapter are for illustrative purposes only and do not otherwise limit or restrict the scope of this chapter. ]**

**§ 146a.2. Definitions.**

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

\* \* \* \* \*

*Department*—The Insurance Department of the Commonwealth.

**Federal model privacy form**—The model form in 16 CFR Part 313, Appendix A (relating to model privacy form), or a successor provision, which is determined by Federal regulation to be compliant with the requirements of the Gramm-Leach-Bliley Act (15 U.S.C.A. §§ 6801–6827).

*Financial institution*—An institution the business of which is engaging in activities that are financial in nature or incidental to the financial activities as described in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C.A. § 1843(k)). The term does not include the following:

\* \* \* \* \*

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

**§ 146a.3. Examples and safe harbor.**

(a) *Compliance.* If a licensee uses an example, sample clause or Federal model privacy form, the licensee shall be considered compliant with a corresponding requirement of this chapter to the extent applicable. Licensees may rely on the Federal model privacy form used in accordance with its attached instructions as a safe harbor for compliance with the requirements of this section related to privacy notice content.

(b) *Nonexclusive means of compliance.* The examples in this chapter, the sample clauses in Appendix A (relating to sample clauses) and the Federal model privacy form are not the exclusive means of compliance with the requirements of this chapter. Licensees may continue to use other types of privacy notices, including notices that contain examples or the sample clauses in Appendix A, or both, provided that the notices accurately describe the licensee’s privacy practices and otherwise meet the privacy notice content requirements of this chapter.

(c) *Sunset of safe harbor for sample clauses in Appendix A.* While licensees may continue to use privacy notices that contain examples and the sample clauses in Appendix A, licensees may not rely on the use of privacy notices containing the sample clauses in Appendix A as a safe harbor for compliance with the privacy notice content requirements of this chapter after July 1, 2019.

**Subchapter B. PRIVACY AND OPT OUT NOTICES FOR FINANCIAL INFORMATION**

**§ 146a.12. Annual privacy notice to customers required.**

(a) *Notice.*

(1) *General rule.* A licensee shall provide a clear and conspicuous notice to customers that accurately reflects

its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of 12 consecutive months during which that relationship exists. A licensee may define the 12-consecutive-month period, but the licensee shall apply it to the customer on a consistent basis.

(2) *Example.* A licensee provides a notice annually if it defines the 12-consecutive-month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice. For example, if a customer opens an account on any day of year 1, the licensee shall provide an annual notice to that customer by December 31 of year 2.

**(b) Exemption to general rule.**

**(1) A licensee is not required to provide an annual privacy notice under this section if all of the following apply:**

**(i) The licensee has not changed its policies or practices regarding disclosure of nonpublic personal financial information from those in the most recent notice sent to consumers.**

**(ii) The disclosure of nonpublic personal financial information is made to only nonaffiliated third parties and meets any of the following requirements:**

**(A) Is made in accordance with § 146a.31 (relating to exception to opt out requirements for disclosure of nonpublic personal financial information for service providers and joint marketing).**

**(B) Falls within the exceptions in § 146a.32 (relating to exceptions to notice and opt out requirements for disclosure of nonpublic personal financial information for processing and servicing transactions).**

**(C) Falls within the exceptions in § 146a.33 (relating to other exceptions to notice and opt out requirements for disclosure of nonpublic personal financial information).**

**(2) A licensee that no longer meets the criteria in paragraph (1) shall provide an annual privacy notice under this section.**

**[ (b) ] (c) *Termination.***

\* \* \* \* \*

**[ (c) ] (d) *Delivery.*** When a licensee is required by this section to deliver an annual privacy notice, the licensee shall deliver it according to § 146a.16 (relating to delivery).

**§ 146a.13. Information to be included in privacy notices.**

\* \* \* \* \*

(f) *Sample clauses and Federal model privacy form.* Sample clauses illustrating some of the notice content required by this section are included in Appendix A (relating to sample clauses) **and may be found in the Federal model privacy form in 16 CFR Part 313, Appendix A (relating to model privacy form).**

[Pa.B. Doc. No. 18-1114. Filed for public inspection July 20, 2018, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### GOVERNOR’S OFFICE

[ 4 PA. CODE CH. 1 ]

#### Executive Orders, Management Directives and Other Issuances of the Directives Management System Indexed for Reference Purposes

The Index of Issuances is being updated to reflect changes since 47 Pa.B. 3975 (July 22, 2017). This amendment adds new issuances, amends and rescinds others. Recipients of publications listed in this index should be kept informed of the status of these publications.

SHARON P. MINNICH,  
*Secretary of Administration*

*(Editor’s Note:* This Index of Issuances is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

This manual provides a complete listing of issuances, specified in Title 4 of the *Pennsylvania Code* § 1.2, from the Governor’s Office and from agencies under the Governor’s jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies following the procedures for publication of issuances in Management Directive 210.1, Directives Management System.

The manual will be amended to reflect the latest issuances, and published annually in Title 4 of the *Pennsylvania Code* § 1.4 at the end of each fiscal year.

This amendment updates the index for all executive orders, management directives, and manuals issued, amended, and rescinded between July 1, 2017 and June 30, 2018.

Individuals should subscribe to receive e-Alerts to receive notification of published issuances at <http://www.oa.pa.gov/Policies/Pages/default.aspx>. For questions regarding the Directives Management System, contact OA, EB-DMS at [ra-eb-dms@state.pa.us](mailto:ra-eb-dms@state.pa.us).

Office of Administration  
Office of Continuity and Records Information  
Management  
613 North Street  
Room 221, Finance Building  
Harrisburg, PA 17120-0400  
[www.oa.pa.gov](http://www.oa.pa.gov)

This manual replaces, in its entirety, Manual 210.3, dated July 5, 2017. This manual includes all new and amended issuances through June 30, 2018.

#### *How to Use Index:*

- Executive orders are by year of issuance.
- Management directives and manuals are numbered in sequence by category (e.g., Financial Management) and subcategory (e.g., Payroll).
- All documents preceded by the letter “M” are manuals.
- Documents that have been rescinded are indicated as rescinded.
- Amendments are presented as complete documents that incorporate all changes since the last issuance.
- Revisions which generally affect older issuances are pen and ink changes or replacement pages and affect only those parts of an issuance being changed. Therefore, the issuance changed by a revision will be in more than one document because there will be original issuance and any revision.

**Fiscal Note:** GOV-18-210.3 (Amended). No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR’S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

#### § 1.4. Index of Issuances.

		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
<i>Executive Orders</i>			
1973-9	Environmental Protection By State Agencies .....	7/13/1973	
1974-11	Governor’s Interdepartmental Council on Seasonal Farmworkers .....	11/2/1978	
1975-5	Commitment Toward Equal Rights .....	9/19/1978	
1975-6	Preservation of Historic Resources .....	5/6/1975	
1977-4	Compliance with Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112) ..	Rescinded by EO2016-08—12/5/2016	
1977-5	Implementation of Act No. 1976-101.....	9/27/1977	
1978-4	Flood Plain Management .....	3/1/1978	
1978-9	Public Information Policies and Practices .....	5/23/1978	

<i>Executive Orders</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
1978-19	Access by Handicapped Individuals to Meeting Locations . . . . .	Rescinded by EO2016-08—12/5/2016	
1979-10	Commonwealth Child Development Committee. . . . .	Rescinded by EO2016-08—12/5/2016	
1979-13	Governor's Office of Policy and Planning. . . . .	9/18/1979	
1980-3	Life Cycle Costing . . . . .	2/8/1980	
1980-4	Golden Keystone Discount Card Program . . . . .	Rescinded by EO2016-08—12/5/2016	
1980-5	Task Force on Employment Services to Displaced Homemakers . . . . .	Rescinded by EO2016-08—12/5/2016	
1980-7	Small Business Service Center. . . . .	Rescinded by EO2016-08—12/5/2016	
1980-18	Code of Conduct . . . . .	5/16/1984. 1,3—Amended (2,4 Rescinded)	
1980-20	Pennsylvania Coastal Zone Management Program. . . . .	9/22/1980	
1981-3	Scheduling of Bond and Note Issue Sales . . . . .	1/30/1981	
1981-4	Federal Program Coordination . . . . .	Rescinded by EO2016-08—12/5/2016	
1981-6	Pennsylvania Department of Health Advisory Board of Arthritis. . . . .	Rescinded by EO2016-08—12/5/2016	
1981-13	Governor's Committee on Employment of the Handicapped . . . . .	Rescinded by EO2016-08—12/5/2016	
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1986-1	Commonwealth Single Audit Coordinator . . . . .	2/24/1986	
1986-5	Standby Allocations of the Volume Cap Under the Tax Reform Act of 1986 . . . . .	Rescinded by EO2016-08—12/5/2016	
1986-7	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions . . . . .	12/1/1986	
1987-1	1987 Allocations of the Unified Volume Cap Under the Tax Reform Act of 1986. . . . .	Rescinded by EO2016-08—12/5/2016	
1987-7	State Inspector General . . . . .	4/6/1987	
1987-8	Pennsylvania Emergency Response Commission. . . . .	Rescinded by EO2016-08—12/5/2016	
1987-9	Allocation of State Low-Income Housing Credit Authority Under the Internal Revenue Code of 1986. . . . .	4/22/1987	
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1987-12	Cultural Advisor to the Governor. . . . .	Rescinded by EO2016-08—12/5/2016	
1987-19	Delegation to Department of Environmental Resources in Compliance with Federal Low-Level Radioactive Waste Policy Amendments Act . . . . .	Rescinded by EO2016-08—12/5/2016	
1988-4	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Inter-Agency Council on Food and Nutrition . . . . .	Rescinded by EO2015-12—9/29/2015	
1988-8	Pennsylvania State Data Center . . . . .	7/12/1988	
1989-3	Master Leasing Program . . . . .	3/2/1989	
1989-8	Municipal Waste Reduction and Planning Program . . . . .	Rescinded by EO2016-08—12/5/2016	
1990-1	Municipal Waste Transportation Enforcement Program . . . . .	Rescinded by EO2016-08—12/5/2016	
1990-3	Contractor Responsibility Program . . . . .	6/29/1990	



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1991-5	Environmental Training Partnership .....	Rescinded by EO2016-08—12/5/2016	
1992-1	Records Management .....	1/8/1992	
1993-2	Civil Disorder and Emergency .....	4/9/1993	
1993-3	State Land Use Planning—Goals and Objectives for Commonwealth Agencies .....	8/31/1993	
1993-4	State Center for Health Statistics and Research .....	10/13/1993	
1994-1	State Commission on National and Community Service.....	1/28/1994	
1994-2	Governor's Office of PennPORTS.....	Rescinded by EO2016-08—12/5/2016	
1994-4	Governor's Committee on Education Standards and Assessment.....	Rescinded by EO2016-08—12/5/2016	
1994-5	Nursing Home Loan Agency's Authorization to Sell Loans.....	Rescinded by EO2016-08—12/5/2016	
1995-1	Judicial Appointments.....	2/27/1995	
1995-2	Drug Policy Planning Coordination.....	Rescinded by EO2016-08—12/5/2016	
1995-4	Monitoring Supplies of Petroleum Products .....	7/10/1995	
1995-6	Governor's Community Partnership for Safe Children .....	Rescinded by EO2016-08—12/5/2016	
1995-7	Governor's Executive Council on Recycling Development and Waste Reduction .....	Rescinded by EO2016-08—12/5/2016	
1995-8	Governor's Advisory Commission on Public School Finance.....	Rescinded by EO2016-08—12/5/2016	
1995-10	Governor's Sports and Exposition Facilities Task Force .....	Rescinded by EO2016-08—12/5/2016	
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1996-2	Implementation of the IMPACCT Commission Recommendations .....	Rescinded by EO2016-08—12/5/2016	
1996-5	Municipal Waste Facilities Review Program.....	Rescinded by EO2016-08—12/5/2016	
1996-6	Governor's Advisory Commission on Academic Standards .....	Rescinded by EO2016-08—12/5/2016	
1996-7	Pennsylvania Center for Environmental Education .....	Rescinded by EO2016-08—12/5/2016	
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1999-1	Land Use Planning .....	1/7/1999	
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2002-13	Proposed Keystone Opportunity Improvement Sub-zones.....	12/31/2002	
2003-1	Commonwealth's Health Care Reform Agenda.....	Rescinded by EO2014-05—7/31/2014	
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2003-5	Upper Delaware Federal Scenic River .....	6/22/2003	
2003-10	Equal Employment Opportunity .....	Rescinded by EO2016-04—4/7/2016	
2003-12	Governor's Cabinet on Children and Families .....	Rescinded by EO2016-08—12/5/2016	
2004-1	Governor's Invasive Species Council.....	Rescinded by EO2017-07—12/20/2017	
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2006-7	Governor's Pandemic Advisory Council .....	Rescinded by EO2016-08—12/5/2016	
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2007-07	Subsidized Child Care Providers Exempt From Certification or Regulation ...	6/14/2007	
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2008-02	Sustainable Water Infrastructure Task Force .....	Rescinded by EO2016-08—12/5/2016	
2008-04	Pennsylvania All-Hazard Incident Management (PA-IMT3) .....	Rescinded by EO2016-08—12/5/2016	
2008-06	Office of Diversity Management .....	4/15/2010	
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2008-08	Early Learning Investment Commission .....	Rescinded by EO2017-05—12/20/2017	
2010-02	Creation of the Commonwealth Health Care Reform Implementation Committee and the Commonwealth Health Care Reform Implementation Advisory Committee .....	Rescinded by EO2014-05—7/31/2014	
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2010-05	Leasing of State Forest and State Park Land for Oil and Gas Development ..	Rescinded by EO2014-03—5/23/2014	
2011-03	Public Private Partnership .....	Rescinded by EO2017-06—12/20/2017	
2011-04	Pennsylvania eHealth Collaborative.....	Rescinded by EO2014-05—7/31/2014	
2011-05	Enterprise Information Technology Governance .....	Rescinded by EO2016-06—4/18/2016	
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2011-07	Pennsylvania Dairy Leadership Council .....	Rescinded by EO2016-08—12/5/2016	
2011-08	Interagency Coordination Advisory Group for Economic Development.....	Rescinded by EO2016-08—12/5/2016	
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2011-11	Office of City Receiver—Harrisburg .....	Terminated 3/1/2014	
2012-02	Governor's Advisory Council for Hunting, Fishing and Conservation .....	Rescinded by EO2015-13—11/24/2015	
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2012-04	Governor's Innovation Office.....	Rescinded by EO2015-04—2/5/2015	
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2012-06	Pennsylvania Commission for Women .....	Rescinded by EO2015-09—8/4/2015	
2012-07	Governor's Advisory Commission on Asian American Affairs.....	Rescinded by EO2015-10—8/4/2015	
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2014-04	Transition Period for the Pennsylvania Health Care Cost Containment Council .....	7/1/2014	
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2014-06	Interoperable Public Safety and Emergency Communications Governance....	Rescinded by EO2016-08—12/5/2016	
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2015-04	Governor's Office of Transformation, Innovation, Management and Efficiency ("GO TIME") .....	2/1/2018	
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2015-08	Governor's Advisory Commission on Latino Affairs .....	8/4/2015	
2015-09	Pennsylvania Commission for Women .....	Rescinded by EO2017-02—10/6/2017	
2015-10	Governor's Advisory Commission on Asian Pacific American Affairs .....	8/4/2015	
2015-11	Diversity, Inclusion and Small Business Opportunities in Commonwealth Procurement and in Pennsylvania's Economy .....	9/23/2015	
2015-12	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Governor's Food Security Partnership .....	9/29/2015	
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2018-01	Governor’s Office for Performance Through Excellence (OPE) .....	2/1/2018	
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310.38	Commonwealth Loan Accounting, Financial Management, and Reporting ....	10/14/2016	
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M310.1	Agency Operated Advancement Accounts .....	8/11/1999	
M310.2	Definitions of Major and Minor Objects of Expenditures .....	8/26/1998.....	1
M310.3	Manual of Accounting .....	Rescinded/Obsolete	9/9/2016
<b>Payroll</b>			
315.1	Calculation and Payment of Statutory Salaries .....	1/3/2011	
315.6	Employees' Requests for State or Federal Income Tax Withholding .....	5/24/2011	
315.8	Restitution of Overpayments and Collection of Employee Debts .....	6/16/2014	
315.9	Withholding of Delinquent Local Taxes from Employees' Paychecks .....	8/30/2011	
315.13	Payment of Wages, Salary, Employee Benefits, and Travel Expense Reimbursements Due Deceased Employees .....	2/12/2018	
315.14	Maintenance Charges for Employees Residing or Subsisting in Commonwealth Facilities .....	10/16/2013	



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315.15	Withholding of Pennsylvania Higher Education Assistance Agency Loans from Employee Pay .....	8/30/2011	
315.16	Payment of Annuitant Medical and Hospital Benefits .....	6/21/2013	
315.17	Direct Deposit of Pay and Travel Reimbursement .....	12/11/2013	
315.20	Taxability of the Use of State-Provided Vehicles .....	5/1/2013	
315.22	Preparation and Filing of Federal Forms 1099 and 1096 .....	1/3/1995	
315.25	Pennsylvania Personal Income Tax .....	11/22/2011	
315.26	Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers .....	1/24/1994.....	1
315.27	Recoupment of Conversion Pay Amounts .....	5/4/1992	
315.28	Taxability of State-Provided Parking .....	2/1/2011	
315.30	Local Services Tax .....	8/29/2016	
<b>Audits</b>			
325.2	Audit Inquiry Relative to Agency Litigation, Claims, and Assessments .....	12/17/2014	
325.3	Performance of Audit Responsibilities .....	1/10/2011	
325.5	State Level Single Audit Costs .....	8/17/2009	
325.6	Auditing Computer-Based Systems .....	1/10/2011	
325.7	Implementation of the Commonwealth's State-Level Single Audit .....	12/17/2014	
325.8	Remedies for Recipient Noncompliance with Audit Requirements .....	12/17/2014	
325.9	Processing Audits of Federal Pass-Through Funds .....	12/23/2014	
325.10	Review of Auditor General, Treasury, Legislative Budget and Finance Committee, and Other Audit Reports .....	8/27/2009	
325.11	Evaluating Agency Internal Controls and Financial Risk through Self Assessment .....	5/17/2012	
325.12	Standards for Internal Controls in Commonwealth Agencies .....	5/15/2018	
325.13	Service Organization Controls .....	11/22/2017	
<b>EQUAL EMPLOYMENT OPPORTUNITY (EEO)</b>			
<b>Equal Employment Opportunity Programs</b>			
410.10	Guidelines for Investigating and Resolving Internal Discrimination Complaints .....	12/5/2012	
410.11	Commonwealth's Equal Employment, Outreach, and Employment Counseling Program .....	5/8/1997	
<b>Manual.</b>			
M410.3	Guidelines for Equal Employment Opportunity Plans and Programs .....	12/18/2007	
<b>EMPLOYEE DEVELOPMENT AND UTILIZATION</b>			
<b>General</b>			
505.1	Employee Furlough Policy .....	2/16/2006	
505.2	Salaried Complement Management and Control .....	8/7/2014	
505.4	Salaried Complement Control .....	Rescinded by MD505.2—8/7/2014	
505.7	Personnel Rules .....	11/9/2010	
505.8	Transmittal of Personnel Action Notifications .....	Rescinded/Obsolete—1/14/2015	
505.9	Standard Abbreviations for Use With the Compensation Plan and SAP R/3 System .....	3/11/2004	
505.11	Emergency Assignments of Employees During Emergencies .....	6/17/1998	
505.15	Employee Mobility Information Program .....	4/12/2012	
505.18	Maintenance, Access, and Release of Employee Information .....	9/23/2014	
505.20	Wage Complement Management and Control .....	12/27/2011	

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505.21	Office Hours .....	12/21/2015	
505.22	State Employee Assistance Program .....	3/13/2017	
505.23	Employee Recognition Program .....	7/31/2012	
505.25	Substance Abuse in the Workplace .....	3/13/2017	
505.26	HIV/AIDS and Other Bloodborne Infections/Diseases in the Workplace .....	12/11/2013	
505.27	Worker and Community Right-to-Know Act .....	3/22/2017	
505.28	Family Care Account Program .....	8/22/2013	
505.30	Prohibition of Sexual Harassment in Commonwealth Work Settings .....	6/19/2002.....	1
505.31	Domestic Violence and the Workplace .....	Rescinded by MD205.33—6/16/2014	
505.32	Governor's Awards for Excellence .....	9/27/2016	
505.33	Working From Home During Emergencies Including a Pandemic Influenza Event .....	8/20/2007	
505.34	Commercial Driver License Drug and Alcohol Testing Requirements .....	7/25/2013	
<b>Manuals.</b>			
M505.2	Personnel Management Review .....	7/9/1997	
M505.3	State Employee Assistance Program .....	3/13/2017	
M505.4	Personnel Records Retention and Disposition Schedule .....	Rescinded by M210.9—4/4/2016	
M505.5	Commercial Driver License Drug and Alcohol Testing and Related Procedures .....	7/25/2013	
M505.6	An Agency Guide to Workplace Violence Prevention and Response .....	6/16/2014	
<b>Employment</b>			
515.2	Transfer of Employees From One Agency to Another .....	1/20/2016	
515.3	Classified Service Emergency Appointments .....	9/3/2008	
515.4	Seniority Rights of Commonwealth Employees .....	7/12/2006	
515.10	Selection and Appointment to Non-Civil Service Positions .....	2/16/2006	
515.12	Confidential Employees .....	9/28/2004	
515.15	Employment-Related Verification and Background Checks .....	9/6/2017	
515.16	Appointment to Senior Level Positions .....	2/14/2006	
515.18	Supplementary Employment .....	3/7/2013	
515.20	Reemployment of Commonwealth Annuitants .....	2/22/2016	
515.21	Commonwealth School-to-Work Program .....	2/14/2006	
<b>Classification</b>			
520.3	Unclassified Codes .....	7/10/2012	
520.4	Position Classification Post-Audits .....	11/21/2011	
520.5	Centralized Job Control System .....	3/25/2013	
520.6	Position Classification .....	4/15/2013	
520.7	Development and Validation of Job Standards .....	6/12/2012	
520.8	Pay Action Effective Dates for Changes to Position Classifications and the Commonwealth's Classification and Compensation Plan .....	11/2/2012	
520.9	Appointments Above the Minimum .....	10/21/2014	
520.10	Position Descriptions .....	10/23/2014	

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525.6	Payroll Advances .....	9/16/2013	
525.11	Dual Employment .....	2/10/1997	
525.12	Payment of Back Pay Due to Reinstatement of a Separated Employee or Reduction of Disciplinary Suspension .....	8/9/2012	
525.15	Overtime .....	2/10/1997	
525.16	Physicians and Related Occupations Quality Assurance Program .....	2/14/2006	
525.17	Internal Revenue Service Levies on Wages, Salary, and Other Income or Payments .....	6/28/1991	
525.20	Implementation & Maintenance of Local Service Tax .....	Rescinded by MD315.30—8/29/2016	
<b>Benefits</b>			
530.1	Agency Benefit Coordinators .....	6/29/2015	
530.8	Motor Vehicle Financial Responsibility Law .....	4/25/2014	
530.9	Social Security Records .....	1/12/2015	
530.10	Administrative Leave to Compete in International and World Championships .....	7/20/2010	
530.11	Benefit Rights of Permanent and Temporary Employees .....	11/9/2016	
530.17	Partial and Full Day Closings of State Offices .....	5/25/2010	
530.18	Benefit Rights of Furloughed Employees .....	5/10/2016	
530.21	Paid Absence for Blood Donation .....	4/8/2010	
530.22	Unemployment Compensation, Noncovered Employment—“Major Nontenured Policymaking or Advisory Positions” .....	11/20/1996	
530.23	State Employee Combined Appeal .....	6/12/2017	
530.24	Retired Employees Health Program .....	9/13/2016	
530.26	Absences for Military Duty .....	11/2/2017	
530.27	Leave Related Policies for Employees Excluded From Earning Leave and Leave Service Credit .....	2/7/1997	
530.29	Commuter Benefits Program .....	Rescinded/Obsolete 1/23/2017	
530.30	Sick, Parental and Family Care Absence, Military Exigency Absence and Military Caregiver Absence Policy .....	12/11/2013	
530.31	Workplace Safety and Health Program .....	1/2/2013	
530.32	Group Life Insurance Program .....	9/19/2013	
<b>Manuals.</b>			
M530.2	Injury Leave Manual .....	2/2/2016	
M530.3	Group Life Insurance Program Manual .....	9/19/2013	
M530.7	Absence Program .....	4/23/2009	
M530.9	Unemployment Compensation Insurance .....	12/7/1998	
M530.15	Pennsylvania State Police Administrative Manual Health Benefits Program ..	4/14/2017	
M530.16	Temporary Clerical Pool Agency User Manual .....	10/1/1999	
M530.17	Temporary Clerical Pool Employee Handbook .....	10/1/1999	
M530.21	State Employee Combined Appeal Procedures Manual .....	6/12/2017	
<b>Training</b>			
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535.2	Physicians and Related Occupations Specialty Board Certification Payments .....	2/21/2006	
535.3	Out-Service Training .....	8/17/2016	

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535.4	Use of State Work Program Trainee, County Work Program Trainee, Public Services Trainee and County Public Services Trainee Classes .....	7/19/2012	
535.5	Use of Trainee Classes in the Classified Service .....	10/8/2004	
535.6	Commonwealth Management Development Program .....	2/9/2000	
535.7	Annual Agency Training Plan and Report .....	7/8/1999	
535.9	Physical and Information Security Awareness Training .....	10/3/2006	
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<b>Retirement</b>			
570.1	Mandatory Membership in the State Employees' Retirement System .....	4/7/2014	
570.5	Employer Contributions Required on the Purchase of Previously Uncredited State Service .....	4/7/2014	
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570.8	Reinstatement of Terminated Employees Into the State Employees' Retirement System .....	4/7/2014	
570.9	Reinstatement of Furloughed or Otherwise Terminated and Reemployed Employees in the State Employees' Retirement System .....	4/7/2014	
570.11	Amending Data in Retirement and Personnel/Payroll System and Collecting Arrears Balances .....	4/7/2014	
570.12	Furloughed State Employees Retirement System Members' Right to Earn Interest on Member Contributions .....	4/7/2014	
570.13	State Employees' Retirement System, Regional Counseling Centers .....	4/7/2014	
570.14	Deferred Compensation Program .....	4/7/2014	
570.15	Reporting Potential Public Employee Pension Forfeiture Crimes to the State Employees' Retirement System .....	4/7/2014	
570.16	State Employees' Retirement System, Duties of Departments and Agencies ..	4/7/2014	
<b>Civil Service</b>			
580.2	Civil Service Availability Survey/Interview Notice .....	6/20/2014	
580.6	Tabulation of Classified Service Employees .....	6/16/2006	
580.8	Classified Service Probationary Periods .....	6/14/2013	
580.10	Conducting Interviews for Classified Service Positions .....	8/15/2013	
580.11	Documentation of Classified Service Personnel Actions .....	6/27/2006	
580.12	Recruitment for Classified Service Positions .....	3/28/2007	
580.13*	Report of Personnel Transactions for Non-State Employees .....	9/16/2011	
580.15	Selective Certification of Classified Service Eligibles .....	4/11/2012	
580.16	Provisional Employment in the Classified Service .....	11/16/2006	
580.18	Pennsylvania Residency Requirements for the Classified Service .....	8/31/2011	
580.19	Promotion in the Classified Service Without Examination .....	8/31/2009	
580.21	Veterans' Preference on Classified Service Employment Certifications .....	2/16/2011	
580.23	Resignation From and Reinstatement to the Classified Service .....	7/22/2013	
580.24	Promotion of Employees in Unskilled Positions Into the Classified Service ...	9/14/2006	
580.25	Political Activities of Classified Service Employees .....	10/7/2011	
580.26	Transfer or Reassignment of Classified Service Employees .....	6/29/2010	
580.27	Limited Appointments to Positions Exempted from the Classified Service Pursuant to Section 3(c)(4), Civil Service Act .....	10/28/2009	
580.28	Reallocation to a Lower Class in the Classified Service .....	3/30/2011	
580.30	Civil Service Leave of Absence and Return Rights .....	9/7/2010	
580.31	Classified Service Temporary Appointments .....	8/14/2006	

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580.32	Substitute Employment in the Classified Service .....	10/24/2006	
580.33	Reproductions of Documents for Classified Service Personnel Actions .....	4/30/2009	
580.34	Removal of Eligibles for Certification or Appointment in the Classified Service .....	6/20/2014	
580.35	Employees Placed in the Classified Service by Position Reallocation .....	8/29/2011	
580.37	Promotion by Appointment and Temporary Higher-Level Assignment of Unclassified Service Employees into the Classified Service .....	7/26/2012	
580.38	Use of Intern Job Titles in the Classified Service .....	10/8/2004	
<b>Manuals.</b>			
M580.1	Certification of Eligibles for the Classified Service .....	Rescinded/Obsolete	6/30/2014
M580.2	Furlough of Classified Service Employees Not Covered by Labor Agreements	6/13/2017	
<b>Labor Relations</b>			
590.1	Labor Relations .....	6/27/2018	
590.2	Confidential Positions and Employees .....	3/8/2006	
590.3	Deduction of Union Dues .....	6/27/2018	
590.5	Guidelines to be Followed During Legal or Illegal Strikes .....	5/25/2006	
590.7	Labor Relations—Grievance Administration .....	6/8/2006	
590.8	Classification Grievance Processing .....	7/9/2012	
<b>SUPPLIES, SERVICES, AND EQUIPMENT</b>			
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<b>Automotive Services</b>			
615.1	Commonwealth Temporary Transportation Vehicles .....	2/27/2013	
615.15	Vehicle Parking License Agreements .....	10/26/2006	
615.16	Commonwealth Fleet Policy .....	11/10/2011	
<b>Manuals.</b>			
M615.3	Commonwealth Fleet Procedures Manual .....	11/10/2011	
<b>Commodity Standards</b>			
620.1	Coal Sampling and Reporting .....	10/4/2005	
<b>Buildings, Property, and Real Estate</b>			
625.1	Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services .....	10/4/2004	
625.2	Inventory of Commonwealth Real Property .....	9/16/2008	
625.3	Moving Employee Household Goods .....	04/30/2018	
625.4	Enforcement of Fire and Panic Regulations .....	3/27/1991	
625.5	Reporting Surplus Real Property .....	5/6/1996	
625.6	Leasehold Improvements .....	5/1/2009	
625.7	Use of Form STD-291, Request for Lease Action and Budget Approval .....	Rescinded/Obsolete	8/23/2017
625.8	Contracting for Bargaining Unit Work .....	2/25/1994	
625.10	Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings .....	6/2/2014	
<b>Bonds and Insurance</b>			
630.2	Reporting of Employee Liability Claims .....	5/15/2013	

*Management  
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and  
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*Date of  
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720.2	Wage Standards Picketing .....	2/3/1977
720.5	Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings .....	7/25/2008
720.6	Call Trace Procedures for Threatening, Harassing, and Nuisance Telephone Calls .....	4/25/2016
720.7	Bomb Threats and Suspicious Packages .....	7/29/2010

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Malt and Brewed Beverage Industry Promotion Board; Grant Solicitation and Application Procedures

1. *Introduction.* The Pennsylvania Malt and Brewed Beverage Industry Promotion Board (Board) annually, or more frequently as the availability of funds permits, solicits proposals for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of malt and brewed beverages produced in this Commonwealth. The Board was established by section 446.1 of the Liquor Code (47 P.S. § 4-446.1). The Board makes recommendations for the awarding of grants by the Liquor Control Board from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001). This notice establishes the procedures by which grant applications will be solicited and reviewed, and grants awarded.

2. *Grant Solicitation.* The Board will be accepting grant applications for the purposes, in the form and according to the schedule set forth herein for not less than 30 days beginning on the date of publication of this notice in the *Pennsylvania Bulletin*. Additional publication and dissemination of this notice shall be made as determined by the Board, and may include directly to State universities and State-supported universities located in this Commonwealth, universities with colleges of agricultural science located in this Commonwealth and individuals or entities who have requested notification from the Department of Agriculture or the Board of grant availability. The funding priorities of particular interest in this round are education and training, as well as a Statewide marketing plan.

3. *Process Overview.* The Board will employ the review process described as follows to select projects to recommend to the Liquor Control Board for the making of a grant. In the event of a recommendation to the Liquor Control Board to make and fund a grant, the decision as to whether to award a grant will be made by the Liquor Control Board. If the Liquor Control Board approves the grant recommendation, the terms and conditions of the grant will be governed by a grant agreement between the Liquor Control Board and the applicant, which shall be tendered to the applicant for execution by the Board on behalf of the Liquor Control Board, returnable in no more than 30 days.

#### 4. *Concept Paper and Application Deadlines.*

a. *Concept Paper.* Interested applicants must deliver a one-page concept paper, plus a one-page draft budget, by e-mail by September 12, 2018, to [nchilds@pa.gov](mailto:nchilds@pa.gov).

b. *Application.* Applicants whose concept papers are approved by the Board will be invited to submit a Project Proposal and Grant Application, in the form set forth in paragraph 6 of this notice, to the Board by 4 p.m. on Monday, October 29, 2018. Proposals should be sent electronically to [nchilds@pa.gov](mailto:nchilds@pa.gov) and 12 copies must be hand-delivered, or sent by United States Mail and post-marked on or before the same date. Applications should be addressed and delivered to the Department of Agriculture, Bureau of Market Development, Attn: Agricultural Commodity Board Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

c. *Presentations.* The Board may request applicants participate by conference call to provide a brief 3-minute to 5-minute presentation of their proposal to the Board, and answer questions, at the Board's next scheduled meeting on Wednesday, November 14, 2018, at 10 a.m. Call-in information for applicants is (717) 612-4733, PIN 531910. The meeting will be held in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg PA. In-person attendance of applicants is not required.

5. *Format of the Concept Paper.* The concept paper shall include:

a. *Organization/Business Type.* List the applicant's organization/business type.

b. *Organization/Business Information.* List the organization/business name along with the contact information and the amount of grant funds the entity is requesting.

c. *Project Coordinator.* Identify the person who will be directing the proposed project.

d. *Organization History.* Indicate whether the organization has ever received prior Malt and Brewed Beverage Industry Promotion Board or agriculture-related grant funds.

e. *Area of Focus.* Select a funding priority from paragraph 13 of this notice.

f. *Project Purpose.* In one or two paragraphs, clearly state the specific issue, problem, interest or need, and how the project will address it. Explain why the project is important and timely.

g. *Estimated Timeline.* State the estimated timeline for the proposed project.

h. *Expected Measurable Outcomes.* What are the goals and objectives of the project? How do the objectives support the goals? Goals are long-term broad visions and may take time to achieve. Objectives are significant steps that must be completed to achieve the goal. Objective statements should focus on the outcome, rather than the methods used. Each goal should have one or more objectives. Describe at least one distinct, quantifiable and measurable outcome that directly and meaningfully supports the project's purpose. Typically, outcomes are those measures that are quantifiable, measure direct benefit and are documented through data or information collection.

i. *Preliminary Project Work Plan.* List the major tasks of the proposed project.

j. *Draft Budget.* State the budget for the proposed project using the categories from paragraph 6.f. If a project is selected to submit a proposal, more detailed budget information will be required.

6. *Format of the Project Proposal and Grant Application.* The project proposal and grant application shall be formatted as follows:

a. Cover Page, titled Pennsylvania Malt and Brewed Beverage Industry Promotion Board—Project Proposal and Grant Application, providing: the title of the proposed project; the name and address of the applicant; the name, address, telephone number and e-mail address of the applicant's principal contact person for matters relating to the application; and the total maximum grant amount sought for the proposed project or program.

b. Section 1, titled Linkage to Funding Priorities, addressing: how the project will support one of the funding priorities established by the Board which are listed in paragraph 12; the geographic area of this Commonwealth where impact will occur; and the intended impact created by the project and who will benefit.

c. Section 2, titled Statement of Purpose, addressing: the purpose for which the grant funds would be utilized; how the project links, supports and benefits beer in this Commonwealth; the specific details of the proposed project, with an emphasis on innovation, including what is new or different about this project that will enhance success; and the staffing and resources required for project success.

d. Section 3, titled Methodology and Evaluation, addressing: the type of project (promotion, marketing, outreach, research, tech transfer, and the like); the methodology to be employed, including an evaluation component; the expected impact and outcomes; a qualitative or quantitative estimate of economic impacts (direct, indirect, induced); and the sectors of the industry that will receive this benefit.

e. Section 4, titled Statement of Need, addressing: the need for the grant funds sought; any other partners or partner organizations that will be involved with the project; and any noncash resources that will be committed to the project and the sources thereof.

f. Section 5, titled Budget, presenting a detailed budget for the proposed project or program, including any other matching funds and the value of any noncash resources that will be included in the project.

- *Personnel*—Includes employed personnel. Those employed elsewhere should be listed as subcontractors or consultants in the Contractual cost category. Identify the total for all Specialty Crop Block Grant Program—Farm Bill funded personnel.

- *Fringe Benefits*—Provide the rate of fringe benefits for each project participant's salary. Identify the total for all funded fringe benefits.

- *Travel*—Calculate the costs for travel by considering destinations, number of trips, days traveling, transportation costs, estimated lodging and meal costs, and estimated mileage rate.

- *Supplies*—This could be anything from office supplies and software to education or field supplies.

- *Contractual*—If contractual work will be involved with carrying out the work of the project, identify the total contractual expenses. When determining the total cost for this category, include the fees for the professional services, travel costs, lodging expenses, indirect costs and any other related contractual expenses.

- *Other*—This category includes fees for conferences or meetings, facility and equipment rental costs, lodging and meal expenses, communication costs, speaker fees, publication costs and data collection.

g. Section 6, titled Industry Support, addressing: the extent of support, participation and funding from this Commonwealth's beer industry, including associations or organizations, or both, that may represent the industry or government agencies with an interest in the project outcome; any letters of support should be attached.

7. *Scoring of Applications.* The Board will evaluate each complete and timely-filed project proposal and grant application received in accordance with a 100-point scale as set forth in Addendum 1.

8. *Scores.* Upon completion of evaluations, the Board will prepare a record identifying each complete and timely-filed project proposal and grant application received and the numerical score assigned to each. In the event of one or more recommendations to the Liquor Control Board to make and fund a grant, the Board will transmit to the Liquor Control Board the project proposal and grant application along with the score assigned to it by the Board and any other information deemed relevant by the Board or requested by the Liquor Control Board. Request will be made by the Board that the Liquor Control Board respond to all recommendations for grant approval within 30 days.

9. *Term of Grants.* Applications should be submitted for projects beginning no later than July 1, 2019. Anticipated completion dates will be dictated by the project scope and parameters and may exceed 12 months from the beginning if the project warrants. All private sector applicants must provide a cash or in-kind match, or both, of 50% minimum. The Board may recommend that the Liquor Control Board approve grant funding for multiyear projects or extensions of ongoing projects, if applicable, if the Board identifies that a multiyear term or a project extension advances the overall grant project's objectives. Requests for extensions of ongoing projects shall be applied for, evaluated and processed in accordance with all the requirements of this notice. Progress reports are to be delivered by e-mail to nchilds@pa.gov every 90 days from the effective date of the contract, or as requested by the Board. Final reports should be submitted within 90 days of project completion.

10. *Notice of Award.* Applicants shall be notified by e-mail of the decision on their grant applications by the Board.

11. *Grant Agreement.* With the mailed grant award notice, the Board will provide applicants with a grant agreement for execution and return within 30 days. The Board will obtain the required signature on the grant agreements, including the Liquor Control Board, and any other required Commonwealth entities, and return a copy to the applicant. Unless otherwise stated in the executed grant agreement, no grant agreement is effective and work should not begin until all required signatures have been applied to the grant agreement. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Board full and complete access to all records relating to the performance of the project and submit information as the Board may require.

12. *Cost-Reimbursement Grant.* Unless stated otherwise in the executed grant agreement, payment of all grant funds will occur on a reimbursement basis only and no funds will be included in any grant award for indirect costs.

13. *Funding Priorities.* In accordance with paragraph 5.b., the Board has identified the following funding priorities, listed in no particular order. The name given to each priority area is not intended to limit the intended scope and creative thought applied by applicants in developing projects that serve the purposes articulated in this notice.

- a. *Agriculture:* Projects are sought that will lead to the expansion, through means including cultivation, value added manufacturing and research, of beer industry-related raw material produced or grown, or both in this Commonwealth. Some examples of desired project scope include:

- Research and development that will increase the production, quality or yield, or both, of Pennsylvania-



produced raw agricultural commodities (hops, barley, and the like) used by the beer industry.

- Research that will identify growing conditions for hop production and evaluate each of this Commonwealth’s 67 counties on the criteria.

- Outreach and support to encourage existing agricultural producers to consider hop production.

- Matching funds for small Commonwealth-based start-up businesses or ventures focused on agricultural related cultivation (hops and barley) or value-added manufacturing of beer related raw materials (malting).

b. *Tourism*: Projects are sought from organizations interested in marketing and integrating this Commonwealth’s beer industry into new or existing regional and Statewide tourism initiatives, such as:

- Development of beer tourism and beer trails (using and expanding upon the “Bourbon Trails” model).

- Regional integration of breweries and brewery visitation with existing attractions, destinations and the regional hospitality industry.

c. *D Retailer Outreach*: Projects are sought that will assist D license holders in efforts to change existing business models and remain viable, competitive and profitable within the parameters of the new Liquor Code, including providing consultation, training and business plan development to interested D retailers to assist them in transforming their business models based on recent changes to the Liquor Code. The proposer should illustrate the ability to:

- Understand, interpret and transfer knowledge related to the current Liquor Code.

- Understand both the new opportunities as well as the threats presented to retailers as a result of recent changes to the Liquor Code.

- Have working knowledge of the beer industry retail trade and practices, the constraints on the industry, SOPs, financial models, and the like.

- Identify and document best practices within this Commonwealth’s retail beer industry (D license holders) regarding layout and design (shelf space, lighting, signage), hours of operation and staff models, promotions and displays, value added merchandise, and best practices in urban, suburban and rural markets.

- In conjunction with existing industry stakeholders, like the Malt Beverage Distributors Association (MBDA), develop guidelines, standards and communicate best practices in a user friendly format, as well as offer training and outreach conferences in appropriate locations throughout this Commonwealth.

- In conjunction with existing industry stakeholders like the MBDA, the project may include efforts to create special grants or business loans made available to retailers to implement new business models.

d. *Beer Industry Research*: The Board seeks research and the development of quantitative data on the beer industry in this Commonwealth, such as:

- Research that will identify and map the size and impacts of this Commonwealth’s macro beer industry (production, wholesale and retail) identifying direct, indirect, induced impacts.

- Research that will identify the upstream and downstream economic opportunities related to this Commonwealth’s beer industry.

- Research that can measure the economic impacts on this Commonwealth’s beer industry of recent changes to the Liquor Code.

- Research that will offer guidance on public policy and best practices to benefit the beer industry in this Commonwealth, and improve regulatory efficiency.

e. *Technical Assistance, Support and Research and Development*: Projects are sought that will advance best practices, technology transfer, research and development, workforce development and training in this Commonwealth’s brewing industry. The Board is interested in funding projects that will: increase beer knowledge/science; advance best practices in brewing; provide education/training opportunities related to beer production, quality, packaging, marketing and sales; and promote innovation in the brewing and manufacturing processes. Examples could include:

- Engagement of consultants, speakers and subject matter experts for industry related training, presentations or problem solving in conjunction with conferences, technical work groups and association members.

- Research and development projects on relevant topics concerning brewing and manufacturing processes.

- Customized training/education in areas related to: differing levels of brewery, wholesale and retail management; sales and marketing; brewery—wholesaler relationships; beer market best practices; and industry recognized certifications.

f. *Innovation*: The Board will consider projects that do not fall into any of the other funding priorities but nevertheless offer unique approaches to supporting and promoting Pennsylvania beer. The Board believes that innovation is the driving force behind the growth and success of this Commonwealth’s beer industry. This category of funding is designed for projects and initiatives that demonstrate new thinking, ideas and approaches to promoting Pennsylvania beer—and do not fit into any other category.

**Addendum 1 to Grant Solicitation Announcement and Application Procedures**

<i>Section Title</i>	<i>Evaluation Criteria</i>	<i>Points</i>
Feasibility	<ul style="list-style-type: none"> <li>• To what extent can the Purpose be accomplished with the funds requested?</li> <li>• Is there enough non-cash capacity to fulfill the objectives of the project?</li> <li>• Are the proposed outcomes and impacts in proportion to the grant request?</li> <li>• Can the project be completed within the timeline established?</li> <li>• Are the outcomes proposed realistic?</li> </ul>	10
Linkages to PA’s Beer Industry	<ul style="list-style-type: none"> <li>• Is there a compelling link to PA’s Beer Industry?</li> <li>• How quickly will the industry benefit from project outcomes?</li> </ul>	10

<i>Section Title</i>	<i>Evaluation Criteria</i>	<i>Points</i>
Innovation	<ul style="list-style-type: none"> <li>• Does the proposal offer a “new approach” in supporting PA Beer?</li> <li>• Will the project offer or create any new competitive advantages?</li> <li>• Do the project outcomes offer new and unique benefits to the industry?</li> <li>• What components of the project are sustainable once completed?</li> </ul>	20
Expected Impacts & Outcomes	<ul style="list-style-type: none"> <li>• Will the project raise the visibility of PA Beer?</li> <li>• Will the impacts and outcomes offer long-term benefits?</li> <li>• Do they provide solutions to current industry challenges?</li> <li>• How will the impacts and outcomes ultimately strengthen PA's beer industry?</li> <li>• How much of the industry will benefit from the project?</li> </ul>	20
Economic Benefits Generated	<ul style="list-style-type: none"> <li>• Does the project create jobs?</li> <li>• Does the project save money for the industry?</li> <li>• Will it strengthen the economic viability of the industry and how?</li> <li>• Does the project support and promote intrastate and/or interstate tourism?</li> </ul>	20
Methodology & Evaluation	<ul style="list-style-type: none"> <li>• Can the methodology produce the desired outcomes?</li> <li>• Does the evaluation component measure the right outcomes?</li> <li>• Can the methodology produce stated economic benefits and can the evaluation accurately measure so benefits?</li> </ul>	10
Industry Support	<ul style="list-style-type: none"> <li>• Is there strong industry support for this project?</li> <li>• Are there any matching funds or leveraged resources?</li> </ul>	10

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 18-1116. Filed for public inspection July 20, 2018, 9:00 a.m.]

## 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 July 10, 2018.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### *De Novo Branches*

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-26-2018	Somerset Trust Company Somerset Somerset County	161 12th Street New Florence Westmoreland County	Opened
6-27-2018	First Citizens Community Bank Mansfield Tioga County	1011 Dry Tavern Road Denver Lancaster County	Filed
6-29-2018	S&T Bank Indiana Indiana County	2251 Front Street Cuyahoga Falls Summit County, OH	Filed
7-3-2018	Mid Penn Bank Millersburg Dauphin County	193 Market Street Pillow Dauphin County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-22-2018	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	218 Second Street Highspire Dauphin County	Closed
6-22-2018	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	312 Allegheny Street Hollidaysburg Blair County	Closed
6-22-2018	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1510 Cedar Cliff Drive Camp Hill Cumberland County	Closed
6-22-2018	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	2040 Centre Avenue Reading Berks County	Closed
6-22-2018	Northwest Bank Warren Warren County	125 Emeryville Drive Cranberry Township Butler County	Closed

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-22-2017	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 2020 Smith Township State Road Burgettstown Washington County  <i>From:</i> 1606 Main Street Burgettstown Washington County	Filed

**CREDIT UNIONS**

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 18-1117. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2018

The Department of Banking and Securities (Department), under the authority in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of August 2018, is 5 1/2%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or

both. The latest yield rate on long-term government securities is 2.98 to which was added 2.50 percentage points for a total of 5.48 that by law is rounded off to the nearest quarter at 5 1/2%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 18-1118. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Grant Programs

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has available funding for two grant programs: (1) projects proposing the installation of multifunctional riparian forest buffers; and (2) projects proposing land acquisition, planning, development, rehabilitation, maintenance, equipment purchase or educational programs for all-terrain vehicle or snowmobile trails. Grant funding will be awarded through a competitive grant application process. Applicants can apply for this funding between August 1, 2018, and September 28, 2018, by means of the Department's online grant application portal. A brief recorded webinar on both programs is available on the

Department's web site. More information about these grant opportunities and the application process is available at <https://brcgrants.dcnr.pa.gov/Pages/Home.aspx>.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 18-1119. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Wild Resource Conservation Program Meeting

The Department of Conservation and Natural Resources (Department) will hold a meeting at 10 a.m. on Tuesday, August 28, 2018, to comment on the applications

submitted to the Wild Resource Conservation Program for grant funding in Fiscal Year 2018-2019. The meeting will be held in the Commissioner Conference Room, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA.

Questions or comments concerning this meeting can be directed to Jennifer Girton, (717) 787-3212, [jgirton@pa.gov](mailto:jgirton@pa.gov) or Greg Czarnecki, (717) 783-1337, [gczarnecki@pa.gov](mailto:gczarnecki@pa.gov).

Persons in need of accommodations as provided for the Americans with Disabilities Act of 1990 should contact Greg Czarnecki, (717) 783-1337 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 18-1120. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

### I. NPDES Renewal Applications.

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0084492 (Sewage)	Halifax Village, LLC PO Box 375 Gap, PA 17527	Dauphin/Halifax Township	UNT Susquehanna River/6C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0033162 (Sewage)	Martha Furnace MHP PO Box 6 Boalsburg, PA 16827-0006	Centre County Huston Township	UNT to Bald Eagle Creek (9-C)	Yes

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

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

**PA0025437**, Sewage, SIC Code 4952, **North Coventry Municipal Authority**, P.O. Box 833, Pottstown, PA 19464. Facility Name: North Coventry Township STP. This existing facility is located in North Coventry Township, **Chester County**.

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

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-D 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 2.01 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	419	671	XXX	25	40	50
May 1 - Oct 31	335	503	XXX	20	30	40
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	503	754	XXX	30	45	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	335	XXX	XXX	20	XXX	40
May 1 - Oct 31	168	XXX	XXX	10	XXX	20

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	34	XXX	XXX	2.0	XXX	4
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Reproduction (TUc)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Growth (TUc)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Dissolved Solids	Report Avg Qrtly	Report Daily Max	XXX	1,000.0 Avg Qrtly	2,000.0 Daily Max	2,500

Sludge Disposal: Chester County Solid Waste Authority (Lanchester Landfill), Permit 100944.

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Notification of Responsible Owner
- Fecal Coliform Reporting
- Develop O&M Manual
- PCB PMP Requirement

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

The EPA Waiver is not in effect.

**PA0244414**, Sewage, SIC Code 5499, **Jaster Associates, LLC**, 437 King Road, Doylestown, PA 18901. Facility Name: Jaster Associates STP. This existing facility is located in Bedminster Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Cabin Run, is located in State Water Plan watershed 2-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00081 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 3.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	Inst Min XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	20.0	XXX	40

Sludge use and disposal description and location(s): Sludge is hauled off site for treatment and disposal.

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

- Dry stream discharge
- No stormwater into sewage
- Proper sludge disposal

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

The EPA Waiver is in effect.

**PA0053716**, Sewage, SIC Code 6514, **Jeffery & Lori Scott**, 800 North Tower Road, Quakertown, PA 18951-3122. Facility Name: Scott SRSTP. This existing facility is located in West Rockhill Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary of Butter Creek, is located in State Water Plan watershed 3-E and is classified for Mi and High-Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	3.0	XXX	6

Sludge use and disposal description and location(s): Sludge hauled off site for treatment and disposal.

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

- Small stream discharge
- No stormwater in sewage
- Proper sludge disposal

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

The EPA Waiver is in effect.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4800.*

**PA0014621**, Industrial, SIC Code 4941, **Suez Water Pennsylvania Inc.**, 4211 E Park Circle, Harrisburg, PA 17111-2806. Facility Name: Suez Water PA. This existing facility is located in Susquehanna Township, **Dauphin County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.544 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	Report	Report	XXX	30	60	75
Aluminum, Total	Report	Report	XXX	4.0	8.0	10
Iron, Total	Report	Report	XXX	2.0	4.0	5
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX

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

- Approval Contingencies,
- Proper Waste/solids Management,
- Collected screenings, slurries, sludges, and solids management,
- Chlorine Minimization condition
- Requirement during Cleaning of Lagoons

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

The EPA Waiver is in effect.

**PA0261777**, Sewage, SIC Code 6514, **Fisher Alvin K Jr**, 6756 Mcclays Mill Road, Newburg, PA 17240-9617. Facility Name: Fisher Alvin Res. This existing facility is located in Lurgan Township, **Franklin County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0 Annl Avg	XXX	60.0
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

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

The EPA Waiver is in effect.

**PA0081221**, Sewage, SIC Code 4952, **Shover Inv Group LLC**, 225 Pine Hill Road, Landisburg, PA 17040. Facility Name: Deer Chase MHP. This existing facility is located in Miller Township, **Perry County**.

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

The receiving stream(s), UNT to Bailey Run, is located in State Water Plan watershed 12-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 0.03 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX



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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6

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

- Solids management for non-lagoon system and notification of designation of responsible operator.

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

The EPA Waiver is in effect.

**PA0088269**, Sewage, SIC Code 4952, **Quincy Township Sewer Authority**, 7575 Mentzer Gap Road, Waynesboro, PA 17268-8946. Facility Name: Quincy Township STP. This existing facility is located in Quincy Township, **Franklin County**.

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

The receiving stream(s), West Branch Antietam Creek, is located in State Water Plan watershed 13-C 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 0.3 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	62	100	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	75	112	XXX	30.0	45.0	60

## NOTICES

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrate-Nitrite as N	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Nitrogen	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	35	XXX	XXX	14.0	XXX	28
Total Kjeldahl Nitrogen	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX

Sludge use and disposal description and location(s): Sludge is dewatered and hauled off-site for land application under a general permit authorized by DEP.

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.

**PA0088650**, Sewage, SIC Code 8661, **Capital Area Christian Church**, 1775 Lambs Gap Road, Mechanicsburg, PA 17055. Facility Name: Capital Area Christian Church. This existing facility is located in Hampden Township, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary of Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for WWF, 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 0.0021 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	XXX	Daily Max XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	22.0	XXX	44
May 1 - Oct 31	XXX	XXX	XXX	7.5	XXX	15
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

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

The EPA Waiver is in effect.

**PA0259942**, Sewage, SIC Code 4952, **Steven E Nye**, 38 Harmon Road, Newburg, PA 17240-9115. Facility Name: Steve Nye Subdivision. This existing facility is located in Upper Mifflin Township, **Cumberland County**.

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

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

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	Annl Avg XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

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

**PA0111759**, Industrial, SIC Code 2011, 2077, **Cargill Meat Solutions**, P.O. Box 188, Wyalusing, PA 18853-0188.

Facility Name: Cargill Wyalusing. This existing facility is located in Wyalusing Township, **Bradford County**.

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

The receiving streams, Wyalusing Creek and Brewer Creek, are located in State Water Plan watershed 4-D and are classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a long-term average wastewater flow of 0.79 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD <sub>5</sub> )	350	700	XXX	Report	Report	130
Total Suspended Solids	415	835	XXX	Report	Report	155
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	30
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	XXX	400
Total Nitrogen	XXX	XXX	XXX	134.0	194.0	240
Ammonia-Nitrogen	XXX	XXX	XXX	4.0	8.0	10
Mercury, Total (µg/L)	0.002	0.004	XXX	0.35	0.71	0.89

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual	Monthly	Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	4.0	8.0	10
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	134	194	240

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen*	Report	19,483	XXX	XXX	XXX	XXX
Net Total Phosphorus*	Report	1,218	XXX	XXX	XXX	XXX

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

The proposed monitoring requirements are for the regulation of industrial stormwater and are as follows for the Outfalls SW01, SW02, SW03, SW04, SW05, SW06, SW07, SW08, SW09, SW10, SW11, SW12, SW13 & SW14.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX

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

- Chesapeake Bay Nutrient Requirements
- Industrial Stormwater Requirements
- Chemical Additive Requirements

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

The EPA Waiver is not in effect.

**PA0228982**, Concentrated Animal Feeding Operation (CAFO), **James Kurtz (Kurtz Family Farm)**, 1070 Grand Valley Road, Mifflinburg, PA 17844-7960.

James Kurtz has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Kurtz Family Farm, located in West Buffalo Township, **Union County**.

The CAFO is situated near Unnamed Tributary of Mill Race in Watershed 10-C, which is classified for Cold Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 735.59 animal equivalent units (AEUs) consisting of 5,200 finishing swine, 6 beef calves, and 6 beef cows. Swine manure is collected by a scraper system and sent to an earthen manure storage or a circular concrete tank while the beef manure is handled dry. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

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

**PA0005011**, Industrial, SIC Code 4911, **GenOn Northeast Management Co.**, 1442 Power Plant Road, New Florence, PA 15944-9154. Facility Name: GenOn Northeast Management Co., Conemaugh Generating Station. This existing facility is located in West Wheatfield Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste, treated sanitary sewage, and stormwater runoff associated with industrial activities.

The receiving stream(s), Unnamed Tributary to Conemaugh River and Conemaugh River, is located in State Water Plan watershed 18-D and is classified for Cold Water 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 003 are based on a design flow of 2.5 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	110	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Acrylamide (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Chloroform	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total (lbs/mo)	XXX	Report Total Mo	XXX	Report	Report	XXX
Iron, Total (lbs/mo)	XXX	Report Total Mo	XXX	Report	Report	XXX
Manganese, Total (lbs/mo)	XXX	Report Total Mo	XXX	Report	Report	XXX
Aluminum, Total (lbs/year)	XXX	9,482 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Iron, Total (lbs/year)	XXX	21,493 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Manganese, Total (lbs/year)	XXX	20,229 Total Annual	XXX	XXX	Report Annual Avg.	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0.005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.6	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	50.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	10,000	XXX
May 1 - Sep 30	XXX	XXX	XXX	200	1,000	XXX
Chloroform	XXX	XXX	XXX	Report	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total (lbs/mo)	XXX	Report Total Mo	XXX	Report	Report	XXX
Iron, Total (lbs/mo)	XXX	Report Total Mo	XXX	Report	Report	XXX
Manganese, Total (lbs/mo)	XXX	Report Total Mo	XXX	Report	Report	XXX
Aluminum, Total (lbs/year)	XXX	11 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Iron, Total (lbs/year)	XXX	23 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Manganese, Total (lbs/year)	XXX	15 Total Annual	XXX	XXX	Report Annual Avg.	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0.32 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	110	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX

## NOTICES

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	40,000.0	80,000.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Nitrate-Nitrite	XXX	XXX	XXX	Report	Report	XXX
Beryllium, Total	XXX	XXX	XXX	0.008	0.016	XXX
Boron, Total	XXX	XXX	XXX	100.0	200.0	XXX
Copper, Total	XXX	XXX	XXX	0.045	0.09	XXX
Lead, Total	XXX	XXX	XXX	0.1	0.2	XXX
Mercury, Total	XXX	XXX	XXX	0.003	0.006	XXX
Selenium, Total	XXX	XXX	XXX	0.25	0.5	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Chloroform	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total (lbs/mo)	XXX	Report Total Mo	XXX	Report	Report	XXX
Iron, Total (lbs/mo)	XXX	Report Total Mo	XXX	Report	Report	XXX
Manganese, Total (lbs/mo)	XXX	Report Total Mo	XXX	Report	Report	XXX
Aluminum, Total (lbs/year)	XXX	800 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Iron, Total (lbs/year)	XXX	1,813 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Manganese, Total (lbs/year)	XXX	1,706 Total Annual	XXX	XXX	Report Annual Avg.	XXX

The proposed effluent limits for Outfall 015 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total (lbs/year)	XXX	93 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Iron, Total (lbs/year)	XXX	187 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Manganese, Total (lbs/year)	XXX	125 Total Annual	XXX	XXX	Report Annual Avg.	XXX

The proposed effluent limits for Outfall 016 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total (lbs/year)	XXX	94 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Iron, Total (lbs/year)	XXX	187 Total Annual	XXX	XXX	Report Annual Avg.	XXX
Manganese, Total (lbs/year)	XXX	125 Total Annual	XXX	XXX	Report Annual Avg.	XXX

The proposed effluent limits for Outfall 017 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total (lbs/year)	XXX	93	XXX	XXX	Report	XXX
		Total Annual			Annual Avg.	
Iron, Total (lbs/year)	XXX	187	XXX	XXX	Report	XXX
		Total Annual			Annual Avg.	
Manganese, Total (lbs/year)	XXX	125	XXX	XXX	Report	XXX
		Total Annual			Annual Avg.	

The proposed effluent limits for Outfall 029 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total (lbs/year)	XXX	94	XXX	XXX	Report	XXX
		Total Annual			Annual Avg.	
Iron, Total (lbs/year)	XXX	187	XXX	XXX	Report	XXX
		Total Annual			Annual Avg.	
Manganese, Total (lbs/year)	XXX	125	XXX	XXX	Report	XXX
		Total Annual			Annual Avg.	

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

- Cooling Water Intake Structures—316(b)

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.

**PA0253588 A-1**, Industrial, SIC Code 1389, **CNX Gas Co. LLC**, 1000 Consol Energy Drive, Canonsburg, PA 15317. Facility Name: Crooked Creek Treatment Facility. This existing facility is located in South Bend Township, **Armstrong County**.

Description of Existing Activity: DEP initiated amendment of an NPDES permit for an existing discharge of treated coalbed methane connate.

The receiving stream(s), Crooked Creek, is located in State Water Plan watershed 17-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	0.15	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Acidity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )						
Effluent Net	XXX	XXX	0.0	XXX	XXX	XXX
Barium, Total	Report	Report	XXX	10.0	20.0	25.0
Iron, Total	Report	Report	XXX	3.5	7.0	9.0
Strontium, Total	Report	Report	XXX	Report	Report	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average	Daily	Minimum	Average	Daily	Instant. Maximum
	Monthly	Maximum		Monthly	Maximum	
Sulfate, Total	Report	Report	XXX	Report	Report	XXX
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX

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

This Amendment is proposed as a result of the Department of Environmental Protection's settlement of Environmental Hearing Board appeal Docket # 2016-139-R. The settlement is contained in a March 29, 2018 Consent Order and Agreement entered into by the Department of Environmental Protection, CNX Gas Company, LLC and Alliance Petroleum Corporation. The settlement was to modify the barium effluent limitations at Outfall 001.

Copies of the full agreement may be reviewed by an interested person on request during normal business hours of the Department of Environmental Protection, and are in the possession of Ellen J. Regenstein, Assistant Counsel, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

The EPA Waiver is not in effect.

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

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

**WQM Permit No. WQG02461808**, Sewage, **Limerick Township**, 646 W. Ridge Pike, Limerick, PA 19468-1420.

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

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

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

**WQM Permit No. 3618202**, CAFO, **Graywood Farms, LLC**, 225 Mason Dixon Road, Peach Bottom, PA 17563.

This proposed facility is located in Fulton Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking permit approval for the construction / operation of Silage Leachate System—Proposed Reception Pit.

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

**WQM Permit No. 0218407**, Sewage, **Findlay Township Municipal Authority**, PO Box 12370, Pittsburgh, PA 15231.

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

Description of Proposed Action/Activity: Proposed sanitary sewer to serve proposed World Trade center in Findlay Township, Allegheny County.

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

**WQM Permit No. 1090402 A-5**, Sewage, **Concordia Lutheran Health & Human Care**, 134 Marwood Road, Cabot, PA 16023-2206.

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

Description of Proposed Action/Activity: Replacement of existing chlorine disinfection system with new UV disinfection system.

**WQM Permit No. 1018407**, Sewage, **Donald Ward**, 185 Donaldson Road, Gibsonia, PA 15044.

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

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

**WQM Permit No. 2596413 A-2**, Sewage, **North East Borough Erie County**, 31 W Main Street, North East, PA 16428-1135.

This existing facility is located in North East Borough, **Erie County**.

Description of Proposed Action/Activity: Improvements to wastewater treatment plant and construction of pump station for treated effluent.

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

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

**PAI132266**, MS4, **Smithfield Township**, 1155 Red Fox Road, East Stroudsburg, PA 18301. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Smithfield Township, **Monroe County**. The receiving streams, Brodhead Creek and Sambo Creek, are located in State Water Plan watershed 1-E and are classified for Trout Stocking and Migratory



Fishes (Brodhead) and Cold Water and Migratory Fishes (Sambo), as well as aquatic life, water supply and recreation. Brodhead Creek also has a Cold Water and Migratory Fishes existing use designation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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

**PAI132274**, MS4, **Stroudsburg Borough**, 700 Sarah Street, Stroudsburg, PA 18360. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Stroudsburg Borough, **Monroe County**. The receiving streams, Pocono Creek, Little Pocono Creek, Brodhead Creek, Unnamed Tributary to Brodhead Creek, McMichael Creek, and Unnamed Tributary of McMichael Creek, are located in State Water Plan watershed 1-E and are classified for Migratory Fishes, High Quality—Cold Water, Trout Stocking, and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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

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

**PAI130024**, MS4, **Ontelaunee Township Berks County**, 35 Ontelaunee Drive, Reading, PA 19605. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Ontelaunee Township, **Berks County**. The receiving stream(s), Schuylkill River and Unnamed Tributary to Irish Creek, is located in State Water Plan watershed 3-B and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

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

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390089	James C Baker Baker Development Group, LLC 1748 Central Park Orefield, PA 18069	Lehigh	Weisenberg Twp	UNT To The Lyon Creek (HQ-CWF, MF)
PAD390060	New Enterprise Stone & Lime Co, Inc Eastern Industries, Inc 3912 Brumbaugh Rd New Enterprise, PA 16664	Lehigh	Lower Macungie Twp	Cedar Creek (HQ-CWF, MF)

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

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD060020	Mid-Atlantic Interstate Transmission (MAIT) 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612	Berks	Breaknock & Cumru Township Reading City	Little Muddy Creek (TSF, MF) Wyomissing Creek (HQ-CWF, MF) Angelica Creek (CWF, MF) Allegheny Creek (CWF, MF) Schuylkill River (WWF, MF)
PAD210024	Paul Zimmerman 2274 Pine Road Newville PA 17241	Cumberland	Penn Township	Yellow Breeches Creek & Pond (HQ-CWF) EV Wetlands (EV)
PAD360036	John & Anne Parson 110 Bethesda Church Road West Holtwood, PA 17532	Lancaster	Martic Township	UNT Pequea Creek (HQ-CWF)

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD140031	POWDR—Woodward 134 Sports Camp Drive Woodward, PA 16882	Centre	Haines Twp	Pine Creek EV
PAD140033	Weaver Family Farms 23 Weaver Farms Lane Port Matilda, PA 16870	Centre	Halfmoon Twp	UNT—Halfmoon Creek HQ-CWF, MF

#### **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. PAG123874, CAFO, Hess Agrimarketing LLC, 218 Rock Point Road, Marietta, PA 17547.**

This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of size and scope of proposed operation/activity: Beef (Finishing): 416.44 AEUs.

The receiving stream, Unnamed Tributary to Susquehanna River, is in watershed 7-G and classified for: Migratory Fishes and Warm Water Fishes.

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

### **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>
Four Winds Dairy LLC 400 VanEtten Road Ulysses, PA 16948	Potter	1,186.2	2,387.97	Dairy	Yes, HQ	Renewal
Lane Farms 1982 Harrison Fox Hill Road Ulysses, PA 16927	Potter	793	790.89	Hogs, Beef	NA	Renewal
JoBo Holstein Farms, LLC 200 Tall Oaks Road Gettysburg, PA 17325	Adams	1,000	1,826.72	Dairy	NA	Renewal
Mason Dixon Farms 1800 Mason Dixon Road Gettysburg, PA 17325	Adams	2,984.8	5,433.77	Dairy	NA	Renewal
Noah and Travis Martin 1821 State Route 184 Trout Run, PA 17771	Lycoming	609.8	740.70	Swine and Dairy	HQ	Renewal
Linford Snyder— Collette Pullet (Covered Bridge Road) 334 Covered Bridge Road Pine Grove, PA 17963	Schuylkill	19.3	372.60	Poultry (Pullets)	N/A	Approved
Pennwood Farms Attn: Glenn Stoltzfus 262 Sugar Grove School Rd Berlin, PA 15530	Somerset	1,746.1	2,004.7	Dairy	HQ-CWF (rented fields)	Renewal
Dan Landis 2590 Shumaker Road Manheim, PA 17545	Lancaster	34.4	576.73	Pullets	NA	R
Meadow Run Farm 4270 Harvest Road Manheim, PA 17545	Lebanon	107	1,178.84	Swine	NA	Renewal
King Duck Operation Kerwin King 375 Forest Manor Road Cochranville, PA 19330	Chester, Upper Oxford Township	211	91.34	Duck	HQ	Renewal
Stone Chimney Hollow 3449 Delta Rd Airville, PA 17302	York	108.9	760.64	Swine/Poultry	NA	Renewal
H. Lamar & Ruth A. Zimmerman 1908 Shumaker Road Manheim, PA 17545	Lancaster	13.6	442.53	Broiler	NA	R

<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>
Nathan Ebersole 44 Kline Road Shippensburg, PA 17257	Cumberland	116.6	135.23	Duck, Steer	NA	Renewal
David Groff Farm 262 Pawling Road Lewisburg PA 17837	Union	23.1 Acres	643.61	Swine	NA	Renewal
Curtis Brubaker 3038 Beaver Run Road Mifflinburg PA 17844	Union	61.5 Acres	572.20	Swine and Poultry	NA	Renewal
Downs Racing LP—DBA— Mohegan Sun at Pocono Downs 1280 Highway 315 Wilkes-Barre, PA 18702	Luzerne	216	225.88	Horse	NA	Renewal

### PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

#### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act.

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

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<b>Application No. 4818502</b> , Public Water Supply.	
Applicant	<b>Hickory Hills MHC, LLC</b> 121 Hickory Hills Drive Bath, PA 18014
Municipality	Moore Township
County	<b>Northampton</b>
Responsible Official	John Boehm, Manager
Type of Facility	Public Water Supply
Consulting Engineer	Charles L. Myers, P.E. Barry Isett Associates 84 South Route 100 Allentown, PA 18106
Application Received Date	June 28, 2018
Description of Action	This application proposes modification of the existing iron and manganese filtration treatment system, by adding soda ash to raise raw water pH prior to filtration.
<b>Application No. 6418505MA</b> , Public Water Supply.	
Applicant	<b>Aqua PA, Inc.</b> 1 Aqua Way White Haven, PA 18661
[Township or Borough]	Lehigh Township <b>Wayne County</b>
Responsible Official	Patrick R. Burke, PE Aqua PA, Inc. 204 E. Sunbury Street Shamokin, PA 17872
Type of Facility	PWS
Consulting Engineer	Dan Hopkins, PE Entech Engineering Inc. P.O. Box 32 Reading, PA 19603
Application Received Date	06/19/2018
Description of Action	Rehabilitation of Well House in the Goldsborough Water system.

**Application No. 4018515**, Public Water Supply.

Applicant Aqua Pa, Inc.  
1 Aqua Way  
White Haven, PA 18661

[Township or Borough] Butler & Dennison Township  
**Luzerne County**

Responsible Official Patrick R. Burke, PE  
Aqua Pa, Inc.  
1 Aqua Way  
White Haven, PA 18661

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE  
GHD Inc.  
326 East Second St.  
Bloomsburg, PA 17815

Application Received Date 6/26/2018

Description of Action The application proposes Aqua Pa's Beech Mountain Well 3 Improvement Project consisting of constructing Well 3 as a replacement/additional source for the system, reducing the permitted capacity of Wells 1 and 2 accordingly, converting the existing maintenance building into a new well station to treat Well 3, constructing contact piping/disinfection facilities for Well 3, and constructing approximately 1,550 LF of new main along Four Seasons Drive to convey the finished water to the existing distribution system.

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

**Permit No. 0618519**, Public Water Supply.

Applicant **New Morgan Borough Utilities Authority**

Municipality New Morgan Borough

County **Berks**

Responsible Official Margie Bishop, Borough Manager  
200 Bethlehem Drive  
Morgantown, PA 19543

Type of Facility Public Water Supply

Consulting Engineer Frederick E. Ebert, P.E.  
Ebert Engineering, Inc.  
4092 Skippack Pike  
Skippack, PA 19474

Application Received: 7/5/2018

Description of Action The Authority will install sodium hydroxide and orthophosphate addition facilities for lead and copper corrosion control in accordance with the feasibility study approved by the Department on August 24, 2017.

**Permit No. 2818506**, Public Water Supply.

Applicant **Bear Valley Joint Authority**

Municipality Peters Township

County **Franklin**

Responsible Official Wayne Henry, Chairman  
218 School House Road  
St. Thomas, PA 17752-0308

Type of Facility Public Water Supply

Consulting Engineer Christopher M. Echenrode, P.E.  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Application Received: 6/18/2018

Description of Action Addition of corrosion inhibitor at the Broad Run Water Treatment Plant and the Fort Loudon Water Treatment Plant.

**Permit No. 3618512 MA, Minor Amendment**, Public Water Supply.

Applicant **Pioneer Hi-Bred International, Inc.**

Municipality Earl Township

County **Lancaster**

Responsible Official Linnhe Martin, Operations Lead  
982 New Holland Road  
New Holland, PA 17557-9526

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley & Associates, Inc.  
18 South George Street  
York, PA 17401

Application Received: 6/20/2018

Description of Action Addition of softening and nitrate removal systems to the existing water treatment facilities.

**Permit No. 3618513 MA, Minor Amendment**, Public Water Supply.

Applicant **Wawa Incorporated**

Municipality Salisbury Township

County **Lancaster**

Responsible Official Brian Schaller, Senior VP—Chief Fuel & Real Estate Officer  
260 West Baltimore Pike  
Media, PA 19063

Type of Facility Public Water Supply

Consulting Engineer Jeremy S. Madaras, P.E.  
J.S. Madaras Consulting LLC  
250 Indian Lane  
Boyertown, PA 19512

Application Received: 6/20/2018

Description of Action New transient noncommunity water system consisting of one (1) groundwater well rated for 7.5 gpm, softening, reverse osmosis (RO) for reduction of total dissolved solids (TDS), sodium hypochlorite disinfection, and pH adjustment with sodium carbonate (soda ash).

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

**Application No. 4118503—Construction—Public Water Supply.**

Applicant	<b>Stallion Oilfield Construction, LLC</b>
Township/Borough	City of Williamsport
County	<b>Lycoming County</b>
Responsible Official	Mr. Robert J. Ryan
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Mathew E. Pierce Penn Environmental & Remediation, Inc. 111 Ryan Court Pittsburgh, PA 15205
Application Received	7/3/2018
Description of Action	Authorizes the transportation of potable water obtained from a PADEP permitted water system to man camps located at natural gas well pads.

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

**Permit No. 1188512-A3, Public Water Supply.**

Applicant	<b>John Nagle, Owner</b> Nagle Trailer Court 114 Nagle Court Cambria Township, PA 15931
[Township or Borough]	Cambria Township
Responsible Official	John Nagle, Owner Nagle Trailer Court 114 Nagle Court Cambria Township, PA 15931
Type of Facility	Water system
Consulting Engineer	The EADS Group, Inc. 227 Franklin Street Suite 300 Johnstown, PA 15901
Application Received Date	July 2, 2018
Description of Action	Change in chlorine injection location.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act.

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

**Permit No. 3018510MA, Minor Amendment.**

Applicant	<b>Dunkard Valley Joint Municipal Authority</b> PO Box 302 Greensboro, PA 15338
[Township or Borough]	Monongahela Township

Responsible Official	Charles Mallory, President Dunkard Valley Joint Municipal Authority PO Box 302 Greensboro, PA 15338
Type of Facility	Water system
Consulting Engineer	The Thrasher Group, Inc. 600 White Oaks Boulevard Bridgeport, WV 26330
Application Received Date	June 29, 2018
Description of Action	Installation of approximately 5,130 feet of 2-inch, 6-inch and 8-inch diameter waterlines (Stoney Hill waterline project).

**Permit No. 1114516GWR-A2, Minor Amendment.**

Applicant	<b>John Nagle, Owner</b> Nagle Trailer Court 114 Nagle Court Cambria Township, PA 15931
[Township or Borough]	Cambria Township
Responsible Official	John Nagle, Owner Nagle Trailer Court 114 Nagle Court Cambria Township, PA 15931
Type of Facility	Water system
Consulting Engineer	The EADS Group, Inc. 227 Franklin Street Suite 300 Johnstown, PA 15901
Application Received Date	July 2, 2018
Description of Action	Amendment to the NE Trailer Court groundwater rule permit.

**Permit No. 5613509GWR-A1, Minor Amendment.**

Applicant	<b>Addison Area Water Authority</b> PO Box 13 Addison, PA 15411
[Township or Borough]	Addison Borough
Responsible Official	Kevin Nогroski, Member Addison Area Water Authority PO Box 13 Addison, PA 15411
Type of Facility	Water system
Consulting Engineer	Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Application Received Date	June 20, 2018
Description of Action	Amendment to the Addison Area Water Authority groundwater rule permit.

**Permit No. 5618506MA, Minor Amendment.**

Applicant	<b>Addison Area Water Authority</b> PO Box 13 Addison, PA 15411
[Township or Borough]	Addison Borough

Responsible Official Kevin Nogroski, Member  
Addison Area Water Authority  
PO Box 13  
Addison, PA 15411

Type of Facility Water system

Consulting Engineer Uni-Tec Consulting Engineers,  
Inc.  
2007 Cato Avenue  
State College, PA 16801

Application Received Date June 20, 2018

Description of Action Change from gas chlorination to  
liquid chlorination.

**Permit No. 1114524MA-1, Minor Amendment.**

Applicant **Greater Johnstown Water  
Authority**  
640 Franklin Street  
Johnstown, PA 15901

[Township or Borough] Stonycreek Township

Responsible Official Michael Kerr, Manager  
Greater Johnstown Water  
Authority  
640 Franklin Street  
Johnstown, PA 15901

Type of Facility Water system

Consulting Engineer Gibson Thomas Engineering Co.,  
Inc.  
1004 Ligonier Street  
Latrobe, PA 15650

Application Received Date July 10, 2018

Description of Action Painting and addition of piping  
at the Oakland water storage  
tank.

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

**Application No. 2703502-MA3, Minor Amendment.**

Applicant **Aqua Pennsylvania Inc.**

Township or Borough Jenks Township

County **Forest**

Responsible Official James Willard

Type of Facility Public Water Supply

Consulting Engineer Robert Horvat, P.E.  
Entech Engineering  
400 Rouser Road  
Coraopolis, PA 15108

Application Received Date July 3, 2018

Description of Action Emergency repair to WTP  
clearwell to address foundation  
and floor issues of the tank.

**Application No. 2703502-MA4, Minor Amendment.**

Applicant **Aqua Pennsylvania Inc.**

Township or Borough Jenks Township

County **Forest**

Responsible Official James Willard

Type of Facility Public Water Supply

Consulting Engineer Robert Horvat, P.E.  
Entech Engineering  
400 Rouser Road  
Coraopolis, PA 15108

Application Received Date July 3, 2018

Description of Action Coating and metal repairs at  
Jenks WTP tank.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate  
Submitted under the Land Recycling and Environ-  
mental 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Fireworks Leasing LLC**, 1901-17 and 1919 Chichester Avenue, Upper Chichester Township, **Delaware County**. Kevin Frysinger, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482 on behalf of Jason Marietta, Fireworks Leasing LLC, 1500 East 27th Terrace, Pittsburg, KS 66792 submitted a Notice of Intent to Remediate. Soil and groundwater has been contaminated with VOCs. The future use of the property is expected to remain non-residential. The Notice of Intent to Remediate was published the *Daily Times* and *Sunday Times* on April 28, 2018.

**Keenan Auto Body**, 1402 & 1404 Welsh Road, Horsham Township, **Montgomery County**. Christopher Zeliznak, PG, EnviroSure Inc., 319 South High Street, 1st Floor, West Chester, PA 19382 on behalf of Maximillian Sorensen, 1402 Welsh Road, LLC, PO Box 347, Media, PA 19063 submitted a Notice of Intent to Remediate. Site groundwater has been found to be contaminated with chlorinated solvents and semi-volatile organic compounds. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in the *Intelligencer* on April 26, 2018.

**Rosenberger Residence**, 818 Blooming Glen Road, Hilltown Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Tonya Rosenberger, P.O. Box 302, Blooming Glen, PA 18911 submitted a Notice of Intent to Remediate. A release of petroleum impacted shallow soil on the Rosenberger Property. The current use and proposed future use of the source property is residential and limited commercial. The Notice of Intent to Remediate was published in the *Courier Times* on February 6, 2018.

**JRM Development**, 410 Clearview Avenue, Lower Southampton Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Lucie McDonald, JRM Developers, 9525 Frankford Avenue, Philadelphia, PA 19114 submitted a Notice of Intent to Remediate. This NIR states that the site is used for commercial/light industrial uses, where soil was impacted by petroleum because of a release from leaking heating oil underground storage tanks. The proposed future use of the property will remain the same. The Notice of Intent to Remediate was published in the *Courier Times* on May 8, 2018.

**Parker Residence**, 831 Pleasant Road, Yeadon Borough, **Delaware County**. Patrick Crawford, PG., Crawford Environmental Services LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Brian Reynolds, Service Energy LLC, PO Box 1000, Cheswold, DE 19936 submitted a Notice of Intent to Remediate. The onsite soils have been found to be contaminated with home heating oil. The current and future use of the property is expected to be for residential use. The Notice of Intent to Remediate was published in the *News of Delaware County* on May 2, 2018.

**Wawa**, 1401 Forty Foot Road, Towamencin Township, **Montgomery County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia,

PA 19103 on behalf of Thomas Verrichia, Towamencin Sumneytown Pike, LLC, 329 South Main Street, Suite B, Doylestown, PA 18901 submitted a Notice of Intent to Remediate. The gasoline additive MTBE was detected in groundwater samples collected in an area previously not characterized by the remediator of an adjacent Lukoil Facility. The Notice of Intent to Remediate was published in the *Times Herald* on May 8, 2018.

**62 Robins Road**, 62 Robins Road, Bethel Township, **Delaware County**. Gil Marshall, PG., Marshall Geoscience, Inc., 170 First Avenue, Collegeville, PA 19426 on behalf of Michael McCann, JOMILIN Partnership, 270 Bodley Road, Aston, PA 19014 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with No. 2 fuel oil attributed to a leaking heating oil tank which has contaminated subsurface soil at the site. The proposed future use of the property will continue to be residential. The Notice of Intent to Remediate was published in the *Delaware County Daily Times* on March 12, 2018.

**510 E. Barnard Street**, 510 East Barnard Street, West Chester Borough, **Chester County**. Paul White, PG., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Natalie Drury Howell, Sophisticated Way, Inc. 20 West Miner Street, PO Box 3125, West Chester, PA 19381 submitted a Notice of Intent to Remediate. The fill soils on the site have been found to be contaminated with semi-volatile organics and metals. The future use of the property will be for residential use. The Notice of Intent to Remediate was published in the *Daily Local News* on May 6, 2018.

**1405-21 Frankford Avenue/1406-12 Marlborough Street**, 1405-21 Frankford Avenue/1406-12 Marlborough Street City of Philadelphia, **Philadelphia County**. Andrew Miller, Ally Services Company, 7047 Germantown Avenue, Suite 101, Philadelphia, PA 19119 submitted a Notice of Intent to Remediate. The NIR states that lead and arsenic impacted soil. The proposed future use of the property will be for commercial/residential mixed-use. The Notice of Intent to Remediate was published in the *Philly Weekly* on January 11, 2018.

**Matthews Residence**, 1423 Gradyville Road and MacQueen Re, 1436 Valley Road, Edgmont Township, **Delaware County**. Stephanie Grillo Sr., Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Bradford Fish, P.G., Energy Transfer Partners, 100 Green Street, Marcus Hook, PA 19061 submitted a Notice of Intent to Remediate. Soil and groundwater were found to be impacted with unleaded gasoline/diesel fuel constituents. The future use of the affected portion of the property will continue to be residential. The Notice of Intent to Remediate was published in the *Daily Times* and *Sunday Times* on April 20, 2018.

**University of Pennsylvania-Hutchinson Gym**, 219 South 33rd Street, City of Philadelphia, **Philadelphia County**. Christopher Milone, Brown and Caldwell, 535 Route 38 East, Suite 355, Cherry Hill, NJ 08002 on behalf of Kyle Rosato, University of Pennsylvania, 3101 Walnut Street, Philadelphia, PA 19104 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with lead in soil. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in the *Philly Weekly* on May 14, 2018.

**Burke Revocable Living Trust**, Doylestown Township, **Bucks County**. Sean Fuller, Compliance Manage-



ment International, 1350 Welsh Road, Suite 20, North Wales, PA 19454 on behalf of Elizabeth Burke, 3725 Bristol Road, Doylestown, PA 18901 submitted a Notice of Intent to Remediate. Soil and groundwater has been contaminated with No. 2 fuel oil. The proposed future use of the property will be residential for future proposes. The Notice of Intent to Remediate was published in the *News Herald* on May 13, 2018.

**Jakes Fireworks**, 1901 Chichester Avenue, Upper Chichester Township, **Delaware County** Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Colledgeville, PA 19426 on behalf of Eric Easter, Jakes's Fireworks, 1500 East 27th Terrace, Pittsburg, KS 66762 submitted a Notice of Intent to Remediate. The site soil has been found to be contaminated with heating oil. The proposed future use of the property will continue to be commercial property. The Notice of Intent to Remediate was published in the *Daily Times* and *Sunday Times* on May 2, 2018.

**Lansdowne Meadows**, 7284 Radbourne Road, Upper Darby Township, **Delaware County**. John C. Lydzinski, PG., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Phillip Balderson, Odin Properties, 1200 Callowhill Street, Suite 403, Philadelphia, PA 19107. The site groundwater has concentrations of volatile organic compounds. The intended future use of the subject will remain residential. The Notice of Intent to Remediate was published in the *Daily Times* and *Sunday Times* on April 26, 2018.

**Tosciano Residence**, 210 Union Street, Newtown Township, **Bucks County**. Jeremy Boly, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Marie Shepard, 119 Wenger Avenue, Silverdale, PA 18962 submitted a Notice of Intent to Remediate. This NIR states that the site is used for residential purposes, and soil was impacted by petroleum because of a release from a leaking heating oil underground storage tank. The proposed future use of the property will remain the same. The Notice of Intent to Remediate was published in the *Courier Times* on April 17, 2018.

**PECO Bristol MGP**, Mifflin and Linden Streets, Bristol Borough, **Bucks County**. Douglas Kier, PG., AECOM, 625 West Ridge Pike, Suit E-100, Conshohocken, PA 19428 on behalf of Peter Farrand, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been contaminated with Manufactured gas plant related constituents. These properties are used for a variety of light-manufacturing and storage and their anticipated future use in non-residential. The Notice of Intent to Remediate was published in the *Advance Bucks County* on June 10, 2018.

**78 North Sycamore Avenue**, 78 North Sycamore Avenue, Clifton Heights Borough, **Delaware County**. Thomas Hippensteal, PG., Envirosearch Consultants, Inc., PO Box 940, Springhouse, PA 19477 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with No. 2 fuel oil. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in the *County Press* on May 9, 2018.

**Whitehall Estates**, Whitehall Road and Bean Road, Worcester Township, **Montgomery County**. Jeffrey T. Bauer, Whitestone Associates, Inc., 1600 Manor Drive, Suite 200, Chalfont, PA 18914 on behalf of Brennan Marion, Whitehall Development Partners, LP, 1805 Berks Road, Worcester, PA 19490 submitted a Notice of Intent to

Remediate. This Notice of Intent to Remediate states that the site was found to be contaminated with arsenic and select semi-volatile organics. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in the *Times Herald* on May 4, 2018.

**Revival Invest**, 1726-50 Germantown Avenue, City of Philadelphia, **Philadelphia County**. Patrick Cummings, Advantage Engineers, LLC, 520 Fellowship Road, Suite A-106, Mt. Laurel, NJ 08054 on behalf of Mark Franklin, Revival Investment or Nominee, 1339 North Front Street, Philadelphia, PA 19122 submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with No. 2 fuel oil/diesel fuel and leaded gasoline. The proposed future use of the property will be commercial. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on June 4, 2018.

**WP Warrington LLC**, 2081-2091 Garden Avenue, Warrington Township, **Bucks County**. James M. Connor, PG., Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 on behalf of Bill Rountree, PE, WP Warrington LLC, 20 South Olive Street, Suite 203, Media, PA 19063 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with metals which have contaminated soil and groundwater on the site. The proposed future use of the property will be non-residential for retail. The Notice of Intent to Remediate was published in the *Intelligencer* on May 18, 2018.

**Wedgewood's Gardens**, 1890 Middletown Road, Edgmont Township, Delaware County, **Delaware County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Colledgeville, PA 19426 on behalf of Sona Hoplamazian, 4 Hampton Lane, Glen Mills, PA 19342 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with heating oil that is suspected to have contaminated surface soil at the site. This Notice of Intent to Remediate states that the site is a multi-use commercial and residential property. The Notice of Intent to Remediate was published in the *Daily Times* and *Sunday Times* on May 25, 2018.

**201-203 West Chester Pike**, 201-203 West Chester Pike, Ridley Park Borough, **Delaware County**. Richard S. Werner, Environmental Consulting Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Paul O'Connor, Apt. Management, LLC, 116 North Swarthmore Avenue, Suite 1, Ridley Park, PA 19078 submitted a Notice of Intent to Remediate. Fuel oil impacted the soil at the site. The intended future use of the subject property is to continue to be residential. The Notice of Intent to Remediate was published in the *Delaware County Times* on June 6, 2018.

**Mary Barnes Swim Club Property**, 2501 Freedom Way, Warrington Township, **Bucks County**. Jeremy Boly, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Barry Luber, Warrington Township, 852 Easton Road, Warrington, PA 18976 submitted a Notice of Intent to Remediate. This NIR states that the site is used as a municipal swimming pool and park, where soil was impacted by petroleum. The proposed future use of the property will remain the same. The Notice of Intent to Remediate was published in the *Intelligencer* on May 27, 2018.

**Rosemont College**, 1400 Montgomery Avenue, Lower Merion Township, **Montgomery County**. Doug Schott, PG., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Christopher

Sherlock, Rosemont College, 1400 Montgomery Avenue, Bryn Mawr, PA 19010 submitted a Notice of Intent to Remediate. This Notice of Intent to Remediate states that an unknown quantity of fuel oil leaked from an underground tank. The current and intended future use of the area includes a parking area for the Kaul Hall dormitory. The Notice of Intent to Remediate was published in the *Main Line Times & Suburban* on June 3, 2018.

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

**Joy Knecht Property**, 184-186 Chestnut Ridge Drive, Eldred Township, **Monroe County**. Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Joy Knecht, 186 Chestnut Ridge Drive, Kunkletown, PA 18058, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with heating oil from an aboveground storage tank. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Morning Call* on June 9, 2018.

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

**Hake's Grocery Store & Filling Station**, 898 East Canal Road, Dover, PA 17315, Conewago Township, **York County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Randy and Ricky Hake, 898 East Canal Road, Dover, PA 17315, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with leaded and unleaded gasoline. The site will be remediated to the Nonresidential Statewide Health and Site-Specific Standards. Future use of the site will continue to be for non-residential purposes. The Notice of Intent to Remediate was published in *The York Dispatch/York Sunday News* and *York Daily Record* on June 13, 2018.

**UPS Freight Mechanicsburg Terminal**, 6060 Carlisle Pike, Mechanicsburg, PA 17050, Hampden Township, **Cumberland 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 diesel fuel. The site will be remediated to the Site-Specific Standard. Future use of the site is to continue to be a package distribution center operated by UPS. The Notice of Intent to Remediate was published in *The Sentinel* on May 23, 2018.

**Shippensburg Borough Property**, Cramer Road & Walnut Bottom Road, Shippensburg, PA 17257, Shippensburg Township, **Cumberland County**. Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482, on behalf of Shippensburg Investors, L.P., Ellis Preserve, 3843 West Chester Pike, Newtown Square, PA 19073, submitted a Notice of Intent to Remediate site soil contaminated with lead and VOCs from a municipal dump. The site will be remediated to the Site-Specific Standard. Future use of the site is to be used as vehicular access to planned industrial and commercial development. The Notice of Intent to Remediate was published in *The Sentinel* on September 26, 2006.

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

**5 Rivers Logistics, Inc. Diesel Fuel Release**, Kylerstown, Cooper Township, **Clearfield County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of 5 Rivers Logistics, Inc., P.O. Box 8346, Elkridge,

MD 21075, has submitted a Notice of Intent to Remediate site soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Remediation was published in the *Progress* on May 26, 2018.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGR081SC002.** Precision Recyclers, Inc. has submitted an application for a Determination of Applicability under General Permit No. WMGR081. The application is for Precision Recyclers, Inc.'s facility located at 104 South 18th Street, Harrisburg, PA 17104 in the City of Harrisburg, **Dauphin County**. This general permit authorizes the processing of uncontaminated and source-separated electronic devices by disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only), and associated storage prior to reuse or recycling at the processing or transfer facility. The application was determined to be complete on July 5, 2018.

Persons interested in obtaining more information about the general permit application may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

Persons wishing to file a written protest or provide comments or additional information, which they believe

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

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

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

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

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

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

*Contact: Thomas Bianca, Facilities Permitting Chief, 717-705-4863, William Weaver, Regional Air Quality Manager, 717-705-4702.*

**38-03063A: PRL Industries, Inc.** (64 Rexmont Road, Cornwall, PA 17016) for installation of a jet arc burn booth controlled by a fabric collector at the facility in Cornwall Borough, **Lebanon County**. Maximum controlled emissions are not expected not to exceed 7.51 tons per year (tpy) of PM and PM<sub>10</sub> and 0.037 tpy of chromium and 0.056 tpy of nickel. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement

(BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an initial Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

**OPERATING PERMITS**

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

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

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

**39-00040: Carpenter Co.** (P.O. Box 519, 57A Olin Way, Fogelsville, PA 18051-0519) The Department intends to issue a Title V Operating Permit renewal for operation in Upper Macungie Township, **Lehigh County**. The sources on site include natural gas-fired boilers, heaters, manufacturing processes for EPS and polyurethane foam, a fiber oven, and an emergency diesel fire pump. Control equipment at the facility includes a boiler used to control process emissions. Case-by-case and presumptive RACT II requirements have been incorporated into the proposed Title V Operating Permit. The proposed Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements, as well as RACT II requirements.

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

*Contact: Thomas Bianca, Facilities Permitting Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**06-05044: Wernersville State Hospital** (160 Main Street, Wernersville, PA 19565) to issue a Title V Operating Permit for the Wernersville State Hospital located in South Heidelberg Township, **Berks County**. The actual emissions from the facility in 2017 are estimated at 1.62 ton of CO, 10.86 tons of NO<sub>x</sub>, 1.68 ton of PM<sub>10</sub> and 24.53 tons of SO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart Dc, 40 CFR 63 Subpart JJJJJJ and 40 CFR 63 Subpart ZZZZ.

**67-05027: York Wallcoverings, Inc.** (750 Linden Ave., York, PA 17404) for operation of their wallcovering manufacturing facility in the City of York, **York County**. This is a renewal of the facility's Title V operating permit. The facility's actual 2017 air emissions were reported as NO<sub>x</sub> 1.3 ton, CO 1.1 ton, VOC 23.3 tons, PM<sub>10</sub> 0.1 ton and HAPs 0.2 ton. 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 63, Subpart KK—

National Emission Standards for the Printing and Publishing Industry and 25 Pa. Code §§ 129.52b and 129.67.

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

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

**18-00009: Clinton County Solid Waste Authority** (PO Box 209, McElhattan, PA 17748) to issue a Title V operating permit renewal for their Wayne Township landfill located in Wayne Township, **Clinton County**. The facility is currently operating under Title V operating permit 18-00009. The facility's sources include twenty-three (23) combustion units, two (2) portable emergency generators, north side disposal area, south side disposal area, dirt screening equipment, two (2) portable tub grinders, two (2) portable trammel screeners, one (1) portable water pump, one (1) parts washer, one (1) emergency generator engine, haul roads and one (1) enclosed flare. The subject facility has the following potential emissions: 78.64 TPY of CO; 70.44 TPY of NO<sub>x</sub>; 18.47 TPY of SO<sub>x</sub>; 40.33 TPY of PM/PM<sub>10</sub>; 12.52 TPY of VOC; 4.89 TPY of total HAPs and 87,567 TPY of CO<sub>2</sub>e. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. The Department has determined that the sources at the facility satisfy Best Available Technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as Subpart WWW of the Standards of Performance for Municipal Solid Waste Landfills, 40 CFR 60.750–60.759, Subpart Cc—Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, 40 CFR 60.30c–60.36c and 25 Pa. Code Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

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

**09-00216: B. Blair Corporation** (95 Louise Drive, Ivyland, PA 18974) for operation of a portable crusher in Northampton Township, **Bucks County**. The permit is for a non-Title V (State only) facility. There have been no changes at the facility or any source since the operating permit was last issued in August 2014. Additionally, no new regulations are applicable to this facility. The major source of air emissions is a portable crusher and screen, and the associated control devices. Potential emissions are as follows: NO<sub>x</sub>—24.65 tons and PM—2.08 tons, while the actual emissions are expected to be: NO<sub>x</sub>—4.05 tons and PM—0.08 ton. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00008: Coopers Creek Chemical Corporation** (884 River Road, West Conshohocken, PA 19428) is a non-Title V, Synthetic Minor facility located in Upper

Merion Township, **Montgomery County**. This facility is a non-Title V facility, located in Upper Merion Township, Montgomery County. The Synthetic Minor Operating Permit No. 46-00008 is being renewed for another five (5) year term. The facility is a Synthetic Minor for volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>). Facility-wide NO<sub>x</sub> and VOC emissions are each restricted to 24.9 tons per 12-month rolling period. The facility currently uses 4 distillation units to separate a crude coal tar feedstock into coal tar distillate and refined coal tar pitch. Previously, the stills were not reflected as sources in Section D of the facility's State Only Operating Permit. Each still is heated by the combustion of fuel, which results in emissions to the atmosphere. For this reason, the existing stills have now been included under Section D of the facility's State Only Operating Permit with this renewal. Other sources at the facility include various tanks, a hot oil heater system, and an emergency generator. The current potential emissions from the facility are: 10.94 TPY for NO<sub>x</sub>, 22.32 TPY for VOC, 5.97 TPY for CO, 3.51 TPY for SO<sub>x</sub>, 0.61 TPY for PM, and 8.03 TPY for Total HAP. The operating permit will continue to contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

*Contact: Thomas Bianca, Facilities Permitting Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05073: Bollman Hat Co.** (110 East Main Street, Adamstown, PA 19501) for the hat manufacturing operations in Adamstown Borough, **Lancaster County**. This is for renewal of the existing state-only permit. The subject facility has the potential to emit VOCs at 10.8 tpy, NO<sub>x</sub> at 6.5 tpy, and CO at 5.4 tpy. 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 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

**22-03065: PA Department of Agriculture** (2305 N. Cameron Street, Harrisburg, PA 17110) for the Pathological/Infectious Waste Incinerator at the Pennsylvania Veterinary Laboratory (PVL) in Susquehanna Township, **Dauphin County**. This is for renewal of the existing state-only permit. The subject facility has the potential to emit NO<sub>x</sub> 12.4 tpy, CO 5.9 tpy, PM 0.9 tpy, and SO<sub>x</sub> 0.7 tpy. The State-only 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 the Department's Best Available Technology (BAT) requirements for Hospital/Infectious Waste Incinerators of August 11, 1989.

**67-03132: Voith Hydro, Inc.** (760 East Berlin Rd., York, PA 17408) for the operation of a hydroelectric turbine equipment manufacturing facility in West Manchester Township, **York County**. This is for renewal of the existing state-only permit. Potential air emissions from the facility are estimated at 15.09 tpy PM<sub>10</sub>, 34.93 tpy NO<sub>x</sub>, 29.33 tpy CO, 30.44 tpy VOC, 8.16 tpy HAPs and less than 1 tpy SO<sub>2</sub>. The Operating Permit will include emission limits and work practice standards along

with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**21-05067: Carlisle Syntec, Inc.** (PO Box 7000, Carlisle, PA 17013) for the operation of a rubber roof and adhesives manufacturing facility in Carlisle Borough, **Cumberland County**. This is for issuing a state-only permit to replace the Title V permit previously held by the facility. Potential air emissions from the facility are estimated at 12.31 tpy PM<sub>10</sub>, 2.74 tpy NO<sub>x</sub>, 7.88 tpy CO, 33.82 tpy VOC, 7.23 tpy HAPs and less than 1 tpy SO<sub>2</sub>. Speciated HAPs potential air emissions include 6.16 tpy Toluene, and less than 1 tpy Xylene. 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.

**22-03022: Wenger Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570) for operation of their Spring Glen feed mill in Lykens Township, **Dauphin County**. This is for renewal of the existing state-only permit. Potential emissions are estimated at 5.61 tons per year of CO, 6.67 tons per year of NO<sub>x</sub>, 30.46 tons per year of PM, and 17.03 tons per year of PM<sub>10</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions for the boilers include provisions derived from 40 CFR 63 Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The facility is also subject to 40 CFR 63 Subpart DDDDDDD, National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

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

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

**41-00074: Bayard Printing Group** (1 Maynard Street, Williamsport, PA 17701) for their facility located in Williamsport, **Lycoming County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously mentioned facility. The subject facility has the following potential emissions: 1.66 TPY of CO; 2.18 TPY of NO<sub>x</sub>; 1.12 TPY of SO<sub>x</sub>; 6.13 TPY of PM/PM<sub>10</sub>; 18.25 TPY of VOC; 3.47 TPY of VHAPs and 2,601 TPY of CO<sub>2e</sub>. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boiler Area Sources, 40 CFR Part 63 Subpart JJJJJJ, 63.11193—63.11237. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208

West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**26-00597: Bullsken Stone and Lime Company, LLC** (986 Pleasant Valley Road, Mt. Pleasant, PA 15666) Natural Minor Operating Permit is for a stationary nonmetallic mineral processing plant that mainly processes limestone and is located in Bullsken Township, **Fayette County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of emissions at the site consist of one stationary nonmetallic mineral processing plant and one 1,372 BHP Caterpillar C32 diesel-fired generator engine. Emissions at the facility are primarily particulate matter (PM) emissions and NO<sub>x</sub>. PM emissions are controlled by a water spray system. The engine has limited hours of operation to meet emission requirements for NO<sub>x</sub> and CO. Emission estimates were provided by the applicant based on the EPA's AP-42 tables and the manufacturer's emission testing data for the engine. The facility is required to conduct daily surveys of the site to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. Emissions are projected to be 11.48 tons per year (TPY) NO<sub>x</sub>, 0.46 TPY CO, 2.17 TPY SO<sub>x</sub>, 18.68 TPY PM<sub>10</sub>, 0.03 TPY HC (which includes VOC), and zero HAP. The air quality permit includes operation requirements, monitoring requirements, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Bradley Spayd, Air Quality Engineering Trainee, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00597) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Bradley Spayd, Air Quality Engineering Trainee, at the previous address. For additional information concerning the permit or the issuance procedure, contact Bradley Spayd at the previous address or phone at (412) 442-5227.

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

**56-00298: Garrett Limestone, Inc./Romesburg Quarry** (1 Pine Street, New Eagle, PA 15067) Natural Minor Operating Permit is for a facility that produces limestone and crushed stone and is located in Black Township, **Somerset County**. In accordance with 25

Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of emissions at the site consist of a stationary limestone processing plant, a sand/wash plant, a 1,106 HP Caterpillar diesel engine, and a 96 HP diesel engine (i.e. two processing plants and two engines). Emissions at the facility are primarily particulate matter (PM) emissions. PM emissions are controlled by water sprays, and other criteria pollutants are controlled by limiting the hours of operation for the engines. Emission estimates were provided by the applicant based on the EPA's AP-42 tables for the processing plants, material handling, and engines. The facility is required to conduct daily surveys of the site to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. Emissions are projected to be 9.38 tons per year (TPY) NO<sub>x</sub>, 0.016 TPY CO, 0.43 TPY SO<sub>x</sub>, 7.11 TPY PM<sub>10</sub>, 19.99 TPY PM, 0.213 TPY VOC, and zero HAP. The air quality permit includes operation requirements, monitoring requirements, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Bradley Spayd, Air Quality Engineering Trainee, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (56-00298) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Bradley Spayd, Air Quality Engineering Trainee, at the previous address. For additional information concerning the permit or the issuance procedure, contact Bradley Spayd at the previous address or phone at (412) 442-5227.

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

**63-00616: Therm-O-Rock East, Inc./Plant I** (1 Pine Street, New Eagle, PA 15067) Natural Minor Operating Permit is for a facility that blends, mixes, and thermally expands various nonmetallic minerals (perlite and vermiculite) for use in commercial products and is located in New Eagle Borough, **Washington County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of emissions at the site consist of five furnaces, material handling, and miscellaneous sources consisting of bin vents. Emissions at the facility are primarily particulate matter (PM) emissions. PM

emissions are controlled by a number of cyclones in series and then a baghouse. Emission estimates were provided by the applicant based on the EPA's AP-42 tables and stack testing data. The facility is required to conduct daily surveys of the site to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. Emissions are projected to be 6.52 tons per year (TPY) NO<sub>x</sub>, 4.23 TPY CO, 0.04 TPY SO<sub>x</sub>, 8.96 TPY PM<sub>10</sub>, 8.96 TPY PM, 0.33 TPY VOC, and 0.12 TPY HAP. The air quality permit includes operation requirements, monitoring requirements, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Bradley Spayd, Air Quality Engineering Trainee, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00616) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Bradley Spayd, Air Quality Engineering Trainee, at the previous address. For additional information concerning the permit or the issuance procedure, contact Bradley Spayd at the previous address or phone at (412) 442-5227.

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

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

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

**10-00281: II VI Inc.**, (375 Saxonburg Boulevard, Saxonburg, PA 16056-9430), the Department intends to issue the renewal of the Synthetic Minor State-Only Operating Permit to a facility which manufactures specialized engineered materials and optoelectronic components for military, communications and semiconductor industries. This facility is located in Clinton Township, **Butler County**. The primary sources at the facility are miscellaneous combustion sources, a batch vapor degreaser, chemical vapor deposition units, hydrogen selenide gas production, H<sub>2</sub>Se Transfer Process, thin film production, diesel generators, natural gas generators and a spray booth. Potential emissions for the site are below Title V permitting thresholds for all criteria pollutants, after taking limits. Facility NO<sub>x</sub> potential emissions are 15.73 tons per year (tpy) and HAPs potential emissions are 4.6 tpy. The permit contains emission restrictions, along with testing, monitoring, recordkeeping, reporting, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## PLAN APPROVALS

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

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**48-00112A: Freshpet, Inc.** (176 North Commerce Way, Bethlehem, PA 18017) for their facility located in Hanover Twp, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Freshpet, Inc. (176 North Commerce Way, Bethlehem, PA 18017) for their facility located in Hanover Twp, Northampton County. This Plan Approval No. 48-00112A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00112A is for the installation and operation of a CO-Gen unit consisting of a GE engine with CO Catalyst and a waste heat recovery boiler. The company shall be subject to and comply with NSPS Subpart JJJJ and 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00112A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**54-00072B: JELD-WEN** (3250 Lakeport Blvd., PO Box 1540, Klamath Falls, OR 97601-0253) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protec-

tion (DEP) has received and intends to issue a Plan Approval to **JELD-WEN** (3250 Lakeport Blvd., PO Box 1540, Klamath Falls, OR 97601-0253) for their facility located in Cass Twp., **Schuylkill County**. This Plan Approval No. 54-00072B will be incorporated into a State Only Permit through an administrative amendment at a later date.

Plan Approval No. 54-00072B is for the relocation and installation of additional paint spray booths with ovens. Particulate emissions will not exceed 0.04 grain/dscf. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions will be controlled by the use of dry filters. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 54-00072B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of

requests for 401 Water Quality Certifications are included in individual application notices, as noted.

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

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

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

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

#### *Coal Applications Received*

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

**11860701 and NPDES No. PA0214981. Fuel Recovery, Inc.**, (254 Interpower Drive, Colver, PA 15927). To renew the permit for the Sonman Refuse in Portage Township, **Cambria County** and related NPDES. No additional discharges. The application was considered administratively complete on July 5, 2018. Application received: June 25, 2018.

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

**Permit No. 56180103 and NPDES No. PA0279650. Heritage Coal & Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley and Summit Townships, **Somerset County**, affecting 58.1 acres. Receiving stream: Bear Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 22, 2018.

**Permit No. 32950202 and NPDES No. PA0213039 and General Permit GP-12-32950202. Cambria Reclamation Corporation**, 243 Rubisch Road, Ebensburg, PA 15931, revision of an existing bituminous coal refuse site to obtain coverage for coal refuse reprocessing under air quality general permit GP-12 in Center Township, **Indiana County**, affecting 287.3 acres. Receiving stream(s): unnamed tributary to Yellow Creek and Yellow Creek classified for the following use(s): cold water fishery; trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2018.

#### *Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

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

**20180303 and NPDES Permit No. PA0280615. Lakeland Sand & Gravel, Inc.**, (11203 Ellion Road, Conneaut Lake, PA 16316). Commencement, operation and restoration of a large industrial minerals surface mine in Sadsbury Township, **Crawford County** affecting 24.0 acres. Receiving streams: Unnamed tributary to Conneaut Lake and unnamed tributary to Mud Run, classified for the following uses: HQ-WWF and WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 25, 2018.

**37180402 and NPDES Permit No. PA0280607. Shenango Limestone & Storage Co., LLC**, (10900 South Avenue, P.O. Box 217, North Lima, OH 44452). Commencement, operation and restoration of a large industrial minerals underground mine in Shenango Township, **Lawrence County** affecting 212.0 acres. Receiving streams: Unnamed tributary to McKee Run, McKee Run, and Beaver River, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. This permit includes a request to change the post-mining land use from forestland to industrial/commercial. Application received: June 21, 2018.

**32164-37180402-E-1. Shenango Limestone & Storage Co., LLC** (10900 South Avenue, P.O. Box 217, North Lima, OH 44452). Application for a stream encroachment to conduct mining activities within 100 feet of McKee Run in



Shenango Township, **Lawrence County**. Receiving streams: Unnamed tributary to McKee Run, McKee Run, and Beaver River, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 21, 2018.

**16860310. Glen-Gery Corp.** (1166 Spring Street, P.O. Box 7001, Reading, PA 19610). Renewal of NPDES Permit No. PA0107395 in Limestone and Monroe Townships, **Clarion County**. Receiving streams: Unnamed tributary to Little Piney Creek and an unnamed tributary to Piney Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 21, 2018.

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

**08100302 and NPDES PA0257389. Johnson Quarries, Inc.** (P.O. Box 136, LeRaysville, PA 18829). Permit revision to change land use from forest to commercial and unmanaged natural habitat to commercial, also increase bond mining area from 54.5 to 88.8 acres, and to remove sample points 1A and 1D from monitoring plan on a large industrial noncoal mine in Stevens Township, **Bradford County**, affecting 127.9 acres. Receiving streams: Rockwell Creek and Unnamed Tributary to Wyalusing Creek classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2018.

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

**Permit No. 58020813. Russell Carpenter.** (299 Hall Road, New Milford, PA 18834), Stage I & II bond release of a quarry operation in New Milford Township, **Susquehanna County** affecting 1.0 acre on property owned by Russell Carpenter. Application received: June 27, 2018.

**Permit No. 39970301 and NPDES Permit No. PA0225908. Holcim (US), Inc.,** (5160 Main Street, Whitehall, PA 18052), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Whitehall Township, **Lehigh County** affecting 211.71 acres, receiving stream: Coplay Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: June 25, 2018.

#### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

##### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

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

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

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

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

##### *Effluent Limits for Noncoal Mining Activities*

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

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

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

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

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

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

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

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

#### Coal NPDES Draft Permits

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

**NPDES No. PA0235571 (Mining Permit No. 17031301), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-1504). A renewal to the NPDES and mining activity permit for the Cherry Tree Mine in Burnside Township, **Clearfield County** and Montgomery Township, Burnside Borough, **Indiana County**. Surface Acres Affected 49.0, Underground Acres Affected 5,382.0. Receiving stream: West Branch Susquehanna River, classified for the following use: WWF. West Branch Susquehanna River TMDL. The application was considered administratively complete on May 14, 2014. Application received November 27, 2013.

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

*Outfall 002* discharges to: West Branch Susquehanna River.

The proposed effluent limits for *Outfall 002* (Lat: 40° 44' 18" Long: -78° 47' 50") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Total Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	0.75
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Iron, Total	(mg/l)	-	3.0	6.0	7.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-

*Outfall 003* discharges to: West Branch Susquehanna River.

The proposed effluent limits for *Outfall 003* (Lat: 40° 51' 45" Long: -78° 36' 45") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Total Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	0.75
Total Dissolved Solids	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Iron, Total	(mg/l)	-	3.0	6.0	7.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-

EPA Waiver not in effect.

**NPDES No. PA0092193 (Mining Permit No. 32840701), Tanoma Coal Company, Inc.**, (975 Georges Station Road, Suite 900, Greensburg, PA 15601). A renewal to the NPDES and mining activity permit for the Tanoma Refuse Area # 2 in Rayne Township, **Indiana County**. Surface Acres Affected 160.0. Receiving stream: Rayne Run, classified for the following use: CWF. Crooked Creek TMDL. The application was considered administratively complete on September 1, 2015. Application received November 6, 2014.

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

*Outfall 001* discharges to: Rayne Run.

The proposed effluent limits for *Outfall 001* (Lat: 40° 43' 05" Long: 79° 03' 25") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
pH	(s.u.)	6.0	-	-	9.0
Suspended Solids, Total	(mg/l)	-	35	70	90
Alkalinity, Total (as CaCO <sub>3</sub> )	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO <sub>3</sub> )	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO <sub>3</sub> )	(mg/l)	0.0	-	-	-
Iron, Total	(mg/l)	-	1.69	3.38	4.23
Manganese, Total	(mg/l)	-	1.13	2.26	2.83
Aluminum, Total	(mg/l)	-	0.75	0.75	0.75
Sulfates	(mg/l)	-	-	-	Report
Osmotic Pressure	(mos/kg)	-	50	100	100
Total Dissolved Solids	(lbs./yr.)	-	-	-	Report

EPA Waiver not in effect.

**NPDES No. PA0007803 (Mining Permit No. 32841302), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-1504). A renewal to the NPDES and mining activity permit for the Greenwich North # 1/South # 2 Mine in Green Township, **Indiana County**. Surface Acres Affected 6.5, Underground Acres Affected 14,203.0. Receiving stream: South Branch Two Lick Creek, classified for the following use: HQ-CWF. Kiskiminetas-Conemaugh TMDL. The application was considered administratively complete on June 8, 2016. Application received December 21, 2015.

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

*Outfall 021* discharges to: South Branch of Two Lick Run.

The proposed effluent limits for *Outfall 021* (Lat: 40° 40' 38" Long: 78° 53' 01") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
pH	(s.u.)	6.0	-	-	9.0
Iron, Total	(mg/l)	-	1.50	3.0	3.8
Suspended Solids, Total	(mg/l)	-	35	70	90
Alkalinity, Total (as CaCO <sub>3</sub> )	(mg/l)	-	-	-	Report
Acidity, Total (as CaCO <sub>3</sub> )	(mg/l)	-	-	-	Report
Net Alkalinity, Total (as CaCO <sub>3</sub> )	(mg/l)	0.0	-	-	-
Manganese, Total	(mg/l)	-	1.0	2.0	2.5
Aluminum, Total	(mg/l)	-	0.75	0.75	0.75
Sulfates	(mg/l)	-	-	-	Report
Osmotic Pressure	(mos/kg)	-	50	100	100
Total Dissolved Solids	(TDS)	-	-	-	Report

EPA Waiver not in effect.

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

**NPDES No. 0279650 (Mining Permit No. 56180103), Heritage Coal and Natural Resources, LLC**, 550 Beagle Road, Rockwood, PA 15557, new NPDES permit for a coal surface mine in Brothersvalley and Summit Townships, **Somerset County**, affecting 58.1 acres. Receiving stream(s): Bear Run, classified for the following use(s): cold water fishes. This receiving stream is included in the Casselman River TMDL. Application received: June 22, 2018.

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

The following outfalls discharge to Bear Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment Pond (T-1)	Y
002—Sediment Pond 1	Y

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

<i>Outfalls: 001—Treatment Pond (T-1)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

**NPDES No. PA0268950 (Mining Permit No. 56120104), Wilson Creek Energy, LLC**, P.O. Box 260, 1576 Stoystown Road Friedens, PA 15541, revision of an NPDES permit for discharge of water resulting from surface coal mining operations in Lincoln Township, **Somerset County**, affecting 72.0 acres. Receiving streams: unnamed tributaries to Quemahoning Creek, classified for the following use: Cold Water Fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: June 25, 2018.

The following outfalls discharge to unnamed tributaries to Quemahoning Creek:

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

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

<i>Outfalls: 001 &amp; 004 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.5	3.0	3.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

<i>Outfalls: 002 &amp; 003 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0009822 (Mining Permit No. 4274SM7), New Enterprise Stone & Lime Co., Inc.**, P.O. Box 77, New Enterprise, PA 16664. Renewal of an NPDES permit for non-coal surface mining in Walker Township, **Huntingdon County**, affecting 65.78 acres. Receiving stream: Crooked Creek classified for the following use: warm water fishes, Migratory Fishes. Application received: January 24, 2018.

The following outfalls discharge to Crooked Creek.

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

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

<i>Discharge Limitations (in mg/l)</i>				<i>Monitoring requirements</i>	
<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Measurement Frequency</i>	<i>Sample Type</i>
Total Suspended Solids	35.0	70.0	90	2/Month (minimum)	Grab

The following alternate discharge limitations apply to discharges from stormwater facilities resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event discharging to Crooked Creek:

<i>Discharge Limitations (in mg/l)</i>				<i>Monitoring requirements</i>	
<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Measurement Frequency</i>	<i>Sample Type</i>
Total Settleable Solids	N/A	N/A	0.5 (ml/l)	Monthly (minimum)	Grab

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

Alkalinity must exceed acidity at all times.

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

**NPDES No. PA0204906 (Permit No. 37880304). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 227.5 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: July 11, 2018.

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

The following outfalls discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (ml/l)		35	70	90

**NPDES No. PA0258440 (Permit No. 10070303). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Butler County**, affecting 57.3 acres. Receiving streams: Unnamed tributaries to Wolf Creek and unnamed tributaries to Slippery Rock Creek, both classified for the following uses: CWF. TMDL: None. Application received: May 2, 2018.

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

The following outfall discharges to Unnamed tributary to Wolf Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (ml/l)				90

**NPDES No. PA0107433 (Permit No. 3074SM13). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Butler County**, affecting 1,059.9 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, unnamed tributaries to Wolf Creek, all classified for the following uses: CWF. TMDL: None. Application received: May 25, 2018.

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

The following outfalls discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TPB	N
TPC	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

<sup>1</sup> The parameter is applicable at all times.

The following outfalls discharge to unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, unnamed tributaries to Wolf Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
S3	N
S10	N
S11	N
S12	N
S16	N
S17	N
S21	N
SPB	N
SPC	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (ml/l)				90
Total Settleable Solids (ml/l)				0.5

**NPDES No. PA0242365 (Permit No. 16030302). I.A. Construction Corporation** (24 Gibb Road, P.O. Box 568, Franklin, PA 16323) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Licking & Richland Townships, **Clarion County**, affecting 143.5 acres. Receiving streams: Unnamed tributary to the Clarion River, classified for the following uses: WWF, and Unnamed tributary to Turkey Run, classified for the following uses: HQ-CWF. TMDL: Lower Clarion River. Application received: May 30, 2018.

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

The following outfalls discharge to unnamed tributary to the Clarion River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	N
TB	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The following outfalls discharge to unnamed tributary to the Clarion River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (ml/l)				90
Total Settleable Solids (ml/l)				0.5

The following outfall requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TC	N

The following outfall requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
C	N

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

**NPDES No. PA0251658 (Mining Permit No. 26092001), Bullsken Stone and Lime, LLC**, 117 Marcia Street, Latrobe, PA 15650. Renewal NPDES permit for a noncoal surface mine in Bullsken Township, **Fayette County**, affecting 307.8 acres. Receiving stream(s): unnamed tributaries to Mounts Creek, classified for the following use(s): WWF. Application received: September 12, 2016.

The following stormwater outfalls discharge to unnamed tributaries to Mounts Creek.

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	2.3	4.6	5.8
Manganese (mg/L)	1.2	2.4	3.0
Aluminum (mg/L)	1.0	2.0	2.5
Total Suspended Solids (mg/L)	35	70	90
Total Selenium (mg/L)		Monitor and Report	

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

The following treated wastewater outfall discharges to unnamed tributaries to Mounts Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	N	MDT

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	2.3	4.6	5.8
Manganese (mg/L)	1.2	2.4	3.0
Aluminum (mg/L)	1.0	2.0	2.5
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.

**NPDES No. PA0203424 (Mining Permit No. 63920301), Langeloth Metallurgical Co., LLC** (10 Langeloth Plant Drive, Langeloth, PA 15054). A renewal to the NPDES permit for noncoal surface mine (Langeloth Site), affecting 13 acres, located in Smith Township, **Washington County**. Receiving stream: Burgetts Fork, classified for the following use: WWF. This receiving stream is included in the Racoon Creek Watershed TMDL. Application received: June 19, 2017.

The following stormwater outfall discharges to unnamed tributary to: Burgetts Fork.

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/l)	1.5	3.0	3.7
Total Manganese (mg/l)	1.0	2.0	2.5
Total Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Total Sulfate		Monitor & Report	
Total Molybdenum (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.

## 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

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

**E06-730: NorthPoint Development**, 4825 NW 41st Street, Suite 500, Riverside, MO 64150 in Bethel Township, **Berks County**, U.S. Army Corps of Engineers Baltimore District.

To place fill permanently impacting 0.26 acre of PEM Wetlands (40.4755840, -76.3000150) for the purpose of constructing a 1,008,036 square-foot warehouse. The applicant is proposing compensate for these impacts by creating 0.26 acre of wetland on-site. The project is located at 22 Martha Drive, Bethel Township, Berks County.

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

**E02-1784, Pennsylvania Turnpike Commission**, 700 S. Eisenhower Blvd., Middletown, PA 17057, Marshall

Township and Cranberry Township, **Allegheny County** and **Butler County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Place and maintain fill in 31 LF of a UNT to Brush Creek (aka Brush Creek UNT-10) (WWF).
2. Restore 51 LF of a UNT to Brush Creek (aka Brush Creek UNT-10) (WWF).
3. Construct and maintain a 170' × 66" culvert in a UNT to Brush Creek (aka Brush Creek UNT-8) (WWF).
4. Construct and maintain a 162' × 42" culvert in a UNT to Brush Creek (aka Brush Creek UNT-12) (WWF).
5. Replace and extend an existing box culvert with a 159' box culvert in a UNT to Brush Creek (aka Brush Creek UNT-5) (WWF).
6. Construct and maintain a 203' × 42" culvert in a UNT to Brush Creek (aka Brush Creek UNT-3) (WWF).
7. Extend and maintain a box culvert extension in Achweek Run (aka Brush Creek UNT-2) (WWF) with a total extension length of 69'.
8. Place and maintain fill in 0.069 acre of PEM/PSS wetland.
9. Install and maintain road associated stormwater facilities and outfalls in the Brush Creek Watershed (WWF).
10. Place and maintain fill in 1.50 acre of floodplain in the Brush Creek Watershed (WWF).

The project will permanently impact a total of approximately 1,001 linear feet (LF) of various watercourses, resulting in a permanent loss of 155 LF of regulated watercourses and 0.069 acre of wetland, and temporarily impact a total of approximately 273 LF of various watercourses and 0.02 acre of wetland. To compensate for the watercourse impacts associated with the project, the stream mitigation plan includes the on-site relocation of various watercourses, restoration of on-site of a watercourse, and the purchase of 155 LF of stream credits at the Enlow Fork Mitigation Site. Wetland Mitigation will be provided through the purchase of 0.069 acre of wetland credits at the Robinson Fork Mitigation Site. The impacts are associated with reconstructing and widening the existing Pennsylvania Turnpike between the Cranberry Interchange (Milepost 28) in Butler County and the Warrendale Toll Plaza (Milepost 31) in Allegheny County. The structures and activities requiring authorization in Marshall Township, Allegheny County (Mars, PA Quadrangle; starting at Latitude 40° 40' 42.79", Longitude: -80° 6' 14.17"; and ending at Latitude 40° 39' 21.12", Longitude: -80° 4' 27.74").

**E04-371, Zelenople Airport Authority**, 1857 Route 588, Zelenople, PA 16063, Franklin Township and Marion Township, **Beaver County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Place and maintain fill within 2.47 acre of PEM wetland (aka Wetlands 1, 4, 6—8, and 21);
2. Place and maintain fill within 0.28 acre of PSS wetland (aka Wetlands 4 and 20);
3. Place and maintain fill within 0.03 acre of PFO wetland (aka Wetlands 2, 3, and 19);
4. Permanently impact 0.4 acre of POW (aka Pond 3 and an on-stream impoundment area of Stream 2);
5. Permanently impact 503 LF of an unnamed tributary to Connoquenessing Creek (aka Stream 1);



- 6. Permanently impact 213 LF of an unnamed tributary to Connoquenessing Creek (aka Stream 1 Extension);
- 7. Permanently impact 212 LF of an unnamed tributary to Connoquenessing Creek (aka Stream 2);
- 8. Relocate 800 LF of an unnamed tributary to Connoquenessing Creek (aka Stream 3);
- 9. Relocate 1,830 LF of Connoquenessing Creek (aka Stream 4) and remove an associated structure which consists of three 36-inch CMPs;

10. Install and maintain a new crossing of Stream 4 consisting of three 36-inch CPE pipes that are approximately 43 feet long;

11. Remove the existing 62-foot long, 24-inch RCP that carries SR 288 over Stream 1, and construct and maintain a replacement 94-foot long, 24-inch RCP;

12. Remove the existing 198-foot long, 24-inch RCP that carries Stream 1 Extension under Runway 17, and construct and maintain a replacement 510-foot long, 24-inch RCP.

For the purpose of airside safety improvements, which includes extending the existing runway and parallel taxiway. The project will result in 2.78 acres of permanent wetland impact and 3,558 linear feet of stream impact. These impacts will be off-set with onsite wetland and stream mitigation, including 2.97 acres of wetland mitigation area. The project is located near the intersection of S.R. 288 and S.R. 588 (Zelienople PA Quadrangle; Latitude 40° 48' 33"; Longitude -80° 9' 48") in Franklin and Marion Townships, Beaver County.

**E30-257; Dominion Energy Transmission, Inc.** (DETI); 707 East Main Street, Richmond, VA 23219; Franklin Township, Jefferson Township, and Morgan Township; **Greene County**; Pittsburgh ACOE District.

The applicant is proposing to:

The project consists of the installation and maintenance of approximately 3.2-mile/16,896-foot long, 24-inch natural gas pipeline and appurtenant structures for the purpose of transporting natural gas from Dominion Energy Transmission, Inc.'s (DETI), existing Crayne Station in Franklin Township, Greene County, PA to a new surface site in Morgan Township, Greene County, PA. The following listed temporary and permanent impacts include both disturbances and direct and indirect impacts to watercourse, wetland, floodplain, and floodway resources. The proposed project impacts include a total of

993 linear feet of temporary impacts to Ruff Creek (WWF), unnamed tributaries to Ruff Creek (WWF), Browns Run Creek (WWF), and unnamed tributaries to Browns Run Creek (WWF), a total of 130 linear feet of permanent impacts to Ruff Creek (WWF), unnamed tributaries to Ruff Creek (WWF), Browns Run Creek (WWF), and unnamed tributaries to Browns Run Creek (WWF), and 3.34 acres of floodway impacts, 0.28 acre of temporary impacts to PEM wetlands, 0.81 acre of permanent impacts to PEM wetlands, 0.06 acre of permanent impacts to PFO wetlands. To compensate for the proposed permanent project impacts, the applicant is proposing the purchase of wetland mitigation bank credits.

The proposed project (TL-654 PA Loop) starts at DETI's existing Crayne Station (Mather, PA Quadrangle N: 39° 55' 16.67"; W: -80° 7' 20.47") and continues northeast, running parallel to existing pipelines (TL-342 and TL-591), for approximately 3.2 miles (Mather, PA Quadrangle N: 39° 57' 30.63"; W: -80° 5' 39.61") between Franklin Township, Greene County, PA and Morgan Township, Greene County, PA. The project is associated with DEP File Number WQ05-020.

The project also consists of using an existing contractor yard (Rice's Landing Contractor Yard) as a staging area that will house equipment, materials, and will be the location of the office trailers during construction. The contractor yard is located in Jefferson Township, Greene County, PA (Mather, PA Quadrangle N: 39° 56' 23"; W: -80° 1' 2.27") and there are no proposed aquatic resource impacts associated with the use of the contractor yard.

**E63-719, Ringgold School District**, 400 Main St, New Eagle, PA 15067, Carroll Township, **Washington County**, Pittsburgh ACOE District.

The applicant is proposing to:

Construct and maintain two (2) seepage collector zones and funneling the water through large aggregate stone and down into finger drains that tie into the existing storm sewer system. These impacts will directly impact a deminimus amount (0.021 acre) of PEM wetland, for the purpose of stabilizing the hillslope and addressing seepage and erosion issues caused by natural springs on the effected hillside. The project will include 0.83 acre of earth disturbance, and is located at the north side of the Ringgold School Complex football stadium located at 1 Ram Drive in Monongahela (Monongahela, PA Quadrangle N: 40° 11' 57.34"; W: -79° 58' 48.88"), in Carroll Township, Washington County.

**ACTIONS**

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

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) 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 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.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0050865 (Industrial)	Gessner Products, Co. Inc. P.O. Box 389 241 N Main Street Ambler, PA 19002-0389	Montgomery County Ambler Borough	Unnamed Tributary to Wissahickon Creek (3-F)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0044997 (Sewage)	Mount Pocono Municipal Authority WWTP 14718 Pocono Boulevard Mount Pocono, PA 18344	Monroe County Mount Pocono Borough	Forest Hills Run (01E)	Yes

*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?
PA0035815 (Sewage)	Bellefonte Koa Campground 2481 Jacksonville Road Bellefonte, PA 16823-9316	Centre County Marion Township	Unnamed Tributary of Nittany Creek (9-C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0003255 (Storm Water)	Latrobe Specialty Metals 2626 Ligonier Street Latrobe, PA 15650-3246	Westmoreland County Latrobe Borough	Loyalhanna Creek (18-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. PA0058505**, Sewage, **Kilcar House Inc.**, 199 Union Road, Quakertown, PA 18951.

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

Actions/Activity: The following notice reflects changes to the notice published in the May 26, 2018 edition of the *Pennsylvania Bulletin*:

Effluent limit of 15.0 mg/1 (Av.Mo.) for Oil & Grease has been included in the final NPDES Permit.

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

**NPDES Permit No. PA0052167**, Sewage, SIC Code 4952, **Wind Gap Municipal Authority**, 578 Abel Colony Road, Wind Gap, PA 18091.

This existing facility is located in Plainfield Township, **Northampton County**.

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

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

**NPDES Permit No. PA0114898 A-1**, Sewage, SIC Code 4952, **Madison Township Municipal Authority Columbia County**, P.O. Box 620, Millville, PA 17846-0620.

This existing facility is located in Madison Township, **Columbia County**.

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

**NPDES Permit No. PA0234079**, Sewage, SIC Code 4952, **Tiadaghton Valley Municipal Authority**, P.O. Box 5039, Jersey Shore, PA 17740-5039.

This existing facility is located in Nippenose Township, **Lycoming County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing 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. 2317402**, Sewage, **Newtown Township Municipal Authority**, 209 Bishop Hollow Road, Newtown Square, PA 19073-3219.

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

Description of Action/Activity: Construction and operation of a sewage pump station.

**WQM Permit No. 4618404**, Sewage, **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936-9605.

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

Description of Action/Activity: Construction and operation of a new municipal wastewater pumping station.

**WQM Permit No. 1594403**, Sewage, Renewal, **West Vincent Township**, 729 Saint Matthews Road, Chester Springs, PA 19425-3301.

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

Description of Action/Activity: Permit Renewal.

**WQM Permit No. 1594403**, 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.

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

**WQM Permit No. 3518401**, Sewage, SIC Code 4952, **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033.

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

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

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

**WQM Permit No. WQG02061801**, Sewerage, **Robeson Township Municipal Authority**, Berks County, 8 Boonetown Road, Birdsboro, PA 19508-8317.

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

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of: Pump Station.

*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. 1806401 A-2**, Sewage, SIC Code 4952, **Clinton County Swa**, P.O. Box 453, Lock Haven, PA 17745-0453.

This existing facility is located in Bald Eagle Township, **Clinton County**.

Description of Proposed Action/Activity: This amendment expands the scope of the 2015 authorization, adding (1) solids handling equipment to the pumping station and (2) force main capacity expansion to the original scope of increasing pump sizes from 25 hp to 34 hp.

**WQM Permit No. 1471402 A-1**, Sewage, SIC Code 7033, **Saulsburg & Dillon**, 2481 Jacksonville Road, Bellefonte, PA 16823-9316.

This existing facility is located in Marion Township, **Centre County**.

Description of Proposed Action/Activity: Construction of an 8,000-gallon flow equalization tank and erosion dechlorination systems.

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

**WQM Permit No. 6318404**, Sewage, SIC Code 4952, **California Borough**, 225 Third Street, California, PA 15419.

This proposed facility is located in California Borough, **Washington County**.

Description of Proposed Action/Activity: Installation of approximately 21 feet of 24 inch diameter outfall pipe and 2 new manholes.

**WQM Permit No. 3272407 A-2**, Sewage, SIC Code 4911, **Seward Generation LLC**, 595 Plant Road, New Florence, PA 15944-8927.

This existing facility is located in East Wheatfield Township, **Indiana County**.

Description of Proposed Action/Activity: Pursuant to adherence to limits in NPDES permit PA0002054, dated July 28, 2017, the company proposes to install effluent aeration and dechlorination for its sanitary sewage discharge.

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions.

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

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

##### NPDES

Waiver No.	Applicant Name & Address	Municipality, County	Receiving Water(s)/Use(s)
PAG136401	West Leechburg Borough 1015 Plazak Street West Leechburg, PA 15656	West Leechburg Borough Westmoreland	Kiskiminetas River, Unnamed Tributaries to Kiskiminetas River/WWF

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

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

##### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD510025	Port Richmond DEV, LP 2 Bala Plaza Suite 526 Bala Cynwyd, PA 19004	Philadelphia	City of Philadelphia	Schuylkill River WWF Pickering Creek HQ-TSF-MF

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

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

##### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD140027	Nittany Express 2526 Shingletown Road State College, PA 16801	Centre	Benner Twp	UNT—Buffalo Run HQ-CWF

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4.*

##### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD530002	UGI 2525 N. 12th St Reading, PA 19605	Potter	Sweden Twp Eulalia Twp	Mill Lyman Creek HQ-CWF UNT Mill Creek HQ-CWF

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

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390076	John Spurlock, MD 433 East Broad St Bethlehem, PA 18018	Lehigh	Lower Milford Twp.	Saucon Creek (HQ-CWF, MF)

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480042	Easton Area School District c/o John Reinhart 1801 Bushkill Drive Easton, PA 18040	Northampton	Palmer Township	Bushkill Creek (HQ-CWF, MF)

*Susquehanna County Conservation District, 88 Chenango Street, Montrose, PA 18801.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD580005	Pentagon Energy, LLC 1600 Ponce de Leon Blvd. Suite 1208 Coral Gables, FL 33134-4096	Susquehanna	New Milford Township	UNT to Salt Lick Creek (HQ-CWF, MF)
PAD660001	Mid-Atlantic Interstate Transmission LLC 76 South Main Street Akron, OH 44308	Susquehanna, Wyoming & Lackawanna	Auburn Township, Meshoppen Township, Washington Township, Lemon Township, Nicholson Township, Clinton Township, Benton Township, North Abington Township, South Abington Township, La Plume Township, Scott Township, Archbald Borough, Blakely Borough	Tributary to West Branch Tinklepaugh Creek (CWF, MF), Tributary to Hull Creek (CWF, MF), Hull Creek (CWF, MF), Leggetts Creek (CWF, MF), Kennedy Creek (CWF, MF), Tributary to Kennedy Creek (CWF, MF), Tributary to South Branch Tunkhannock Creek (CWF, MF), South Branch Tunkhannock Creek (TSF, MF), Tunkhannock Creek (TSF, MF), Tributary to Tunkhannock Creek (CWF, MF), Tributary to Horton Creek (CSF, MF), Horton Creek (CWF, MF), Tributary to Oxbow Creek (CWF, MF), Oxbow Inlet (CWF, MF), Tributary to Oxbow Inlet (CWF, MF), Meade Brood (CWF, MF), Meshoppen Creek (CWF, MF), Tributary to Meshoppen Creek (CWF, MF), Tributary to White Creek (CWF, MF), White Creek (CWF, MF), Riley Creek (CWF, MF), Tributaries to Little Meshoppen Creek (CWF, MF), EV Wetlands

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

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD210017 Issued	Ridge Penn Commerce Partners I, LLC 3340 Peachtree Road Suite 1000 Atlanta, GA 30326	Cumberland	Penn Township	West Branch Mount Rock Spring Creek (WWF-MF) Yellow Breeches Creek (HQ-CWF-MF)
PAD220002 Issued	PPL Electric Utilities Corporation 2 North Ninth Street Allentown, PA 18101	Dauphin	Halifax & Middle Paxton Township	Powells Creek (TSF-MF) Clark Creek (HQ-CWF-MF) Stony Creek (CWF-MF) UNT Armstrong Creek (TSF-MF) UNT Powells Creek (TSF-MF) UNT Clark Creek (HQ-CWF-MF) UNT Stony Creek (CWF-MF)

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

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

#### List of NPDES and/or Other General Permit Types.

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

#### General Permit Type—PAG-02

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

Facility Location & Municipality	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Lower Merion Township Montgomery County	PAC460262	Frank and Antje Scardino 725 Darby Paoli Road Villanova, PA 19085-1008	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAC460096	Cornerstone Premier Homes 601 West Prospect Avenue North Wales, PA 19454	Tributary to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location &amp; Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Dickson City Borough Lackawanna County	PAC350035	Goddard Development Partners IV, LLC 145 Otterkill Rd Mountainville, NY 10953	Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-382-3086
Hanover Twp Luzerne County	PAC400081	Medley Investments, LLC Frank Nockley, Jr P.O. Box 1474 Kingston, PA 18704	Solom Creek (CWF, MF)	Luzerne County Conservation District 570-674-7991
Wilkes-Barre City Luzerne County	PAC400064	Market Square Properties Development, LLC George Albert 100 N Wilkes-Barre Blvd Ste 126 Wilkes-Barre, PA 18702	Susquehanna River (WWF, MF)	Luzerne County Conservation District 570-674-7991
Eldred Twp Monroe County	PAC450006	S&D Land Development Company, LP 875 Green St Lehighton, PA 18235	Buckwha Creek (CWF, MF)	Monroe County Conservation District 570-629-3060
East Stroudsburg Borough Monroe County	PAC450007	Dept of General Services 188th & Herr St Harrisburg, PA 17125	Brodhead Creek (CWF, MF)	Monroe County Conservation District 570-629-3060
East Stroudsburg Borough Monroe County	PAC450005	Kimco Delaware, Inc 1954 Green Spring Dr Ste 330 Timonium, MD 21093	Brodhead Creek (CWF, MF)	Monroe County Conservation District 570-629-3060
Bethlehem City Northampton County	PAC480047	Lehigh University Campus & Planning Projects 461 Webster St, 3A Bethlehem, PA 18015	Lehigh River (WWF, MF)	Northampton County Conservation District 610-829-6276
Wayne Twp Schuylkill County	PAC540023	Timothy Seyler 204 Blue Mtn Rd Schuylkill Haven, PA 17972	UNT of Lower Little Swatara Creek (CWF, MF) Lower Little Swatara Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bald Eagle Twp, Clinton Cnty	PAC180007 previously PAG02001808002R(1)	Keystone Central School District 86 Administration Drive Mill Hall, PA 17745	UNT to Bald Eagle Creek—WWF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
Franklin Twp, Columbia Cnty	PAC190017	PPL Electric Utilities Corp Two North Ninth St Allentown, PA 18101-1139	UNT to Susquehanna River & Catawissa Creek	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Derry Twp, Montour Cnty	PAC470012	PPL Electric Utilities Corp Two North Ninth St Allentown, PA 18101-1139	Chillisquaque Creek—WWF, MF Mud Creek WWF, MF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Williamsburg Borough & Woodbury Township Blair County Issued	PAC070028	Williamsburg Municipal Authority 305 East Second Street Williamsburg, PA 16693	Frankstown Branch of the Juniata (TSF—MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
Hampden Township Cumberland County Issued	PAC210078	Thomas Mullin 215 Saint James Court Mechanicsburg, PA 17050	Conodoguinet Creek (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Upper Allen Township Cumberland County Issued	PAC210064	Upper Allen Partners, LP P.O. Box 719 Mechanicsburg, PA 17050	UNT Yellow Breeches (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Derry Township Dauphin County Issued	PAC220063	Musser Home Builders, Inc. 10 Barrens Church Road Dillsburg, PA 17019	Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County Issued	PAC220106	Milton Hershey School P.O. Box 830 Hershey, PA 17033-0830	Spring Creek East (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Swatara Township Dauphin County Issued	PAC220100	Morgan's Run 306 Linn Street Harrisburg, PA 17109	UNT Susquehanna River (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry & Conewago Township Dauphin County Mount Joy, East Donegal & West Donegal Township Elizabethtown Borough Lancaster County Issued	PAC220002	PPL Electric Utilities Corporation 1 North Ninth Street Allentown, PA 18101	UNTs Swatara Creek (WWF) Swatara Creek (WWF) UNTs Iron Run (WWF) Iron Run (WWF) UNTs Spring Creek East (WWF) UNTs Brills Run (TSF) Brills Run (TSF) UNTs Conewago Creek (TSF) Conewago Creek (TSF) UNTs Conoy Creek (TSF) Conoy Creek (RSF) UNTs Donegal Creek (CWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Guilford Township Franklin County Issued	PAC280052	Louie Castriota Leg Up Farms, Inc. 4880 North Sherman Street Mount Wolf, PA 17347	UNT Conococheague Creek (CSF—MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499



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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Letterkenny Township Franklin County Issued	PAC280061	Roxbury Dollar General Store William Owen PUT 1023, LLC 1563 Woodward Drive Extension Greensburg, PA 15611	UNT Conodoquinet Creek (WWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
Chambersburg Borough Franklin County Issued	PAC280078	Carla Christian Chambersburg YMCA 507 East McKinley Street Chambersburg, PA 17201	UNT Falling Springs Branch (TSF—MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
Chambersburg Borough Franklin County Issued	PAC280068	Gateway Shopping Centre Karen Lin CGSC, LLC 18702 Fountain Terrace Hagerstown, MD 21742	UNT Falling Springs Branch (TSF—MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
Greene Township Franklin County Issued	PAC280083	Dustin Rickabaugh REC Investments Holdings, LLC 1186 Sollenberger Road Chambersburg, PA 17202	UNT Rocky Springs Branch (TSF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
Chambersburg Borough Franklin County Issued	PAC280078	Brian Ecker Wilson College Veterinary Clinic 1015 Philadelphia Avenue Chambersburg, PA 17201	UNT Conococheague Creek (WWF—MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
Chambersburg Borough Franklin County Issued	PAC290076	Keystone Rural Health Center John McElwee 22 Saint Paul Drive Suite 200 Chambersburg, PA 17201	UNT East Falling Springs Branch (TSF—MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
Washington Township Franklin County Issued	PAC280071	Farm Springs Estates Ronnie Martin North End Development 1400 East Main Street Waynesboro, PA 17268	East Branch Antietam Creek (CWF—MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
Lebanon City Lebanon County Issued	PAC380070	Aubrey Hanford 1594 Cumberland Street Suite 276 Lebanon, PA 17042	Quittapahilla Creek (TSF—MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Daisytown Borough	PAC110037	Mid Atlantic Interstate Transmission, LLC 800 Cabin Hill Drive Greensburg, PA 15601	UNT to Stoneycreek River (CWF); Stoneycreek River (WWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Jackson Township	PAC110041	CPV Fairview, LLC 2750 William Penn Avenue Johnstown, PA 15909	UNT to Hinckston Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Berwick Borough Columbia County	PAG034852	Patriot Metal Products 1005 N Vine Street Berwick, PA 18603-2026	Unnamed Tributary to Susquehanna River—5-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Harmony Borough Butler County	PAG038370	Advanced Polymer Tech Corp P.O. Box 160 109 Conica Lane Harmony, PA 16037-0160	Unnamed Tributary of Connoquenessing Creek—20-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
West Brunswick Township Schuylkill County	PAG032234	OMNOVA Solutions Inc. 175 Ghent Road Akron, OH 44333	Unnamed Tributary to Schuylkill River (CWF/MF)—3-A	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Jenkins Township Luzerne County	PAG032246	IDC Property, LP 4 Radnor Corporate Center Suite 105 Radnor, PA 19087	Lampblack Creek—5-B CWF/MF	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Harford Township Susquehanna County	PAG032248	Guild Flagstone Ii LLC 233 Delaware Street Forest City, PA 18421	Unnamed Tributary to Martins Creek— 4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Richland Township Cambria County	PAG036214	Johnstown Cambria County Airport Authority 479 Airport Road Suite 1 Johnstown, PA 15904	Unnamed Tributary to Sandy Run, Clapboard Run, Unnamed Tributary to Solomon Run, and Unnamed Tributary to Clapboard Run—18-E	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-13*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Millbourne Borough Delaware County	PAG130076	Millbourne Borough Delaware County 9 Park Avenue Millbourne, PA 19082-1813	Cobbs Creek/ WWF and MF	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Southmont Borough Cambria County	PAG136218	Southmont Borough Cambria County 148 Wonder Street Johnstown, PA 15905-2651	Cheney Run and Unnamed Tributary to Cheney Run— 18-E	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

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<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Jeannette Westmoreland County	PAG136299	City of Jeannette 110 South 2nd Street Jeannette, PA 15644-2114	Brush Creek Unnamed Tributaries to Brush Creek (19-A)	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Lincoln Borough Allegheny County	PAG136338	Lincoln Borough 45 Abes Way Elizabeth, PA 15037-3024	Wylie Run/WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Harmar Township Allegheny County	PAG136354	Harmar Township 701 Freeport Road Cheswick, PA 15024-1205	Little Deer Creek, Campbell Run, Deer Creek, Allegheny River, and Guys Run—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Oakdale Borough Allegheny County	PAG136310	Oakdale Borough 6115 Noblestown Road Oakdale, PA 15071-1347	Unnamed Tributary to Robinson Run and Robinson Run—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
West Mifflin Borough Allegheny County	PAG136166	West Mifflin Borough 3000 Lebanon Church Road West Mifflin, PA 15122	Lewis Run, Unnamed Tributary to Homestead Run, Thompson Run, Streets Run, Unnamed Tributary to Streets Run, and Unnamed Tributary to Monongahela River—19-A and 19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Penn Township Westmoreland County	PAG136116	Penn Township 2001 Municipal Court Harrison City, PA 15636-1349	Lyons Run, Bushy Run, Brush Creek and Turtle Creek— 19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Scott Township Allegheny County	PAG136138	Scott Township 301 Lindsay Road Carnegie, PA 15106	Chartiers Creek, Scrubgrass Run, Georges Run, Painters Run, Whiskey Run, Unnamed tributaries to: Georges Run, Scrubgrass Run and Painters Run— 20-F—All WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Ohio Township Allegheny County	PAG136208	Ohio Township 1719 Roosevelt Road Pittsburgh, PA 15237	Kilbuck Run, Lowries Run, Bear Run and Toms Run and Tributaries to: Lowries Run, Bear Run, and Toms Run, 20-G TSF, WWF & CWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
James Kurtz 1070 Grand Valley Road Mifflinburg, PA 17844	Union	13.8 Acres	785.01	Swine/Beef	NA	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act.**

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

**Permit No. 4018508MA, Public Water Supply.**

Applicant	<b>Aqua PA, Inc.</b> 1 Aqua Way White Haven, PA 18661
[Township or Borough]	Rice Township, <b>Luzerne County</b>
Responsible Official	Patrick R. Burke, PE Aqua PA, Inc. 204 E. Sunbury Street Shamokin, PA 17872
Type of Facility	PWS
Consulting Engineer	Michael E. Bisignani, PE GHD 326 East Second Street Bloomsburg, PA 17815 (570) 387- 5283
Permit Issued	06/26/2018

**Permit No. 4518509MA**, Public Water Supply.  
 Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661  
 [Township or Borough] Hamilton Township,  
**Monroe County**  
 Responsible Official Patrick R. Burke, PE  
 Aqua PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility PWS  
 Consulting Engineer Michael E. Bisignani, PE  
 GHD  
 326 East Second Street  
 Bloomsburg, PA 17815  
 (570) 387- 5283  
 Permit Issued 06/26/2018

**Permit No. 4018511MA**, Public Water Supply.  
 Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661  
 [Township or Borough] Butler Township,  
**Luzerne County**  
 Responsible Official Patrick R. Burke, PE  
 Aqua PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility PWS  
 Consulting Engineer Michael E. Bisignani, PE  
 GHD  
 326 East Second Street  
 Bloomsburg, PA 17815  
 (570) 387- 5283  
 Permit Issued 06/18/2018

**Permit No. 4518511MA**, Public Water Supply.  
 Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661  
 [Township or Borough] Tobyhanna Township,  
**Monroe County**  
 Responsible Official Patrick R. Burke, PE  
 Aqua PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility PWS  
 Consulting Engineer Michael E. Bisignani, PE  
 GHD  
 326 East Second Street  
 Bloomsburg, PA 17815  
 (570) 387- 5283  
 Permit Issued 06/19/2018

**Permit No. 5418503MA**, Public Water Supply.  
 Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661  
 [Township or Borough] Deer Lake Borough,  
**Schuylkill County**

Responsible Official Patrick R. Burke, PE  
 Aqua PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility PWS  
 Consulting Engineer Michael E. Bisignani, PE  
 GHD  
 326 East Second Street  
 Bloomsburg, PA 17815  
 (570) 387- 5283  
 Permit Issued 06/22/2018

**Permit No. 5818502MA**, Public Water Supply.  
 Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661  
 [Township or Borough] Hop Bottom Borough,  
**Susquehanna County**  
 Responsible Official Patrick R. Burke, PE  
 Aqua PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility PWS  
 Consulting Engineer Michael E. Bisignani, PE  
 GHD  
 326 East Second Street  
 Bloomsburg, PA 17815  
 (570) 387- 5283  
 Permit Issued 06/22/2018

**Permit No. 5418504MA**, Public Water Supply.  
 Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661  
 [Township or Borough] Hazle Township,  
**Schuylkill County**  
 Responsible Official Patrick R. Burke, PE  
 Aqua PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility PWS  
 Consulting Engineer Michael E. Bisignani, PE  
 GHD  
 326 East Second Street  
 Bloomsburg, PA 17815  
 (570) 387- 5283  
 Permit Issued 06/26/2018

**Permit No. 4518510MA**, Public Water Supply.  
 Applicant **Aqua PA, Inc.**  
 1 Aqua Way  
 White Haven, PA 18661  
 [Township or Borough] Barrett Township,  
**Monroe County**  
 Responsible Official Patrick R. Burke, PE  
 Aqua PA, Inc.  
 204 E. Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility PWS

Consulting Engineer Michael E. Bisignani, PE  
GHD  
326 East Second Street  
Bloomsburg, PA 17815  
(570) 387- 5283

Permit Issued 06/19/2018

**Permit No. 52158505MA**, Public Water Supply.

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

[Township or Borough] Lackawaxen Township,  
**Pike County**

Responsible Official Patrick R. Burke, PE  
Aqua PA, Inc.  
204 E. Sunbury Street  
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Steven Edward Riley, PE  
Entech Engineering Inc.  
201 Penn Street  
P.O. Box 32  
Reading, PA 19603

Permit Issued 06/15/2018

**Permit No. 1318502MA**, Public Water Supply.

Applicant **Borough of Jim Thorpe**  
101 East 10th Street  
Jim Thorpe, PA 18229-2582

[Township or Borough] Jim Thorpe Borough,  
**Carbon County**

Responsible Official Vincent Yaich  
101 East 10th Street  
Jim Thorpe, PA 18229-2582

Type of Facility PWS

Consulting Engineer Utility Service Company, Inc.  
Donnell Duncan, P.E.  
1230 Peachtree Street  
Atlanta, GA 30309

Permit to Construct Issued 06/11/2018

**Permit No. 1318503MA**, Public Water Supply.

Applicant **Borough of Jim Thorpe**  
101 East 10th Street  
Jim Thorpe, PA 18229-2582

[Township or Borough] Jim Thorpe Borough,  
**Carbon County**

Responsible Official Vincent Yaich  
101 East 10th Street  
Jim Thorpe, PA 18229-2582

Type of Facility PWS

Consulting Engineer Utility Service Company, Inc.  
Donnell Duncan, P.E.  
1230 Peachtree Street  
Atlanta, GA 30309

Permit to Construct Issued 06/11/2018

**Permit No. 4018505MA**, Public Water Supply.

Applicant **SUEZ Water Pennsylvania**  
4211 East Park Circle  
Harrisburg, PA 17111

[Township or Borough] Dallas Township,  
**Luzerne County**

Responsible Official Mr. John Hollenbach  
SUEZ Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111

Type of Facility PWS

Consulting Engineer Mr. Steven Metzler, P.E.  
Suez Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111

Permit Issued 05/31/2018

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

**Permit No. 0617515**, Public Water Supply.

Applicant **Berks Properties, Inc.**

Municipality Longswamp Township

County **Berks**

Responsible Official David Rittenhouse, President  
2620 Egypt Road  
Norristown, PA 19403

Type of Facility Berks Properties, Inc. has submitted a major permit application for the addition of a second groundwater well source, Well No. 2, to the Mountain Village Mobile Home Park system. Also included is the construction of a new well treatment building, transmission mains, finished water storage tank, and pressure reducing valve vaults.

Consulting Engineer John D. Brady, P.E.  
Entech Engineering Inc.  
201 Penn Street  
Reading, PA 19601

Permit to Construct Issued 6/28/2018

**Permit No. 0618509 MA, Minor Amendment**, Public Water Supply.

Applicant **Pike Township Sportsman's Association**

Municipality Pike Township

County **Berks**

Responsible Official Brian Beaver, President  
860 Hill Church Road  
Oley, PA 19547

Type of Facility Pike Township has submitted a permit application for the approval to install new contact tanks and a flow restrictor to provide 4-log treatment of viruses at Entry Point 101 (Well No. 1).

Consulting Engineer John D. Brady, P.E.  
Entech Engineering Inc.  
201 Penn Street  
Reading, PA 19601

Permit to Construct Issued 6/26/2018

**Permit No. 3618510 MA, Minor Amendment**, Public Water Supply.

**Applicant** MISA Corporation  
**Municipality** Sadsbury Township  
**County** Lancaster  
**Responsible Official** Eric Byerly  
 3982 W. Lincoln Highway  
 Parkesbury, PA 19365  
**Type of Facility** Chemical feed system upgrades.  
**Consulting Engineer** Charles A. Kehew II, P.E.  
 James R. Holley & Associates,  
 Inc.  
 18 South George Street  
 York, PA 17401  
**Permit to Construct Issued** 6/28/2018

**Operation Permit No. 2117514 MA** issued to: **Shipensburg Borough Authority (PWS ID No. 7210043)**, Southampton Township, **Cumberland County** on 6/28/2018 for facilities approved under Construction Permit No. 2117514 MA.

**Comprehensive Operation Permit No. 7670073** issued to: **Dover Township (PWS ID No. 7670073)**, Dover Township, **York County** on 6/28/2018 for the operation of facilities submitted under Application No. 7670073.

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

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, 1442 Jefferson Road, Jefferson, PA 15344, **(PWSID # 5300017)** Franklin Township and Waynesburg Borough, **Greene County** on July 9, 2018 for the operation of facilities approved under Construction Permit # 3018511MA.

**Operations Permit** issued to: **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963 **(PWSID # 4560013)** Paint Township, **Somerset County** on July 6, 2018 for the operation of facilities approved under Construction Permit #5617501MA.

**Operations Permit** issued to: **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963 **(PWSID # 4560013)** Paint Township, **Somerset County** on July 6, 2018 for the operation of facilities approved under Construction Permit # 5617501MA-1.

**Permit No. 0218511MA, Minor Amendment**. Public Water Supply.

**Applicant** Harrison Township Water Authority  
 1705 Freeport Road Rear  
 Natrona Heights, PA 15065  
**[Borough or Township]** Harrison Township  
**County** Allegheny  
**Type of Facility** Mt. Airy water storage tank  
**Consulting Engineer** NIRA Consulting Engineers, Inc.  
 950 Fifth Avenue  
 Coraopolis, PA 15108  
**Permit to Construct Issued** July 9, 2018

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

**Permit No. 2018501**, Public Water Supply.  
**Applicant** Joy Hospitality, Inc.  
**Township or Borough** Summit Township  
**County** Crawford  
**Type of Facility** Public Water Supply  
**Consulting Engineer** Arthur Kuholski, P.E.  
 Lake Engineering  
 140 Meadville Street  
 Edinboro, PA 16412  
**Permit to Construct Issued** July 2, 2018

**Permit No. 2017503**, Public Water Supply.  
**Applicant** Meadville Area Water Authority  
**Township or Borough** City of Meadville  
**County** Crawford  
**Type of Facility** Public Water Supply  
**Consulting Engineer** Thomas L. Thompson, P.E.  
 Gannett Fleming, Inc.  
 554 South Erie Street  
 Mercer, PA 16137  
**Permit to Construct (fluoridation) Issued** July 3, 2018

**Operation Permit** issued to **Stoneworth Apartments, LLC, PWSID No. 5100145**, Worth Township, **Butler County**. Permit Number 1017501 issued July 3, 2018 for the operation of the Greens and Plus filters and the removal/revocation of the old caustic soda and potassium permanganate feed systems. This permit is issued in response to the Certificate of Construction/Modification and Completion and bacteriological results that were accepted by the Department on June 13, 2018.

**WATER ALLOCATIONS**

**Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631–641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

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

**WA54-626A, Water Allocation, Tamaqua Area Water Authority**, 320 East Broad Street, Tamaqua, PA 18252, **Schuylkill County**. This permit grants the right to withdraw up to 5.0 million gallons per day (MGD), based on a peak day, from the Still Creek Reservoir located in Rush Township, Schuylkill County.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Heidelberg Township	720 Brownsville Rd. Sinking Spring, PA 19608	Berks

*Plan Description:* Approval of a revision to the Official Plan of Lower Heidelberg Township, Berks County. The project is known as the Glen Ridge Estates subdivision. In 2013, the Department of Environmental Protection approved an Official Plan revision for this site that proposed 92 residential lots. The present submission proposes 4 additional single-family residential lots and 32 townhomes. Proposed additional sewage flows are 8,532 gallons per day, for a total of 30,336 gallons per day for the subdivision. The proposed development will utilize the sewers of Lower Heidelberg Township and the Township of Spring, as well as the Township of Spring's wastewater treatment plant. The subdivision will also create two additional vacant parcels. The approved project will require a Water Quality Management (Part II) permit for the construction and operation of the proposed sewage facilities. The permit application must be submitted in the name of Lower Heidelberg Township. In addition, any upgrade to the Reedy Road pump station will require a Water Quality Management (Part II) permit submitted in the name of the Township of Spring. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The proposed development is located along Sweitzer Road at the junction of Wagner Road. The DEP Code Number for this planning module is A3-06940-102-3 and the APS Id is 966458.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Littlestown Borough	10 S. Queen St. Littlestown, PA 17340	Adams

*Plan Description:* Approval of a revision to the official plan of Littlestown Borough, Adams County. The project is known as the South Queen Street Pump Station & Piney Creek Interceptor. The plan provides for the replacement and upgrade of the South Queen Street Pump Station and the replacement and extension of the Piney Creek Interceptor (3,000 linear feet). The facilities will service 197 existing EDUs and 250 future EDUs, for a total of 447 EDU's tributary to the Littlestown Borough Wastewater Treatment Plant. The proposed development is located on the east side of South Queen Street along Piney Creek in Littlestown Borough, Adams County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-01802-055-3m and the APS Id is 969671. Any permits must be obtained in the name of the authority.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Rye Township	1775 New Valley Road Marysville, PA 17053	Perry

*Plan Description:* Approval of a revision to the official plan of Rye Township, Perry County. The project is known as C & C Whitmer Enterprises. The plan provides for a Small Flow Treatment Facility to replace a malfunctioning onlot system serving a 2-unit multi-family dwelling, and a second Small Flow Treatment Facility to serve as a future replacement if the onlot system that serves the mobile home and garage apartment would malfunction. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal. The proposed development is located at 3523 Valley Road. The DEP Code Number for this planning module is A3-50922-141-3S and the APS Id

is 965491. Any required NPDES Permits or WQM Permits must be obtained in the name of the property owner.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Rainsburg Borough	3221 Main Road Bedford, PA 15522	Bedford

*Plan Description:* Approval is granted for an update to the Official Plan of Rainsburg Borough, Bedford County. The project is known as the Act 537 Wastewater Facilities Plan Update for Rainsburg Borough, Bedford County (DEP Code No. A2-05927-ACT). The plan provides for the adoption and implementation of an on-lot sewage disposal system (OLDS) management program with a three-year septic tank inspection and pumping schedule for all systems within the Borough. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Westfield Borough	429 East Main Street Westfield, PA 16950	Tioga

*Plan Description:* The approved plan calls for the Westfield Borough, whose public sewage facilities also serve a small portion of Westfield Township, to upgrade portions of their existing wastewater treatment plant and change their wastewater treatment process to the use of an Orbital Oxidation Ditch. The proposed project is estimated to cost approximately \$4,670,000 and Westfield Borough intends to utilize PENNVEST, RUS, and other funding/grant options to finance the project. The Department's review of the sewage facilities update has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of Westfield Borough.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Leacock Township	P.O. Box 558 Intercourse, PA 17534	Lancaster

*Plan Description:*

The planning module for new land development for the Amos K. Lapp Subdivision, DEP Code No. A3-36935-287-2, consisting of the subdivision of a 74-acre farm into two lots, one with the existing farm buildings and the other for a single family dwelling proposing an individual on lot sewage disposal system is denied. The project is located on the south side of Harvest Drive between Old Leacock Road and Harvest Road in Leacock Township, Lancaster County. The plan is denied because the appli-



cant failed to address the technical deficiency within the time allotted for response. The plan was deficient because the well sample used in the preliminary hydrogeologic study did not accurately reflect the background nitrate-nitrogen concentration in the shallow aquifer under proposed Lot 2. The sample taken for the study is on the east side of a perennial stream while the proposed new home is located on the west side of the stream. The stream is a groundwater discharge divide separating the groundwater from one side of the water shed from the other. Nitrate-nitrogen concentrations may not be the same on both sides. It is important to demonstrate that the background nitrate-nitrogen in the groundwater beneath the proposed building site does not currently exceed the maximum contaminant level for nitrate-nitrogen, 10 mg/l.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Turbett Township	260 Birch Lane Port Royal, PA 17082	Juniata

*Plan Description:* The Component 1 Sewage Facilities Planning Module submitted for the Barbara S. Kanagy Estate Subdivision, DEP Code No. A3-34915-076-3, APS Id 971630, is disapproved. The purpose of this plan is to create one new single family residential building lot to use an individual onlot sewage disposal system. The residual tract would contain two existing dwellings with onlot sewage disposal. The subdivision is located on the north side of State Route 0333, at the junction with Tuscarora Road. The submission was denied because the exception may only be used for individual onlot sewage disposal systems serving detached single-family dwelling units, and the proposed building parcel would also contain an existing schoolhouse served by privies. Reference Chapter 71, Section 71.55(a).

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Juniata Township	16 Milford Road Newport, PA 17074	Perry

*Plan Description:* The planning exemption for James & Jody Mitchell, DEP Code No. A3-50911-144-2E, APS Id 972006, consisting of one new residential lot using an individual onlot sewage disposal system, is disapproved. The proposed development is located at Mitchell Road. This plan is disapproved because the submission does not qualify as an exemption from the requirement to revise the Official Plan because the subdivision proposes the use of onlot sewage disposal systems in an area within a high quality or exceptional value watershed as per Chapter 71, Section 71.51(b)(1)(iii).

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

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

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

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

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Comcast Cable Communication, LLC**, 1700 North 49th Street, City of Philadelphia, **Philadelphia County**. Rhonda Stone, Arcadis, U.S. Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940, Darryl D. Borelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of Monica Alston, Comcast of Philadelphia, LLC, 3800 Horizon Boulevard, Suite 300, Trevose, PA 19053 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**PECO**, 16 Bald Cypress Lane, Falls Township, **Bucks County**. Bruce Middleman, Stantec Constructing Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of George Horvat, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA submitted a 90-day Final Report concerning remediation of site soil contaminated with PCB. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Mary Barnes Swim Club Property**, 2501 Freedoms Way, 2501 Freedoms Way, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Barry Lubert, Warrington Township, 852 Easton Road, Warrington, PA 18976 submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**318 Boro Road**, 318 Boro Road, Upper Darby Township, **Delaware County**. Michael Napolitano, PG, Taylor GeoService, 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of Mr. & Mrs. Barnett and Eileen Daly submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Santoro Residence**, 6178 Carversville Road, Solebury Township, **Bucks County**. Eric White, PARS Environmental, Inc., 500 Horizon Drive, Suite 540, Robbinsville, PA 08691 on behalf of John Tolleson on behalf of Santoro Trust, 3 Waterfall Lane, Barnegat, NJ 08005 submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**West Bridge Street**, 32 West Bridge Street, Morristown Borough, **Bucks County**. John Mateo, Resources Control Consultants, 10 Lippincott Lane, Unit 1, Mount Holly, NJ 08060 on behalf of Robert White, RDA, 216 Pond Street, Bristol, PA 19007, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Brewerytown 1A**, 3018-3044 West Thompson Street, City of Philadelphia, **Philadelphia County**. Angelo Waters, PE, Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 on behalf of Jon Herzog, Westrum Development Company, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Final Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Madison at French Creek**, 45 North Main Street, Phoenixville Borough, **Chester County**. Craig Herr, RT Environmental, 215 West Church Road, King of Prussia, PA 19406-3207 on behalf of Charles Elliott, French Creek Acquisitions, LP, 250 Gibraltar Road, 3W, Horsham, PA 19044 submitted a Final Report concerning remediation of site soil contaminated with lead, arsenic and iron. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Wawa Store # 8013**, 2535 Aramingo Avenue, City of Philadelphia, **Philadelphia County**. Geoff Kristof, PG, Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381 on behalf of Joseph Standen, Jr., PG, Wawa Inc, 260 West Baltimore Pike, Media, PA 19063 submitted a Final Report concerning remediation of soil contaminated with lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Wyeth Lab**, 611 East Niels Street, Borough West Chester, **Chester County**. Daniel P. Sheehan, PE, Arcadis U.S. Inc., Suite 820, 824 East Market Street, Wilmington, DE 19801 on behalf of Eli Kahn, 611 East Niels Street, LLC, 120 Pennsylvania Avenue, Malvern, PA 19355 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with lead, PAHs and chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Toscan Residence**, 210 Union Township, Newtown Township, **Bucks County**. Jeremy W. Bolyn, Environ-

mental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Marie Shepherd, 119 Wenger Avenue, Silverdale, PA 18962 submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Brewerytown Apts., LLC**, 31st and Masters Streets, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPGS, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Dana Spain, Brewerytown Apartments, LLC, 1363 North 31st Street, # 419, Philadelphia, PA 19121 submitted a Final Report concerning remediation of site soil and groundwater contaminated with tetrachloroethylene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**3222-3258 H Street**, 3222-3258 H Street, City of Philadelphia, **Philadelphia County**. Angelo Waters, PE, Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 on behalf of Susan Post, Esperanza Health Center, 4417 North 6th Street, Philadelphia, PA 19140 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**78 North Sycamore Avenue**, 78 North Sycamore Avenue, Clifton Heights Borough, **Delaware County**. Thomas Hippensteal, PG, Envirosearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477 submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Whitehall Estates**, Whitehall Road and Bean Road, Worcester Township, **Montgomery County**. Jeffery T. Bauer, PG, Whitestown Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914, on behalf of Brennan Marion, Whitehall Development Partners LP, 1805 Berks Road, Worcester, PA 19490 submitted a Final Report concerning remediation of site soil contaminated with arsenic, benzo(a)pyrene, and benzo(b)fluoranthene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Flint Property**, 730 Wheatland Street, Borough of Phoenixville, **Chester County**. Alexander Ulmer, PG, Barry Isett & Associates, 1003 Egypt Road, Phoenixville, PA 19460 submitted a Final Report concerning remediation of site groundwater contaminated with arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**1220 North Broad Street**, 1220 North Broad Street, City of Philadelphia, **Philadelphia County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Scott Homel, Regency Del Val, LLC; Regency H.E.L., LLC; Broad Street, Regency LP; SREP Regency Apartments, LLC; T-R, LP, 419 Old York Road # 200, Jenkintown, PA 19046 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with petroleum compounds. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**1331-1339 South Juniper Street**, 1331-1339 South Juniper Street, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Jason

Cutaiar, Made Constructions, 1701 Reed Street, Philadelphia, PA 19146 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site groundwater and soil contaminated with gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Dobos Residence**, 50 Village Lane, Falls Township, **Bucks County**. Thomas J. O'Brien, PG, HomeBiz, LLC, 3900 Ford Road, Philadelphia, PA 19131 on behalf of Jacob Grouser, Hoagland, Longo, Morgan, Dunst & Doukas, LLC, 40 Paterson Street, New Brunswick, NJ 08903 submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sunoco Marcus Hook Refinery AOI-6**, 100 Green Street, Marcus Hook Borough, **Delaware County**. Colleen Costello, GHD, 1140 Welsh Road, Suite 120, North Wales, PA 19454 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**1940 West Allegheny Avenue**, 1940 West Allegheny Avenue, City of Philadelphia, **Philadelphia County**. Paul Martino, PG, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of R. Max Kent, NewCourtland Senior Services, 6950 Germantown Avenue, Philadelphia, PA 19119 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site soil contaminated with lead, thallium, benzo(a)anthracene, benzo(a)pyrene and benzo(b)-fluoranthene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**1238 West Washington Street**, 1238 West Washington Street, Borough of Norristown, **Montgomery County**. Alan R. Hirschfield, PG, L&A Environmental Specialties, Inc., 219 Laureen Road, Schwenksville, PA 19473 on behalf of Dan Petrucci, Dan Petrucci Construction Company, 2506 Kingman Street, Wilmington, DE 19810 submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**2012 Wharton Street**, 201 Wharton Street, City of Philadelphia, **Philadelphia County**. David Farrington, PG, Brickhouse Environmental, 51 South Franklin Street, West Chester, PA 19382 on behalf of Brian Wargon, 2012 Wharton LLC, 2401 Pennsylvania Avenue, Suite 1A5, Philadelphia, PA 19130 submitted a Final Report concerning remediation of site groundwater and soil contaminated with lead, unleaded gasoline and no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Village Cleaners**, 832 North Pottstown Pike, Uwchlan Township, **Chester County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Dr. Leonard Giunta, Lionville Commercial LLC, 439 South Bolmar Street, West Chester, PA 19382 submitted a Final Report concerning remediation of site soil contaminated with PCE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sitewide BP Trainer Refinery**, 4101 Post Road, Trainer Borough/Borough of Marcus Hook, **Delaware County**. Iain Bryant, Sovereign Consulting, Inc, 111-A North Gold Drive, Robbinsville, PA 08691 on behalf of

Matt Torell, Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061 submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbon. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Convoy Realty LP**, 6318 West Passyunk Avenue, City of Philadelphia, **Philadelphia, County**. Michael A. Christie, Penn E&R, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Jonathan Silverman, Convoy Realty, LP, 360 Madison Avenue, 22nd Floor, New York, NY 10017 submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Armstrong Engineering Associates, Inc.**, 1845 West Strasburg Road, West Bradford Township, **Chester County**. Thomas Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Eric A. Nicholas, Armstrong Engineering Associates, Inc., 1845 West Strasburg Road, Coatesville, PA 19320 submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Shipley Energy—York Oil Service**, 714 Loucks Mill Road, York, PA 17403, Spring Garden Township, **York County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601-1901, on behalf of Shipley Energy Group, 415 Norway Street, York, PA 17403, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**PA Route 222 N at PA Route 61 N Exit Ramp**, PennDOT Road Section 0342, Reading, PA 19605, Muhlenberg Township, **Berks County**. JMT Environmental Technologies, 710 Uhler Road, Easton, PA 18040, on behalf of Unique Leasing, Inc., 8755 Highway 87 East, San Antonio, TX 78263, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**York Wallcoverings, Incorporated**, 750 Linden Avenue, York, PA 17405, City of York, **York County**. Ramboll US Corporation, 101 Carnegie Center, Suite 200, Princeton, NJ 08540, on behalf of York Wallcoverings, 750 Linden Avenue, York, PA 17405, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil, gasoline and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Austin Powder Co. Release**, State Route 53N, Kylertown, Cooper Township, **Clearfield County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Austin Powder Company, 25800 Science Park Drive, Cleveland, OH 44122, has submitted

a Final Report concerning site soil contaminated with diesel fuel, hydraulic fluid and ammonium nitrate solids. The report is intended to document the site to meet the Statewide Health Standard.

**5 Rivers Logistics, Inc. Diesel Fuel Release**, Kylertown, Cooper Township, **Clearfield County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of 5 Rivers Logistics, Inc., P.O. Box 8346, Elkridge, MD 21075, has submitted a Final Report concerning site soil contaminated with diesel fuel. The report is intended to document the site to meet the Statewide Health Standard.

**Loyal Plaza Shopping Center**, 1915 East Third Street, Williamsport, Loyalsock Township, **Lycoming County**. Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482-0810, on behalf of Loyal Plaza Venture, LP, 180 East Broad Street, Columbus, OH 43215, has submitted a Combined Groundwater Remedial Investigation Report, Risk Assessment and Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**JKLM Energy, LLC Sweden Valley 107 Well Pad**, Ayers Hill, Sweden Township, **Potter County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of JKLM Energy, LLC, 2200 Georgetowne Drive, Suite 500, Sewickley, PA 15143, has submitted a Final Report concerning remediation of site soil contaminated with brine. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Tri-County Rural Electric Cooperative**, State Route 144N, Cross Fork, Stewardson Township, **Potter County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Tri-County Rural Electric Cooperative, P.O. Box 526, Mansfield, PA 16933 has submitted a Final Report concerning site soil contaminated with mineral oil. The report is intended to document the site to meet the Statewide Health Standard.

*Southwest Region: Environmental Cleanup & Brown-field Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Former Jeannette Glass Plant Site**, Bullitt Ave. & South 2nd St, City of Jeanette, **Westmoreland County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Westmoreland County Industrial Development Corp., 5th Floor, Suite 520, 40 North Pennsylvania Avenue, Greensburg, PA 15601 has submitted a Final Report for the site where elevated concentrations of hazardous constituents including petroleum products, arsenic, lead and PCBs from historic use have impacted soil and groundwater. Notice of these report submittals were published in the *Tribune Review* on June 21, 2018.

**Penn Hills Shopping Center**, 36 Federal Drive, Penn Hills, **Allegheny County**. Eikon Planning and Design, LLC, 221 High Street, Hackettstown, NJ 07840 on behalf of First National Realty Partners, 1208 Route 34, Suite 19, Aberdeen, NJ 07747 has submitted a Final Report for the site where elevated concentrations of tetrachloroethene were found groundwater from historical use as a dry cleaner. A previous Notice of Intent to Remediate was published in the *Pittsburgh Post-Gazette* on February 26, 2018.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

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**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).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**2012 Wharton Street Site**, 2012 Wharton Street, City of Philadelphia, **Philadelphia County**. David Farrington, PG, Brickhouse Environmental, 51 South Franklin Street, West Chester, PA 19382 on behalf of Brian Wargon, 2012 Wharton LLC, 2401 Pennsylvania Avenue, Suite 1A5, Philadelphia, PA 19130 submitted a Final

Report concerning the remediation of site soil and groundwater contaminated with leaded, unleaded gasoline and lead. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 31, 2018.

**1238 West Washington Street**, 1238 West Washington Street, Borough of Norristown, **Montgomery County**. Alan R. Hirschfeld, PG, L&A Environmental specialties, Inc., 219 Laureen Road, Schwenksville, PA 19473 on behalf of Dan Petrucci, Dan Petrucci Construction Company, 2506 Kingman Street, Wilmington, DE 19810 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 16, 2018.

**1940 West Allegheny Avenue**, 1940 West Allegheny Avenue, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of R. Max Kent, New Courtland Senior Services, 6950 Germantown Avenue, Philadelphia, PA 19103 submitted a Remedial Investigation Report/Cleanup Plan and Final Report concerning the remediation of site soil contaminated with polyaromatic hydrocarbons and metals. The Report was disapproved by the Department on May 10, 2018.

**Brandywine Hospital LLC**, 201 Reeceville Road, Caln Township, **Chester County**. Fred Diehl, Bluestone Environmental, Inc., 196 Beach Lake Highway, Honesdale, PA 18431 submitted a 90-day Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 4, 2018.

**Vague Residence**, 1807 Delancey Place, City of Philadelphia, **Philadelphia County**. Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Richard Vague, 1807 Delancey Place, Philadelphia, PA 29103 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on June 6, 2018.

**Beneficial Bank**, 2514 Aramingo Avenue, City of Philadelphia, **Philadelphia County**. Robert Ehlenberger, PG, Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Robert Krimetz, Beneficial Bank, 1818 Market Street, Philadelphia, PA 19103 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with lead. The Report was approved by the Department on June 6, 2018.

**6401 MacPherson Avenue**, 6401 MacPherson Avenue, Bristol Township, **Bucks County**. Richard S. Werner, PG, Environmental Consulting, Inc, 2002 Renaissance Blvd, Suite 110, King of Prussia, PA 19406 on behalf of Robert White, The Redevelopment Authority of the County of Bucks, 216 Pond Street, Bristol, PA 19007 submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with various chemicals. The Report was approved by the Department on May 22, 2018.

**Smith Residence**, 110 Birmingham Street, West Chester, East Bradford Township, **Chester County**. Geoff Kristoff, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19381 on behalf of Kimberly J.

Smith, 110 Birmingham Street, West Chester, PA 19832 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 29, 2018.

**Wells Fargo**, 191 East Butler Avenue, Chalfont Borough, **Bucks County**. Bernard B. Beegle, PG, Advance Geo Services Corporation, 1055 Andrew Drive, Suite A, West Chester, PA 19380 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 31, 2018.

**Dickerson Fleet Services**, 2703 Geryville Pike, Upper Hanover Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc, 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Don Gregory, Dickinson Fleet Service, 4709 West 96th Street, Indianapolis, IN 46268 submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 15, 2018.

**Conebella Farm**, 337 Chestnut Tree Road, West Nantmeal Township, **Chester County**. Michael Napolitan, Taylor GeoServices, Inc., 38 Bishop Road, Newtown Square, PA 19073 on behalf of Donald C. & Pamela K. Gable, Conebella Farm, 337 Chestnut Tree Road, Elverson, PA 19520 submitted a Final Report concerning the remediation of site soil contaminated with leaded and unleaded gasoline. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 23, 2018.

**Mattson Residence**, 726 Hillside Drive, West Chester Borough, **Chester County**. Michael Napolitan, Taylor GeoServices, 38 Bishop Hollow Road, Newtown Square, PA 19073 on behalf of Nathan Mattson, 726 Hillside Drive, West Chester, PA 19380 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 24, 2018.

**96 Evertorn Lane**, Falls Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Lisa Gagliardi, State Farm Insurance, P.O. Box 106169 submitted a Final Report concerning the remediation of site soil contaminated with fuel oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on May 21, 2018.

**Pathan Chemical Site**, 425-477 Moyer Street, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 Church Road, King of Prussia, PA 19406 on behalf of Barbara Varela, New Kensington Community Development Corporation, 2515 Frankford Avenue, Philadelphia, PA 19125 submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvent. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on June 1, 2018.

**Custom Particle Reduction Inc.**, 5189 Stump Road, Plumstead Township, **Bucks County**. Jaclyn Baron, UHL & Associates, Inc, 278 North Union Street, P.O. Box 375, Lambertville, NJ 08530 on behalf of Dennis K. Rice, Custom Particle Reduction, Inc, 5189 Stump Road, P.O. Box 479, Plumsteadville, PA 18949 submitted a Remedial

Investigation Report/Cleanup Plan concerning the remediation of site groundwater contaminated with other organics. The Report was approved by the Department on May 18, 2018.

**2413-2429 North Broad Street**, 2413-2429 North Broad Street, City of Philadelphia, **Philadelphia County**. Richard S. Werner, PG, Environmental Consulting, Inc, 2002 Renaissance Blvd, Suite 110, King of Prussia, PA 19406 on behalf Janet Stearns, 2415 Broad Limited Partnership, 1515 Fairmount Avenue, Philadelphia, PA 19130 submitted a Final Report concerning the remediation of site soil contaminated with VOCs, lead, PAHs and carbazole. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on May 9, 2018.

**Gutherieville Tire Service**, 119 Horseshoe Pike, East Brandywine Township, **Chester County**. Douglas B. Schott, Brickhouse Environmental, 51 South Franklin Street, West Chester, PA 19382 on behalf of Anthony Scalies, Honey Brook Pharmacy, 35 Valley Square, Honey Brook, PA 19382 submitted a Remedial Investigation Report/Final Report concerning the remediation of site leaded soil and groundwater contaminated with gasoline constituents. The Report was approved by the Department on May 24, 2018.

**Venice Island**, 1 Leverington Avenue, City of Philadelphia, **Philadelphia County**. George Guzdek, PG, Bison Environmental, LLC, 89 Jennifer Lane, Burlington, NJ 08016 on behalf of Jane Smith, Venice Island Realty Partners c/o Lubert-Adler Management, Cira Center, 28th Floor, submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with metals and polynuclear aromatic hydrocarbons. The Report was approved by the Department on May 21, 2018.

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

**Regents Glen**, Copper Beech Drive & Crows Nest Lane, York, PA 17403, Spring Garden Township, **York County**. Advantage Engineers, 435 Independence Avenue, Suite C, Mechanicsburg, PA 17055, on behalf of RG Services, 290 Seaks Run Road, Glen Rock, PA 17327, submitted a Remedial Investigation and Final Report concerning remediation site soil contaminated with arsenic from use as an orchard. The Final Report did not demonstrate attainment of the Site-Specific Standard, and was disapproved by the Department on July 3, 2018.

**Harley-Davidson Motor Company, Inc.**, 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place, Suite 310, Harrisburg, PA 17110 on behalf of Harley-Davidson Motor Company Operations, Inc., 1425 Eden Road, York, PA 17402, submitted a Supplemental Remedial Investigation Groundwater Report (Part 2-Revised March 2018) for site groundwater contaminated with VOCs and chlorinated solvents. The Report was approved by the Department on June 29, 2018.

**IAC Carlisle LLC/Former Masland Carpets**, 50 Spring Road, Carlisle, PA 17013, Borough of Carlisle, **Cumberland County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Carlisle Auto Industries, Inc., 10000B Bryn Mawr Road, Carlisle, PA 17013, submitted a Remedial Investigation

and Final Report concerning remediation of site soil contaminated with metals, volatile organic and semi-volatile compounds. The Final Report did not demonstrate attainment of the Site-Specific and Nonresidential Statewide Standards and was disapproved by the Department on June 29, 2018.

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

**Gardens at Orangeville**, 200 Berwick Road, Borough of Orangeville, **Columbia County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Priority Healthcare Group, 99 West Hawthorne Avenue, Suite 508, Valley Stream, NY 11580, submitted a Final Report concerning remediation of site soils and groundwater contaminated with fuel oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 10, 2018.

**Former Lafarge Road Marking, Inc.**, 373 Pond Road Pennsdale, Muncy Township, **Lycoming County**. Environmental Planning Specialists, Inc., 400 Northbridge Road, Suite 400, Sandy Springs, GA 30350, on behalf of Lafarge Road Marking, Inc., 373 Pond Road, Pennsdale, PA 17756, submitted a Remedial Investigation Report concerning site soil and groundwater contaminated with chlorinated solvents. The report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 2, 2018.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *Renewal Applications Received*

**National Waste Clean, Inc.**, 304 Pulaski Street, South Plainfield, NJ 07080. License No. PA-AH 0528. Effective Jul. 02, 2018.

**South Penn Resources, LLC**, 570 East Main Street, Uniontown, PA 15401. License No. PA-AH 0844. Effective Jul. 10, 2018.

**Tri-County Industries, Inc.**, 159 TCI Park Drive, Grove City, PA 16127. License No. PA-AH 0820. Effective Jul. 02, 2018.

#### *Hazardous Waste Transporter License Reissued*

**National Waste Clean, Inc.**, 304 Pulaski Street, South Plainfield, NJ 07080. License No. PA-AH 0528. Effective Jul. 02, 2018.

**South Penn Resources, LLC**, 570 East Main Street, Uniontown, PA 15401. License No. PA-AH 0844. Effective Jul. 10, 2018.

**Tri-County Industries, Inc.**, 159 TCI Park Drive, Grove City, PA 16127. License No. PA-AH 0820. Effective Jul. 02, 2018.

**REGULATED MEDICAL AND  
CHEMOTHERAPEUTIC WASTE TRANSPORTER  
LICENSES**

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Renewal Applications Received*

**Approved Storage & Waste Hauling MA, Inc.**, 110 Edison Avenue, Mount Vernon, NY 10550. License No. PA-HC 0273. Effective Jul. 10, 2018.

*Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Approved Storage & Waste Hauling MA, Inc.**, 110 Edison Avenue, Mount Vernon, NY 10550. License No. PA-HC 0273. Effective Jul. 10, 2018.

**REGISTRATION FOR MUNICIPAL WASTE  
GENERAL PERMITS**

**Registration for General Permit Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**General Permit No. WMGM042SE001.** Ar Joy Farms, LLC, 1600 Althouse Road, Cochranville, PA 19330-1824. This registration is to operate under General Permit No. WMGM042SE001 for the anaerobic digestion of animal manure on a farm mixed with offsite food waste from commercial or institutional sources at Ar-Joy Farms, located on Althouse Road in West Fallowfield Township, **Chester County**. The registration was approved by the Southeast Regional Office on June 19, 2018.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

**REGISTRATION FOR RESIDUAL WASTE  
GENERAL PERMITS**

**Permit(s) Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Northwest Regional Office: 230 Chestnut Street, Meadville, PA 16335.*

**General Permit Application No. WMGR019, Program I.D. WMGR019NW003, Seneca Landfill, Inc.**, 421 Hartmann Road, Evans City, PA 16033. On July 5, 2018 the Department issued coverage under General Permit WMGR019 to provide for processing and beneficial use of waste foundry sand from ferrous and nonferrous casting foundries; system dust generated by ferrous metal casting foundries; or slag and refractories generated by ferrous metal casting foundries by disassembling. The Determination of Applicability was received by the Department on March 6, 2018.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 101659. Champion Transfer Station LLC/Advanced Disposal Services**, 2955 Felton Road, Norristown, PA 19401. This permit is for ten-year renewal to continue operation under Solid Waste Permit No. 101659 at the Champion Transfer Station, a construction and demolition waste transfer facility located at 575 Trestle Place in East Caln Township, **Chester County**. The application was issued by the Southeast Regional Office on June 29, 2018.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

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

**Permit Application No. 301288. Flaw Inc. d/b/a Recycle Oil Company**, 1600 South 25th Street, Easton, PA 18042. A permit renewal application for the continued operation of this waste oil collection, disposal and recycle for resale facility located in Wilson Borough, **Northampton County**. The application was approved by the Regional Office on June 29, 2018.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, 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.

**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.*

**AG5-58-00002A: Appalachia Midstream Services, LLC (AMS)** (Park Place Corporate Center 2, 200 Commerce Drive, Pittsburgh, PA 15275) on June 26, 2018 renewed the general operating permit GP5 for the operation of Natural Gas Compression and Natural Gas Dehydration plant at the facility located in Rush Township, **Susquehanna County**.

**GP11-48-001: IESI PA Bethlehem Landfill Corp.** (2335 Applebutter Road, Bethlehem, PA 18015) on June 29, 2018 for the installation and operation of a Diesel IC engine at the Bethlehem Landfill site located in Lower Saucon Twp., **Northampton 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.*

**GP4-36-03176: Thermal Solutions Products LLC** (1175 Manheim Pike, Lancaster, PA 17604) on June 28, 2018. For an existing burn-off oven, under GP4, at the boiler/heater manufacturing facility located in the City of Lancaster, **Lancaster County**. The general permit authorization was renewed.

**GP3-01-01-05016A: Specialty Granules, Inc.** (1455 Old Waynesboro Road, P.O. Box O, Blue Ridge Summit, PA 17214-0914) on July 6, 2018, for new portable nonmetallic mineral processing plant, under GP3, at the Charmian Quarry in Hamiltonban Township, **Adams County**.

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

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

**GP5-03-00260A: Laurel Mountain Midstream Operating, LLC** (Park Place 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on July 2, 2018, for the continued operation of a 15 MMscfd dehydrator at the Beagle Station located in South Bend Township, **Armstrong County**.

**GP5-03-00264B: Snyder Brothers Inc.** (90 Glade Drive, P.O. Box 1022, Kittanning, PA 16201) on July 10, 2018, to operate the proposed and the previously installed sources which include: Eight (8) Caterpillar, Model No. G3516B, 4-stroke lean-burn, natural gas fired compressor engines, each rated at 1,380 bhp at 1,400 rpm; each controlled by DCL America, Inc. (or equivalent), Model No. DC64A (or equivalent), oxidation catalysts; regulated by integrated ADEM3 automatic air/fuel ratio controllers; two (2) Exterran, Model No. HAN048684803 (or equivalent), tri-ethylene glycol dehydrator, 30 MMscfd; each equipped with a reboiler rated at 1.5 MMBtu/hr; one (1) Cameron, Model No. 3P-99550368, tri-ethylene glycol dehydrator, 10 MMscfd, equipped with a reboiler rated at 0.35 MMBtu/hr; ten (10) produced water storage tanks, 4,200-gallon capacity each; six (6) produced water storage tanks, 16,800-gallon capacity each; eight (8) engine oil storage tanks, 500-gallon capacity each; and two (2) Line Heaters; each rated at 0.25 MMBtu/hr at their Armbrust compressor station located in East Franklin Township, **Armstrong 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.*

**38-03064A: Rothermel-Finkenbinder Funeral Home & Crematory, Inc.** (25 West Pine Street, Palmyra, PA 17078) on July 5, 2018, for the installation of a human crematory at the funeral home located in Palmyra Borough, **Lebanon County**.

**36-03052C: Boose Aluminum Foundry Co., Inc.** (P.O. Box 261, Reamstown, PA 17567) on July 3, 2018, for the installation of a 2,205 lb/hr StrikoWestofen America MHII-N (T) 2000/2001 natural gas fired aluminum stack melting furnace in East Cocalico Township, **Lancaster County**. The total heat input capacity of the unit is 2.816 MMBtu/hr ((2) melting burners—1.0242 MMBtu/hr, ea/ holding burner—0.76815 MMBtu/hr). Once the new melting furnace is installed and operational, two (2) existing natural gas furnaces (22-01-07 & 22-01-08) will be removed.

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

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

**AMS Plan Approval No. IP18-000171: SEPTA Berridge/Courtland Maintenance Shops** (200 West Wyoming Avenue, Philadelphia, PA 19140) issued on 7/9/2018 for the removal and replacement of three sheet-fed offset lithographic non-heatset printing presses at their facility in the City of Philadelphia, **Philadelphia County**. The three presses have a maximum capacity of 13,000 sheets per hour each. Volatile Organic Compounds (VOCs) have a potential emissions of 1.95 ton per year. Hazardous Air Pollutants (HAPs) have a potential emissions of 0.033 ton per year. The plan approval will contain operating, monitoring, recordkeeping, testing, and reporting requirements to ensure operation within all applicable requirements.

**AMS IP18-000008: Horizon Stevedoring, Inc.** (2201 South Columbus Blvd, Pier 82, Philadelphia, PA 19148) issued July 10, 2018 for Methyl Bromide (MeBr) fumigation operations in the City of Philadelphia, **Philadelphia County**. The facility's MeBr fumigation operations will be a batch process and will employ portable equipment including multiple portable MeBr feed systems, two (2) 9,000 cubic feet per minute (CFM) portable aeration blowers, tarps, flexible duct work, two (2) 46-foot discharge stacks, and portable Fumiscope monitors and photo-ionization detectors. There will be potential MeBr emissions of 9.88 tons per year (tpy). The plan approval contains operating, monitoring, recordkeeping, testing, and reporting requirements to ensure operation within all applicable requirements.

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

*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.*

**38-05011: Plain N Fancy Kitchens, Inc.** (2550 Stiegel Pike, Schaefferstown, PA 17088) on July 6, 2018, for the



wood kitchen cabinet manufacturing facility located in Heidelberg Township, **Lebanon 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.**

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

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

**15-00095: Longwood Gardens** (410 Street Rd., Kennett Square, PA 19348) On June 29, 2018 for the renewal of a non-Title V, State-Only, Synthetic Minor Operating Permit of a non-profit horticultural business located in East Marlborough Township, **Chester County**.

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**40-00123: Vita-Line Products, Inc.** (1111 North Park Drive, Hazle Township, PA 18202-9720) The Department issued, on 7/5/2018, a State-Only (Natural Minor) Operating Permit for operation of a pet food manufacturing facility located in the City of Hazle Township, **Luzerne County**. The permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**48-00099: CAP Glass Allentown, LLC** (799 Smith Lane, Northampton, PA 18067-1500) The Department issued, on 7/5/2018, a State-Only (Natural Minor) Operating Permit for operation of a glass products manufacturing facility located in the City of Northampton, **Northampton County**. The permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

*Contact: Thomas Bianca, Facilities Permitting Chief, 717-705-4863, William Weaver, Regional Air Quality Manager, 717-705-4702.*

**06-05104: New Enterprise Stone & Lime Co., Inc.** (3912 Brumbaugh Road, New Enterprise, PA 16664-0077) on June 29, 2018, for the limestone crushing facility located in Maiden creek Township, **Berks County**. The State-only permit was renewed.

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

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

**49-00059: Herndon Reload Co.** (386 Pennsylvania Avenue, Herndon, PA 17830-7284), was issued an initial State Only (Synthetic Minor) operating permit on July 5, 2018, for operation of their Herndon plant located in the Borough of Herndon, **Northumberland County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the initial SMOP 49-00059.

**59-00008: Tennessee Gas Pipeline Company, LLC** (1001 Louisiana Street, Houston, TX 77002) was issued on July 6, 2018, a State Only operating permit for their 315 Wellsboro compressor station facility located in Charleston Township, **Tioga County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

**55-00018: Cherry Hill Hardwoods, Inc.** (3150 Middle Rd., Richfield, PA 17086) on June 27, 2018 was issued a renewal State only operating permit for the Richfield Lumber Mill located in West Perry Township, **Snyder County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

**14-00019: John B. Brown Funeral Home, Inc.** (2401 S. Atherton St., State College, PA 16801) on June 27, 2018 was issued a renewal State only operating permit for the Koch Funeral Home located in College Township, **Centre County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

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

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**03-00062: Freeport Terminals, Inc.** (P.O. Box 29, Butler, PA 16003-0029) on July 5, 2018, the Department issued a renewal State Only Operating Permit for Freeport Terminals in Freeport Borough, **Armstrong County** for the operation of a metal crusher, a “Puckmaster” hydraulic press, a storage tank farm, diesel-fired boilers, material handling, and truck traffic. The facility is subject to the applicable requirements of Title 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**37-00318: Kennametal ISA** (North Gate Industrial Park Building A, New Castle, PA 16105). On July 9, 2018, the Department issued a renewal of the State Operating Permit for the facility located in Neshannock Township, **Lawrence County**. The facility produces metals and master alloys. The significant sources at the facility are the thermite reduction process, emergency diesel generators, a milling operation, and a parts washer. The sources are controlled by dust collectors. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The emergency generator is restricted to 500 hours of operation and shall not be used to supplement the primary power supply at the facility. The emergency generators are subject to 40 CFR 63 Subpart ZZZZ—NESHAP for Reciprocating Internal Combustion Engine (RICE). The facility is a Natural Minor. The potential emissions from the sources are: 2.0 TPY NO<sub>x</sub>, 0.5 TPY CO, 0.12 TPY SO<sub>x</sub>, 0.5 TPY VOC, 44.0 TPY PM, and less than 1 TPY PM<sub>10</sub>.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.*

**OP17-000039: Philadelphia Renewable Bio-Fuels, LLC** (7800 Pennrose Ferry Road, Philadelphia, PA 19153) for the operation of a refuse system in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following:

a) Thermal Drying System consisting of two (2) Biosolids Drying Trains (ES-1 & ES-2). Each Biosolids Drying Train contains a Rotary Drum Dryer (firing natural gas, mixture of natural gas and digester gas, digester gas with or without mixture of natural gas, or No. 2 fuel oil) with drying air recirculation loop and an air pollution control system consisting of a venturi scrubber, followed by a regenerative thermal oxidizer (burning natural gas or No. 2 fuel oil).

b) Odor Control Scrubber (ES-3) that primarily services the existing Dewatering Facilities, as well as three fugitive dust baghouses utilized on dried material handling equipment from the Thermal Drying Facilities.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*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.*

**36-05001: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547-9403) for Armstrong's residential and commercial ceiling tile manufacturing plant in East Donegal Township, **Lancaster County**. The Title V Operating Permit underwent a significant modification to incorporate approval of a Reasonably Available Control Technology 2 (RACT 2) plan to supersede the existing RACT 1 plan for the facility. These RACT changes will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Requirements that are not part of the RACT approval will be excluded from the SIP submittal.

## **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).

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### *Coal Permits Issued*

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

**03801302 and NPDES No. PA0235385. Consol Mining Company LLC**, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the NPDES Permit for the Margaret No. 7 Mine Water Treatment Plant in Plumcreek, Cowanshannock Townships, **Armstrong County** for reclamation only. No additional discharges. The application was considered administratively complete on November 17, 2016. Application received May 16, 2016. Permit issued June 22, 2018.

**56743705 and NPDES No. PA0235695. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Mine 78 CRDA in Paint Township, **Somerset County**. No additional discharges. The application was considered administratively complete on November 19, 2015. Application received July 1, 2015. Permit issued June 22, 2018.

**56743705 and NPDES No. PA0235695. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit, renew and revise the NPDES permit for the Mine 78 CRDA in Paint Township, **Somerset County**, Adams Township, **Cambria County** to expand the coal refuse disposal site and support area and add Outfall 003. Coal Refuse Disposal Acres Proposed 33.1, Coal Refuse Disposal Acres Proposed 71.9. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Unnamed Tributary to Paint Creek, classified for the following use: CWF. The application was considered administratively complete on May 11, 2015. Application received: February 12, 2015. Permit issued: June 22, 2018.

**30831303 and NPDES No. PA0013511. Cumberland Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley and Wayne Townships, **Greene County** and related NPDES Permit for stream restoration in Tustin Run. No additional discharges. The application was considered administratively complete on August 9, 2017. Application received July 14, 2017. Permit issued June 28, 2018.

**30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Harvey Mine in Richhill and Morris Townships, **Greene County** and related NPDES Permit for the 4A-1 and 4A-2 degas boreholes. Surface Acres Proposed 9.4. No additional discharges. The application was considered administratively complete on September 14, 2017. Application received: May 5, 2017. Permit issued: June 29, 2018.

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

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

intakes within 10 miles downstream. Application received: April 9, 2018. Permit issued: July 2, 2108.

**Permit No. 11970106 and NPDES No. PA0234591. Laurel Sand & Stone, Inc.**, 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, permit renewal for the continued operation and restoration of a bituminous surface mine in Jackson Township, **Cambria County**, affecting 85.2 acres. Receiving stream: unnamed tributary to south Branch of Blacklick Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 6, 2017. Permit issued: July 3, 2018.

**Permit No. 11180101 and NPDES No. PA0279625. Laurel Sand & Stone Inc.**, 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface and auger mine in Jackson Township, **Cambria County**, affecting 233 acres. Receiving streams: Shuman Run and unnamed tributaries to/and Bracken Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 2, 2018. Permit issued: July 3, 2018.

The permit includes a stream variance for use and maintenance of an existing stream crossing and impacts to 0.20 acre of wetlands.

In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provision of sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards.

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

**16080108. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mining in Perry Township, **Clarion County**, affecting 222.2 acres. Receiving streams: Unnamed tributaries to the Allegheny River and unnamed tributaries to the Clarion River. This renewal is issued for reclamation only. Application received: April 30, 2018. Permit Issued: July 2, 2018.

**16140109 and NPDES Permit No. PA0259594. K & A Mining** (119 Atwell Lane, Kennerdell, PA 16374) Transfer of an existing bituminous surface mine and associated NPDES permit from Ben Hal Mining Company in Washington Township, **Clarion County**, affecting 70.0 acres. Receiving streams: Unnamed tributaries to East Sandy Creek. Application received: August 29, 2017. Permit Issued: July 2, 2018.

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

**17110106 and NPDES PA0257672. Black Cat Coal, LLC** (440 Wm. Cemetery Road, Curwensville, PA 16833). Permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Brady Township, **Clearfield County** affecting 119.0 acres. Receiving stream(s): Unnamed Tributary to East Branch Mahoning Creek and Stump Creek classified for the following use(s): HQ, CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 31, 2017. Permit issued: June 29, 2018.

#### *Noncoal Permits Issued*

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

**PAM618039. RWE Holding Company** (P.O. Box 144, Portersville, PA 16051) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37092801 in Taylor Township, **Lawrence County**. Receiving streams: Beaver River. Application received: June 4, 2018. Permit Issued: June 21, 2018.

**PAM618043. Brooks Services, LLC** (423 John M. Road, Falls Creek, PA 15840) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 33090802 in Washington Township, **Jefferson County**. Receiving streams: Unnamed tributary to Wolf Run. Application received: June 1, 2018. Permit Issued: June 21, 2018.

**PAM618040. Beyond Corp., LLC** (2905 Hillsville Road, Edinburg, PA 16116) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37082804 in Mahoning Township, **Lawrence County**. Receiving streams: Unnamed tributary to Marshall Run. Application received: June 4, 2018. Permit Issued: June 21, 2018.

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

**PAM218003. Charles T. Root** (188 Thorndike Drive, Gillett, PA 16925), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Small Noncoal Permit No. 08992803 to the following surface waters in Wells Township, **Bradford County**. Receiving stream(s): Seely Creek. Application received: January 12, 2018. Permit issued: July 5, 2018.

**08100304 and NPDES PA0257435. Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18614). Renewal for an existing NPDES on a large noncoal surface mining site located in Pike Township, **Bradford County** affecting 40.6 acres. Receiving stream(s): UNT 1 to Ross Creek classified for the following use(s): WWF, MF. Application received: November 6, 2017. Permit issued: July 5, 2018.

**08120305 and NPDES PA0269565. Bishop Brothers Construction Company, Inc.** (1376 Leisure Drive, Towanda, PA 18848). Renewal for an existing NPDES on a large noncoal surface mine site located in Wysox Township, **Bradford County** affecting 20.0 acres. Receiving stream(s): Susquehanna River classified for the following use(s): WWF, MF. Application received: November 13, 2017. Permit issued: July 5, 2018.

**PAM281008. Upham Farms** (223 Upham Road, Le Raysville, PA 18829), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with General Permit 105 No. 08182501 to the following surface water(s) in Pike Township, **Bradford County**. Receiving stream(s): UNT to Williams Creek. Application received: February 8, 2018. Permit issued: July 5, 2018.

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

**Permit 26052809, Fayette Coal and Coke, Inc.**, (195 Enterprise Lane, Connellsville, PA 15425.) Final bond release for a small noncoal mining operation in Redstone Township, **Fayette County**. Restoration of 5.0 acres

completed. Receiving stream: Saltlick Run. Application received: October 19, 2017. Final bond release approved: July 2, 2018.

**Permit No. 26050401, Laurel Aggregates of Delaware, LLC** (70 Lakewood Center, Morgantown, WV 26508-4457). Permit renewal issued for continued operation of a large noncoal surface mining operation located in Springhill and Georges Townships, **Fayette County**, affecting 163.1 acres. Receiving streams: unnamed tributaries to Rubles Run and Rubles Run. Application received: November 20, 2015. Renewal issued: July 6, 2018.

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

**Permit No. 46030301C2 and NPDES Permit No. PA0224308, Gibraltar Rock, Inc.**, (355 Newbold Road, Fairless Hills, PA 19030), renewal of the NPDES Permit for discharge of treated mine drainage from a quarry operation in New Hanover Township, **Montgomery County** affecting 241.0 acres, receiving streams: Swamp Creek and unnamed tributary to Swamp Creek. Application received: October 14, 2014. Renewal issued: July 2, 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. 36184130, Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Clair Beyers silo trench in Clay Township, **Lancaster County** with an expiration date of September 30, 2018. Permit issued: July 3, 2018.

**Permit No. 06184105, American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Leaf Creek Interceptor in Amity Township, **Berks County** with an expiration date of June 28, 2019. Permit issued: July 6, 2018.

**Permit No. 09184105, American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Penridge Airport Business Park in Perkasio Borough and East Rockhill Township, **Bucks County** with an expiration date of June 28, 2019. Permit issued: July 6, 2018.

**Permit No. 23184103, American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Home 2 Suites in Concord Township, **Delaware County** with an expiration date of June 28, 2019. Permit issued: July 6, 2018.

**Permit No. 36184129, Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Dave Hess Chicken Houses in Pequea Township, **Lancaster County** with an expiration date of October 30, 2018. Permit issued: July 6, 2018.

**Permit No. 46184105, American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Global Packing in Upper Providence Township, **Montgomery County** with an expiration date of July 10, 2019. Permit issued: July 6, 2018.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E58-321, Pentagon Energy LLC**, 1600 Ponce de Leon Blvd, Ste 1208, Coral Gables, FL 33134-4096. New Milford Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To authorize the following water obstructions and encroachments associated with the construction of a compressed natural gas fueling station:

1. Cut and fill an area of approximately 26,200 square feet within the floodway of two UNT's to Salt Lick Creek (HQ-CWF, MF) for the construction of access roads, parking areas and building pads;

2. Remove the existing crossing and to construct and maintain a roadway crossing of to a UNT to Salt Lick Creek (HQ-CWF, MF) consisting of a 47-foot long, 18-inch diameter HDPE pipe depressed 6-inches below the existing streambed elevation with concrete headwalls and R-4 rip rap aprons;

3. Re-grade approximately 35 linear feet of stream channel and stabilize with turf reinforced matting and 6-inches of recovered streambed material;

4. Construct and maintain a 1.25-inch sanitary line crossing three wetlands, totaling approximately 50 feet in length, and a spray irrigation waterline crossing approximately 20 feet of wetland, within the watershed of a UNT to Salt Lick Creek (HQ-CWF, MF);

5. Construct and maintain 2 outfall structures to a UNT to Salt Lick Creek (HQ-CWF, MF). The first outfall consists of an 18-inch HDPE pipe, headwall and R-4 rip rap apron. The second outfall consists of a vegetated swale;

6. Permanently impact 0.75 acre wetland (PEM) for the construction of access roads, parking areas, building pads,

utilities and stormwater management conveyances/facilities).

The project is located approximately 0.38 mile east of the East Lake Road and SR 492 intersection (Harford, PA Quadrangle Latitude: 41° 51' 51"; Longitude: -75° 41' 54") in New Milford Township, Susquehanna County. Subbasin 4E.

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

**E53-454. UGI Central Penn Gas, Inc.**, 2525 North 12th Street, Suite 360, Reading, PA 19612-2677. Elevenmile Road Gas Pipeline Replacement Project Phase II, Oswayo and Sharon Townships, **Potter County**, USACOE Pittsburgh District (Oswayo, PA Quadrangle, Western Terminus Latitude 41° 56' 28.72" N; Longitude 78° 05' 02.03" W and Eastern Terminus Latitude 41° 56' 09.53" N; Longitude 78° 05' 42.61" W).

Department authorization giving UGI Central Penn Gas, Inc. consent to abandon an existing 4-inch diameter gas distribution pipeline and construct, operate and maintain approximately 0.7-mile of new 8-inch diameter natural gas distribution pipeline within a 20-foot right-of-way requiring eight (8) watercourse and five (5) wetland water obstruction and/or encroachment activities at location as follows:

<i>Identified Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Regulated Waters</i>	<i>Designated Water Quality</i>	<i>Regulated Waters Impact</i>
Wetland 1 Permanent Pipeline Crossing	41.935981°	-78.095169°	PEM Wetland	EV	1' × 3'
Wetland 1 Temporary Pipeline Construction	41.935981°	-78.095169	PEM Wetland	EV	11' × 16'
Stream 1 Permanent Pipeline Crossing	41.936000°	-78.097922°	Tributary Elevenmile Creek	HQ-CWF, MF	3' × 3'
Stream 1 Temporary Pipeline Construction	41.936000°	-78.097922°	Tributary Elevenmile Creek	HQ-CWF, MF	3' × 16'
Wetland 2 Permanent Pipeline Crossing	41.936006°	-78.095131°	PEM Wetland	EV	1' × 3'
Wetland 2 Temporary Pipeline Construction	41.936006°	-78.095131°	PEM Wetland	EV	12' × 16'
Wetland 3 Bored Permanent Pipeline Crossing	41.937314°	-78.093239°	PSS Wetland	EV	10' × 1'
Stream 2 Bored Pipeline Crossing	41.937331°	-78.093214°	Tributary Elevenmile Creek	HQ-CWF, MF	4' × 1'
Wetland 4 Bored Pipeline Crossing	41.938089°	-78.091925°	PSS Wetland	EV	418' × 1'
Stream 3 Bored Pipeline Crossing	41.937331°	-78.093214°	Tributary Elevenmile Creek	HQ-CWF, MF	6' × 1'
Wetland 5 Bored Pipeline Crossing	41.939775°	-78.088936°	PSS Wetland	EV	179' × 1'

<i>Identified Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Regulated Waters</i>	<i>Designated Water Quality</i>	<i>Regulated Waters Impact</i>
Stream 4 Permanent Pipeline Crossing	41.940350°	-78.087358°	Tributary Elevenmile Creek	HQ-CWF, MF	4' × 3'
Stream 4 Temporary Pipeline Construction	41.940350°	-78.087358°	Tributary Elevenmile Creek	HQ-CWF, MF	4' × 15'
Stream 5 Bored Pipeline Crossing	41.940781°	-78.086214°	Tributary Elevenmile Creek	HQ-CWF, MF	4' × 1'
Stream 6 Bored Pipeline Crossing	41.940947°	-78.085378°	Tributary Elevenmile Creek	HQ-CWF, MF	2' × 1'
Stream 7 Bored Pipeline Crossing	41.941164°	-78.084611°	Tributary Elevenmile Creek	HQ-CWF, MF	3' × 1'
Stream 8 Floodway Pipeline	41.941311°	-78.083897°	Tributary Elevenmile Creek	HQ-CWF, MF	103.7' × 1'

Boring or open-trench installations of the 8-inch diameter HPDE gas distribution pipeline crossings beneath the above listed watercourses shall be performed to ensure the depth between stream channel bottom and top of bore casing or pipeline is minimally 3-feet. Excavation or fill placement, as a part of pipeline maintenance within the 20-foot right-of-way, shall not be performed at the above listed EV (Exceptional Value) wetlands without prior written approval from the Department. The UGI Elevenmile Road Gas Pipeline Project Phase II is located along the southern right-of-way of SR 4023 (Elevenmile Road) for approximately 0.6-mile from the intersection of SR 4014 and SR 4023.

**E53-452. UGI Central Penn Gas, Inc.**, 2525 North 12th Street, Suite 360, Reading, PA 19612-2677. Sweden Valley Gas Pipeline Extension Project, Eulalia and Sweden Townships, **Potter County**, USACOE Pittsburgh District (Sweden Valley, PA Quadrangle, Western Terminus Latitude 41° 46' 03.22" N; Longitude 77° 58' 34.17" W and Eastern Terminus Latitude 41° 45' 20.02" N; Longitude 77° 56' 58.50" W).

UGI Central Penn Gas, Inc., is seeking Department approval to abandon an existing 4-inch diameter gas distribution pipeline and construct, operate and maintain approximately 10,000 linear feet of new natural gas distribution pipeline within a 20-foot right-of-way requiring nine (9) watercourse and three (3) wetland water obstruction and/or encroachment activities at location as follows:

<i>Identified Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Regulated Waters</i>	<i>Designated Water Quality</i>	<i>Activity Length</i>
Impact 1 Bored Utility Line Crossing	41.765420°	-77.975889°	Tributary # 1 Mill Creek	HQ-CWF, MF	13.9-Feet
Impact 2 Excavated Utility Line Crossing	41.766624°	-77.977493°	Wetland # 2	EV	261.9-Feet
Impact 3 Excavated Utility Line Crossing	41.764832°	-77.972270°	Tributary # 2 Mill Creek	HQ-CWF, MF	5.0-Feet
Impact 3 Bored Utility Line Crossing	41.764740°	-77.972148°	Wetland # 3	EV	96.3-feet
Impact 4 Excavated Utility Line Crossing	41.764118°	-77.971358°	Tributary # 3 Mill Creek	HQ-CWF, MF	16.5-feet
Impact 5 Bored Utility Line Crossing	41.763829°	-77.970546°	Tributary # 4 Mill Creek	HQ-CWF, MF	6.6-feet
Impact 6 Bored Utility Line Crossing	41.763264°	-77.969492°	Wetland # 5	EV	53.8-feet

<i>Identified Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Regulated Waters</i>	<i>Designated Water Quality</i>	<i>Activity Length</i>
Impact 7 Excavated Utility Line Crossing	41.760778°	-77.967130°	Mill Creek	HQ-CWF, MF	37.7-feet
Impact 8 Bored Utility Line Crossing	41.761448°	-77.963030°	Tributary # 5 Mill Creek	HQ-CWF, MF	4.6-feet
Impact 9 Bored Utility Line Crossing	41.757907°	-77.953676°	Tributary # 6 Mill Creek	HQ-CWF, MF	22.6-feet
Impact 10 Bored Utility Line Crossing	41.757673°	-77.952840°	Lyman Creek	HQ-CWF, MF	27.3-feet
Impact 11 Bored Utility Line Crossing	41.757066°	-77.951622	Tributary # 7 Mill Creek	HQ-CWF, MF	4.6-feet

Boring or open-trench installation of the 4-inch diameter HPDE gas distribution pipeline crossings beneath the above listed watercourses shall be performed to ensure the depth between stream channel bottom and top of bore casing or pipeline is minimally 3-feet. Excavation or fill placement, as a part of pipeline maintenance within the 20-foot right-of-way, shall not be performed at the above listed EV (Exceptional Value) wetlands without prior written approval from the Department. The Sweden Valley Gas Pipeline Extension Project is located along the southern right-of-way of SR 0006 approximately between its intersection with SR 0044 and SR 0872.

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

DCNR has applied for a Small Projects—Joint Permit to construct, operate and maintain a new permanent stream crossing over Middle Branch Mill Creek along Camels Road in Fox Township, Sullivan County. The work involves the replacement of an existing Aluminum Arch Culvert with a single-span 28.25' × 8.583' Single Radius Aluminum Arch plate box culvert. Additionally, approximately 116 lineal feet of debris removal along Mill Creek Road will be included.

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

There are no wetland impacts being proposed.

This project proposes to have the following impacts:

**STREAM IMPACT TABLE:**

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

**FLOODWAY IMPACT TABLE:**

<i>Resource Name</i>	<i>Municipality</i>	<i>Activity</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Middle Branch Mill Creek	Fox	Bridge Replace	Wild	0	0	27	1,269	41.493611 76.772222
			TOTAL	0	0	27	1,269	

**E18-506: SEDA-COG/First Quality Tissue**, City of Lock Haven and Castanea Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Mill Hall Quadrangle; 41° 07' 32" N; 77° 26' 44" W).

The applicant will realign the existing SEDA-COG railroad line to allow for a new access road that will connect the First Quality plant to Walnut Street. The new entrance will parallel the railroad and provide a more efficient route to enter the plant thereby reducing traffic near the current entry gate. The road will permanently impact 1,086 square feet of exceptional value palustrine emergent wetland.

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

**E02-1753; R & Z Harrison Properties, LP**, 109 High Point Road, Sarver, PA 16055; Harrison Township and Fawn Township; **Allegheny County**; Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain a 580 linear foot extension to an existing 450 linear foot concrete arch culvert (20.07 linear feet high and 33.93 linear feet wide at the base) on Little Bull Creek (TSF);

2. Permanently impact eight (8) unnamed tributaries to Little Bull Creek totaling 2,290 linear feet of impact associated with construction and grading activities;

3. Place and maintain fill in six (6) PEM wetlands and one POW totaling 0.13 acre of impact associated with construction and grading activities;

For the purpose of developing a mixed-use business park in Harrison and Fawn Townships, Allegheny County, PA. Overall, the project will impact 2,870 linear feet of stream and 0.13 acre of wetlands. Mitigation for stream impacts will include the stabilization of 260 linear feet of Little Bull Creek on-site with riparian plantings. Mitigation for stream impacts will also include the removal of a run-of-the-river dam, Renfrew Dam across Connoquenessing Creek, located in Butler County, PA. To compensate for the proposed wetland impacts, 0.17 acre of PEM wetland will be created on-site adjacent to Silver Lake. The proposed project is located near the intersection of SR 28 and Bull Creek Road. The site parallels SR 28 from Bull Creek Road (SR 366) to Pleasantville Road and is located west of Little Bull Creek (TSF) (USGS New Kensington West & New Kensington East Quadrangle, Lat: 40° 36' 54"; Long: -79° 44' 57") in Harrison and Fawn Townships, Allegheny County, PA.

*Northwest Region: District Oil and Gas Office, 230 Chestnut Street, Meadville, PA 16335, Craig Lobins, 814.332.6855.*

**E10-08-017, EM Energy PA LLC**, 1800 Main Street, Suite 220, Canonsburg, PA 15317. Butler North Permanent Waterline, in Allegheny, Concord, Parker, and Washington Townships, **Butler County**, ACOE Pittsburgh District. The proposed project starts at the Argo Impoundment, Emlenton, PA Quadrangle N: 41° 7' 36.94"; W: -79° 44' 56.97" and ends at an existing waterline near the Lynx Well Pad, East Butler, PA Quadrangle N: 40°, 57', 44.94"; W: -79°, 51', 19.98".

The project consists of the installation of approximately 20 miles of buried 16-inch plastic permanent waterline to transmit freshwater to be used in hydraulic fracturing. The proposed project impacts in Butler County include a

total of 669 linear feet of permanent impacts to UNT's of North Branch Bear Creek, UNT's to Slippery Rock Creek, UNT's to Christy Run, Christy Run, UNT's to South Branch of Slippery Rock Creek, UNT's to Bear Creek, UNT's to Connoquenessing Creek and Connoquenessing Creek. 0.22 acre of temporary impacts to Palustrine Emergent wetlands and 0.41 acre of permanent impacts to Palustrine Scrub-Shrub and Palustrine Emergent wetlands, and 1.62 acre of permanent impacts and 0.70 acre of temporary impacts to floodways are also proposed.

For more detailed information regarding the Butler County Chapter 105 permit application related to this proposed project, please contact the DEP regional office at 814.332.6860 to request a file review.

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

**E4129-116: Pennsylvania General Energy Company, LLC**, 120 Market Street, Warren, PA 16365, Plunketts Creek & Upper Fairfield Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) An 24-inch gas pipeline, a 6-inch water pipeline, and a 4-inch fiber conduit impacting 67 linear feet of an unnamed tributary to Kaiser Hollow (EV) (Huntersville, PA Quadrangle 41°19'31"N 76°52'01"W);

2) An 24-inch gas pipeline, a 6-inch water pipeline, a 4-inch fiber conduit, and a timber mat bridge impacting 40 linear feet of Kaiser Hollow (EV) (Huntersville, PA Quadrangle 41°19'43"N 76°51'50"W);

3) A 24-inch culvert impacting 28 linear feet of an unnamed tributary to Kaiser Hollow (EV) (Huntersville, PA Quadrangle 41°20'07"N 76°51'31"W);

4) An 24-inch gas pipeline, a 6-inch water pipeline, a 4-inch fiber conduit, and a timber mat bridge impacting 275 square feet of palustrine emergent (PEM) wetland (Huntersville, PA Quadrangle 41°20'29"N 76°50'57"W).

The project will result in a total of 135 linear feet of stream impacts and 0.01 acre of wetland impacts all for the purpose of installing natural gas pipeline, water pipeline, fiber conduit, and temporary access roadway for Marcellus well development.

#### ENVIRONMENTAL ASSESSMENTS

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

**D45-321EA. Benjamin E. Turpin**, Pohoqualine Fish Association, 369 Route 715, Saylorsburg, PA 18353, Chestnut Hill Township, **Monroe County**, USACOE Philadelphia District.

Project proposes to remove Wagner's Dam to eliminate a threat to public safety and to restore approximately 250 feet of stream channel to a free-flowing condition. The project is located across McMichael Creek (EV, MF) (Brodheadsville, PA Quadrangle, Latitude: 40.9390; Longitude: -75.3929).

#### 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 # ESX13-085-0013  
Applicant Hilcorp Energy Company  
Contact Stephanie McMurray  
Address 1111 Travis Street  
City Houston State TX Zip Code 77002  
County Mercer Township(s) Shenango  
Receiving Stream(s) and Classification(s) UNT to Shenango River (WWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESG29-117-17-0023(01)  
Applicant Name Seneca Resources Corp  
Contact Person Doug Keplar  
Address 5800 Corporate Dr, Suite 300  
City, State, Zip Pittsburgh, PA 15237  
County Tioga  
Township(s) Delmar  
Receiving Stream(s) and Classification(s) Baldwin Run (HQ-CWF); Marsh Ck (CWF); Hibard Hollow (CWF)

ESCGP-2 # ESG29-117-18-0013  
Applicant Name Seneca Resources Corp  
Contact Person Doug Keplar  
Address 5800 Corporate Dr, Suite 300  
City, State, Zip Pittsburgh, PA 15237  
County Tioga  
Township(s) Bloss Twp and Blossburg Borough  
Receiving Stream(s) and Classification(s) Boone Run (CWF); Tioga River (CWF)

ESCGP-2 # ESX29-115-18-0025  
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) Harford  
Receiving Stream(s) and Classification(s) UNTs to E Branch Martins Ck (CWF-MF) and UNT to Leslie Ck (CWF-MF)

ESCGP-2 # ESG29-081-18-0017  
Applicant Name ARD Operating LLC  
Contact Person Stephen Barondeau  
Address 33 W Third St, Suite 300  
City, State, Zip Williamsport, PA 17702  
County Lycoming  
Township(s) McHenry  
Receiving Stream(s) and Classification(s) UNT to Robbins Run (EV); Campbell Run (EVP); UNTs to Miller Run (HQ-CWF); Browns Run (HQ-CWF)  
Secondary—Robbins Run (EV); Lick Run (EV); Miller Run (HQ-CWF); Pine Ck (EV)

ESCGP-2 # ESX29-115-14-0001(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) Forest Lake  
Receiving Stream(s) and Classification(s) Stonestreet Ck (CWF-MF) and UNT to Middle Branch Wyalusing Ck (CWF-MF)

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## SPECIAL NOTICES

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### Notice of Request for Proposals for Municipal Solid Waste Disposal Capacity for Carbon County

In accordance with the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of July 28, 1988, as amended, and Chapter 272 of the Pennsylvania Rules and Regulations, 25 Pa. Code, the County of Carbon is hereby soliciting disposal capacity for municipal solid waste (MSW), including construction/demolition (C/D) and municipal sewage sludge (Sludge). Disposal capacity shall be provided for a term of 10 years. Carbon County is hereby soliciting responses from qualified facilities to provide processing/disposal capacity for the County-generated MSW, to begin on or after January 1, 2020.

The County of Carbon will receive sealed proposals until 3:30 p.m., prevailing local time, Monday, August 6, 2018, at the Office of the Controller, County of Carbon, 2 Hazard Square, Courthouse Annex, P.O. Box 59, Jim Thorpe, PA 18229. Written questions regarding proposal documents are due by Monday, July 23, 2018, 3:30 p.m. and shall be sent by e-mail to the attention of David Bodnar (DavidBodnar@carboncounty.net). The proposals will be publicly opened and read aloud at the regular meeting of the Carbon County Commissioners at 10:30 a.m., prevailing local time, Thursday, August 9, 2018, at the Commissioners' Conference Room, Third Floor, Carbon County Courthouse Annex, Jim Thorpe, PA 18229.

Copies of the proposal documents may be purchased on or after release, Monday, July 2, 2018, from the Carbon County Office of Planning and Development, 76 Susquehanna Street, PA 18229, (570) 325.3671. A prepaid and nonrefundable amount of \$50.00 is required per proposal by checks made payable to: Carbon County.

### Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

*Northwest Region: Waste Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

The Warren County Municipal Waste Plan Revision was approved on May 17, 2018, in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101. The Plan Revision was submit-

ted to the Department of Environmental Protection (Department) on March 29, 2018.

Persons aggrieved by an action may appeal, 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), 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 Environmental Hearing Board (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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, 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.

The Plan Revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning the approval should be directed to Regina Schweinsberg, Regional Recycling Coordinator, Waste Management Program, (814) 332-6981, [rschweinsb@pa.gov](mailto:rschweinsb@pa.gov) or the previous Regional Office address.

**Proposed State Water Quality Certification  
Required by Section 401 of the Clean Water Act for  
the Sweden Valley Project: PA Facilities**

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

**WQ05-020—Dominion Energy Transmission, Inc.** (DETI, Applicant), 707 East Main Street, Richmond, VA 23219. Sweden Valley Project: PA Facilities. In the Southwest Region, the project is located in Franklin, Jefferson, and Morgan Townships, **Greene County** and South Bend Township, **Armstrong County**, ACOE Pittsburgh District. A portion of the project is also located in the Northcentral Region in Leidy Township, **Clinton County**, ACOE Baltimore District (Tamarack, PA Quadrangle N: 41° 25' 43.62"; W: -77° 51' 05.41").

In Greene County the proposed pipeline (TL-654 PA Loop) starts at DETI's existing Crayne Station (Mather, PA Quadrangle N: 39° 55' 16.67"; W: -80° 7' 20.47") and continues northeast, running parallel to existing pipelines (TL-342 and TL-591), for approximately 3.2 miles (Mather, PA Quadrangle N: 39° 57' 30.63"; W: -80° 5' 39.61"). The project also consists of using an existing contractor yard (Rice's Landing Contractor Yard) as a staging area that will house equipment, materials, and will be the location of the office trailers during construction. The contractor yard is located in Jefferson Township (Mather, PA Quadrangle N: 39° 56' 23"; W: -80° 1' 2.27").

In Armstrong County, a primary/monitor regulation set and associated valves and piping will be added between two existing DETI pipelines inside of DETI's South Bend Compressor Station (Elderton, PA Quadrangle N: 40° 38' 14.29"; W: -79° 21' 23.8").

On January 10, 2018, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP18-45-000). The FERC Environmental Assessment for the Project is currently being completed by FERC and when available may be viewed on FERC's web site at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP18-45-000).

On December 26, 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 3.2-mile/16,896-foot long, 24-inch pipeline for the purpose of transporting natural gas from Dominion Energy Transmission, Inc.'s existing Crayne Station in Franklin Township, Greene County, PA to a new surface site in Morgan Township, Greene County, PA. The Project, as proposed, will require approximately 58.4 acres of earth disturbance, and impacts to 1,123 linear feet of Ruff Creek (WWF), unnamed tributaries to Ruff Creek (WWF), Browns Run (WWF), unnamed tributaries to Browns Run (WWF), 3.34 acres of floodway, 0.28 acre of temporary PEM, and 0.87 acre of PEM and PFO permanent impacts. All proposed stream and wetland impacts are located in Greene County, PA. No streams or wetlands are proposed to be crossed in Armstrong County or Clinton County.

The Department anticipates issuing a State water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established under State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the 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 pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

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 Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department 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’s 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.

Prior to issuance of the final State water quality certification, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Comments should be directed to Dana Drake, P.E., Waterways and Wetlands Program Manager at the previously listed address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

**Authorization to Extract Noncoal  
(Industrial Minerals)**

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

**20181002. R. Hunter, Inc.** (15428 Sheets Road, Guys Mills, PA 16327) Authorization to extract noncoal (industrial minerals) in Hayfield Township, **Crawford County**, to supply fill material to the Tamarack Lake Project. Receiving streams: Unnamed tributary to French Creek. Application received: June 6, 2018. Permit Issued: June 21, 2018.

**Request for Comments on the Proposed Total  
Maximum Daily Load (TMDL) Developed for the  
Mill Creek Watershed in Berks County  
Pennsylvania**

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the Mill Creek Watershed in Berks County, PA. The TMDL was established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation from agriculture.

There currently are no State or Federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the Mill Creek Watershed. The sediment loading was allocated among cropland, hay/pasture land and streambank source sectors present in the watershed. Data used in establishing the TMDL was generated using a water quality analysis model (AVGWLF-E) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading for the watershed. The load reduction and percent reduction necessary to meet the TMDL are also identified.

*Summary of TMDL Based Load Reductions in the Mill Creek Watershed*

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	3,693,400	10,119	2,764,997	7,575	25%

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL can be viewed at <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/MillCreekBerksCountyTMDL.pdf>.

To request a copy of the proposed TMDL contact Scott N. Heidel, Water Program Specialist, Bureau of Clean Water, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 772-5647, [scheidel@pa.gov](mailto:scheidel@pa.gov).

The Department will consider all comments in developing the final TMDL which will be submitted to EPA for approval. Written comments will be accepted at the previously listed address and must be postmarked within 30 days after publication in the *Pennsylvania Bulletin* on 7/21/2018.

[Pa.B. Doc. No. 18-1121. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Pennsylvania Small Business Advantage Grant Availability

The Department of Environmental Protection (Department) announces the availability of up to \$1 million in grant funding for the Commonwealth's Small Business Advantage Grant Program (Program). The Program assists small businesses to create energy efficiency, pollution prevention or natural resource conservation projects. With over 900,000 small businesses in this Commonwealth, well-designed projects help small businesses cut operating costs and complement the economy, while protecting the environment.

The Program is a first-come, first-served grant program that provides up to 50% matching grants, up to a maximum of \$9,500. Eligible projects must save the small business a minimum of \$500 and at least 25% annually in energy consumption or pollution related expenses.

This year, the Department will accept applications for natural resource protection projects focused on preventing soil erosion and improving water quality. Examples of eligible natural resource protection projects may include riparian buffer plantings, stream-bank fencing and barnyard runoff controls. Natural resource protection projects are exempt from the minimum savings requirements. However, projects must quantify the sediment and nutrient diversion from the directly related receiving waterway to be eligible.

To be considered for a Small Business Advantage Grant, the applicant must have 100 or fewer employees, be a for-profit small business owner and be taxed as a for-profit business in this Commonwealth. The project to which the grant will apply must be located in the applicant's land or facility in this Commonwealth.

Application guidance, required forms and information are located on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (search "Small Business Advantage Grant").

For further information, contact the Department's Small Business Ombudsman Office at [epAdvantageGrant@pa.gov](mailto:epAdvantageGrant@pa.gov) or (717) 772-5160.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 18-1122. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Advisory Board Meeting

The Department of Health gives notice that the Health Advisory Board will meet on Wednesday, July 25, 2018, at 9 a.m. in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA to review and approve proposed amendments to the communicable and noncommunicable disease regulations, relating to complete reporting of CD4 T-lymphocyte, viral load and genotyping test results relating to Human Immunodeficiency Virus.

For further information regarding the meeting or to obtain a copy of the draft regulations, interested persons should contact Erik Huet, Department of Health, Office of Policy, 8th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3311.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, or who require a copy of this notice or the draft regulations in an alternative format (for example, large print, audiotape, Braille) should contact Erik Huet at the previously listed address or telephone 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).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 18-1123. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Policy Board Meeting

The Health Policy Board (Board) of the Department of Health (Department), established by section 401.1 of the Health Care Facilities Act (35 P.S. § 448.401a), will meet on Wednesday, July 25, 2018, at 9:30 a.m. in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

At the meeting, the Board will rule on exceptions filed to a Proposed Report issued by the hearing officer assigned by the Board in the matter of In re: Jewish Home of Eastern Pennsylvania, Department of Health Doc. Nos. L 08-001, L 08-006 and L 08-009. The Department quality assurance initiatives connected with health facility licensure also will be discussed.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Erik Huet, Department of Health, Office of Policy, at (717) 547-3311, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 18-1124. Filed for public inspection July 20, 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 § 201.3 (relating to definitions), specifically the definition of “nurse aide”:

Northampton County Home—Gracedale  
2 Gracedale Avenue  
Nazareth, PA 18064  
FAC ID # 072802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Saint Luke’s Rehabilitation and Nursing Center  
360 Ruddle Street  
Coaldale, PA 18218  
FAC ID # 036802

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 18-1125. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Public Health Council Meeting Regarding the Preventative Health and Health Services Block Grant

The Public Health Council will be holding a meeting on July 26, 2018, from 10 a.m. to 11 a.m. at the Department of Health, Health and Welfare Building, Room 316, 625 Forster Street, Harrisburg, PA 17120, under the requirements and provisions of the Federal Block Grant. The purposes of the meeting are to discuss and review the provisions of the Preventative Health and Health Services

Block Grant (PHHSBG) Federal Fiscal Year 2018 Application and details of the PHHSBG Work Plan.

For additional information, or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other special accommodations to do so, contact Teresa Sanders, Administrative Officer, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 18-1126. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Hospital Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2017-2018 disproportionate share hospital payments to qualifying acute care general hospitals that serve the indigent population of cities in this Commonwealth with an average per capita income significantly below the Statewide average. These payments are intended to provide additional financial support to hospitals that serve an inordinate amount of low-income individuals and Medical Assistance beneficiaries in impoverished areas of this Commonwealth. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 1785 (March 24, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2017-2018 impact, as a result of the funding allocation for these payments, is \$14.506 million (\$6.989 million in State general funds and \$7.517 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1253. (1) General Fund; (2) Implementing Year 2017-18 is \$6,989,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1127. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Hospital Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2017-2018 disproportionate share hospital (DSH) payments for qualifying Medical Assistance (MA) enrolled acute care general hospitals that have a low commercial-payer ratio, a negative trend in their net patient revenue and are located in an area of this Commonwealth with a disproportionate need for MA services. The payment is intended to promote continued access to care for the MA population. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 1783 (March 24, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2017-2018 impact, as a result of the funding allocation for these payments, is \$0.623 million (\$0.300 million in State general funds and \$0.323 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1258. (1) General Fund; (2) Implementing Year 2017-18 is \$300,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1128. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2017-2018 disproportionate share hospital payments to qualifying Medical Assistance (MA) enrolled acute care general hospitals. These payments are intended to provide additional support for the operation of academic medical programs through the medical education of health care professionals needed to treat the MA population. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 1786 (March 24, 2018). The fiscal impact in the notice was correct, but the fiscal note within the notice contained an error, and an updated fiscal note was published at 48 Pa.B. 1903 (March 31, 2018). The Department received no comments

during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2017-2018 impact, as a result of the funding allocation for these payments, is \$5.210 million (\$2.510 million in State general funds and \$2.700 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1252. (1) General Fund;

(7) MA—Academic Medical Centers; (2) Implementing Year 2017-18 is \$1,550,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$21,181,000; 2015-16 Program—\$17,431,000; 2014-15 Program—\$17,431,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2017-18 is \$500,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$10,071,000; 2015-16 Program—\$9,571,000; 2014-15 Program—\$9,071,000;

(7) MA—Fee-for-Service; (2) Implementing Year 2017-18 is \$460,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1129. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2017-2018 disproportionate share hospital payments made to qualifying Medical Assistance (MA) enrolled acute care general hospitals which provide a high volume of inpatient services to MA eligible and low-income populations. These payments are intended to promote access to medically necessary inpatient services for MA eligible and low income persons. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 1784 (March 24, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2017-2018 impact, as a result of the funding allocation for these payments, is \$0.724 million (\$0.349 million in State general funds and \$0.375 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1255. (1) General Fund; (2) Implementing Year 2017-18 is \$349,000; (3) 1st Succeed-

ing Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1130. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Payments to Qualifying Teaching Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2017-2018 disproportionate share hospital payments to qualifying teaching hospitals that provide psychiatric services to Medical Assistance (MA) beneficiaries. These payments are intended to help offset medical education costs of psychiatrists which are incurred by hospitals providing assistance to MA beneficiaries and uninsured persons. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 1787 (March 24, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2017-2018 impact, as a result of the funding allocation for these payments, is \$0.500 million (\$0.241 million in State general funds and \$0.259 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1256. (1) General Fund; (2) Implementing Year 2017-18 is \$241,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1131. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to County Nursing Facilities; Medical Assistance Day One Incentive Payments for Quarters Three and Four of Fiscal Year 2017-2018

This notice announces that the Department of Human Services (Department) made Medical Assistance Day One Incentive (MDOI) payments to each qualified county nursing facility for the third and fourth quarters of Fiscal Year (FY) 2017-2018.

#### *Payment Information*

The Department made county nursing facility MDOI payments for January 1, 2018, through March 31, 2018, and April 1, 2018, through June 30, 2018, quarters of FY 2017-2018.

Payment information for the county nursing facility MDOI payments was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemix/information/countymdoi/index.htm>.

#### *Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time.

#### *Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1259. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-1132. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payments to Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Payments for March 2018

This notice announces that the Department of Human Services (Department) made supplemental ventilator care and tracheostomy care payments to qualifying Medical Assistance (MA) nonpublic and county nursing facilities for March 2018.

#### *Payment Information*

The Department made supplemental ventilator care and tracheostomy care payments to qualifying nonpublic and county nursing facilities. Payment information for the supplemental ventilator care and tracheostomy care payment to each qualified nonpublic and county nursing

facility for March 2018 was posted on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcare/casemixinformation/>.

### Appeals

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department's Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of MA providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review these regula-

tions carefully. Among other things, the regulations specify required information to include in a written request for hearing, and how the Bureau of Hearings and Appeals will determine whether a request for hearing was filed on time.

### Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1251. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-1133. Filed for public inspection July 20, 2018, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Rate Setting Methodology and Fee Schedule Rates for Services Funded Through the Office of Developmental Programs' Community Living Waiver

The purpose of this notice is to announce the Department of Human Services' (Department) final rate setting methodology and Fee Schedule Rates for select services funded through the Community Living Waiver effective January 1, 2018.

#### Fee Schedule Rates

The Department published its proposed Fee Schedule Rates at 47 Pa.B. 5112 (August 26, 2017). The Department received comments from 33 stakeholders regarding the rate setting methodology and Fee Schedule Rates. A summary of the comments received and the Department's responses are available at [http://dhs.pa.gov/cs/groups/webcontent/documents/document/c\\_268077.pdf](http://dhs.pa.gov/cs/groups/webcontent/documents/document/c_268077.pdf).

As a result of the comments received, the Department made changes to Agency with Choice/Financial Management Services rates for in-home and community support and respite (15-minute and day) services. In addition, the Department has corrected the following errors from the proposed Fee Schedule Rates:

- The rate for Enhanced Communication for Supports Coordination was removed.
- There was a typographical error in the proposed rate for Community Participation Support procedure code W5967. The proposed rate was listed as \$5.59. The rate should have been \$6.59.

#### Fee Schedule Rates for Community-Based Services through the Community Living Waiver Effective January 1, 2018

Modifier SE is used to identify the amount of units that are being billed when the individual spent time in the community during the provision of Community Participation Support services.

Modifier SE is used when billing for Benefits Counseling to identify that it is an Office of Developmental Program (ODP) service.

Modifier SE is used when billing for Music Therapy.

Modifier SE is used when billing for Consultative Nutritional Services to identify that it is an ODP service.

Modifier SE is used when billing for Family Caregiver Support Counseling to identify that it is an ODP service.

Modifier TD is used to identify services rendered by a Registered Nurse (RN).

Modifier TE is used to identify services rendered by a Licensed Practical Nurse (LPN).

Modifiers U5, U6, U7 and U8 are Support Intensity Scale Needs Group Modifiers.

Modifier UD is used when billing for Advanced Supported Employment.

Modifier GP is used to identify services rendered by a Physical Therapist.

Modifier GO is used to identify services rendered by an Occupational Therapist.

Modifier GN is used to identify services rendered by a Speech and Language Therapist.

Modifier UN is used to identify shift nursing at the 1:2 ratio.

Modifier UA is used to identify the Homemaker/Chore service when it is authorized as a temporary service.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per 15-minute unit unless otherwise noted.



<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
Companion Services	1:3	W1724			\$2.64	\$3.03
	1:2	W1725			\$3.67	\$4.25
	1:1	W1726			\$6.33	\$7.43
Homemaker/Chore	1:1	W7283			\$16.73 (per hour)	N/A
	1:1 (temporary)	W7283	UA		\$16.73 (per hour)	N/A
In-Home and Community Supports	1:3	W7058			\$3.17	\$3.67
	1:2	W7059			\$4.52	\$5.27
	1:1	W7060			\$8.08	\$9.48
	1:1 enhanced	W7061	TD and TE		\$11.44	\$13.74
	2:1	W7068			\$15.72	\$18.52
	2:1 enhanced	W7069	TD and TE		\$19.07	\$22.77
Older Adult Daily Living Centers	N/A	W7094			\$2.73	\$3.08
Community Participation Support (CPS)	<25% Community 1:2 or 1:3 and >75% Facility 1:11 to 1:15	W5945	SE		\$2.45	\$2.75
	<25% Community 1:2 or 1:3 and >75% Facility 1:7 to 1:10	W5946	SE		\$2.75	\$3.10
	<25% Community 1:2 or 1:3 and >75% Facility 1:2 to 1:6	W5947	SE		\$4.45	\$5.10
	<25% Community 1:1 and >75% Facility 1:7 to 1:15	W5948	SE		\$3.70	\$4.23
	<25% Community 1:1 and >75% Facility 1:2 to 1:6	W5950	SE		\$5.58	\$6.44
	<25% Community 1:1 and >75% Facility 1:1	W5951	SE		\$9.55	\$11.17
	<25% Community 1:1 Enhanced and >75% Facility 1:1 Enhanced	W5952	SE	TD and TE	\$13.28	\$15.91
	<25% Community 2:1 and >75% Facility 2:1 to 1:1	W5943	SE		\$18.32	\$21.55
	<25% Community 2:1 Enhanced and >75% Facility 2:1 Enhanced	W5944	SE	TD and TE	\$22.05	\$26.29
	<25% Community 2:3 and >75% Facility 1:11 to 1:15	W5940	SE		\$3.14	\$3.57
	<25% Community 2:3 and >75% Facility 1:7 to 1:10	W5941	SE		\$3.43	\$3.92
	<25% Community 2:3 and >75% Facility 1:2 to 1:6	W5942	SE		\$5.14	\$5.92

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
Community Participation Support (continued)	25% Community 1:2 or 1:3 and 75% Facility 1:11 to 1:15	W5958	SE		\$2.93	\$3.32
	25% Community 1:2 or 1:3 and 75% Facility 1:7 to 1:10	W5959	SE		\$3.17	\$3.60
	25% Community 1:2 or 1:3 and 75% Facility 1:2 to 1:6	W5960	SE		\$4.57	\$5.25
	25% Community 1:1 and 75% Facility 1:7 to 1:15	W5961	SE		\$4.79	\$5.53
	25% Community 1:1 and 75% Facility 1:2 to 1:6	W5962	SE		\$6.33	\$7.35
	25% Community 1:1 and 75% Facility 1:1	W5963	SE		\$9.60	\$11.23
	25% Community 1:1 Enhanced and 75% Facility 1:1 Enhanced	W5964	SE	TD and TE	\$13.36	\$16.00
	25% Community 2:1 and 75% Facility 2:1	W5956	SE		\$18.43	\$21.68
	25% Community 2:1 Enhanced and 75% Facility 2:1 Enhanced	W5957	SE	TD and TE	\$22.18	\$26.45
	25% Community 2:3 and 75% Facility 1:11 to 1:15	W5953	SE		\$4.00	\$4.60
	25% Community 2:3 and 75% Facility 1:7 to 1:10	W5954	SE		\$4.25	\$4.88
	25% Community 2:3 and 75% Facility 1:2 to 1:6	W5955	SE		\$5.65	\$6.53
	50% Community 1:2 or 1:3 and 50% Facility 1:11 to 1:15	W5970	SE		\$3.81	\$4.36
	50% Community 1:2 or 1:3 and 50% Facility 1:7 to 1:10	W5971	SE		\$3.96	\$4.53
	50% Community 1:2 or 1:3 and 50% Facility 1:2 to 1:6	W5972	SE		\$4.80	\$5.52
	50% Community 1:1 and 50% Facility 1:7 to 1:15	W5973	SE		\$6.81	\$7.92
	50% Community 1:1 and 50% Facility 1:2 to 1:6	W5974	SE		\$7.74	\$9.02
	50% Community 1:1 and 50% Facility 1:1	W5975	SE		\$9.70	\$11.35

## NOTICES

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<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
Community Participation Support (continued)	50% Community 1:1 Enhanced and 50% Facility 1:1 Enhanced	W5976	SE	TD and TE	\$13.49	\$16.16
	50% Community 2:1 and 50% Facility 2:1	W5968	SE		\$18.63	\$21.93
	50% Community 2:1 Enhanced and 50% Facility 2:1 Enhanced	W5969	SE	TD and TE	\$22.42	\$26.74
	50% Community 2:3 and 50% Facility 1:11 to 1:15	W5965	SE		\$5.61	\$6.50
	50% Community 2:3 and 50% Facility 1:7 to 1:10	W5966	SE		\$5.75	\$6.67
	50% Community 2:3 and 50% Facility 1:2 to 1:6	W5967	SE		\$6.59	\$7.66
	75% Community 1:2 or 1:3 and 25% Facility 1:11 to 1:15	W5982	SE		\$4.70	\$5.41
	75% Community 1:2 or 1:3 and 25% Facility 1:7 to 1:10	W5983	SE		\$4.75	\$5.46
	75% Community 1:2 or 1:3 and 25% Facility 1:2 to 1:6	W5984	SE		\$5.03	\$5.79
	75% Community 1:1 and 25% Facility 1:7 to 1:15	W5985	SE		\$8.83	\$10.32
	75% Community 1:1 and 25% Facility 1:2 to 1:6	W5990	SE		\$9.14	\$10.69
	75% Community 1:1 and 25% Facility 1:1	W5991	SE		\$9.79	\$11.46
	75% Community 1:1 Enhanced and 25% Facility 1:1 Enhanced	W5992	SE	TD and TE	\$13.62	\$16.32
	75% Community 2:1 and 25% Facility 2:1	W5980	SE		\$18.84	\$22.18
	75% Community 2:1 Enhanced and 25% Facility 2:1 Enhanced	W5981	SE	TD and TE	\$22.66	\$27.03
	75% Community 2:3 and 25% Facility 1:11 to 1:15	W5977	SE		\$7.21	\$8.40
	75% Community 2:3 and 25% Facility 1:7 to 1:10	W5978	SE		\$7.26	\$8.46
	75% Community 2:3 and 25% Facility 1:2 to 1:6	W5979	SE		\$7.54	\$8.79
	100% Community 1:2 or 1:3	W5995			\$5.14	\$5.93

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
Community Participation Support (continued)	100% Community 2:3	H2015			\$8.01	\$9.35
	100% Community 1:1	W5996			\$9.84	\$11.52
	100% Community 1:1 Enhanced	W5997	TD and TE		\$13.68	\$16.40
	100% Community 2:1	W5993			\$18.94	\$22.30
	100% Community 2:1 Enhanced	W5994	TD and TE		\$22.78	\$27.18
Small Group Employment	1:10 to 1:6	W7237			\$2.21	\$2.65
	<1:6 to 1:3.5	W7239			\$3.40	\$4.09
	<1:3.5 to >1:1	W7241			\$6.60	\$7.95
	1:1	W7245			\$12.05	\$14.53
Benefits Counseling	1:1	W1740	SE		\$11.40	\$13.57
Supported Employment—Career Assessment	1:1	W7235			\$17.75	\$21.12
Supported Employment—Job Finding and Development	1:1	H2023			\$17.75	\$21.12
Supported Employment—Job Coaching and Support	1:2	H2025			\$10.45	\$12.40
	1:1	W9794			\$17.75	\$21.12
Advanced Supported Employment	1:1 (Discovery Profile Outcome)	W7235	UD		\$3,810.00	\$4,594.00
Advanced Supported Employment	1:1 (Job Acquisition Outcome)	H2023	UD		\$3,810.00	\$4,594.00
Advanced Supported Employment	1:1 (Job Retention Outcome)	H2025	UD		\$9,144.00	\$11,025.60
Shift Nursing—RN	1:2	T2025	TD	UN	\$8.06	\$9.90
	1:1	T2025	TD		\$15.78	\$19.46
Shift Nursing—LPN	1:2	T2025	TE	UN	\$5.88	\$7.13
	1:1	T2025	TE		\$11.41	\$13.92
Therapies—Physical	1:1	T2025	GP		\$21.29	\$26.46
Therapies—Occupational	1:1	T2025	GO		\$19.71	\$24.45
Therapies—Speech/Language	1:1	T2025	GN		\$19.12	\$23.71
Therapies—Orientation, Mobility and Vision	1:1	W7246			\$18.16	\$22.48
Music Therapy	1:1	G0176	SE		\$15.34	\$18.93
Art Therapy	1:1	G0176			\$15.34	\$18.93
Equine Assisted Therapy	1:1	S8940			\$10.36	\$12.30
Behavioral Supports—Level 1	1:1	W7095			\$21.12	\$25.44
Behavioral Supports—Level 2	1:1	W8996			\$21.39	\$26.42
Communication Specialist	1:1	T1013			\$15.32	\$18.90
Consultative Nutritional Services	1:1	S9470	SE		\$12.36	\$15.15
Family Caregiver Support Counseling	1:1 without participant present	90846	SE		\$12.12	N/A
	1:1 with participant present	90847	SE		\$12.12	\$14.85

NOTICES

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<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
24 Hour Respite (In-Home Respite and Unlicensed Out-of-Home Respite Services)	1:4	W9795			\$69.86 (per day)	\$83.12 (per day)
	1:3	W9796			\$93.09 (per day)	\$110.78 (per day)
	1:2	W9797			\$139.56 (per day)	\$166.10 (per day)
	1:1	W9798			\$245.13 (per day)	\$291.75 (per day)
	1:1 Enhanced	W9799			\$416.93 (per day)	\$509.93 (per day)
	2:1	W9800			\$490.11 (per day)	\$583.34 (per day)
	2:1 Enhanced	W9801			\$661.90 (per day)	\$801.53 (per day)
15 Minute Respite (In-Home Respite and Unlicensed Out-of-Home Respite Services)	1:4	W8096			\$1.75	\$2.08
	1:3	W9860			\$2.33	\$2.77
	1:2	W9861			\$3.49	\$4.15
	1:1	W9862			\$6.13	\$7.29
	1:1 Enhanced	W9863			\$10.42	\$12.75
	2:1	W9864			\$12.25	\$14.58
	2:1 Enhanced	W8095			\$16.55	\$20.04
24 Hour Respite (Licensed Respite Group Homes)	Needs Group 1-2 Person	W9791	U5		\$456.17 (per day)	\$543.52 (per day)
	Needs Group 1-3 Person	W9792	U5		\$331.94 (per day)	\$395.06 (per day)
	Needs Group 1-4 Person	W9793	U5		\$263.76 (per day)	\$313.54 (per day)
	Needs Group 2-2 Person	W9791	U6		\$538.09 (per day)	\$643.36 (per day)
	Needs Group 2-3 Person	W9792	U6		\$365.87 (per day)	\$436.50 (per day)
	Needs Group 2-4 Person	W9793	U6		\$292.42 (per day)	\$348.59 (per day)
	Needs Group 3-1 Person	W9790	U7		\$787.76 (per day)	\$940.81 (per day)
	Needs Group 3-2 Person	W9791	U7		\$644.77 (per day)	\$774.54 (per day)
	Needs Group 3-3 Person	W9792	U7		\$457.38 (per day)	\$548.81 (per day)
	Needs Group 3-4 Person	W9793	U7		\$360.12 (per day)	\$431.68 (per day)
	Needs Group 4-1 Person	W9790	U8		\$861.70 (per day)	\$1,034.28 (per day)
	Needs Group 4-2 Person	W9791	U8		\$702.24 (per day)	\$847.32 (per day)
	Needs Group 4-3 Person	W9792	U8		\$499.39 (per day)	\$601.96 (per day)
	Needs Group 4-4 Person	W9793	U8		\$393.36 (per day)	\$473.69 (per day)

NOTICES

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
24 Hour Respite (Respite Only Home)	Needs Group 1-2 Person	W9865	U5		\$520.58 (per day)	\$620.26 (per day)
	Needs Group 1-3 Person	W9866	U5		\$378.80 (per day)	\$450.83 (per day)
	Needs Group 1-4 Person	W9871	U5		\$300.98 (per day)	\$357.79 (per day)
	Needs Group 2-2 Person	W9865	U6		\$614.06 (per day)	\$734.20 (per day)
	Needs Group 2-3 Person	W9866	U6		\$417.52 (per day)	\$498.13 (per day)
	Needs Group 2-4 Person	W9871	U6		\$333.70 (per day)	\$397.80 (per day)
	Needs Group 3-2 Person	W9865	U7		\$735.80 (per day)	\$883.89 (per day)
	Needs Group 3-3 Person	W9866	U7		\$521.94 (per day)	\$626.29 (per day)
	Needs Group 3-4 Person	W9871	U7		\$410.95 (per day)	\$492.62 (per day)
	Needs Group 4-2 Person	W9865	U8		\$801.39 (per day)	\$966.95 (per day)
	Needs Group 4-3 Person	W9866	U8		\$569.89 (per day)	\$686.95 (per day)
	Needs Group 4-4 Person	W9871	U8		\$448.88 (per day)	\$540.56 (per day)
Supports Broker Services	1:1	W7096			\$16.88	\$19.66
Supports Coordination	1:1	W7210			\$23.62	N/A
Housing Transition and Tenancy Sustaining	1:1	H0043			\$10.48	\$12.50
Supplemental Habilitation	1:1	W7070			\$5.46	\$6.67
	2:1	W7084			\$10.93	\$13.32

<i>Service Group</i>	<i>Needs Group</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Approved Program Capacity or Staffing Level</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
Supported Living	Needs Group 1	W9872	U5		1 Person	\$133.10	\$156.12
		W9873	U5		2 People	\$93.17	\$109.29
		W9874	U5		3 People	\$66.55	\$78.06
	Needs Group 2	W9872	U6		1 Person	\$208.26	\$244.33
		W9873	U6		2 People	\$166.61	\$195.47
		W9874	U6		3 People	\$110.79	\$129.97

<i>Service Group</i>	<i>Needs Group</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Approved Program Capacity or Staffing Level</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
Life Sharing—over 30 hours per week on average	Needs Group 1	W8593	U5	SE (provided by relative)	1 Person	\$144.22	\$180.99
		W8595	U5	SE (provided by relative)	2 People	\$102.45	\$128.80
	Needs Group 2	W8593	U6	SE (provided by relative)	1 Person	\$171.82	\$215.60
		W8595	U6	SE (provided by relative)	2 People	\$122.88	\$154.54
Life Sharing—under 30 hours per week on average	N/A	W7037	SE (provided by relative)	TD and TE	1 Person	\$142.23	\$178.45
		W7039	SE (provided by relative)	TD and TE	2 People	\$100.72	\$126.60

**Agency with Choice Financial Management Services, Including Benefit Allowance\*\* Effective January 1, 2018**

\*\*No modifier is needed to indicate the benefit allowance is included.

Modifier TD is used to identify services rendered by an RN.

Modifier TE is used to identify services rendered by an LPN.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per 15 minute unit unless otherwise noted.

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
In-Home and Community supports	1:1	W7060			\$5.74	\$6.97
	2:1	W7068			\$11.48	\$13.95
In-Home and Community supports—Enhanced	1:1 (Enhanced)	W7061	TD and TE		\$7.55	\$9.34
	2:1 (Enhanced)	W7069	TD and TE		\$11.31	\$13.86
Companion Services	1:1	W1726			\$4.54	\$5.51
In-Home Respite and Unlicensed Out-of-Home Respite Services	1:1	W9862			\$4.15	\$4.84
	2:1	W9864			\$8.29	\$9.66
	1:1	W9798			\$315.10 (per day)	\$367.42 (per day)
	2:1	W9800			\$529.51 (per day)	\$634.14 (per day)
In-Home Respite and Unlicensed Out-of-Home Respite Services—Enhanced	1:1	W9863			\$7.50	\$9.28
	2:1	W8095			\$10.99	\$13.45
	1:1	W9799			\$570.23 (per day)	\$705.01 (per day)
	2:1	W9801			\$834.98 (per day)	\$1,022.08 (per day)
Supported Employment—Career Assessment	1:1	W7235			\$6.96	\$7.67
Supported Employment—Job Finding and Development	1:1	H2023			\$6.96	\$7.67

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
Supported Employment—Job Coaching and Support	1:1	W9794			\$6.96	\$7.67
Supports Broker	1:1	W7096			\$5.42	\$6.63
Homemaker/Chore	1:1	W7283			\$13.78 (per hour)	N/A
AWC FMS Monthly Administrative Fee	Per Person Per Month	W7319			\$231.21	N/A

**Agency with Choice Financial Management Services, Excluding Benefit Allowance Effective January 1, 2018**

\*\*Modifier U4 must be used with all procedure codes when billing for services excluding benefit allowance.

Modifier TD is used to identify services rendered by an RN.

Modifier TE is used to identify services rendered by an LPN.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per 15-minute unit unless otherwise noted.

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
In-Home and Community supports	1:1	W7060	U4		\$5.11	\$6.34
	2:1	W7068	U4		\$10.22	\$12.69
Companion Services	1:1	W1726	U4		\$3.92	\$4.89
In-Home Respite and Unlicensed Out-of-Home Respite Services	1:1	W9862	U4		\$3.52	\$4.27
	2:1	W9864	U4		\$7.03	\$8.40
	1:1	W9798	U4		\$267.22 (per day)	\$319.54 (per day)
	2:1	W9800	U4		\$445.36 (per day)	\$549.99 (per day)
In-Home and Community supports—Enhanced	1:1	W7061	U4	TD and TE	\$6.93	\$8.72
	2:1	W7069	U4	TD and TE	\$10.07	\$12.61
In-Home Respite and Unlicensed Out-of-Home Respite Services—Enhanced	1:1	W9863	U4		\$6.88	\$8.66
	2:1	W8095	U4		\$9.75	\$12.21
	1:1	W9799	U4		\$523.05 (per day)	\$657.84 (per day)
	2:1	W9801	U4		\$740.63 (per day)	\$927.74 (per day)
Supported Employment—Career Assessment	1:1	W7235	U4		\$6.34	\$7.04
Supported Employment—Job Finding and Development	1:1	H2023	U4		\$6.34	\$7.04
Supported Employment—Job Coaching and Support	1:1	W9794	U4		\$6.34	\$7.04
Supports Broker	1:1	W7096	U4		\$4.80	\$6.00
Homemaker/Chore	1:1	W7283	U4		\$11.29 (per hour)	N/A
AWC FMS Monthly Administrative Fee	Per Person Per Month	W7319			\$231.21	N/A



*Rate-Setting Methodology for Transportation (per trip) Services*

The Department published notice of the methodology used to develop rates for transportation trip services funded through the Community Living Waiver at 47 Pa.B. 5112. The Department will implement the methodology described in the proposed notice. The Department received two comments from stakeholders regarding the methodology used to develop transportation trip rates. A summary of the comments received and the Department's responses is available at [http://dhs.pa.gov/cs/groups/webcontent/documents/document/c\\_268077.pdf](http://dhs.pa.gov/cs/groups/webcontent/documents/document/c_268077.pdf).

*Fiscal Impact*

It is anticipated that there will be an additional cost of approximately \$32.000 million (\$15.418 million in State Funds) to the Commonwealth in Fiscal Year (FY) 2017-2018 and an annualized cost of \$64.000 million (\$30.629 million in State Funds) in FY 2018-2019 and subsequent years.

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional Office of Developmental Programs in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* P.O. Box 2675, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1249. (1) General Fund; (2) Implementing Year 2017-18 is \$15,418,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$30,629,000; (4) 2016-17 Program—\$1,349,000; 2015-16 Program—\$1,203,000; 2014-15 Program—\$1,075,000; (7) ID—Community Waiver Program; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1134. Filed for public inspection July 20, 2018, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Special Regulation Designation

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on October 15 and 16, 2018, the Commission will consider a proposal to add Section 05 of Penns Creek to its Catch-and-Release Artificial Lures Only Program under 58 Pa. Code § 65.5 (relating to catch and release artificial lures only) effective January 1, 2019.

At this time, the Commission is soliciting public input concerning this designation. Persons with comments, objections or suggestions concerning the designation are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 60 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the

comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 18-1135. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

ACE INA Overseas Insurance Company, Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 29, 2018, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg,

PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 18-1136. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Chubb Reinsurance (Switzerland), Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 29, 2018, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 18-1137. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Chubb Tempest Reinsurance, Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 28, 2018, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insur-

ance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 18-1138. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Equator Reinsurance Limited has applied for renewal of its designation as a Certified Reinsurer in this Commonwealth. The application was received on July 3, 2018, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Neel Vaidya, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nvaidya@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 18-1139. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Ronnie Knight, Jr.; License Revocation Appeal; Doc. No. CW11-11-001

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Ronnie Knight, Jr. has appealed the Insurance Department's decision to revoke his insurance producer licenses. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for July 25, 2018, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before July 23, 2018. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 11, 2018, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to preliminary motions, protests, petitions to intervene or notices of intervention, if any shall be filed on or before July 23, 2018.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 18-1140. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Pennsylvania 2017 Private Passenger Automobile Data Call

The Insurance Department (Department) is conducting its annual Private Passenger Automobile Data Call (previously referred to as the "Act 6 Data Call"). The purpose of this data call is to monitor the private passenger automobile insurance marketplace in this Commonwealth.

The 2017 data call letter, instructions and templates are available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (select "Companies," then "Industry Activity," then "Data Calls" under "Product and Rate Activity").

Additionally, the Department sent e-mail notification of this data call to all companies licensed to write motor vehicle liability insurance in this Commonwealth.

Insurance companies with Pennsylvania private passenger automobile direct written premium in 2017 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department no later than October 15, 2018.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2017 are required to submit only Part 2. This is to be submitted to the Department no later than October 15, 2018.

Consistent with previous data calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Completed data call files should be submitted by e-mail to Dennis Sloand at [desloand@pa.gov](mailto:desloand@pa.gov).

The Department appreciates the companies' cooperation with this important study. Individuals who have ques-

tions should contact Dennis Sloand, Bureau of Property and Casualty Insurance, (717) 214-1927, [desloand@pa.gov](mailto:desloand@pa.gov).

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 18-1141. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms (PRUD-131555379)

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 15.6% on 1,448 policy holders with the following individual LTC policy form numbers: GRP 113172, GRP 113570, GRP 113172 ED 05/2009 and GRP 113570 ED 05/2009 (known as Series ILTC-3).

Unless formal administrative action is taken prior to October 4, 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](http://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](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 18-1142. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms (PRUD-131555425)

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 20% on 2,307 policy holders with the following individual LTC policy form numbers: GRP 98720, GRP 98721 and GRP 98722 (the ILTC 1 series).

Unless formal administrative action is taken prior to October 4, 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](http://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](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 18-1143. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms (PRUD-131555517)

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 20% on 358 policy holders with the following individual LTC policy form numbers: GRP 112687 and GRP 112685 (known as Series ILTC-2).

Unless formal administrative action is taken prior to October 4, 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](http://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](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 18-1144. Filed for public inspection July 20, 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 the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of John Richardson; Omni Insurance Company; File No. 18-119-224200; Doc. No. P18-06-017; August 14, 2018, 10 a.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 the 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](mailto:jkorman@pa.gov).

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 18-1145. Filed for public inspection July 20, 2018, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the homeowners' policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held at the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Raymond C. Eckhart and Robert K. Parisien; Nationwide Mutual Fire Insurance Company; File No. 18-198-224934; Doc. No. P18-06-015; August 9, 2018, 9:30 a.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 the 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. 18-1146. Filed for public inspection July 20, 2018, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following document during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Governor's Office*

Administrative Circular No. 18-09—Changes to SAP Finance and Controlling Modules Effective July 1, 2018, Dated June 26, 2018.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 18-1147. Filed for public inspection July 20, 2018, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; All Milk Marketing Areas; Cooperative Milk Procurement Costs

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on October 3, 2018, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cooperative milk procurement costs and a method to incorporate those costs in minimum resale milk prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on August 3, 2018, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on August 3, 2018, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means

of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at <http://www.mmb.pa.gov/Public%20Hearings/>.

1. By 2 p.m. on August 7, 2018, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on September 7, 2018, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on September 20, 2018, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on September 12, 2018.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 18-1148. Filed for public inspection July 20, 2018, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; All Milk Marketing Areas; Over-Order Premium

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302) the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on September 5, 2018, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on August 3, 2018, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on August 3, 2018, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at <http://www.mmb.pa.gov/Public%20Hearings/>.

1. By 2 p.m. on August 8, 2018, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on August 22, 2018, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on August 29, 2018, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on August 23, 2018.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 18-1149. Filed for public inspection July 20, 2018, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Commonwealth Financing Authority Certification for Fiscal Year 2018-2019

I, Randy C. Albright, Secretary of the Budget, hereby certify in accordance with, and as required by, section 1543(e) of the Act of April 1, 2004 (P.L. 163, No. 22), 64 Pa.C.S. § 1543(e), and section 1753.1-E of the Act of April 9, 1929 (P.L. 343, No. 176), that:

(1) sufficient surplus revenue will exist in the General Fund for Commonwealth Fiscal Years 2019-2020 and 2020-2021 to pay any liabilities which will be payable by the Commonwealth from the General Fund during those Fiscal Years if the Commonwealth Financing Authority incurs an additional \$250,000,000 of indebtedness; and,

(2) the aggregate amount of liabilities which will be incurred by the Commonwealth for its Fiscal Years 2018-2019, 2019-2020, and 2020-2021 payable from the General Fund as a result of the activities of the Commonwealth Financing Authority are \$142,100,000, \$142,100,000 and \$141,200,000 respectively.

RANDY C. ALBRIGHT,  
*Secretary*

[Pa.B. Doc. No. 18-1150. Filed for public inspection July 20, 2018, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Application for Findings; Prehearing Conference

**A-2018-3002896. Duquesne Light Company.** Letter of Notification of Duquesne Light Company filed under 52 Pa. Code Chapter 57, Subchapter D (relating to accounts and records) with respect for approval to upgrade an existing 138 KV Ring Bus at Montour Substation in Robinson Township, Allegheny County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 6, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

*Applicant:* Duquesne Light Company

*Through and By Counsel:* Emily M. Farah, Tishekia E. Williams, Michael Zimmerman, 411 Seventh Avenue, 15th Floor, Pittsburgh, PA 15219

### Call-In Telephone Prehearing Conference

A hearing by telephone on the previously-captioned case will be held as follows:

*Date:* Tuesday, August 14, 2018  
*Time:* 10 a.m.  
*Presiding:* Administrative Law Judge Mary D. Long  
 Piatt Place  
 Suite 220  
 301 5th Avenue  
 Pittsburgh, PA 15222  
 (412) 565-3550  
 Fax: (412) 565-5692

At the previously listed date and time, individuals must call into the hearing. If individuals fail to do so, their case will be dismissed. Individuals will not be called by the Administrative Law Judge.

To participate in the hearing, individuals must:

- Dial the following toll-free number.
- Enter the following PIN number when instructed to do so.
- Speak the individual's name when prompted.

The telephone system will connect callers to the hearing.

Toll-free bridge number: (855) 750-1027  
 PIN number: 341525

Individuals representing themselves are not required to be represented by an attorney. All others (corporation, partnership, association, trust, or governmental agency or subdivision) must be represented by an attorney. Representing attorneys should file a Notice of Appearance before the scheduled hearing date.

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. If appropriate, the Commission may be able to provide individuals with a telephonic hearing instead of an in-person hearing. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

The Commission offers a free eFiling Subscription Service, which allows users to automatically receive an e-mail notification whenever a document is added, removed or changed on the Commission's web site regarding a specific case. Instructions for subscribing to this service are on the Commission's web site at [http://www.puc.pa.gov/Documentation/eFiling\\_Subscriptions.pdf](http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf).

**A-2018-3002896.** Letter of Notification of Duquesne Light Company filed under 52 Pa. Code Chapter 57, Subchapter D with respect for approval to upgrade an existing 138 KV Ring Bus at Montour Substation in Robinson Township, Allegheny County.

Emily M. Farah, Esquire  
 \*Tisheka Williams, Esquire  
 \*Michael Zimmerman, Esquire  
 Duquesne Light Company  
 411 Seventh Avenue, 15th Floor  
 Pittsburgh, PA 15219  
 (412) 393-6431

(412) 393-1541  
 (412) 393-6268  
 \*Accepts E-Service  
 Representing Duquesne Light Company

Rick Urbano—Chairperson  
 Robinson Township Planning Commission  
 1000 Church Hill Road  
 Pittsburgh, PA 15205

Allegheny County Planning Commission  
 Rich Fitzgerald—County Executive  
 Allegheny County  
 436 Grant Street  
 Pittsburgh, PA 15219

Patrick McDonnell—Secretary  
 Department of Environmental Protection  
 Rachel Carson State Office Building  
 400 Market Street  
 Harrisburg, PA 17101

Leslie S. Richards—Secretary  
 Department of Transportation  
 Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

Nancy Moses—Chairperson  
 Historical and Museum Commission  
 State Museum Building  
 300 North Street  
 Harrisburg, PA 17120

Donna Killingsworth—Manager Real Estate  
 Pittsburgh & Ohio Central RR Co., c/o Genesee &  
 Wyoming Railroad Services, Inc.  
 13901 Sutton Park Drive, S Suite 160  
 Jacksonville, FL 32224

Donald Newman—Chairperson of the Board  
 Allegheny County Conservation District  
 River Walk Corporate Center  
 33 Terminal Way, Suite 325B  
 Pittsburgh, PA 15219

John Soprano—Director  
 Bureau of Enforcement and Investigation  
 Penn Center, 2601 North 3rd Street  
 Harrisburg, PA 17110

Tanya J. McCloskey—Acting Consumer Advocate  
 Office of Consumer Advocate  
 555 Walnut Street  
 Forum Place, 5th Floor  
 Harrisburg, PA 17101-1923

John R. Evans—Small Business Advocate  
 Office of Small Business  
 300 North Second Street, Suite 202  
 Harrisburg, PA 17101

Richard Kanaskie  
 Bureau of Investigation and Enforcement  
 Commonwealth Keystone Building  
 400 North Street, 2nd Floor West  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

ROSEMARY CHIAVETTA,  
 Secretary

[Pa.B. Doc. No. 18-1151. Filed for public inspection July 20, 2018, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**General Rule Transaction**

**A-2018-3003259. Sprint Communications Company, LP.** Joint application of Sprint Communications Company, LP for approval of a general rule transaction of the indirect change in control by merger of Sprint Communications Company, LP from Softbank Group Corp. to T-Mobile US, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 6, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

*Joint Applicants:* Sprint Communications Company, LP; Softbank Group Corporation; T-Mobile US, Inc.

*Through and By Counsel:* Michelle Painter, Counsel, State Government Affairs, Sprint Communications Company, LP, 12502 Sunrise Valley Drive, Reston, VA 20196

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-1152. Filed for public inspection July 20, 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 August 6, 2018. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2018-3003013. PA Limo Company** (191 Presidential Boulevard, Unit R525, Bala Cynwyd, PA 19004) persons in limousine service, between points in the Counties of Bucks, Montgomery, Delaware and Chester, and return. *Attorney:* David P. Temple, Esquire, 1600 Market Street, Suite 1320, Philadelphia, PA 19120.

**A-2018-3003014. PA Limo Company** (191 Presidential Boulevard, Unit R525, Bala Cynwyd, PA 19004) persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Bucks, Montgomery, Delaware and Chester, and return. *Attorney:* David P. Temple, Esquire, 1600 Market Street, Suite 1320, Philadelphia, PA 19120.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-1153. Filed for public inspection July 20, 2018, 9:00 a.m.]

**PUBLIC SCHOOL EMPLOYEES'  
RETIREMENT BOARD**

**Hearing Scheduled**

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

December 13, 2018	Mark C. Citron (Disability)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Lori Koch, Assistant to the Executive Director, at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 18-1154. Filed for public inspection July 20, 2018, 9:00 a.m.]



## STATE BOARD OF FUNERAL DIRECTORS

**Bureau of Professional and Occupational Affairs v. Vince N. Baker, FD and Baker Funeral Home, Ltd.; File Nos. 16-48-05602 and 17-48-00364**

On May 18, 2018, Vince N. Baker, FD, license Nos. FD013127L and FS013127L, last known of Philadelphia, Philadelphia County, was suspended, immediately stayed in favor of probation for no less than 1 year, and a \$2,000 civil penalty imposed for his practice of the funeral profession on a lapsed and expired license.

On May 18, 2018, Baker Funeral Home, Ltd., license No. FF000110L, last known of Philadelphia, Philadelphia County, was suspended, immediately stayed in favor of probation for no less than 1 year, and a \$4,000 civil penalty imposed for its practice of the funeral profession on a lapsed and expired license.

Individuals may obtain a copy of the adjudication by writing to Wesley J. Rish, Board Counsel, State Board of Funeral Directors, P.O. Box 2649, Harrisburg, PA 17105-2649.

This order represents the final State Board of Funeral Directors (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

WILLIAM G. HARRIS,  
*Chairperson*

[Pa.B. Doc. No. 18-1155. Filed for public inspection July 20, 2018, 9:00 a.m.]

## STATE BOARD OF FUNERAL DIRECTORS

**Bureau of Professional and Occupational Affairs v. Robert Klimke, FD; File No. 17-48-06534**

On March 2, 2018, Robert Klimke, FD, license No. FD011806L, last known of Rochester, Beaver County, was assessed a \$1,000 civil penalty because he failed to obtain 6 hours of continuing education for the biennial renewal period and obtaining or attempting to obtain a license by the practice of fraud or deceit by falsely asserting he had completed the required continuing education.

Individuals may obtain a copy of the adjudication by writing to Wesley J. Rish, Board Counsel, State Board of Funeral Directors, P.O. Box 2649, Harrisburg, PA 17105-2649.

This order represents the final State Board of Funeral Directors (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

WILLIAM G. HARRIS,  
*Chairperson*

[Pa.B. Doc. No. 18-1156. Filed for public inspection July 20, 2018, 9:00 a.m.]

## STATE BOARD OF MASSAGE THERAPY

**Bureau of Professional and Occupational Affairs v. Jung Won Lee; File No. 18-72-004784**

On June 5, 2018, Jung Won Lee, of Fort Lee, NJ, was denied a license to practice massage therapy in this Commonwealth due to her education not meeting the requirements to practice in this Commonwealth.

Individuals may obtain a copy of the order by writing to Jacqueline A. Wolfgang, Board Counsel, State Board of Massage Therapy, P.O. Box 69523, Harrisburg, PA 17106-9523.

BECKY D. LESIK, LMT,  
*Chairperson*

[Pa.B. Doc. No. 18-1157. Filed for public inspection July 20, 2018, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

**Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

## Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Ananias Hershberger 310 PP&L Road Danville, PA 17821	Montour County/ Anthony Township	103.56	Veal	Existing	Rescind
Conrad Wenger 460 Mount Zion Road Richfield, PA 17086	Juniata County/ Monroe Township	194.03	Broilers	New	Approved
Jason Wenger Swine Farm Jason Wenger 5376 Elizabethtown Road Manheim, PA 17545	Lancaster County/ Rapho Township	421.24	Swine	New	Approved
Kenton Martin 23 East 28th Division Highway Lititz, PA 17543	Lancaster County/ Elizabeth Township	395	Broilers	New	Approved
Galen Boyd 581 Pine Road Mohrsville, PA 19541	Berks County/ Centre Township	268.52	Broilers	Existing	Rescind
Hillandale Gettysburg, LP 370 Spicer Road Gettysburg, PA 17325	Adams County/ Tyron Township	0	Layers	Existing	Rescind
Pennwood Farms— Heifer Farm Glenn Stoltzfus 2801 Brotherton Road Berlin, PA 15530	Somerset County/ Brothers Valley Township	400	Cattle	New	Approved

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 18-1158. Filed for public inspection July 20, 2018, 9:00 a.m.]

## STATE HORSE RACING COMMISSION

### Receipt of Matters Subject to Intervention

In accordance with the State Horse Racing Commission's (Commission) adopted and published procedures published at 48 Pa.B. 4030 (July 7, 2018) governing intervention, the Commission provides notice that it has received the following timely, substantially complete and properly filed applications or petitions seeking authorization, permission or licensure to engage in certain licensed racing activities:

1. NYRABets, LLC (NYRA Bets)—Application for a license to conduct advanced deposit wagering (electronic wagering) as a Secondary Pari-Mutuel Wagering Organization with the Commonwealth.

2. Churchill Downs, Inc. (CDI)—Petition to change ownership of a licensed racing entity (Presque Isle Downs) and application for a license to conduct horse race meetings.

Under section 1(b) and (e) of the Commission's adopted procedures, persons interested in intervening in the previously listed matters may file a Petition to Intervene with the Commission within 30 days of the publication of this notice.

The Commission's specific intervention practice and procedures have been posted and published on the

Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/commission/Pages/Publications.aspx>.

BRETT REVINGTON,  
*Director*  
*Bureau of Standardbred Horse Racing*  
THOMAS F. CHUCKAS, Jr.,  
*Director*  
*Bureau of Thoroughbred Horse Racing*

[Pa.B. Doc. No. 18-1159. Filed for public inspection July 20, 2018, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following lists of projects from May 1, 2018, through May 31, 2018.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

*Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

*Approvals by Rule Issued Under 18 CFR 806.22(f)*

1. Repsol Oil & Gas USA, LLC, Pad ID: REPINE (07 022) T, ABR-201305009.R1, Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 3, 2018.

2. Chesapeake Appalachia, LLC, Pad ID: BIM, ABR-201311006.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 14, 2018.

3. Chief Oil & Gas, LLC, Pad ID: Kupscznk B Drilling Pad, ABR-201311007.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 17, 2018.

4. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 322 Pad E, ABR-201308002.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.5000 mgd; Approval Date: May 21, 2018.

5. Chief Oil & Gas, LLC, Pad ID: Garrison West Drilling Pad, ABR-201311010.R1, Lemon Township, Wyoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 24, 2018.

6. ARD Operating, LLC, Pad ID: Larry's Creek F&G Pad G, ABR-201308007.R1, Mifflin Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

7. ARD Operating, LLC, Pad ID: Elbow F&G Pad D, ABR-201309013.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

8. ARD Operating, LLC, Pad ID: Kenmar HC Pad A, ABR-201309014.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

9. ARD Operating, LLC, Pad ID: Alden Evans Pad A, ABR-201805001, Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

10. ARD Operating, LLC, Pad ID: MAC Pad B, ABR-201805002, Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

11. Cabot Oil & Gas Corporation, Pad ID: ThomasR P1, ABR-201305005.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 29, 2018.

12. Cabot Oil & Gas Corporation, Pad ID: DiazM P1, ABR-201805003, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 29, 2018.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* July 3, 2018

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 18-1160. Filed for public inspection July 20, 2018, 9:00 a.m.]



# PENNSYLVANIA BULLETIN

Volume 48

Number 29

Saturday, July 21, 2018 • Harrisburg, PA

## Part II

This part contains the  
Department of the Auditor General's  
Audit Report on Energy Conservation  
and Assistance Programs Notice





# NOTICES

## DEPARTMENT OF THE AUDITOR GENERAL

### Publication of Audit Report on Energy Conservation and Assistance Programs Under Act 164 of 2012

In accordance with the act of October 24, 2012 (P.L. 1308, No. 164), the Department of the Auditor General (Department) gives notice and submits for publication the performance audit report of the audit of the Low-Income Home Energy Assistance Program (LIHEAP) and the audit of the Weatherization Assistance Program (WAP) released on July 10, 2018.

LIHEAP, administered by the Department of Human Services (DHS), is a program providing for energy assistance and weatherization assistance to low-income households. WAP, administered by the Department of Community and Economic Development (DCED), is a program providing for the WAP. The audits of these two important programs for the benefit of low-income residents in this Commonwealth were conducted under the authority of sections 402 and 403 of The Fiscal Code (72 P.S. §§ 402 and 403) and section 6.1 of the Energy Conservation and Assistance Act (act) (62 P.S. § 3016.1). The Department's audit mandate requires the conduct of a thorough performance audit of LIHEAP and WAP in intervals of 5 years.

#### *Overview*

Under section 6.1(c) of the act, a copy of the Department's performance audit of the "energy conservation and assistance programs" must be published as a notice in the *Pennsylvania Bulletin*.

Consistent with the act, the Department has also transmitted the audit report to the Governor, DHS,

DCED, the Office of Inspector General, the Attorney General, the chairperson and minority chairperson of the Senate and House Appropriations Committees, and the chairperson and minority chairperson of the Senate Health and Human Services Committee and the House Human Services Committee.

#### *Audit Background*

The Department's performance audit of LIHEAP included three objectives: (1) evaluate whether DHS properly determines eligibility for LIHEAP applicants and authorizes the correct cash or crisis benefit; (2) evaluate the adequacy of DHS' monitoring over LIHEAP eligibility and the authorization of the correct cash or crisis benefit; and (3) evaluate the adequacy of how DHS ensures that energy providers timely make deliveries or reconnect the heating source and properly charge DHS for providing the energy to eligible LIHEAP households. The audit period for LIHEAP was July 1, 2015, through June 30, 2016.

The Department's performance audit of WAP included two objectives and the audit period varied by audit objective. The audit period was July 1, 2013, through June 30, 2017, for the following objective: determine whether DCED ensures that WAP local agencies properly manage their waiting lists. The audit period was July 1, 2015, through June 30, 2016, for the following objective: determine whether the WAP monitoring activities that occurred during the audit period were in compliance with policies and procedures.

#### *Contact Person*

The contact person for related questions is Christal Pike-Nase, Deputy Chief Counsel, Department of the Auditor General's Office of Chief Counsel, (717) 787-4546, CPike-Nase@PaAuditor.Gov.

EUGENE A. DePASQUALE,  
*Auditor General*

# PERFORMANCE AUDIT REPORT

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## Department of Human Services Department of Community and Economic Development

Energy Conservation and  
Assistance Programs  
(LIHEAP and Weatherization)

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July 2018



Commonwealth of Pennsylvania  
Department of the Auditor General  
Eugene A. DePasquale • Auditor General



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EUGENE A. DePASQUALE  
AUDITOR GENERAL

June 14, 2018

The Honorable Tom Wolf  
Governor  
Commonwealth of Pennsylvania  
Room 225 Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Wolf:

This report contains the results of the Department of the Auditor General's performance audits of the energy conservation and assistance programs, which include both the Low-Income Home Energy Assistance Program (LIHEAP), administered by the Department of Human Services (DHS), and the Weatherization Assistance Program (WAP), administered by the Department of Community and Economic Development (DCED).

These audits were conducted under the authority of Sections 402 and 403 of The Fiscal Code, 72 P.S. §§ 402 and 403, 62 P.S. § 3016.1 (relating to Powers and duties of Auditor General) of the Energy Conservation and Assistance Act (Act), and in accordance with applicable generally accepted government auditing standards. Those standards require that we plan and perform the audits to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our performance audit of LIHEAP included three objectives: (1) Evaluate whether DHS properly determines eligibility for LIHEAP applicants and authorizes the correct cash or crisis benefit; (2) Evaluate the adequacy of DHS' monitoring over LIHEAP eligibility and the authorization of the correct cash or crisis benefit; and (3) Evaluate the adequacy of how DHS ensures that energy providers timely make deliveries or reconnect the heating source and properly charge DHS for providing the energy to eligible LIHEAP households. The audit period for LIHEAP was July 1, 2015 through June 30, 2016.

The Honorable Tom Wolf  
June 14, 2018  
Page 2

Our auditors found that DHS' monitoring of LIHEAP applicant eligibility, proper benefits authorization, and energy providers appears to be effective, but improvements in determining the proper benefit amounts during the application process are needed. Specifically, we found some benefit payments were inaccurately calculated and some households improperly received two cash payments. These identified errors netted \$6,200 in overpayments to applicants. We offer three recommendations to rectify these deficiencies.

We also conducted procedures to determine the status of the prior audit findings presented in the performance audit report released on August 10, 2011, and found that DHS adequately resolved the three prior audit findings and implemented the ten recommendations.

Our performance audit of WAP included two objectives with audit periods varying by audit objective. The audit period was July 1, 2013 through June 30, 2017, for the following objective: Determine whether DCED ensures that WAP local agencies properly manage their waiting lists. The audit period was July 1, 2015 through June 30, 2016, for the following objective: Determine whether the WAP monitoring activities that occurred during the audit period were in compliance with policies and procedures.

Our auditors found that DCED failed to spend more than \$5.4 million of U.S. Department of Energy funds over a four-year period due to the 2015-2016 state budget impasse and newly implemented federal weatherization quality standards. For that same time period, the local agencies reported that there were over 30,000 applicants that had inquired about receiving weatherization services. We also found that DCED's process to prioritize weatherization services to at-risk citizens is flawed, poorly administered, and creates an opportunity for local agencies to abuse the process. We estimated that the unspent federal funds could have resulted in more than 500 additional dwellings being weatherized. Further, we found that DCED failed to adequately perform, document, and track its monitoring of local agencies. As a result, we offer one recommendation to the Governor and General Assembly and 19 recommendations to DCED to improve the administration of the WAP.

We also conducted procedures to determine the status of the implementation of our prior 2007 performance audit and 2012 special report findings and recommendations, totaling 24 and 10 recommendations, respectively. We found all the recommendations were adequately implemented except for the recommendation to improve its waiting list policies and procedures which was originally reported in 2007, again in 2012, and continues to be reported in the current audit.

The Honorable Tom Wolf  
June 14, 2018  
Page 3

In closing, I want to thank DHS and DCED for their cooperation and assistance during these audits. DHS is in agreement with the finding applicable to LIHEAP and is committed to implementing the recommendations. DCED appears to be in general agreement with two of the three findings applicable to WAP and agrees with approximately half of the recommendations. We will follow up at the appropriate time to determine whether and to what extent all recommendations have been implemented. Please note that pursuant to Section 3016.1(c) of the Act, 62 P.S. § 3016.1(c), a copy of the performance audit will be published as a notice in the Pennsylvania Bulletin subsequent to the audit's release.

Sincerely,



Eugene A. DePasquale  
Auditor General

A Performance Audit

Department of Human Services  
 Department of Community and Economic Development  
 Energy Conservation and Assistance Programs  
 (LIHEAP and Weatherization)

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**A Performance Audit**

**Department of Human Services  
Department of Community and Economic Development  
Energy Conservation and Assistance Programs  
(LIHEAP and Weatherization)**

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## A Performance Audit

Department of Human Services  
Department of Community and Economic Development  
Energy Conservation and Assistance Programs  
(LIHEAP and Weatherization)

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### Executive Summary

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The two state agencies responsible for administering the energy conservation and assistance programs within Pennsylvania are the Department of Human Services (DHS), which administers the Low-Income Home Energy Assistance Program (LIHEAP), and the Department of Community and Economic Development (DCED), which administers the Weatherization Assistance Program (WAP). We have summarized the results of our audits of these programs below.

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### *LIHEAP AUDIT*

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Our performance audit of LIHEAP had three objectives: (1) Evaluate whether DHS properly determines eligibility for LIHEAP applicants and authorizes the correct cash or crisis benefit; (2) Evaluate the adequacy of DHS' monitoring over LIHEAP eligibility and the authorization of the correct cash or crisis benefit; and (3) Evaluate the adequacy of how DHS ensures that energy providers timely make deliveries or reconnect the heating source and properly charge DHS for providing the energy to eligible LIHEAP households. Our audit period was July 1, 2015 through June 30, 2016. We also conducted procedures to determine whether DHS implemented our prior LIHEAP performance audit's findings and recommendations from the report issued in August 2011.

Our audit results are contained in one finding with three recommendations. DHS is in agreement with our finding and is committed to implementing the recommendations to strengthen the program.

**Finding 1 – The monitoring of LIHEAP by DHS appears to be effective, but improvements in determining the proper benefit amounts are needed.**

We reviewed 75 cases (137 payments) involving the payment of LIHEAP cash and crisis benefits. We found that DHS properly determined the eligibility of applicants and maintained adequate records to support these determinations. However, we found 25 benefit payments where an error was made that resulted in an incorrect payment or an improper second cash payment, which netted to \$6,200 in LIHEAP benefit overpayments. These errors should not be projected over, nor are they representative of, the entire population of LIHEAP payments because we intentionally selected cases that appeared to have potential errors.

### **A Performance Audit**

**Department of Human Services  
Department of Community and Economic Development  
Energy Conservation and Assistance Programs  
(LIHEAP and Weatherization)**

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A critical part of limiting inaccuracies in the processing of eligibility and payment authorizations for large programs like LIHEAP is a strong system of supervisory review prior to payment and monitoring after payment. We found that DHS appears to be effectively monitoring the processing of applicant eligibility, proper benefit authorizations, and energy providers. While DHS appears to have adequate monitoring in place, additional improvements can be made. These improvements include, particularly, determining household size, reviewing duplicate addresses, and reviewing improper Social Security numbers.

We offer three recommendations for DHS: strengthen its policy for supervisory review at the County Assistance Office (CAO) level, evaluate enhancements to the information system controls used in processing LIHEAP applicants, and reinforce key topics within its DHS and CAO training sessions.

#### **Status of Prior Audit Findings**

We also conducted procedures to determine the status of the prior audit findings presented in the audit report released on August 10, 2011. Our prior performance audit of LIHEAP covered the period of July 1, 2006 through December 31, 2010, and contained three findings and ten recommendations. All of these prior audit findings were incorporated into the Department of the Auditor General's Single Audit as four findings for the fiscal year ended June 30, 2010, and determined to be resolved through the annual Single Audit process in subsequent fiscal years. As a result, no further follow-up was considered necessary.

### ***WAP AUDIT***

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Our performance audit of WAP had two objectives: (1) Determine whether DCED ensures that WAP local agencies properly manage their waiting lists; and (2) Determine whether the WAP monitoring activities that occurred during the audit period were in compliance with policies and procedures. Our audit period was July 1, 2013 through June 30, 2017, for the first objective and July 1, 2015 through June 30, 2016, for the second objective. We also conducted procedures to determine whether DCED implemented our prior WAP performance audit's findings and recommendations from the report issued in August 2007 and the recommendations from our special report issued in February 2012.

Our audit results are contained in three findings with one recommendation to the Governor and General Assembly and 19 recommendations to DCED. Overall, DCED appears to be in general agreement with two of the three findings and agrees with approximately half of the recommendations.



### A Performance Audit

**Department of Human Services  
Department of Community and Economic Development  
Energy Conservation and Assistance Programs  
(LIHEAP and Weatherization)**

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**Finding 1 – DCED failed to spend more than \$5.4 million of U.S. DOE funds over a four-year period potentially resulting in more than 500 dwellings not being weatherized due in part to the 2015-2016 state budget impasse.**

DCED failed to spend more than \$5.4 million of the U.S. Department of Energy (U.S. DOE) grant for WAP covering the period of July 1, 2013 through June 30, 2017. DCED management indicated that this situation was caused by significant changes in the federal program to focus on the quality of weatherization services in combination with the 2015-2016 state budget impasse. However, we found that DCED lacked strategic planning during a crucial time for the program to effectively spend as much of the federal grant as possible. We also found several control weaknesses throughout its administration of the program which may have impaired its abilities to handle these events. For instance, DCED lacked an appropriate methodology to allocate program funds to local agencies, and allocated funds based on outdated data as far back as 2007. Additionally, we found DCED did not adequately monitor the productivity of local agencies in providing weatherization services.

We estimate that the returned funds had the potential to cover weatherization services for more than 500 additional households across Pennsylvania.

We offer one recommendation to the Governor and General Assembly to place in state statute a continuing requirement that available federal funding that promotes the safety and welfare of Pennsylvania citizens, such as WAP, must be released to state agencies as of July 1 of each year in the unfortunate event of a state budget impasse. We also offer six recommendations to DCED: improve its administration of the program, strengthen its strategic planning, formally adopt standard operating procedures, improve its allocation process, and increase its monitoring in order to responsibly spend the federal WAP funds allocated to Pennsylvania.

**Finding 2 – DCED’s process to prioritize weatherization services to at-risk citizens is flawed, poorly administered, and creates an opportunity for local agencies to abuse the process.**

The purpose of the federal regulations regarding prioritization is to ensure vulnerable citizens are served by WAP. These citizens include elderly persons, persons with disabilities, families with children, high residential energy users, and households with a high energy burden. DCED is responsible for designing procedures to ensure prioritization is taking place. However, we found DCED failed to provide adequate instructions to local agencies and failed to oversee this process. For example, DCED’s directive explains the priority point system used to prioritize clients that are placed on each local agencies Weatherization Service List (WSL); however, the directive does not explain to local agencies which applicants or how many applicants should be placed on

### A Performance Audit

**Department of Human Services  
Department of Community and Economic Development  
Energy Conservation and Assistance Programs  
(LIHEAP and Weatherization)**

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the WSL. This flawed process creates an opportunity for local agencies to circumvent the program's intent.

DCED's directive further states that local agencies may need to maintain a separate list of inquiries or eligible applicants. DCED refers to this list as a "call" list, which is a list of individuals who have contacted a local agency to inquire about weatherization services. We received the "call" lists from 33 of the 37 local agencies and found that these 33 local agencies recorded more than 30,000 applicants over the four-year audit period. However, these lists do not provide an accurate count as to how many eligible individuals are truly waiting for weatherization services. For instance, these lists may include individuals who are not eligible for weatherization services. Additionally, individuals who have inquired more than once could potentially be duplicated on the "call" lists. As a result, it is possible that the most vulnerable and at-risk citizens are left waiting for weatherization services through multiple winters.

We offer five recommendations to DCED to improve its policies and procedures related to the prioritization of eligible citizens for weatherization services and to evaluate the accuracy of the local agency waiting lists to determine if the program resources on a statewide level could be better distributed.

**Finding 3 – DCED failed to adequately perform, document, and track its monitoring of local agencies.**

U.S. DOE requires DCED to perform fiscal and program monitoring of its local agencies each year. Based on our review of DCED's monitoring procedures, we found that the monitoring performed between July 1, 2015 and June 30, 2016, was mostly conducted in compliance with its internal monitoring policies and procedures. However, we noted several internal control weaknesses that threaten DCED's ability to adequately oversee the program, including: DCED lacked adequate written procedures for its monitoring processes; DCED failed to complete a financial review for one local agency; and DCED failed to adequately track its monitoring reviews. DCED acknowledged that its monitoring logs were not fully accurate or complete and compiled a listing of the reviews performed specifically for our audit. However, we found additional errors on these compiled lists while completing our testing. DCED's inadequate tracking of the monitoring reviews led to 4 of 39 items tested not being issued monitoring result reports. Once we brought these situations to DCED's attention, DCED sent out the results, which ended up being 16 – 18 months after the monitoring occurred.

### **A Performance Audit**

**Department of Human Services  
Department of Community and Economic Development  
Energy Conservation and Assistance Programs  
(LIHEAP and Weatherization)**

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We offer eight recommendations to DCED to establish written standard operating procedures for its monitoring process and to strengthen its performance and oversight of the WAP fiscal and program monitoring to ensure its monitoring and corresponding records are complete, accurate, and in compliance with federal regulations.

#### **Status of Prior Audit Findings**

We also conducted procedures to determine the status of the prior audit findings presented in the audit report dated August 1, 2007. Our prior performance audit of WAP covered the period of July 1, 2001 through June 30, 2006, and contained 10 findings with 24 recommendations. Five of these prior audit findings with 15 recommendations were incorporated into the Department of the Auditor General's Single Audit as five findings for the fiscal year ended June 30, 2006, and determined to be resolved through the annual Single Audit process in subsequent fiscal years.

Based on additional procedures performed, we found that four of the remaining five prior audit findings had been resolved. The final prior audit finding related to DCED's waiting lists and prioritization of applicants for weatherization services. This finding was not resolved and was reported again in both our 2012 special report and current performance audit in Finding 2.

#### **Status of Special Report Recommendations**

Additionally, we conducted procedures to determine the status of the prior WAP special report recommendations dated February 2012. This special report contained 12 recommendations that evolved out of evidence acquired during the annual Single Audit of the Commonwealth of Pennsylvania for the fiscal year ended June 30, 2010, and one recommendation as a follow-up to our prior WAP performance audit as noted above. We verified that all of the recommendations, with the exception of the recommendation related to waiting lists, were resolved as part of the annual Single Audit process in subsequent fiscal years, and, therefore, we did not perform any additional procedures regarding these recommendations. The deficiencies regarding waiting lists, and our continued recommendations, are discussed in Finding 2 of the current audit report.

### A Performance Audit

**Department of Human Services  
Department of Community and Economic Development  
Energy Conservation and Assistance Programs  
(LIHEAP and Weatherization)**

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## Introduction and Background

This report by the Department of the Auditor General presents the results of two performance audits related to energy conservation and assistance programs. Specifically, we audited the Low-Income Home Energy Assistance Program (LIHEAP), which is administered by the Pennsylvania Department of Human Services (DHS), and the Weatherization Assistance Program (WAP), which is administered by the Pennsylvania Department of Community and Economic Development (DCED).<sup>1</sup> These audits were conducted under the authority of Sections 402 and 403 of The Fiscal Code<sup>2</sup> and Section 3016.1 of the Energy Conservation and Assistance Act.<sup>3</sup> These audits covered various periods and audit objectives based on the specific program audited. These are fully described within Appendix A of this report.

The following provides background information related to LIHEAP and WAP and describes the flow of funding.

### Low-Income Home Energy Assistance Program (LIHEAP)

DHS receives funding from the U.S. Department of Health and Human Services (U.S. DHHS), with up to 15% of the LIHEAP grant transferred to DCED for standard and crisis weatherization services for LIHEAP clients. The DHS Office of Income Maintenance administers the day-to-day LIHEAP operations. County Assistance Offices (CAO) and regional/statewide processing centers throughout the state process LIHEAP applications to determine the eligibility of the applicant and authorize benefit payments. DHS and the CAOs use the Electronic Client Information System (eCIS) to maintain demographic and eligibility information for all LIHEAP clients. LIHEAP provides assistance to low-income families in the following three ways.<sup>4</sup>

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<sup>1</sup> Section 3015 (relating to Supplemental low-income energy conservation and assistance programs) of the Energy Conservation and Assistance Act, 62 P.S. § 3015 (last amended by Act 164 of 2012). *See also* Section 3015.1 (relating to Verification of eligibility) of the act, 62 P.S. § 3015.1, added by Act 164.

<sup>2</sup> 72 P.S. §§ 402 and 403.

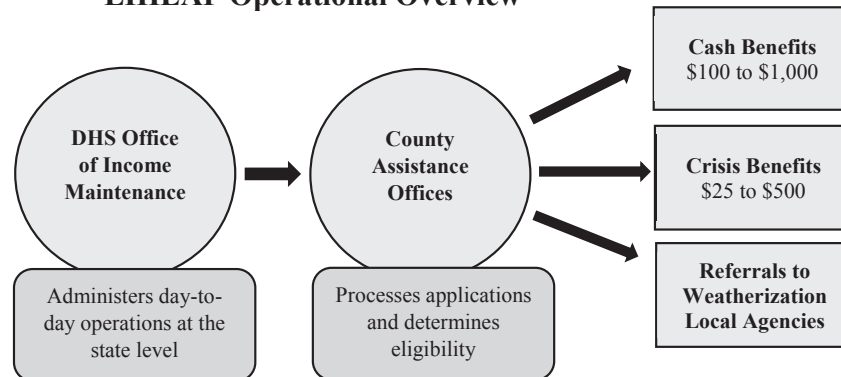
<sup>3</sup> Section 3016.1 (relating to Powers and duties of Auditor General) of the act, 62 P.S. § 3016.1 (added by Act 164). Pursuant to Section 3016.1(c) of the act, a copy of these audit reports must be published as a notice in the *Pennsylvania Bulletin*. *See* 62 P.S. § 3016.1(c).

<sup>4</sup> Commonwealth of Pennsylvania Low-Income Home Energy Assistance Program Fiscal Year 2016 Final State Plan, p. i. The current LIHEAP State Plan can be found at: <[http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c\\_241596.pdf](http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_241596.pdf)>.

### A Performance Audit

**Department of Human Services  
Department of Community and Economic Development  
Energy Conservation and Assistance Programs  
(LIHEAP and Weatherization)**

#### LIHEAP Operational Overview



*Source: Developed by Department of the Auditor General staff.*

1. Cash payments are issued to help eligible low-income households pay for their home-heating fuel. Cash benefits are used to ease the financial burden of winter heating costs for low-income families, with a minimum award of \$100 and a maximum award of \$1,000. The cash benefit amount can vary based on the county in which the household resides, the household's total income, the type of heating source, and the number of members in the household. The one-time payment is sent directly to the home's utility company or fuel provider.<sup>5</sup>
2. Crisis payments are used to resolve weather-related, supply shortage, or other household energy-related emergencies. Crisis benefits are used to help low-income families who are in a heating emergency and can range between \$25 and \$500 depending on the amount of funds needed to resolve the crisis situation. Unlike the cash grant, an applicant can receive multiple crisis payments up to the maximum \$500. Emergency situations include:
  - Broken heating equipment or leaking lines that must be fixed or replaced.
  - Lack of fuel.
  - The main heating source or second heating source (a source that is used to operate the main heating source or used if the main heating source is not working) has been completely shut-off.

<sup>5</sup> In some cases, the cash payment is sent directly to the LIHEAP client. For example, DHS pays renters directly if they pay for heat as part of their lease agreement and monthly rent payment. Source: Ibid., p. B-11.

### A Performance Audit

**Department of Human Services  
Department of Community and Economic Development  
Energy Conservation and Assistance Programs  
(LIHEAP and Weatherization)**

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- Danger of being without fuel (less than a 15 day supply) or of having utility service terminated (received a notice that service will be shut off within the next 60 days).<sup>6</sup>

Some form of assistance that will resolve the crisis must be provided within 48 hours after a household applies for crisis benefits and is deemed eligible.<sup>7</sup>

3. Energy conservation and weatherization measures are provided to address long-range solutions to home-heating problems of low-income households. Standard and crisis weatherization services are explained in further detail in the WAP section below.

#### LIHEAP Eligibility

There are a number of factors used to determine eligibility of LIHEAP applicants, including:

- An applicant household must have a combined income of no more than 150% of the Federal Poverty Income Guidelines.<sup>8</sup> The following were the income guidelines for the three most recent program years.

<b>Household Size<sup>9</sup></b>	<b>2015-2016 Income Limit</b>	<b>2016-2017 Income Limit</b>	<b>2017-2018 Income Limit</b>
<b>1</b>	\$17,655	\$17,820	\$18,090
<b>2</b>	\$23,895	\$24,030	\$24,360
<b>3</b>	\$30,135	\$30,240	\$30,630
<b>4</b>	\$36,375	\$36,450	\$36,900
<b>5</b>	\$42,615	\$42,660	\$43,170
<b>6</b>	\$48,855	\$48,870	\$49,440
<b>7</b>	\$55,095	\$55,095	\$55,710
<b>8</b>	\$61,335	\$61,335	\$61,980
<b>9</b>	\$67,575	\$67,575	---
<b>10</b>	\$73,815	\$73,815	---

<sup>6</sup> <<http://dhs.pa.gov/citizens/heatingassistance/liheap/index.htm>> (accessed April 4, 2018).

<sup>7</sup> 42 U.S.C. § 8623(c)(1), <<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title42/pdf/USCODE-2011-title42-chap94-subchap11-sec8623.pdf>> (accessed December 21, 2017).

<sup>8</sup> Commonwealth of Pennsylvania Low-Income Home Energy Assistance Program Fiscal Year 2016 Final State Plan, p. B-6.

<sup>9</sup> All members of a household, regardless of their relationship, are counted when determining the household size.

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<b>Each additional person</b>	Add \$6,240	Add \$6,240	Add \$6,270
<i>Source: Commonwealth of Pennsylvania Low-Income Home Energy Assistance Program Final State Plans for Fiscal Years 2016, 2017, and 2018.</i>			

- The applicant household must be responsible for their main source of heat, either directly to an energy provider or indirectly as an undesignated part of rent.<sup>10</sup>
- The applicant household must permanently live in Pennsylvania.
- The applicant must be a U.S. citizen or be a qualified noncitizen.<sup>11</sup>

Interested households can apply for LIHEAP online at [www.compass.state.pa.us](http://www.compass.state.pa.us), by requesting an application from the Statewide LIHEAP Hotline at 1-866-857-7095, calling PA Relay at 711 for the hearing impaired, or by obtaining an application at the local CAO.

**Weatherization Assistance Program (WAP)**

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WAP was established to help low-income families reduce energy costs by increasing the energy efficiency of their homes, while ensuring their health and safety, especially low-income persons who are particularly vulnerable such as the elderly, the handicapped, and children. The program is intended to reduce national energy consumption and reduce the impact of higher fuel costs on low-income families.<sup>12</sup>

DCED receives funding from the U.S. Department of Energy (U.S. DOE) for WAP. Additionally, each year, DCED receives a transfer of LIHEAP funding from DHS for standard and crisis weatherization services for LIHEAP clients.

The DCED Center for Community Services administers the day-to-day WAP operations. DCED provides weatherization services through a network of 37 contracted local agencies (Appendix B). DCED and the local agencies use the Hancock Energy System to maintain client information and documentation to support the weatherization services provided. These services fall under two programs: the Standard Weatherization Service and the LIHEAP Crisis Referral Interface.

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<sup>10</sup> Ibid.

<sup>11</sup> Section 605.1 (General Policy) from 2015 LIHEAP Handbook.

<sup>12</sup> Weatherization Assistance Program Guidelines, April 2017. <<https://dced.pa.gov/download/weatherization-assistance-program-wap-guidelines/?wpdmdl=56946>> (accessed March 2, 2018).

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Services performed under the Standard Weatherization Services include a site-specific energy audit which identifies areas of energy loss and identifies cost-effective energy saving measures. Weatherization services include:

- Blower door guided air sealing to effectively locate and reduce air-leakage throughout the home.
- Installation of attic, wall, basement and crawlspace insulation and ventilation to reduce energy loss.
- Heating system modification or replacement to increase the efficiency and/or safety of the heating system.
- Minor repairs, and/or health and safety measures are provided (when necessary) to allow the safe and effective installation of the weatherization measures.
- Client education on the proper use and maintenance of the installed weatherization measures and ways to reduce energy waste every day.<sup>13</sup>

These jobs are funded by the U.S. DOE grant and the LIHEAP funding transfer. A portion of the LIHEAP transfer is used for standard weatherization in an attempt to reduce energy consumption of LIHEAP clients. The remainder of the LIHEAP funding DCED receives goes for resolving crisis situations for LIHEAP-eligible clients.

The LIHEAP Crisis Referral Interface helps low-income families in situations where they are without heat or in danger of being without heat and DHS' LIHEAP services cannot resolve the situation. Under this LIHEAP crisis program integration, a portion of the LIHEAP funds allocated for weatherization will be used to alleviate specific LIHEAP crises. For the 2016-2017 program year, \$22.6 million of the total \$31.1 million, or 73 percent, of the LIHEAP funds expended by DCED were for the crisis program. The following types of crises are included:

- Furnace replacement.
- Repair of a heating system.
- Repair of gas or other fuel lines.
- Replacement of an unrepairable heating system.
- Repair of broken windows (if any of the other repairs are being completed).
- Pipe-thawing services.

Specific DCED responsibilities include addressing the crisis situation within 48 hours, or 18 hours if the situation is considered to be life or health threatening.<sup>14</sup>

<sup>13</sup> <<https://dced.pa.gov/programs/weatherization-assistance-program-wx/>> (accessed March 30, 2018).

<sup>14</sup> This does not mean the repair will actually occur within that timeframe; however, in that time local agency staff will reach out to the client and discuss options for fixing the weatherization crisis, ensure the household residents



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For these services, households apply through their CAOs as they would for the other LIHEAP services. The CAOs determine eligibility, and if DHS cannot alleviate the crisis through their services (i.e., vendor payments for supply shortages), the referral for weather-related emergencies will be made to the WAP local agency that covers the household's county.

All weatherization work follows the National Home Energy Standard Work Specification for Home Energy Upgrades for Single Family, Multifamily, and/or Manufactured/Mobile Homes. Every unit must pass a Quality Control Inspection after the work is completed.

#### **WAP Eligibility**

Eligibility for weatherization services is determined by a number of factors, including income, residency, and citizenship.

- The applicant household must have a total income that is less than 200% of the Federal Poverty Income Guidelines. An applicant household will also meet the income eligibility requirement if there is a household member who is eligible for Title IV or XVI of the Social Security Act, or if they have received cash assistance under the aforementioned titles in the 12 months prior to the eligibility determination.<sup>15</sup> The following were the income guidelines for the three most recent program years.

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have a safe place to stay in the meantime or provide electric auxiliary heating in the short-term. Source: Commonwealth of Pennsylvania Low-Income Home Energy Assistance Program Fiscal Year 2016 Final State Plan as provided by DHS, p. xi.

<sup>15</sup> Excerpted from Wx Master File 2016 – V.1.1 Approach to Determining Client Eligibility.

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#### WAP Income Guidelines

Household Size <sup>16</sup>	2015-2016 Income Limit	2016-2017 Income Limit	2017-2018 Income Limit
1	\$23,540	\$23,760	\$24,120
2	\$31,860	\$32,040	\$32,480
3	\$40,180	\$40,320	\$40,840
4	\$48,500	\$48,600	\$49,200
5	\$56,820	\$56,880	\$57,560
6	\$65,140	\$65,160	\$65,920
7	\$73,460	\$73,460	\$74,280
8	\$81,780	\$81,780	\$82,640
9	\$90,100	\$90,100	---
10	\$98,420	\$98,420	---
<b>Each additional person</b>	Add \$8,320	Add \$8,320	Add \$8,360

*Source: Commonwealth of Pennsylvania Low-Income Home Energy Assistance Program Final State Plans for Fiscal Years 2016, 2017, and 2018.*

- The household must permanently reside in Pennsylvania in order to be eligible for weatherization.
- The applicant must also be a U.S. citizen or be considered a qualified noncitizen.

Households that previously received weatherization services are not eligible unless they meet certain exceptions outlined in the WAP guidelines.<sup>17</sup> Eligibility is determined by the local agency that serves the county from which the household applies.<sup>18</sup> The exception to this is crisis services, in which client eligibility is determined by CAOs (as discussed above).

### LIHEAP and WAP Funding Flow

DHS receives funding from the U.S. DHHS, with up to 15% of the LIHEAP grant transferred to DCED for standard and crisis weatherization services for LIHEAP clients. Additionally, DCED receives funding from the U.S. DOE for WAP. For the 2015-2016 program year, DHS received

<sup>16</sup> All members of a household, regardless of their relationship, are counted when determining the household size.

<sup>17</sup> Excerpted from Wx Master File 2016 – V.1.2 Approach to Determining Building Eligibility - Weatherizing Previously Weatherized Units.

<sup>18</sup> For a list of local agencies and the counties they cover, visit: <<https://dced.pa.gov/housing-and-development/weatherization/agency-list>>.

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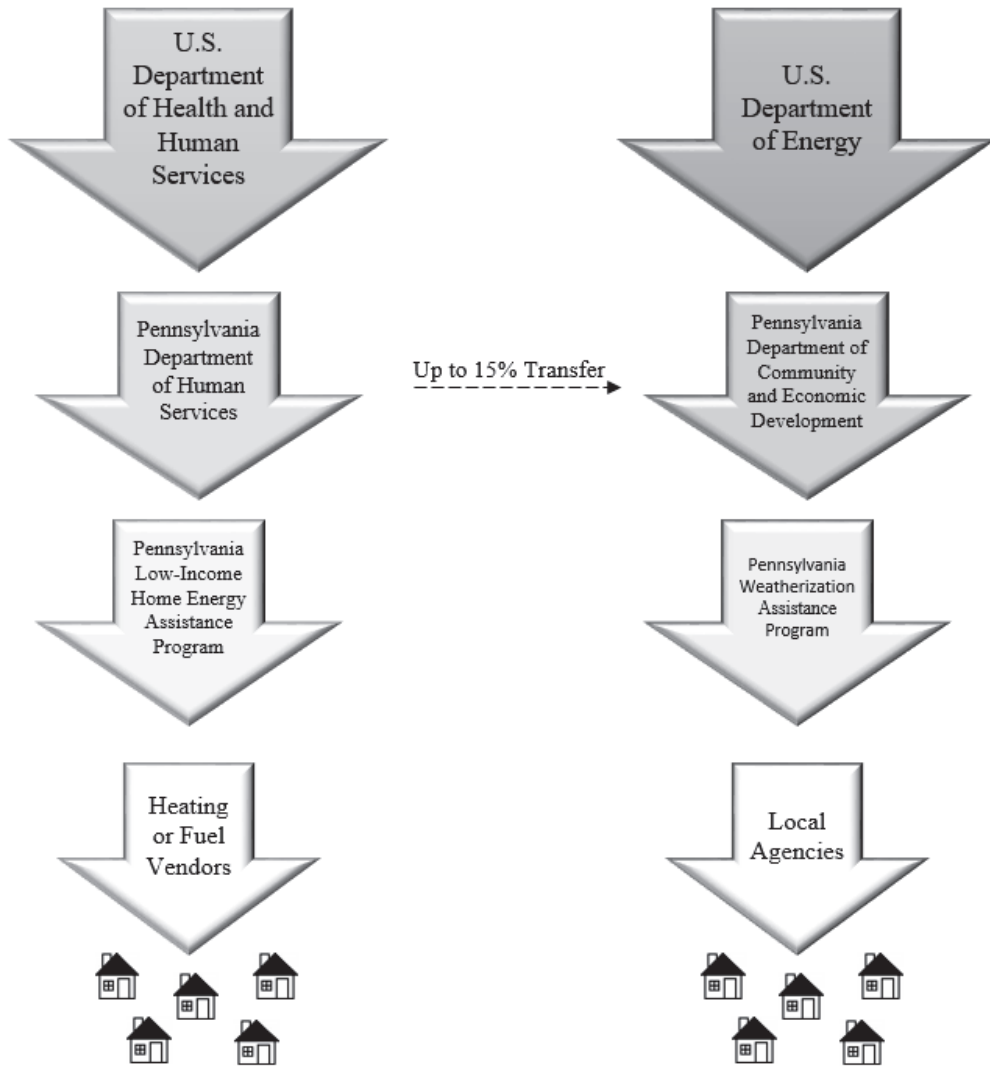
\$182,170,381 from U.S. DHHS; DHS transferred \$30,522,765 of their federal grant to DCED. For the same program year, DCED received \$12,320,702 from U.S. DOE. The following graphic shows how the money flows from the federal government through the state government to vendors/contractors to assist clients:

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LIHEAP and WAP Funding Flow



*Source: Developed by Department of the Auditor General Staff*

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**Finding 1 – The monitoring of LIHEAP by DHS appears to be effective, but improvements in determining the proper benefit amounts are needed.**

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The Department of Human Services (DHS) administers the federally-funded Low-Income Home Energy Assistance Program (LIHEAP). LIHEAP provides assistance to low-income families each LIHEAP season through cash payments (up to \$1,000) to help with home-heating costs and crisis payments (up to \$500) to resolve household energy-related emergencies.

An individual permanently living in Pennsylvania, who is a U.S. citizen (or qualified noncitizen), is eligible for LIHEAP if his/her household meets the income guidelines set by the United States Department of Health and Human Services and are responsible for their main source of heat.<sup>19</sup>

The amount of cash benefits issued varies based on the county in which the household resides, the household's total income, the type of heating source, and the number of members in the household.<sup>20</sup> All members of a household, regardless of their relationship, are counted when determining the household size.<sup>21</sup> A LIHEAP household may only receive one cash payment per LIHEAP season based on the household composition at the time of application. If an individual who has not received LIHEAP moves into a household and that household already has received a cash payment, the individual is not eligible for a cash payment.<sup>22</sup>

In addition to cash benefits, LIHEAP provides for crisis benefits on an as needed basis. The amount of a crisis benefit is the amount needed to resolve the home-heating emergency, subject to the \$500 maximum.<sup>23</sup> A household can receive more than one crisis benefit within the same season, as long as the total payments do not exceed the \$500 maximum.<sup>24</sup>

LIHEAP applications are processed through a network of 67 County Assistance Offices (CAOs), 3 regional processing centers, 6 statewide processing centers, and two crisis contractors. DHS,

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<sup>19</sup> Commonwealth of Pennsylvania LIHEAP Final State Plan Fiscal Year 2016 (LIHEAP State Plan), Section 601.31 General eligibility requirements, pp. B - 6 to B - 9. Note: The current fiscal year 2017-2018 LIHEAP State Plan can be found at <[http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c\\_266106.pdf](http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_266106.pdf)>.

<sup>20</sup> 42 U.S.C. § 8624(b)(5).

<sup>21</sup> Pennsylvania Department of Human Resources LIHEAP Handbook (LIHEAP Handbook), Section 610.11. Note: The current fiscal year 2017-2018 LIHEAP Handbook can be found at <[http://services.dpw.state.pa.us/oimpolicymanuals/liheap/LIHEAP\\_Handbook.htm](http://services.dpw.state.pa.us/oimpolicymanuals/liheap/LIHEAP_Handbook.htm)>.

<sup>22</sup> LIHEAP Handbook, Section 605.15. See also 55 Pa. Code § 601.41(a)(1). See <https://www.pacode.com/secure/data/055/chapter601/s601.41.html>.

<sup>23</sup> LIHEAP State Plan, Program Parameters, p. ii and Section 601.61, p. B-14.

<sup>24</sup> LIHEAP State Plan, Section 601.63, p. B-16.

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through this network, processed over 1.1 million applications<sup>25</sup> and issued nearly \$150 million in LIHEAP benefits during the 2015-2016 LIHEAP season, which lasted approximately five months from November 2, 2015 to April 1, 2016.<sup>26</sup>

The need to process more than one million applications within a short time frame is challenging for DHS. Due to limited resources, it is not feasible for supervisors within the offices/centers to verify that the caseworkers accurately processed every application. Similarly, DHS cannot subsequently monitor every application and payment processed for purposes of identifying every error. According to DHS management, in response to these challenges, DHS has focused its oversight efforts on areas of higher risk at both the CAO and state agency levels. DHS contracts with a third party (contractor) to monitor LIHEAP activities as discussed later in this finding. DHS continuously monitors application and benefit processing throughout the season and is able to respond to any emerging trends in real-time. One example of this is the LIHEAP Knowledge Reinforcement Sessions (LKRSs). All CAO and processing center staff members that process applications and determine LIHEAP eligibility must participate in weekly LKRSs. The LKRSs reinforce any policy or procedures that were found to be more error prone during the monitoring process.

Based on our audit procedures, we identified several errors regarding the issuance of proper LIHEAP payments. As noted below, we performed data analytics and purposefully selected cases that appeared to have potential errors. As a result, these errors should not be projected over, nor are they representative of, the entire population.

**DHS properly determined applicant eligibility; however, we found some benefit payments were inaccurately calculated and some households improperly received two cash payments.**

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In order to evaluate whether DHS properly determined eligibility for LIHEAP applicants and authorized the correct cash or crisis benefit payments, we selected 75 cases involving 137 LIHEAP payments (127 cash payments and 10 crisis payments) and reviewed the client files related to each payment.<sup>27</sup> We selected these payments through an analysis of statewide and county-specific data as described below:

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<sup>25</sup> This number is based on the total entries into DHS's case management system, and includes the individual records for all LIHEAP applicants no matter if benefits were approved or rejected.

<sup>26</sup> LIHEAP State Plan, Program Parameters, p. ii.

<sup>27</sup> A single case reviewed may involve multiple payments.

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#### Statewide Data

We selected 35 cases involving 66 LIHEAP payments from across the state using data analytics software to focus our testing to specific areas we considered to be of higher risk, as noted in the following chart.

Focus Area	Total No. of Payments in Focus Area	No. of Cases Reviewed	No. of Payments Reviewed
Cash Payment with Household Income > \$50,000	345,245	3	3
Crisis Payment with Household Income > \$50,000	119,409	3	3
Total Cash Payments Exceeding \$1,000 Maximum	8	4	8
Total Crisis Payments Exceeding \$500 Maximum	7	3	7
Multiple Cash Payments to a Client	26	13	26
Multiple Cash Payments to an Address	3,166	9	19
<b>Total</b>	<b>467,861</b>	<b>35</b>	<b>66</b>

Source: DHS's data file of LIHEAP client records.

#### County-Specific Data

We selected seven CAOs that were selected for monitoring by the third-party contractor (three large, two medium, and two small, based on the amount of application processing performed in the prior LIHEAP season) and manually reviewed a listing of all the cash payments within these counties. Specifically, we looked for multiple cash payments to clients with the same or similar Social Security numbers (SSNs), names, and/or addresses and selected the following records to review in detail.

Targeted Category	No. of Cases Reviewed	No. of Payments Reviewed
Multiple Cash Payments to the Same/Similar SSNs/Names	26	52
Multiple Cash Payments to the Same Address	5	10
Suspicious Addresses	9	9
<b>Total</b>	<b>40</b>	<b>71</b>

Source: DHS's data file of LIHEAP client records.

For all 75 cases (137 payments) we reviewed, we found DHS's client files contained a completed LIHEAP application, CAO staff signature evidencing approval of benefits, and documentation that was used to determine whether the clients were eligible. Additionally, all of the crisis files reviewed had documentation evidencing a home heating crisis existed and that the CAO contacted the energy provider to resolve the crisis in a timely manner. However, we found 25

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cases where an error was made that resulted in an incorrect payment or an improper second cash payment, which netted to \$6,200 in LIHEAP benefit overpayments.

<b>Type of Error</b>	<b>No. of Cases With Incorrect Payments</b>	<b>Total Dollar Effect</b>	<b>DHS Management's Explanation</b>
Multiple cash payments to the same household	15	Overpayment of \$4,773 cash benefits	Within the eCIS, alerts are generated when there are other records with a matching address. These errors are most likely due to CAO staff not noticing or investigating the matching address alerts.
Inaccurate household size	5	Underpayment of \$25 cash benefits and overpayment of \$9 cash benefits	CAO staff are trained to be alert for underreporting of household members. Generally, it is not apparent that the household composition was inaccurately reported until the additional application is submitted for the same address, at which point these errors should have been identified.
Duplicate cash and crisis payments to the same individual	1	Overpayment of \$100 cash benefits and \$500 crisis benefits	There was misinformation on the original application and an error was made by the CAO staff in attempting to cancel the payments.
Inaccurate SSNs	2	Overpayment of \$321 cash benefits	DHS has procedures to verify SSNs using a data exchange with the Social Security Administration (SSA). The CAO staff did not investigate why the exchange was unsuccessful in verifying the SSN with the SSA. Therefore, a second cash payment was issued to the same individual under a different SSN.
Total crisis payments exceeded \$500 maximum	2	Overpayment of \$522 cash benefits	In one situation, the DHS LIHEAP Vendor Unit gave incorrect information to the CAO staff and the second crisis payment should not have been authorized. The second situation involved a system error that allowed



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			the vendor to claim a dollar amount that exceeded the \$500 maximum. DHS had already found this system error prior to the auditors review and it is scheduled to be fixed.
<b>Total</b>	<b>25</b>	<b>\$6,200</b>	

*Source: Compiled by Department of the Auditor General staff based on information provided by DHS.*

As previously noted, the occurrence of the errors noted above cannot be projected to the population of all LIHEAP payments since we focused our review on high-risk areas. According to DHS management, since the errors were caused by DHS or CAO staff, DHS did not attempt to recoup the overpayments. Although a small amount of errors in such a large program is inevitable, DHS must continuously improve its application processing and benefit determination processes to minimize the amount of errors, especially those that result in inaccurate benefit payments.

Of the 75 cases we reviewed, 6 had been reviewed by DHS’ contractor who reached the same conclusions we did. As explained in the next section, DHS’ contractor focused on alternate high-risk areas.

**DHS’ monitoring of applicant eligibility, proper benefit authorizations, and energy providers appears to be comprehensive and effective.**

The federal LIHEAP Act of 1981, as reauthorized by the Energy Policy Act of 2005, requires that the DHS assure the proper disbursement of LIHEAP payments, which includes monitoring the payments.<sup>28</sup>

DHS outlines its planned monitoring procedures each year in the LIHEAP State Plan, which is approved by the U.S. Department of Health and Human Services.<sup>29</sup> Additionally, DHS maintains an internal LIHEAP Monitoring Plan and Procedures that specifies the monitoring procedures in more detail, including which CAOs and processing centers will be monitored in the current LIHEAP season, the methodology for selecting client files to review, and the procedures to be performed.

<sup>28</sup> 42 U.S.C. §§ 8621-8630. *See* also 42 U.S.C. § 2605(b)(10), as amended.

<sup>29</sup> <https://www.acf.hhs.gov/ocs/resource/liheap-statute-and-regulations#Section2605> (accessed April 3, 2018).

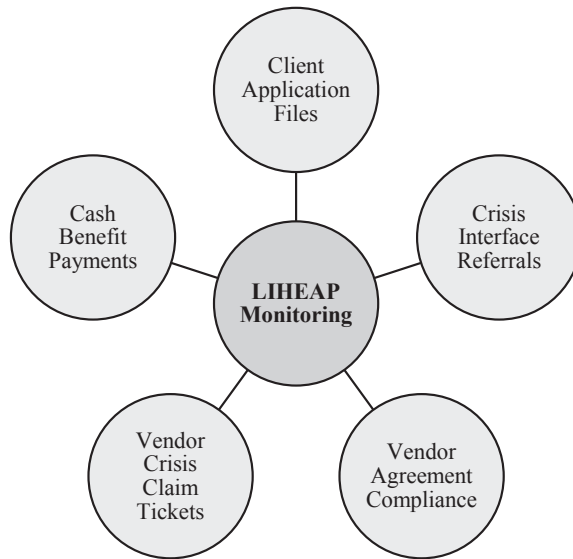
<sup>29</sup> Commonwealth of Pennsylvania Low-Income Home Energy Assistance Program Fiscal Year 2016 Final State Plan, pp. 5-8.

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The Bureau of Program Evaluation (BPE) within DHS has the overall responsibility to monitor the program. For the period July 1, 2015 through June 30, 2016, DHS utilized a contractor to perform its LIHEAP monitoring procedures.<sup>30</sup> DHS, in conjunction with the contractor, plan the detailed monitoring procedures to be performed at the beginning of each LIHEAP season. After the monitoring is completed, BPE issues the results and performs follow-up procedures to ensure any issues identified are addressed. We focused our audit procedures on the monitoring of client eligibility, the authorization of correct cash and crisis benefits, the timeliness of vendor delivery of crisis services, and the proper pricing of vendor services. The contractor performed five types of monitoring aimed at addressing these program aspects which are depicted in the following chart and explained below.

**LIHEAP Monitoring Topics**



*Source: Created by Department of the Auditor General staff.*

<sup>30</sup> WIPFLi CPAs and Consultants. Purchase orders against the Consulting Services ITQ Contract 4400008138 were awarded to Elko & Associates LTD since 2012. Elko & Associates LTD joined WIPFLi on December 31, 2014. For the fiscal year ended June 30, 2016, WIPFLi was paid \$327,200.

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#### **Client Application Files**

The contractor monitors each CAO and crisis contractor at least every two years. For the 2015-2016 LIHEAP season, the contractor monitored and performed targeted cash and crisis file reviews for both crisis contractors and the following 40 CAOs and processing centers:

- 31 of 67 County Assistance Offices.
- All 3 Regional Processing Centers.
- All 6 Statewide Processing Centers.

At all of the crisis contractors and CAOs/processing centers monitored, the contractor selected between 25 and 75 client files to review based on the volume of applications processed in the prior season. In total, the contractor reviewed approximately 2,500 targeted client files that had the following higher risk characteristics:

- Benefit amounts over \$699.
- Zero income.
- Household members that are on more than one application.
- Direct payments to the client in lieu of a payment to the vendor.
- Household members that are deceased.
- Rejected applications.
- Benefit payments when the client had been previously rejected for benefits in the past.

In addition to the contractor reviewing client files, the CAO supervisors perform targeted reviews of client files using the same method outlined above. The contractor assigns a minimum number of case files that the CAO supervisors must review. As part of the contractor's monitoring of the CAO, it verifies the CAO supervisors completed a sufficient amount of client reviews. This process is independent of the contractor's client file review.

We selected 7 of the 40 CAOs/processing centers monitored by the contractor and reviewed the monitoring documents, reports, and resolution to issues identified. This was done to ensure that the monitoring was completed as planned, adequately performed, and sufficiently documented. We also verified whether the CAO supervisors reviewed the minimum amount of client files required by the contractor. We did not identify any deficiencies during this review.

For the remaining monitoring topics, we reviewed the 2015-2016 LIHEAP State Plan, DHS' Monitoring Plan and Procedures, and the final monitoring report issued by the contractor detailing the results of all the monitoring procedures performed. This was done to determine

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whether the planned monitoring procedures appeared adequate, the monitoring procedures were implemented in accordance with the monitoring plan, and the monitoring procedures and results were sufficiently documented in the final report.

#### **Cash Benefit Payments**

The contractor selected a statistical sample of all approved cash benefit amounts processed across the state as of December 31, 2015. The contractor reviewed approximately 600 approved client applications to verify the accuracy of the LIHEAP cash benefit payment. The contractor found 106 payment errors that resulted in a gross overpayment of \$3,646 and a gross underpayment of \$3,766. According to DHS management, DHS and the contractor discuss any errors identified with the CAO management and identify potential corrective actions.

#### **Crisis Interface Referrals**

If a client is experiencing a weatherization emergency, such as broken heating equipment, the client is referred to a weatherization local agency. The contractor monitored 5 of the 37 weatherization local agencies for compliance with the LIHEAP Crisis Weatherization Policy. Specifically, the contractor reviewed the timeliness of addressing the crisis interface referral and contacting the client, client file documentation retained, and compliance with LIHEAP service and administrative policies. Three of the weatherization local agencies had one or more crisis interface referrals where evidence did not exist to demonstrate that the timeliness guidelines were met. According to DHS management, DHS and the contractor discuss these results with the Department of Community and Economic Development (DCED) who administers the Weatherization Assistance Program (WAP).

#### **Vendor Crisis Claim Tickets**

The contractor also reviewed 100 crisis client files from across the state where the vendors were paid through the PROMISe™ system.<sup>31</sup> As part of this review, the contractor determined whether the crisis was resolved by the vendor within 48 hours from when the request was received. For the 2015-2016 LIHEAP season, no errors related to vendor crisis timeliness were found.

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<sup>31</sup> The PROMISe™ system, or Provider Reimbursement and Operations Management Information System, is a web-based application that processes human services claims and manages information for numerous commonwealth human services programs, including activities of the Offices of Medical Assistance Programs, Mental Health and Substance Abuse Services and Developmental Programs. In addition, PROMISe™ processes some claims for the Departments of Aging and Education. Source: <http://www.dhs.pa.gov/learnaboutdhs/dpwonlineservices/index.htm> (accessed April 3, 2018).

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#### Vendor Agreement Compliance

The contractor conducted reviews of the LIHEAP vendors to ensure compliance with the DHS LIHEAP Vendor Agreement and LIHEAP policy, focusing on the timeliness of crisis deliveries, applying the proper LIHEAP benefit to the client's account, vendor refunds, and record retention. The contractor reviewed approximately 1,000 crisis payments and found seven crisis timeliness issues with three vendors. Additionally, the contractor found two situations where the full amount was not charged to the customer's account and seven situations where the LIHEAP customer was charged more than a non-LIHEAP customer. According to DHS management, these vendors returned the pricing differences to DHS.

Based on our review, it appears DHS' approach to monitoring is adequate, comprehensive, and emphasizes DHS management's commitment to identifying and resolving issues within the program. Although it appears DHS' monitoring is adequate, DHS should improve its application processing and benefit determination procedures to eliminate potential errors prior to issuing benefits.

#### **Recommendations for Finding 1**

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We recommend that DHS:

1. Consider strengthening its policy for supervisory review procedures at the CAO level.
2. Evaluate possible enhancements to the DHS computer systems used in LIHEAP to reduce the potential for errors, especially as related to issuing multiple LIHEAP benefits to the same address (household).
3. Reinforce the following topics within the DHS and CAO staff training sessions:
  - Determination of household size/composition.
  - Verification of SSNs.
  - Identification of potential multiple cash payments to the same individual or the same address (household).
  - Cancellation of payments.

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#### Status of Prior Audit Findings

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Our prior audit of the Low-Income Home Energy Assistance Program (LIHEAP) administered by the Department of Human Services (formerly the Department of Public Welfare) dated August 10, 2011 covered the period July 1, 2006 through December 31, 2010, and contained three findings and ten recommendations (outlined below). Based on our current audit procedures, we verified that all of the prior audit findings were incorporated into the Department of the Auditor General's Single Audit as four findings for the fiscal year ended June 30, 2010, and determined to be resolved through the annual Single Audit process in subsequent fiscal years. As a result, no further follow-up was considered necessary.

**Finding 1 – Widespread weaknesses within LIHEAP applications**

**Finding 2 – Potential waste associated with excessive contract expenditures**

**Finding 3 – Inadequate monitoring**

We recommended that the Department of Public Welfare (DPW):

1. *Seek recipient reimbursement for all overpayments due to potential fraud or administrative error.*
2. *Terminate the use of the sole source contract as soon as permitted by the terms of the contract and shift the law firm's monitoring duties to DPW employees. Contracts should be competitively bid and defined in detail. The contract process should not be circumvented through a law firm to a subcontractor.*
3. *Ensure that appropriate edit checks are developed immediately to detect irregularities or potential fraud and abuse on applications submitted with similar addresses, names, and Social Security numbers (SSN).*
4. *Immediately improve the electronic Client Information System controls to ensure that every SSN entered into the system is valid and associated with a legitimate individual and to prevent applicants from being awarded two cash benefits and/or receiving crisis benefits that exceed maximum limits.*
5. *Ensure that each County Assistance Office (CAO)/crisis contractor is properly utilizing the data exchanges.*
6. *Conduct additional monitoring procedures to look for fraudulent, suspicious, and questionable transactions, including performing data analysis as well as comparing*

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*LIHEAP information to exchange data for applicants who are incarcerated, deceased, receiving high wages, etc.*

- 7. Institute adequate supervisory oversight to ensure workers comply with policy and procedures, including requesting and obtaining statements from applicants when zero income is reported, and requesting and obtaining income from all adult household members for the entire 90-day look-back period.*
- 8. Maintain detailed documentation to support justification of sole source procurement and payment of expenditures, and to substantiate services rendered.*
- 9. Strengthen the monitoring process by improving each monitor's documentation, developing written procedures to follow-up on issues noted within the on-site monitoring process, and requiring that the monitors' documentation of on-site monitoring be reviewed and approved by a supervisor to ensure that procedures performed were adequate and well documented and that the conclusions reached were reasonable and properly supported.*
- 10. Strengthen internal controls by utilizing the implemented corrective measures of continued training of CAO personnel, revisions to the LIHEAP Manual and Handbook, safeguarding of assets and guidance on the control environment, and verification that the related controls in this system are operating effectively.*

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**Agency's Response and Auditor's Conclusions**

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We provided copies of our draft audit finding and status of prior findings and related recommendations to the Department of Human Services (DHS) for its review. On the pages that follow, we included DHS' response in its entirety. Following the agency's response are our auditor's conclusions.



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### Audit Response from the Department of Human Services



COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF HUMAN SERVICES  
 JUN 05 2018

The Honorable Eugene A. DePasquale  
 Auditor General  
 Department of the Auditor General  
 229 Finance Building  
 Harrisburg, Pennsylvania 17120

Dear Mr. DePasquale:

Thank you for providing the draft background section and draft finding of the audit report titled Department of Human Services Energy Conservation and Assistance Program (LIHEAP).

The finding and three recommendations along with the Department of Human Services' (DHS') response are listed below:

**Finding 1: The monitoring of LIHEAP by DHS appears to be effective, but improvements in determining the proper benefit amounts are needed.**

**DHS Response:** DHS agrees with this finding.

**Recommendations for Finding 1:**

We recommend that DHS:

1. Consider strengthening its policy for supervisory review procedures at the CAO level.
2. Evaluate possible enhancements to the DHS computer systems used in LIHEAP to reduce the potential for errors, especially as related to issuing multiple LIHEAP benefits to the same address (household).
3. Reinforce the following topics with the DHS and CAO staff training sessions.
  - Determination of household size composition
  - Verification SSNs
  - Identification of potential multiple cash payments to the same individual or the same address (household).
  - Cancellation of payments

Deputy Secretary for Administration  
 P.O. Box 2675 | Harrisburg, PA 17105 | 717.787.3422 | Fax 717.772.2490 | www.dhs.pa.gov

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The Honorable Eugene A. DePasquale 2

**DHS Response:** We will review the supervisory review procedures and make any adjustments necessary to strengthen the process. We are implementing some system updates in June for the 2018-2019 LIHEAP season. DHS is evaluating the best way to address the issuance of multiple benefits to LIHEAP households and is planning to monitor for these in the coming LIHEAP season. Finally, we will reinforce the topics listed above in training for the coming LIHEAP season.

Thank you for the opportunity to respond to this draft audit report. Please contact Mr. David R. Bryan, Manager, Audit Resolution Section, Bureau of Financial Operations at (717) 783-7217, or via email at [davbryan@pa.gov](mailto:davbryan@pa.gov) if you have any questions regarding this matter.

Sincerely,



Carolyn K. Ellison  
Deputy Secretary for Administration  
Shared Services for Health and Human Services

c: Mr. John M. Lori  
Ms. Janet B. Ciccocioppo  
Ms. Denise Wimberly  
Mr. David R. Bryan, Manager, Audit Resolution Section

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**Auditor's Conclusions to the Department of Human Services' Response to the LIHEAP Finding**

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The Department of Human Services (DHS) agreed with our finding and is committed to implementing our suggested recommendations. We commend DHS for proactively addressing these issues. We will follow up at an appropriate time to determine whether and to what extent all recommendations have been properly implemented.

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**Finding 1 – DCED failed to spend more than \$5.4 million of U.S. DOE funds over a four-year period potentially resulting in more than 500 dwellings not being weatherized due in part to the 2015-2016 state budget impasse.**

The U.S. Department of Energy (U.S. DOE) grant awards for the Weatherization Assistance Program (WAP) typically cover a three-year period, with funding being released to states each year.<sup>32</sup> However, in the application instructions for the 2016-2017 program year, issued in December 2015, U.S. DOE announced that the WAP awards originally issued in the 2013-2014 program year and expiring at the end of the 2015-2016 program year would be extended one additional year to the 2016-2017 program year.<sup>33</sup>

Despite this additional year to expend the federal funds, the Pennsylvania Department of Community and Economic Development (DCED) failed to spend \$5,449,093 of its four-year grant award, including approximately \$4.74 million of program funds that could have been used to weatherize homes of Pennsylvanians. The remaining \$710,000 of unspent funds was allocated for state and local administrative purposes.<sup>34</sup> The below table details the program funds that remained unspent as of June 30, 2017.

Program Year	Total Program Funds Available	Amount of Program Funds Expended	Amount of Program Funds Not Expended	% of Program Funds Not Expended	No. of Statewide Units Completed	Statewide Average Cost Per Unit	Estimated No. of Units with Unexpended Funds
2013-2014	\$2,333,175	\$2,222,630	\$110,545	4.7%	369	\$6,023	18
2014-2015	\$7,799,031	\$7,467,484	\$331,547	4.2%	1,054	\$7,084	46
2015-2016	\$12,609,238	\$12,279,875	\$329,363	2.6%	1,444	\$8,504	38
2016-2017	\$12,149,847	\$8,182,473	\$3,967,374	32.6%	877	\$9,330	425
Total	\$34,891,291	\$30,152,462	\$4,738,829	13.6%	3,744	-	527

Source: Compiled by Department of the Auditor General staff from DCED's Production and Expenditure Reports for the four consecutive fiscal years ended June 30, 2017.

<sup>32</sup> It should be noted that the federal funding returned discussed in this finding only applies to DCED's funding received from U.S. DOE; this area of the finding does not apply to DCED's funding related to the Low-Income Home Energy Assistance Program, transferred by the Pennsylvania Department of Human Services.

<sup>33</sup> U.S. Department of Energy Weatherization Assistance Program for Low-Income Persons Application Instructions, dated December 2015, <<https://www.energy.gov/sites/prod/files/2016/01/f28/2016%20WAP%20Application%20Instructions%20Final.pdf>> (accessed April 11, 2018).

<sup>34</sup> For example, administrative costs may include personnel costs, legal costs, or liability insurance.

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We calculated the statewide average per unit based on DCED's amount of households weatherized during this time period and the amount of program funds expended. Accordingly, we estimated that the returned funding had the potential to cover weatherization services for more than 500 additional households across Pennsylvania. Furthermore, as described in Finding 2, there were thousands of additional households interested in weatherization services.

While DCED had to address challenging events during this period, including a state budget impasse and newly effective federal quality work standards (discussed further in the next section), we found DCED lacked strategic planning during this crucial time for the program.

Additionally, DCED already had several control weaknesses throughout its administration of the program which may have impaired its abilities to handle these events, including:

- DCED lacked an appropriate methodology to allocate program funds to local agencies.
- DCED lacked adequate monitoring of local agencies' productivity in providing weatherization services.
- DCED's process to prioritize weatherization services to at-risk citizens is flawed, poorly administered, and creates an opportunity for local agencies to abuse the process. (See Finding 2)

#### **DCED lacked strategic planning during a crucial time for the program.**

DCED management cited the 2015-2016 state budget impasse as the main reason \$5.4 million of U.S. DOE grant funds were not spent as of June 30, 2017. The Pennsylvania state budget operates on a July 1 through June 30 fiscal year, and as a result, it must be passed by the General Assembly and signed by the Governor by June 30 each year if it is to be considered timely. Without signing the budget into law, many items in the state budget could not be paid, including weatherization services. The state budget for the July 1, 2015 through June 30, 2016 fiscal year was not partially signed until December 29, 2015, which included the authorization to spend U.S. DOE funding by DCED. According to DCED management, funding was not released to the WAP local agencies until February 2016. This funding delay led to local agencies having to spend roughly two years' worth of funding in a seventeen-month period (February 2016 through June 2017).

While DCED, like other state agencies, had no control over a budget impasse, it lacked a proactive approach during this time period.

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When we asked DCED if any analysis was done while awaiting passage of the state budget, after the state budget was passed, or before the start of the 2016-2017 program year in order to determine how to best spend the U.S. DOE funding before the close of the grant on June 30, 2017, DCED responded that no analysis was conducted during this time period. Of specific importance is the fact that DCED knew there was an issue of unspent funds at the time of determining the 2016-2017 allocations but made no attempts to reallocate funding among agencies so that funds could better be spent to maximize the number of at-risk citizens receiving critical weatherization services. According to DCED management, there was no tangible way to measure or appropriately assess the performance of the 37 local agencies when agencies only had a few months (February to June) to spend the 2015-2016 program year funding before the 2016-2017 program year began. While that may be accurate, DCED did not make productive use of this time to better plan for the final program year of the grant period.

In January 2017, however, DCED created a new risk assessment process in response to changes in the Code of Federal Regulations, which now requires DCED to evaluate each local agency's risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward, in order to determine the appropriate level or type of local agency monitoring.<sup>35</sup> DCED also used the results of these risk assessments to assist in its decision-making to determine whether local agencies could handle additional funding for the fiscal year ending on June 30, 2017, but at this point there was less than six months left to spend the money.

DCED management indicated that there was no particular risk assessment score or factors that determined whether a local agency was offered additional funding. Instead, DCED management stated that they made subjective decisions based on various factors such as overall risk assessment results, production numbers, Quality Control Inspection results, and average job cost. DCED further added that they had to be confident that the agency could spend the money. DCED decided to offer additional funding to only 3 of the 37 local agencies, and all 3 accepted this additional funding ranging between \$20,000 and \$50,000.<sup>36</sup>

DCED did not document the methodology and decision-making for the selection of the three local agencies to which they offered additional funding. Maintaining written documentation of DCED's methodology and decision-making processes is a crucial component of DCED's grant monitoring responsibilities. Despite knowing there was going to be millions of dollars in unspent funding, DCED did not offer any of the other local agencies additional funding. Based on production reports produced after the fiscal year ending June 30, 2017, there were 11 additional local agencies that spent all of their allocations and, at least in theory, could have possibly spent

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<sup>35</sup> 2 C.F.R. § 200.331(b). <<https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200-subpartD.pdf>> (accessed April 11, 2018).

<sup>36</sup> By June 30, 2017, two agencies spent all of their 2016-2017 allocation, including the additional funding; and the other agency returned around \$2,500 of their 2016-2017 allocation, including the additional funding.

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additional funds weatherizing homes but were never offered the opportunity for additional funding from DCED. Had DCED offered all of the local agencies additional funding, it is possible less would have remained unspent.

Utilizing the risk assessments established for local agency monitoring, for the purpose of attempting to address the unspent funding issues, and then only offering funding to three local agencies, was too little, too late. DCED was aware of the state budget impasse prior to June 30, 2015, and did not take the initiative to address the undeniable impending spending issues until January 2017, over a year and a half later.

In speaking with DCED management during our audit, it noted its inability to spend \$5.4 million of the U.S. DOE grant was caused by the state budget impasse in combination with new federal quality work standards which became effective for the same year. These new standards strengthened the specifications for work quality, workforce training, and the qualifications required for individuals performing inspections of WAP work, which also made it more difficult to spend these funds timely.<sup>37</sup> According to DCED management, it was challenging to engage new subcontractors with the higher quality standards. However, management indicated that Pennsylvania was ahead of other states in getting the weatherization program up to the newly required quality standards until the state budget impasse halted the progress. Due to the U.S. DOE funds being frozen at the state level, weatherization work was not being completed, and therefore, full implementation of the new standards was postponed.

While we acknowledge that DCED faced challenges toward the end of the U.S. DOE grant period, the fact remains that millions of dollars in federal funding was left unspent even though thousands of Pennsylvanians had contacted local agencies about weatherization services. The unspent funds could have been used to provide weatherization services to possibly more than 500 state taxpayers' dwellings that did not receive such services as of June 30, 2017. The unfortunate timing highlights the irreparable harm that a state budget impasse causes on everyday lives, leaving citizens without greatly needed services.

The lack of the provision of weatherization services could have been devastating to those who needed the weatherization services, especially Pennsylvania's most vulnerable citizens. Pennsylvania's winters do not take a break because of a budget impasse. The average winter temperatures during the U.S. DOE grant period confirm the need to optimize the delivery of

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<sup>37</sup> Department of Energy Weatherization Program Notice 14-4, <[https://www.energy.gov/sites/prod/files/2014/02/f7/wpn14\\_4.pdf](https://www.energy.gov/sites/prod/files/2014/02/f7/wpn14_4.pdf)> (accessed April 11, 2018).

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weatherization services. For example, during the four-year grant period, Pennsylvania had average winter temperatures ranging from 40 degrees down to 12 degrees.<sup>38</sup>

DCED would have been in a much stronger position to respond proactively to funding issues created during the budget impasse had the management weaknesses noted above not been so pervasive. DCED should have done more to get funds to the local agencies whose clients were dependent upon the weatherization funds, especially when considering the number of citizens who expressed a need for help.

### **DCED lacked an appropriate methodology to allocate program funds to local agencies.**

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Prior to the start of each program year, DCED calculates how it will allocate the U.S. DOE WAP grant and the LIHEAP transfer from the Pennsylvania Department of Human Services among the local agencies. These allocation processes are as follows:

#### **U.S. DOE WAP Grant Local Agency Allocation Process**

For the period July 1, 2013 through June 30, 2017, DCED's State Plans approved by U.S. DOE outlined the following funding formula used to determine the allocation to each local agency:<sup>39</sup>

- 50% of each local agency's percentage of low-income population to the state total low-income population at 200% of the Federal Poverty Guidelines.
- 30% of each local agency's percentage of heating degree days to the state total.<sup>40</sup>
- 20% of each local agency's percentage of current funding level to the state total.

We recalculated this formula for each of the four fiscal years and determined that DCED performed the calculations correctly. Although the formula takes into consideration the

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<sup>38</sup> Average temperatures for the months of December, January, and February, presented in degrees Fahrenheit, Pennsylvania State Climatologist, <<http://climate.psu.edu/data/state/regional/php>> (accessed April 12, 2018).

<sup>39</sup> The most recent DCED-WAP State Plan can be found at <https://dced.pa.gov/library/?wpdmc=weatherization-assistance-program-wap>.

<sup>40</sup> According to the U.S. Energy Information Administration: "Degree days are measures of how cold or warm a location is. A degree day compares the mean (the average of the high and low) outdoor temperatures recorded for a location to a standard temperate, usually 65°Fahrenheit in the United States... Heating degree days (HDD) are a measure of how cold the temperature was on a given day or over a period of days." Source: <[https://www.eia.gov/Energyexplained/index.cfm?page=about\\_degree\\_days](https://www.eia.gov/Energyexplained/index.cfm?page=about_degree_days)> (accessed April 17, 2018).



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current funding level of the local agency, it does not reflect the actual funds spent or the potential amount of funds a local agency could spend. Given the amount of funds that remained unspent at the end of the grant period and the number of citizens on waiting lists who had indicated a need for weatherization services (discussed in finding 2), DCED is remiss in not taking the productivity of local agencies into account when allocating funding.

Further, we found that DCED used outdated information to perform these calculations. For this four-year time period, DCED's documentation indicates that low-income population and heating degree days data were used from the 2009-2010 program year. Additionally, DCED's documentation indicates that the "current" funding level used in the calculations were the funding levels from 2007. Due to the fact that the figures were several years outdated, DCED management was also unable to provide supporting documentation for the underlying data used. Consequently, we could not determine the extent to which the allocation amounts would change if current data were used.

According to DCED management, in June 2012, it proposed updating the data used in the allocation formulas to the PA WAP Policy Advisory Council (PAC). At that meeting, the PAC voted to keep the formula and data the same, but stated a sub-committee would be formed to research the matter. However, this sub-committee was never formed and DCED did not further pursue the matter.

#### **LIHEAP Local Agency Allocation Process**

LIHEAP funds are prorated to local agencies based on the percentage of the local agencies' actual expenditures from the prior year to the total state expenditures. However, this allocation methodology is not documented in a DCED policy. According to DCED management, the LIHEAP allocation methodology is not included in the State Plan (or other written policy) because it is not required.

We found the design of DCED's methodology in allocating LIHEAP funds to local agencies to be reasonable. The majority of LIHEAP funds are spent on crisis services, which are of the highest priority, and local agencies are able to request additional crisis funding if needed. Therefore, having the LIHEAP allocation based on prior year expenditures appears logical. Yet we still found errors or unsupported data used in the calculations for two of the four program years we recalculated, as summarized below:

- For the 2013-2014 program year, DCED did not have adequate supporting data files for the prior year's expenditures. DCED management stated that at that time local agencies were able to change data in the Hancock Energy System (HES) after reporting data to DCED, and they were experiencing issues with report functionality

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within HES. Therefore, the data that was in HES and provided to us during our audit differed from the data used in the allocations.

- For the 2016-2017 program year, DCED mistakenly used the prior year's allocation totals instead of the prior year's actual expenditures when calculating this year's allocation. According to DCED management, this was an oversight. The allocation figures and expenditure amounts were relatively close and therefore, it does not appear this oversight would have significantly affected the allocation amounts. Nevertheless, the error shows that there was a lack of supervisory review during that period.
- For the 2014-2015 and 2015-2016 program years, DCED accurately calculated the local agencies allocations and the allocations were adequately supported.

DCED does not have written standard operating procedures for performing the U.S. DOE and LIHEAP allocations to detail how, when, and who will perform the allocations, nor does it outline any type of supervisory review. DCED management stated it has been their desire to create such a document, but due to staff cuts and the constant changes in the program over the past years, they have not had the time to do so. Notably, the issues that DCED management cites are the main reasons why written policies and standard operating procedures are so important. With staff turnover and an ever-changing environment, it is integral to document key procedures in writing so they are accurately and consistently applied from year-to-year. According to the Standards for Internal Control in the Federal Government, commonly known as the Green Book:<sup>41</sup>

[E]ffective documentation assists in management's design of internal control by establishing and communicating the who, what, when, where, and why of internal control execution to personnel. Documentation also provides a means to retain organizational knowledge and mitigate the risk of having that knowledge limited to a few personnel, as well as a means to communicate that knowledge as needed to external parties, such as external auditors.<sup>42</sup>

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<sup>41</sup> The PA Governor's Office issued Management Directive 325.12, effective July 1, 2015, adopted these standards for the Commonwealth agencies. <[http://www.oa.pa.gov/Policies/md/Documents/325\\_12.pdf](http://www.oa.pa.gov/Policies/md/Documents/325_12.pdf)> (accessed April 9, 2018).

<sup>42</sup> United States Government Accountability Office Standards for the Internal Control in the Federal Government by the Comptroller General of the United States dated September 2014, page 29, <<https://www.gao.gov/assets/670/665712.pdf>> (accessed April 9, 2018).

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#### **DCED lacked adequate monitoring of local agencies' productivity in providing weatherization services.**

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Pursuant to the Code of Federal Regulations, DCED is responsible to monitor and evaluate the operation of projects carried out by local agencies receiving financial assistance through on-site inspections, or other means, in order to ensure the effective delivery of weatherization assistance for the dwelling units<sup>43</sup> of low-income persons.<sup>44</sup> In accordance with the scope of our monitoring objective, we limited our monitoring audit procedures to only the 2015-2016 program year.

According to DCED management, in the 2014-2015 program year, DCED completed full agency reviews of each local agency. These reviews included sections for evaluating whether the local agency was meeting their production goals and, if not, determining the reason for their failure. Additionally, the review included evaluating how many people were on the weatherization service list, the call (waiting) list, and how long it takes a client placed on the list to receive services.

DCED management stated they did not perform the full agency reviews during the 2015-2016 program year because they were implementing the new quality work standards and were focused on the Quality Control Inspections (see Finding 3). Then in the 2016-2017 program year, DCED conducted risk assessments on local agencies for the first time. The risk assessments considered whether the local agency was meeting its production goals, but they did not address weatherization service lists. As part of the Commonwealth's Single Audit, the Department of the Auditor General staff evaluated these risk assessments and found them to be inadequately documented and no formal report was issued to the local agencies.<sup>45</sup> DCED management stated the results were inconsistent and not an accurate representation of the local agencies' actual risk.

The 2015-2016 program year was an essential time for DCED to ensure the local agencies were operating at peak capacity and serving as many households as possible. However, during the 2015-2016 program year, DCED failed to formally evaluate how many households were indicating a need for weatherization services within the areas served by each of the 37 local

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<sup>43</sup> Dwelling unit is defined as a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters. Source: U.S. Department of Energy Weatherization Assistance Program Glossary, p. XI-4, <[http://waptac.org/data/files/Website\\_Docs/Briefing\\_Book/11\\_Glossary\\_050306.pdf](http://waptac.org/data/files/Website_Docs/Briefing_Book/11_Glossary_050306.pdf)> (accessed April 20, 2018).

<sup>44</sup> 10 C.F.R. § 440.23(a), <<https://www.gpo.gov/fdsys/pkg/CFR-2011-title10-vol3/pdf/CFR-2011-title10-vol3-part440.pdf>> (accessed December 21, 2017).

<sup>45</sup> Commonwealth of Pennsylvania Single Audit Report for the fiscal year ended June 30, 2017, pp. 67-72, <<http://www.budget.pa.gov/PublicationsAndReports/Documents/SingleAuditReports/june-30-2017-single-audit-report.pdf>> (accessed April 27, 2018).

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agencies and determine what could be done to alleviate this situation on a statewide basis. Without performing these procedures, DCED had no way of knowing how efficient the local agencies were performing and if more households could have been served if corrections had been made.

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### Recommendations for Finding 1

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We recommend that the Governor and General Assembly:

1. Place in state statute a continuing requirement that any available federal funding that promotes the safety and welfare of at-risk Pennsylvania citizens needing weatherization services must be released to state agencies as of July 1 of each year in the unfortunate event of the state fiscal budget not being passed by June 30.

We recommend that DCED:

2. Immediately begin strategic planning to address local agency funding issues if a state budget impasse appears imminent, including a special review of the allocations, in order to avoid returning any of the U.S. DOE funding. This planning should also include, but not be limited to, the following:
  - a. Formally documenting its decision-making process and factors used to allocate funding to local agencies to evidence the fair and consistent treatment of all local agencies.
  - b. Contacting all local agencies and documenting all communications regarding funding allocations.
3. Formally document the methodology of allocating LIHEAP funds to local agencies in a written policy.
4. Formally document standard operating procedures for annually calculating the U.S. DOE WAP and LIHEAP funds allocations to local agencies. The procedures should include, but not be limited to, the following:
  - a. The formula used to determine the allocations and the need to maintain the source documents to support the data used.

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- b. Supervisory review of the allocation process to ensure management oversight.
5. Consider revising the U.S. DOE fund allocation to local agencies to incorporate prior year expenditures and/or the local agencies' ability to spend funds.
6. Utilize current low-income, heating degree days, and funding data for the U.S. DOE WAP allocation formula and maintain documentation to support this data.
7. Monitor the local agencies' productivity annually to assist in evaluating the local agencies' ability to spend program funds and reduce waiting lists.

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**Finding 2 – DCED’s process to prioritize weatherization services to at-risk citizens is flawed, poorly administered, and creates an opportunity for local agencies to abuse the process.**

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Pursuant to the Code of Federal Regulations, priority must be given to identifying and providing weatherization assistance to elderly persons, persons with disabilities, families with children, high residential energy users, and households with a high energy burden.<sup>46</sup> The Department of Community and Economic Development (DCED) is responsible for designing procedures to ensure compliance with those requirements and to include a description of these procedures within its annual state plan submitted to the U.S. Department of Energy (U.S. DOE). Based on our audit procedures, we found that DCED’s process of assigning priority to at-risk citizens was flawed, poorly administered, and created an opportunity for local agencies to abuse the process. Additionally, the current procedures do not necessarily ensure that priority is given to the most at-risk and vulnerable citizens.

According to DCED management, prior to the 2010-2011 program year, its policy required local agencies to maintain a single waiting list for weatherization services in order of highest to lowest priority. Eligible applicants were added to the waiting list based on their level of priority. This caused eligible applicants with a lower priority to be constantly pushed down on the waiting list and resulted in some clients waiting up to nine years to receive assistance, as reported in our 2007 performance audit of WAP. In response to our prior audit, DCED management revised its prioritization policy; however, in so doing, DCED’s waiting list procedures became overly convoluted. The result of which is that DCED is entirely unaware of the number of eligible applicants waiting for weatherization services and how long these at-risk citizens have been waiting.

DCED management indicated that the total number of people waiting for weatherization services is of little use because no matter which method they use, they cannot provide services to every single eligible person who wants their homes weatherized and there will always be citizens waiting for services. We disagree. DCED needs to constantly oversee the amount of at-risk citizens waiting for weatherization services and do everything in its power to assist local agencies in weatherizing the homes of as many eligible citizens as possible in a fair and equitable manner. DCED’s lack of understanding of how pervasive the waiting lists potentially are is quite concerning, given local agencies had unspent funds each year during our audit period. This resulted in DCED losing \$5.4 million of unspent federal funds. (See Finding 1 for further details.)

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<sup>46</sup> 10 C.F.R. § 440.16(b), <<https://www.gpo.gov/fdsys/pkg/CFR-2011-title10-vol3/pdf/CFR-2011-title10-vol3-part440.pdf>> (accessed December 21, 2017).

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DCED provides weatherization services through a network of 37 contracted local agencies (Appendix B). For each program year, DCED allows each local agency to select which dwelling units<sup>47</sup> (units) the agency will weatherize. According to DCED management, to determine the estimated number of units that can be weatherized by a local agency, each local agency will utilize the amount of federal funds allocated to it for a program year by DCED (see Finding 1) and divide it by the local agency's average cost to weatherize a unit.<sup>48</sup> Generally, after the estimated number of units is determined, the local agency will verify the eligibility for approximately the same number of applicants (one applicant per unit) and will enter their information into the Hancock Energy System (HES).<sup>49</sup> The HES assigns points to the applicant (client) based on the following high-risk factors:

- Households with any member under 19 years of age.
- Households with any member over 60 years of age.
- Households with any member who are "Persons with Disabilities."
- Households with high energy use.
- Households with high energy burden as greater than or equal to 10% or 25% of the household's annual income.
- Participants in a utility company's Customer Assistance Program and/or receiving a LIHEAP Crisis grant.
- Client's annual income is either under 50%, 51% to 100%, or 101% to 150% of the federal poverty levels.<sup>50</sup>

DCED's written directive provided to local agencies explains this priority points system used to prioritize clients and defines a Weatherization Service List (WSL). Specifically, the directive states that clients deemed eligible may be added to the WSL and the local agency cannot create a WSL that contains more clients than are reasonably necessary to conduct weatherization services for each program year without running out of clients or funding. However, the directive does not explain:

- Which applicants should be selected to be placed on the WSL?
- How to calculate the number of applicants to place on the WSL?

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<sup>47</sup> Dwelling unit is defined as a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters. Source: U.S. Department of Energy Weatherization Assistance Program Glossary, p. XI-4, <[http://waptac.org/data/files/Website\\_Docs/Briefing\\_Book/11\\_Glossary\\_050306.pdf](http://waptac.org/data/files/Website_Docs/Briefing_Book/11_Glossary_050306.pdf)> (accessed April 20, 2018).

<sup>48</sup> For example, \$1 million divided by \$10,000 (average cost to weatherize) equates to being able to weatherize 100 units that program year.

<sup>49</sup> DCED and the local agencies use the Hancock Energy System to maintain client information and documentation to support the weatherization services provided.

<sup>50</sup> Excerpted from Wx Master File 2016 – V.3. Client Prioritization.

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- What procedures should be followed if the local agency services all the applicants on the WSL?
- What procedures should be followed if the local agency runs out of funding before serving all applicants on the WSL?

According to DCED management, the HES will prioritize eligible clients based on the number of priority points assigned to create a WSL for each agency. The WSL is maintained in the HES. The more points clients are assigned, the higher they are placed on the WSL. Each local agency will provide weatherization services to the client at the top of the list first and then will work down the list in sequential order until either funds are exhausted or all the clients on the WSL have been serviced. If money runs out before all the clients on the WSL have received services, the remaining clients will be serviced first with the next program year's funding. If the local agency has serviced everyone on the WSL and there is still money left over, the local agency will add additional eligible clients to the HES, which will prioritize these clients and add them to the WSL.

To put this into perspective, local agencies are allowed to place anyone on the WSL of their choosing as long as the client is eligible. Local agencies may pull from a "call" list as discussed in the next paragraph or place neighbors or friends or family directly on the WSL. There is no prioritization performed until the clients are placed on the WSL. Not providing specific policy on how local agencies should choose to place clients on the WSL is a specific example of DCED's flawed process. This lack of policy creates an opportunity for local agencies to potentially circumvent the program's intent. This flawed process is further seen by DCED's lack of guidance regarding "call" lists.

DCED's directive further states that it may be necessary for local agencies to maintain a separate list of weatherization inquiries or eligible applicants to contact once its WSL has been depleted.<sup>51</sup> DCED refers to this list as a "call" list, which is simply a list of individuals who have contacted a local agency to inquire about weatherization services. The directive also states that individuals who have not been deemed eligible and who cannot be provided services with the current funding are not considered to be on the WSL, a waiting list, or any other list officially maintained by a local agency.<sup>52</sup> In other words, DCED specifically does not want local agencies to develop or track an official waiting list beyond what clients will be serviced that current program year. It appears that DCED is trying to avoid knowing or tracking the realization of how many potential clients are waiting for weatherization services. According to DCED, the directive does not address the following questions because of the use of "call" lists are not required:

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<sup>51</sup> DCED Center for Community Services Directive W2014-8, Eligibility, Client Prioritization, and the Weatherization Service List, effective September 4, 2014, page 15.

<sup>52</sup> Ibid.



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- What applicant information is to be tracked on the call list?
- When to remove applicants from the call list?
- What to do if a local agency has no call list?
- What to do if a local agency has a significant amount of applicants on its call list?

DCED does not specify in its directive to the local agencies whether or not the agencies should determine the eligibility of individuals on the call list. According to DCED management, the individuals on the call list may or may not have been evaluated to determine whether they are eligible for the program. Again, DCED's failure to provide this instruction to the local agencies allows local agencies to create call lists at their own discretion and do so in any manner they see fit, which will be discussed later. Therefore, DCED and the local agencies are unaware of how many people are truly waiting for weatherization services, how long those individuals have been waiting, and whether they are serving the neediest, most vulnerable citizens. Further, having a consistent, standardized method to create and maintain these lists would assist DCED in evaluating the program on a statewide level to determine how to best divide resources among the local agencies to serve the most amount of citizens in need.

The call lists are cumulative. Local agencies continue to add names to the bottom of the list year after year. In theory, at the beginning of a program year, if the local agency uses a call list, the group of clients at the top of the call list will be evaluated for program eligibility and moved to the WSL. Similarly, if there is additional funding leftover after all of the clients on the WSL have been serviced, additional clients at the top of the call list will be evaluated for program eligibility, prioritized using the same point system, and placed at the end of the WSL. However, as previously discussed, there is no requirement for local agencies to use a call list, nor are there parameters defining the manner in which names are pulled from call lists. As discussed later, most local agencies maintain call lists and some have thousands of names on them as of June 30, 2017.

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**Call List vs. Weatherization Service List  
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Call List	Weatherization Service List
<ul style="list-style-type: none"> <li>• Not an “official” list</li> <li>• May contain ineligible applicants</li> <li>• Local agencies are not required to use</li> <li>• No standardized tracking method</li> <li>• No prioritization</li> </ul>	<ul style="list-style-type: none"> <li>• Official list</li> <li>• Contains only eligible applicants</li> <li>• Local Agencies must use</li> <li>• Tracked in the Hancock Energy System</li> <li>• Prioritized using point system</li> </ul>
<b>Over 30,000 applicants</b>	<b>8,306 applicants</b>

*Source: The number of applicants on the Weatherization Service Lists is from DCED’s Production and Expenditure Reports for July 1, 2013 through June 30, 2017. The number of applicants on the call lists were provided by the local agencies; therefore, this data is of undetermined reliability as noted in Appendix A. However, this data is the best available. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.*

As explained above, DCED only uses the priority point system to determine the order in which weatherization services will be performed for the group of eligible clients selected to be placed on the WSL. This means that a high-risk household could express interest in weatherization services and be placed at the bottom of the call list while the WSL serves households with a lower risk merely because they contacted the local agency first.

To make matters worse, DCED failed to oversee how the local agencies create and maintain these lists. Pursuant to the Code of Federal Regulations, DCED is responsible for monitoring and evaluating the operation of projects carried out by local agencies receiving financial assistance to ensure the effective delivery of weatherization assistance.<sup>53</sup> Furthermore, the U.S. DOE Weatherization Program Notice (WPN) 16-4 states that DCED must conduct “comprehensive monitoring” of each local agency at least once a year.<sup>54</sup> DCED management was inconsistent in their explanation of what its monitors do to oversee the prioritization of clients; however, during our test procedures to review the Quality Control Inspections (detailed in Finding 3), we saw no evidence that WSLs or call lists were monitored. It is clear that DCED does not place significance on the process used by local agencies to select and prioritize which applicants receive weatherization services. While this practice may be related to concerns about taking

<sup>53</sup> 10 C.F.R. § 440.23(a), <<https://www.gpo.gov/fdsys/pkg/CFR-2011-title10-vol3/pdf/CFR-2011-title10-vol3-part440.pdf>> (accessed December 21, 2017).

<sup>54</sup> Department of Energy WPN 16-4, <[http://www.waptac.org/data/files/Website\\_docs/Government/Guidance/2015/WPN-16-4.pdf](http://www.waptac.org/data/files/Website_docs/Government/Guidance/2015/WPN-16-4.pdf)> (accessed December 21, 2017).

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away the control of the local agencies, DCED has a duty to ensure that the vulnerable citizens for whom the WAP was created are getting the services they need in a timely and effective manner.

As part of our audit procedures, we requested the call lists from all 37 local agencies for the period July 1, 2013 through June 30, 2017. We received call lists from 33 agencies. Three local agencies confirmed they did not use a call list during this time period and one local agency did not respond to our repeated requests.

In reviewing these call lists, we found that no two lists were the same. Each list contained different information with varying degrees of detail. For instance, one local agency only recorded the name and address of the person; whereas another local agency recorded the name, address, county, date the application was requested, type of property, contact phone number, and notes to describe the basic intake information regarding eligibility (income, energy provider, etc.). The amount of inquiries on the call lists, as reported by the 33 local agencies, ranged between 15 and 6,882 inquiries. As shown in the below table, 13 of the 33 local agencies, or 40 percent, reported over 1,000 inquiries were received between July 1, 2013 and June 30, 2017.

Number of Inquiries Received	Number of Local Agencies
1-100	5
101-500	8
501-1,000	7
Over 1,000	13

*Source: Created by Department of the Auditor General staff based on information reported by local agencies. This data is of undetermined reliability as noted in Appendix A. However, this data is the best available. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings and conclusions.*

Collectively, the 33 local agencies recorded more than 30,000 applicants on call lists over the four-year period. The approximate 30,000 applicants consist of individuals who at a bare minimum expressed interest in weatherization services to one of the 33 local agencies. The applicants on these call lists may or may not have been determined to be eligible for the program. Additionally, there could potentially be duplicated individuals on the call lists if the individual called the local agency on several occasions. DCED management emphasized that the call lists are overstated and the majority of individuals on the call lists are likely not eligible for the program. In essence, DCED management admits these lists do not accurately represent the

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households waiting for weatherization services, but they have not done anything to improve this process.

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**Recommendations for Finding 2**

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We recommend that DCED:

1. Revise its client prioritization policy to require local agencies to determine eligibility of applicants at the time of first contact and in a manner that will ensure vulnerable citizens are not waiting for weatherization services for long periods of time.
2. Consider adding a high-risk factor that takes into account the length of time the client has been waiting for services.
3. Revise its client prioritization directive to local agencies so that it requires all local agencies to use the same uniform process to maintain WSLs and call lists, including what information should be recorded on call lists.
4. Implement and document procedures for DCED to monitor the local agencies use of WSLs and call lists to ensure they are in compliance with DCED's policies.
5. Evaluate the local agency call lists on a regular basis to determine if redistribution of program resources on a statewide level could more efficiently or effectively serve citizens in need of weatherization services.

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#### **Finding 3 – DCED failed to adequately perform, document, and track its monitoring of local agencies.**

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The Department of Community and Economic Development (DCED) administers the federally-funded Weatherization Assistance Program (WAP). DCED receives funds directly from the U.S. Department of Energy (U.S. DOE) and indirectly from the U.S. Department of Health and Human Services, which provides Low-Income Home Energy Assistance Program (LIHEAP) funding to Department of Human Services (DHS). DHS transferred 15% of LIHEAP funding to DCED to address both standard and crisis weatherization for LIHEAP clients for the 2015-2016 program year.

The Code of Federal Regulations sets forth the requirements for DCED to monitor the local agencies that perform services under WAP. Additionally, U.S. DOE issues Weatherization Program Notices (WPN) outlining further guidance for local agency monitoring procedures.

For the 2015-2016 program year, DCED performed three types of monitoring over its local agencies, including Quality Control Inspections (QCIs),<sup>55</sup> LIHEAP crisis reviews,<sup>56</sup> and local agency financial reviews. Based on our review of DCED's monitoring procedures, we found that DCED's monitoring of services completed by local agencies for July 1, 2015 through June 30, 2016, was mostly conducted in compliance with its internal monitoring policies and procedures. However, we noted several internal control weaknesses that threaten DCED's ability to adequately oversee the program, including:

- DCED failed to adequately track its U.S. DOE QCIs, LIHEAP QCIs, and LIHEAP crisis reviews.
- DCED failed to complete a financial review for one local agency, but financial reviews tested were adequately performed.
- DCED lacked adequate written procedures for all monitoring of local agencies.

These weaknesses are described in detail in the following sections.

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<sup>55</sup> A QCI is an on-site inspection of a WAP job to ensure that all work completed meets the minimum specifications outlined in the Standard Work Specification in accordance with 10 C.F.R. § 440.

<sup>56</sup> A LIHEAP crisis review is an on-site or desk review (at DCED via the use the Hancock Energy System) to ensure the crisis work was completed as it was invoiced.

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#### **DCED failed to adequately track its U.S. DOE QCIs, LIHEAP QCIs, and LIHEAP crisis reviews.**

U.S. DOE requires state agencies to develop a tracking record to track the monitoring of local agencies to final resolution.<sup>57</sup> DCED administrative staff maintains logs to track the U.S. DOE QCIs, LIHEAP QCIs, and LIHEAP crisis reviews performed by the DCED monitors. The logs include the following dates:

- Monitoring was performed.
- Results letter/final report was sent to the local agency.
- Local agency corrective action plan was due.
- Local agency corrective action plan was received.
- Local agency corrective action plan approval letter was sent.

We requested and reviewed the logs for the 2015-2016 program year from DCED. In answer to our follow-up questions and concerns, DCED management acknowledged the logs were not fully complete or accurate. DCED management explained that monitors did not consistently inform the administrative staff of the dates to record in the logs. Generally, the administrative staff will search for these dates within the monitors' electronic files, but the monitoring files are not consistently saved in a centralized location and the administrative staff may have misinterpreted what a file signifies due to a lack of understanding of the monitoring process. DCED management agreed this was an issue and stated it is currently working on fixing the problem.

In lieu of having complete and accurate logs, DCED management provided auditors with lists of completed QCIs and LIHEAP crisis reviews by compiling the information from the Hancock Energy System (HES). However, we found additional errors on these compiled lists while completing our testing. Consequently, the lists of QCIs and LIHEAP crisis reviews completed, as provided by DCED, are not sufficiently reliable for completeness and accuracy. Our testing of these areas is limited to our review of 39 QCIs and 8 LIHEAP crisis reviews selected for testing as discussed below and should not be projected to the entire population of monitoring reports.

#### **U.S. DOE QCIs and LIHEAP QCIs**

U.S. DOE Weatherization Program Notice 15-4 (effective October 21, 2014), required state agencies to develop monitoring procedures by July 1, 2015, so that every U.S. DOE WAP dwelling unit reported as a "completed unit" must receive a final inspection ensuring that all

<sup>57</sup> Department of Energy WPN 16-4, <[http://www.waptac.org/data/files/Website\\_docs/Government/Guidance/2015/WPN-16-4.pdf](http://www.waptac.org/data/files/Website_docs/Government/Guidance/2015/WPN-16-4.pdf)> (accessed December 21, 2017).

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work meets the minimum specifications outlined in the Standard Work Specifications. This notice also requires states to perform QCIs on at least 5 percent of all completed units.<sup>58</sup>

The 2015-2016 LIHEAP State Plan states that the U.S. DOE State Plan “establishes the number of homes to be weatherized within the limits of available resources, the specific energy conservation measures to be undertaken, eligibility requirements, projected energy savings, program implementation strategies and other program requirements. These requirements will apply to the LIHEAP portion of the Weatherization Assistance Program.”<sup>59</sup>

Accordingly, DCED management established an internal policy to monitor the LIHEAP funds by performing QCIs on at least 2% of the completed units for LIHEAP standard weatherization and desk reviews or onsite monitoring for at least 3% of completed LIHEAP crisis units (LIHEAP crisis reviews are discussed in the next section).

During the 2015-2016 program year, DCED weatherized 1,444 units with U.S. DOE funds and 1,074 units with LIHEAP funds. As a result, DCED needed to complete the QCI process on at least 73 U.S. DOE units and 22 LIHEAP units. According to DCED management, its monitors completed the QCI process for 114 and 27 units, respectively. However, as discussed above, these numbers are not sufficiently reliable for completeness or accuracy. Therefore, we cannot determine if DCED performed the minimum number of inspections in compliance with the federal regulations.

<b>Program</b>	<b>Total Units Completed</b>	<b>Minimum % DCED Must Inspect</b>	<b>Minimum No. of Units DCED Must Inspect</b>
U.S. DOE Standard Weatherization	1,444	5%	73
LIHEAP Standard Weatherization	1,074	2%	22

*Source: The units completed are from DCED’s 2015-2016 Production and Expenditure Report.*

Out of the total 141 QCIs (114 U.S. DOE units and 27 LIHEAP units) DCED claims to have completed, we judgmentally selected 39 to test based on the cost of the unit, location, issues

<sup>58</sup> Department of Energy W PN 15-4, <[https://www.energy.gov/sites/prod/files/2014/10/f18/wpn\\_15\\_4.pdf](https://www.energy.gov/sites/prod/files/2014/10/f18/wpn_15_4.pdf)> (accessed December 21, 2017).

<sup>59</sup> Commonwealth of Pennsylvania Low-Income Home Energy Assistance Program Fiscal Year 2016 Final State Plan, page C-6.

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identified, and completion time. For each of the QCIs selected, we reviewed the QCI checklist, monitoring summary, results letter sent to the local agency, the local agency's corrective action plan (CAP), the CAP approval letter, and data within the Hancock Energy System (HES). We ensured these monitoring documents were complete and any issues identified were addressed with and resolved by the local agency. Additionally, we ensured the results letter was signed by the Weatherization Specialist Supervisor, which DCED uses as evidence that a supervisory review was performed on the QCI results.

We found, for all 39 items reviewed, DCED adequately completed a QCI. However, we found one results letter/final report and three corrective action plan approval letters were never sent to the local agency until after the auditors found these documents to be missing. DCED management sent these letters after the conclusion of our testing, which ended up being 16-18 months after the inspection was completed. Therefore, DCED did not timely provide monitoring results, which could have delayed the local agencies in implementing their corrective actions plans. DCED management indicated that these oversights were due to the inadequate tracking of the QCIs as noted above.

#### **LIHEAP Crisis Reviews**

The majority of LIHEAP crisis funds used within WAP are to repair/replace heating systems; therefore, the QCI process used to evaluate weatherization work is not applicable. Per DCED's internal policy, the monitors must verify that the work was completed, either by an on-site visit or a desk review of photos within HES, for at least 3% of repaired/replaced heating systems. The reviews are documented on a LIHEAP Crisis Checklist.

For the 2015-2016 program year, local agencies repaired/replaced 6,719 heating systems,<sup>60</sup> which means the DCED monitors needed to perform a LIHEAP crisis review for 202 heating systems. DCED management stated that the required amount of LIHEAP crisis reviews were performed; however, only 28 were formally documented. This particular issue of completing an inadequate amount of LIHEAP crisis reviews based on only 28 being documented was already issued in a finding by the Department of the Auditor General in the Single Audit of the Commonwealth of Pennsylvania for the Fiscal Year Ended June 30, 2016.<sup>61</sup> It is integral that DCED begin to formally document these LIHEAP crisis reviews as evidence that they are in compliance with federal regulation and its internal policies.

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<sup>60</sup> This figure is from the DCED 2015-2016 Production and Expenditure Report.

<sup>61</sup> Single Audit of the Commonwealth of Pennsylvania for the Fiscal Year Ended June 30, 2016, Finding 2016-011, pages 79-82, <<http://www.budget.pa.gov/PublicationsAndReports/Documents/SingleAuditReports/june-30-2016-single-audit-report.pdf>> (accessed October 12, 2017).



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We reviewed 8 of the 28 documented LIHEAP crisis reviews to verify that for each review the checklist was completed, the results of the monitoring were sent to the local agency, and any issues identified were resolved by the local agency. All eight LIHEAP crisis reviews had completed checklists. For four of the eight LIHEAP crisis reviews, DCED sent the results to the local agencies and adequately followed-up on any deficiencies noted. In the remaining four LIHEAP crisis reviews tested, we found DCED did not send the results to the local agencies until 21-23 months after the review was completed. DCED management stated the monitoring staff struggles with timeliness, which was especially the case after the state budget impasse and the implementation of the new QCI process.

#### **DCED failed to complete a financial review for one local agency, but those completed financial reviews that were tested were adequately performed.**

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Pursuant to the Code of Federal Regulations, DCED must monitor the activities of the local agencies to ensure the funds are used for authorized purposes, in compliance with federal statutes and regulations, the terms and conditions, and that performance goals are achieved.<sup>62</sup> Further, the U.S DOE. Weatherization Program Notice 16-4 states that DCED must conduct “monitoring of each subgrantee at least once a year.”<sup>63</sup>

For the 2015-2016 program year, DCED completed fiscal reviews for 36 of the 37 local agencies. According to DCED management, they did not monitor the remaining local agency due to extensive monitoring that took place during the 2014-2015 program year, which included a review of every invoice submitted by the local agency prior to payment. We disagree with DCED management’s logic that in-depth financial monitoring performed in the prior year negates the requirement for financial monitoring in the current year. Not only does this not comply with federal guidance, but it creates the opportunity for local agency internal control deficiencies and financial errors to remain undetected for over a year.

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<sup>62</sup> 2 C.F.R. § 200.331(d), <<https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200-subpartD.pdf>> (accessed December 21, 2017).

<sup>63</sup> Department of Energy Weatherization Program Notice 16-4, <[http://www.waptac.org/data/files/Website\\_docs/Government/Guidance/2015/WPN-16-4.pdf](http://www.waptac.org/data/files/Website_docs/Government/Guidance/2015/WPN-16-4.pdf)> (accessed December 21, 2017).

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Out of the 36 fiscal reviews performed, we judgmentally selected four items to test based on those local agencies with higher expenditures and deficiencies identified during financial monitoring. We wanted to verify that DCED's forms used in financial monitoring were properly completed, including the:

- Fiscal Monitoring Questionnaire
- Internal Control Checklist
- Fiscal Management and Cash Management Checklist
- Payroll testing Checklist
- Expenditure Testing Checklist
- Fiscal Monitoring Checklist

For all four items tested, we found that DCED had sufficient source documents on file to support the results of the financial reviews, followed all identified deficiencies through to resolution, and had proper evidence of supervisory review. Therefore, other than the decision to not complete the financial monitoring for one local agency, it appears DCED's financial monitoring procedures over local agencies were adequate.

### **DCED lacked adequate written procedures for monitoring all local agencies.**

DCED's Center for Community Services has a directive that outlines its U.S. DOE QCI, LIHEAP QCI, LIHEAP crisis review, and local agency financial review monitoring policies and references DCED's WAP Monitoring Guidelines and Procedures, which describes the monitoring procedures to perform. However, DCED does not have written standard operating procedures, such as a desk manual documenting in detail the specific monitoring procedures to be performed by DCED staff and supervisors. For instance, DCED does not have a written methodology explaining how the monitors determine which dwelling units to inspect, nor do they possess instructions for how to complete the monitoring checklists. Also, there are no written procedures for the supervisory review process of monitoring or tracking the monitoring process.

When asked how monitoring staff select specific units to inspect, DCED management stated it is a combination of different factors, such as high costs, type of service, higher risk projects identified in the HES system, and a mix of rental and owned properties. Additionally, DCED management stated that at times it allows the local agencies to select the units to be inspected if DCED monitoring staff need to limit travel because the local agencies have a better understanding of which households are in close proximity to one another. DCED management

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indicated that the selection process is not in its monitoring procedures since it is based on the monitors' professional judgment and not specific, measurable factors.

Without having detailed written operating procedures, however, there is a potential for procedures to be inconsistently applied or inaccurately performed by staff. Additionally, written operating procedures create a stable, memorialized process that remains in place during times of staff turnover. According to the Standards for Internal Control for Federal Governments, commonly known as the Green Book:<sup>64</sup>

[E]ffective documentation assists in management's design of internal control by establishing and communicating the who, what, when, where, and why of internal control execution to personnel. Documentation also provides a means to retain organizational knowledge and mitigate the risk of having that knowledge limited to a few personnel, as well as a means to communicate that knowledge as needed to external parties, such as external auditors.<sup>65</sup>

### Recommendations for Finding 3

We recommend that DCED:

1. Establish written standard operating procedures for monitoring, detailing the procedures used to monitor local agencies, including the following:
  - a. The selection process for determining which dwelling units to conduct the Quality Control Inspection. This would include not allowing the local agency to make that determination for the DCED monitors.
  - b. The selection process for determining which crisis-related jobs should be selected to verify the work was completed (LIHEAP crisis review).
  - c. The monitoring tracking process.
  - d. The supervisory review processes to ensure that the monitoring results are accurate and the tracking logs are complete and accurate.

<sup>64</sup> The PA Governor's Office issued Management Directive 325.12, effective July 1, 2015, adopted these standards for the Commonwealth agencies. <[http://www.oa.pa.gov/Policies/md/Documents/325\\_12.pdf](http://www.oa.pa.gov/Policies/md/Documents/325_12.pdf)> (accessed April 9, 2018).

<sup>65</sup> United States Government Accountability Office Standards for the Internal Control in the Federal Government by the Comptroller General of the United States dated September 2014, page 29, <<https://www.gao.gov/assets/670/665712.pdf>> (accessed April 9, 2018).

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2. Maintain a log to track all monitoring of local agencies, including key dates, to ensure the monitoring process is complete through finding resolution and all result letters and corrective action plan approval letters are timely sent to local agencies.
3. Provide training to staff responsible for maintaining the monitoring tracking logs to ensure complete and accurate information is recorded.
4. Ensure information entered into the Hancock Energy System is complete and accurate.
5. Document all reviews, both on-site and desk reviews, of the LIHEAP crisis units completed.
6. Conduct annual monitoring of all local agencies to ensure they are functioning at full capacity and serving as many needy Pennsylvanians as possible.
7. Conduct annual fiscal monitoring of all local agencies in accordance with federal regulations.
8. Ensure the minimum number of U.S. DOE Quality Control Inspections, LIHEAP Quality Control Inspections, and LIHEAP crisis reviews are completed in compliance with federal regulations and DCED policies.

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#### Status of Prior Audit Findings

Our prior performance audit of the Weatherization Assistance Program (WAP) administered by the Department of Community and Economic Development (DCED) dated August 1, 2007, covered the period July 1, 2001 through June 30, 2006, and contained 10 findings with 24 recommendations. Based on our current performance audit procedures, we verified that five of the prior audit findings with 15 recommendations were incorporated into the Department of the Auditor General's Single Audit as five findings for the fiscal year ended June 30, 2006, and determined to be resolved through the annual Single Audit process in subsequent fiscal years. The following section lists the five prior findings with the related recommendations that were incorporated into the Single Audit. For the remaining five prior audit findings with nine recommendations, we also provide the status of these findings and offer additional recommendations, when applicable, to eliminate the deficiencies currently identified.

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#### Prior findings incorporated into the Single Audit

##### **Finding 1 – Control weaknesses and potential abuse found in administering the Weatherization Assistance Program. (Resolved)**

*We recommended that DCED strengthen its controls over the administration and oversight of WAP by developing written policies and procedures for its local agencies. For example, DCED should require local agencies to adequately document their oversight to ensure that crisis situations were resolved timely or temporary measures were provided when delays occurred. Also, DCED should take a proactive stance to determine the 12-month income eligibility of all WAP applicants regardless of their Low-Income Home Energy Assistance Program (LIHEAP) eligibility. For clients in crisis situations referred to local agencies through the LIHEAP Crisis Weatherization Interface, we recommended that DCED develop policies and procedures to verify income eligibility based on actual income for the 12 months preceding the date referred, while maintaining the health and safety of these clients. DCED should also require that subcontractors submit detailed invoices with the labor and materials breakout to avoid the potential of subcontractor overbillings. Finally, DCED should improve its monitoring of the local agencies to ensure consistency and compliance of WAP requirements.*

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#### **Finding 2 – Two local agencies wasted \$94,081 providing weatherization services to the same dwellings in Philadelphia. (Resolved)**

*We recommended that DCED, with cooperation from the two Philadelphia agencies, should immediately create a system to ensure re-weatherization services are not provided to ineligible dwellings as required by the U.S. Department of Energy (U.S. DOE) regulations so 1) more eligible clients will be served and the period they are waiting for services will be shortened and 2) the potential for fraud and abuse will be minimized.*

#### **Finding 3 – DCED does not adequately review Weatherization Assistance Program expenditures for accuracy prior to approving local agency grant payments. (Resolved)**

*We recommended that DCED develop policies and procedures to ensure expenditures reported by the local agencies are valid and properly supported. We also recommend that DCED develop procedures that adequately instruct monitors on how to document and support the results of their reviews. Also, DCED should periodically reconcile local agency grant payments with reported expenditures to reduce the risk of local agencies overcharging DCED and reduce the risk of fraud, waste, and abuse of WAP funds.*

#### **Finding 4 – Weaknesses in contracting for services exist at local agencies. (Resolved)**

*We recommended that DCED adequately monitor local agency contracting procedures and provide guidance to ensure WAP dollars are efficiently utilized and weatherization services are maximized. We also recommended that the agency in Lancaster submit the furnace work out for competitive bidding. In addition, we recommended that the Dauphin agency document if bidding procedures are not feasible and document alternative procedures when obtaining two or more quotes from local furnace repair shops. The bidding criteria at the Philadelphia agency we visited should include labor costs to be evaluated for competitive bidding. Finally, all local agencies should immediately obtain written authorization and approval from DCED regarding respective contracting/procurement procedures.*

#### **Finding 9 – DCED failed to adequately monitor local agencies. (Resolved)**

*We recommended that DCED develop written policies and procedures to ensure local agencies are properly monitored and at-risk citizens and other applicants are receiving assistance in a timely manner. These policies and procedures should include, but not be limited to:*

- *Assessing internal controls.*

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- *Developing a sampling methodology that ensures a representative number of client files are reviewed.*
- *Ensuring application documentation in client files is complete and accurate.*
- *Compiling the monitors' results into a summary report of all local agencies.*

**Prior Finding 5 – The most vulnerable and needy Pennsylvanians do not always receive priority and could wait up to nine years to receive weatherization services. (Not Resolved)**

In our prior audit, DCED management indicated that it only required local agencies to give priority to households with elderly residents or persons with disabilities, and that the local agencies were not always following this policy. At that time, DCED had to request information from the local agencies in order to report that over 9,000 applicants were waiting for weatherization services. Additionally, we found that DCED did not have any policies and procedures in place for maintaining waiting lists.

We recommended that DCED should monitor the local agencies to ensure that the most at-risk and needy Pennsylvanians are the first to receive weatherization services. Because some agencies have longer waiting lists than others, DCED should take into consideration the length of an agency's waiting list when allocating the federal grant monies among the 37 local agencies (formerly 42 local agencies). In addition, DCED should consider requesting additional LIHEAP funds from Pennsylvania Department of Human services (DHS) (formerly the Department of Public Welfare). DCED should also develop policies and procedures to instruct local agencies on how to maintain and prioritize weatherization service waiting lists.

This topic was also addressed in the special report of WAP released in February 2012. The status of the special report recommendations are included in the next section of this report.

### **Status as of this audit**

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One of the objectives in our current performance audit was to determine whether DCED ensures that WAP local agencies properly manage their waiting lists. Our evaluation of this topic and our recommendations can be found in Finding 2 of the current audit report.

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#### **Prior Finding 6 – Local Weatherization Assistance Program agencies do not always verify and inspect the work of their subcontractors and employees. (Resolved)**

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In our prior audit, we found that local agencies did not always perform final inspections after weatherization and heating system improvements were completed at a client’s dwelling. At that time, U.S. DOE regulations required all weatherization projects to be inspected by a local agency energy auditor to verify the work was performed and completed to acceptable standards. DCED required that a signed and dated Quality Inspection Sheet be maintained in each client file. Management personnel at three of the four local agencies reviewed admitted that final inspections were not always performed.

We recommended that DCED develop procedures to ensure final inspections are independently performed. We also recommended that no monies be paid to subcontractors and local agencies for services provided at a client’s home until a final inspection is satisfactorily completed.

#### **Status as of this audit**

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U.S. DOE Weatherization Program Notice 15-4 (effective October 21, 2014), required state agencies to develop monitoring procedures by July 1, 2015, so that every U.S. DOE WAP unit reported as a “completed unit” must receive a final inspection ensuring that all work meets the minimum specifications outlined in the Standard Work Specifications (SWS).<sup>66</sup> The contracts between the local agencies and DCED reiterate these requirements in Appendix C, stating that all energy conservation and weatherization units reported as completed units must receive a final Quality Control Inspection by a certified Quality Control Inspector to ensure the work meets the minimum specifications outlined in the SWS.

Additionally, DCED’s State Plan for 2015-2016, section V.8.3., states in part, “[f]or jobs that have been reported in the Hancock Energy Software System (HES) as complete and do not pass the Department’s quality control inspection” and “the issue cannot be corrected or the timing is such that the corrections cannot be made within the funding release limits, the agency will be charged with disallowed costs, and funds will be returned to the department.”<sup>67</sup>

During our audit period, due to the new U.S. DOE quality control requirements, we found DCED implemented procedures that require the local agencies to perform quality control inspections on all jobs and upload supporting documentation in the HES system. DCED also performed Quality Control Inspections on at least 5% of the completed units as part of its local agency monitoring,

<sup>66</sup> Department of Energy Weatherization Program Notice 15-4, <[https://www.energy.gov/sites/prod/files/2014/10/f18/wpn\\_15\\_4.pdf](https://www.energy.gov/sites/prod/files/2014/10/f18/wpn_15_4.pdf)> (accessed December 21, 2017).

<sup>67</sup> Excerpted from Wx Master File 2016 – V.8.3. Monitoring Activities.



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which includes reviewing the local agency inspections. Therefore, our recommendations have been implemented, and this prior audit finding is resolved. Further discussion of local agency monitoring can be found in Finding 3 of the current audit report.

**Prior Finding 7 – DCED and local agencies do not adequately promote awareness of the Weatherization Assistance Program. (Resolved)**

In our prior audit, we found that DCED and local agencies did not adequately promote awareness of WAP to the public. DCED management stated that it relied on local agencies to promote awareness, as well as DHS as a component of LIHEAP. Management at the local agencies stated that they did not actively promote WAP services. We also found that DCED had no policies or procedures relating to promoting awareness of WAP.

In addition, DCED management stated that there is no need to advertise WAP because there is a waiting period to receive services. Management at the local agencies stated that attracting more applicants through advertising would only lengthen its waiting lists.

We recommended that DCED, in cooperation with the local agencies, should actively promote the program to ensure public awareness of the program so eligible citizens, including the most vulnerable and needy, are provided assistance.

### Status as of this audit

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DCED management stated that local agencies and utility companies promote the program as needed and other state agency websites are linked to DCED's WAP website. Additionally, there is a "Weatherization Day" sponsored by the Governor's Office via a proclamation.

We confirmed there are links to the program on the Pennsylvania Public Utility Commission's website under energy assistance programs, and on Benefits.gov. WAP is advertised in conjunction with other low-income federal assistance programs (such as the Special Supplemental Nutrition Program for Women, Infants, and Children, Children's Health Insurance Program, Medicaid, or LIHEAP).

Additionally, we found that utility companies, such as PPL, PECO, and UGI, reference energy assistance programs on their websites. It appears there is an adequate level of advertising for WAP. Therefore, our recommendation has been implemented, and this prior audit finding has been resolved.

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**Prior Finding 8 – DCED and local agencies do not measure the effectiveness resulting from weatherization efforts. (Resolved)**

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In our prior audit, we found that local agencies did not measure the success or failure of WAP by determining energy savings through the reduction of home heating costs. In addition, DCED failed to provide proper oversight in requiring this information to be reported. DCED management stated that U.S. DOE did not require any analysis of actual savings so none was performed.

We recommended that DCED, in cooperation with local agencies, develop a standard approach to calculate energy and monetary savings. This information could be summarized and reported to allow stakeholders in WAP to better determine WAP's efficiency and effectiveness. In addition, this information could be used for decision making purposes to enhance WAP statewide.

### Status as of this audit

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The Code of Federal Regulations requires that each weatherization material installed must be cost-effective and result in energy cost savings over the lifetime of the measure(s), discounted to present value, that equal or exceed the cost of materials, installation, and on-site supervisory personnel.<sup>68</sup> Per U.S. DOE Weatherization Program Notice 13-5, the measures installed in the house must have a savings-to-investment ratio (SIR) which meets or exceeds 1.0. After the home energy audit is performed on eligible houses, all of the prioritized weatherization measures from the audit that meet the SIR requirement must be installed in the order of cost-effectiveness.<sup>69</sup> This information is tracked in the Hancock Energy System and is reviewed by DCED as part of the Quality Control Inspections.

DCED issued a "Weatherization Program Report on Client Energy Savings" in February 2013 which examined a change in energy consumption for WAP households weatherized between January 2010 and March 2012. It found that the primary predictor of potential energy savings is the amount of energy consumed in the pre-weatherization period. The larger the energy consumption in the pre-period, the greater the potential for savings which support the strategy of prioritizing higher energy users.

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<sup>68</sup> 10 C.F.R. § 440.21(d), <<https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200-subpartD.pdf>> (accessed December 21, 2017).

<sup>69</sup> Department of Energy Weatherization Program Notice 13-5, <<https://www.energy.gov/sites/prod/files/2015/12/t27/WAP-WPN-13-5.pdf>> (accessed March 19, 2018).

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Based on our review, we found that DCED has implemented a standard approach to calculate and track estimated energy savings. Additionally, U.S. DOE performed a retrospective evaluation of energy savings based on the special report on client energy savings issue by DCED. U.S. DOE found WAP to be highly effective in saving energy as well as other benefits. Therefore, our recommendation has been implemented, and this prior finding is resolved.

**Prior Finding 10 – DCED does not have computer system integration capabilities with local agencies to gather, summarize, and access Weatherization Assistance Program information. (Resolved)**

In our prior audit, we found that local agencies sent quarterly reports electronically to DCED which summarized the cumulative number of weatherization projects completed and cumulative expenditures during a calendar quarter. However, DCED did not have a database integrated with the all local agencies to gather, summarize, and track weatherization information on an ongoing basis to assist in continuously monitoring WAP.

We recommended that DCED develop a database, in cooperation with local agencies, to assess the performance of local agencies and determine whether any corrective action is required to improve performance of WAP.

### **Status as of this audit**

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Since the prior audit, DCED has procured software known as the Hancock Energy System (HES) to summarize and track WAP information. DCED requires all local agencies to submit information through HES including client information, energy audit results, Quality Control Inspection documentation, corrective action plans (if applicable), photos of work completed, and various reports. This allows DCED to better monitor the local agencies and provide timely guidance in order to improve the performance of WAP. Therefore, our recommendation has been implemented and this prior finding is resolved.

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**Status of Special Report Recommendations**

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Our special report of the Weatherization Assistance Program (WAP) administered by the Department of Community and Economic Development (DCED) dated February 2012 contained 12 recommendations that evolved out of evidence acquired during the annual Single Audit of the Commonwealth of Pennsylvania for the fiscal year ended June 30, 2010, and one recommendation as follow-up to our prior WAP performance audit released in August 2007. In addition to regular weatherization funds, Pennsylvania received \$252 million through the American Recovery and Reinvestment Act, the federal stimulus law enacted in 2009. DCED spent \$80 million of the \$252 million during the fiscal year ended June 30, 2010, and the remaining between July 1, 2010 and June 30, 2014. This significant increase in funding combined with the deficiencies discovered by our auditors necessitated the special report.

As part our current performance audit, we verified that the recommendations stemming from the Single Audit were resolved as part of the annual Single Audit process in subsequent fiscal years and, therefore, we did not perform any additional procedures regarding our recommendations that DCED:

1. Require local agencies to verify the identity of the individuals and their household members applying for weatherization services.
2. Require local agencies to request applicants to inform local agencies when a change in household composition has occurred subsequent to applying, such as a household member dying, and when it occurs to re-determine eligibility prior to starting the weatherization services.
3. Require local agencies to ensure that subcontractors are not paid using a two-tiered billing structure that inflates prices when performing weatherization services.
4. Improve its monitoring of the local agencies to ensure consistency regarding the processing, documenting, and approval of applications, rental forms, support documentation, determination of eligibility, and detection of fraud, waste, and abuse.
5. Ensure that its computerized tracking system (Hancock Energy Software) is fully populated, complete, and accurate.
6. Utilize its computerized tracking system (Hancock Energy Software) to monitor the activities of each local agency by performing data analysis and data mining of

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weatherization assistance services to look for fraudulent, suspicious, and questionable transactions, including duplicate services and non-compliance activities.

7. Obtain independent data exchanges such as SSN, death files, and income to verify applicant households are eligible for weatherization.
8. Develop conflict of interest policies and procedures relating to local agencies approving weatherization services for tenants residing in rental properties managed by the same local agency.
9. Monitor and enforce its contract stipulation regarding local agencies identifying and seeking approval by DCED for conflicts of interest between local agencies and subcontractors.
10. Develop policies and procedures relating to applicants' involvement in financial arrangements between related or affiliated parties seeking weatherization services for rental dwellings.
11. Require local agencies to ensure renters seeking weatherization services actually pay rent to the landlord.
12. Require local agencies to contact the Department of Human Services (formerly the Department of Public Welfare) to confirm applicants listed as "Categorically Eligible – LIHEAP" actually received LIHEAP benefits during the current or most recent heating season.

In the 2007 performance audit of WAP, we recommended that DCED monitor the local agencies to ensure that the most at-risk and needy Pennsylvanians are the first to receive weatherization program services (see status of prior audit findings in previous section of this report). However, at the time of the special report, this recommendation had not been implemented. Consequently, the special report recommended that DCED ensure immediate corrective action to ensure the reduction and elimination of the waiting list. One of the objectives in our current performance audit was to determine whether DCED ensures that WAP local agencies properly manage their waiting lists. Our evaluation of this topic and our recommendations can be found in Finding 2 of the current audit report.

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**Agency's Response and Auditor's Conclusions**

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We provided copies of our draft audit findings and status of prior findings and related recommendations to the Department of Community and Economic Development (DCED) for its review. On the pages that follow, we included DCED's response in its entirety. Following the agency's response are our auditor's conclusions.

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**Audit Response from the Department of Community and Economic Development**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

May 30, 2018

Janet B. Ciccocioppo  
Director  
Commonwealth of Pennsylvania  
Department of Auditor General  
Bureau of Performance Audits  
Harrisburg, PA 17120-0018

Dear Ms. Ciccocioppo,

We received and reviewed the Department of the Auditor General's Performance Audit Report (Report) of the energy conservation and assistance programs, which include both the Low-Income Home Energy Assistance Program (LIHEAP) and the Low-Income Weatherization Assistance Program (WAP). Please find under separate attachment, our agency's response to the Report's Findings and Recommendations. We appreciate the time and professionalism of your staff.

Sincerely,  
  
Dennis M. Davin  
Secretary

OFFICE OF THE SECRETARY  
400 North Street, 4th Floor | Commonwealth Keystone Building | Harrisburg, PA 17120-0225 | 717.787.3003 | Fax 717.787.8888 | doed.pa.gov

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Finding 1 – DCED failed to spend more than \$5.4 million of U.S. DOE funds over a four-year period potentially resulting in more than 500 dwellings not being weatherized due in part to the 2015-2016 state budget impasse.

#### Recommendations for Finding 1

We recommend that the Governor and General Assembly:

1. Place in state statute a continuing requirement that any available federal funding that promotes the safety and welfare of at-risk Pennsylvania citizens needing weatherization services must be released to state agencies as of July 1 of each year in the unfortunate event of the state fiscal budget not being passed by June 30.

We recommend that DCED:

2. Immediately begin strategic planning to address local agency funding issues if a state budget impasse appears imminent, including a special review of the allocations, in order to avoid returning any of the U.S. DOE funding. This planning should also include, but not be limited to, the following:
  - a. Formally documenting its decision-making process and factors used to allocate funding to local agencies to evidence the fair and consistent treatment of all local agencies. On April 6, 2018, DCED publicly released the PA Weatherization Assistance Program (WAP) State Plan, which states “DCED recommends a year-long planning strategy in partnership with the WAP agency network and the WAP Policy Advisory Council (PAC) to further analyze the shifting data trends as applied to individual agency capacity to reconsider and recreate a sustainable agency framework for PA.”
  - b. Contacting all local agencies and documenting all communications regarding funding allocations.  
DCED will continue to work with the agency network regarding their funding allocations.
3. Formally document the methodology of allocating LIHEAP funds to local agencies in a written policy.  
A process currently exists and will be documented.
4. Formally document standard operating procedures for annually calculating the U.S. DOE WAP and LIHEAP funds allocations to local agencies. The procedures should include: but not be limited to, the following:
  - a. The formula used to determine the allocations and the need to maintain the source documents to support the data used.  
A process currently exists and will be documented.
  - b. Supervisory review of the allocation process to ensure management oversight.

DCED will increase the level of supervisory review.



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5. **Consider revisiting the U.S. DOE fund allocation to local agencies to incorporate prior year expenditures and/or the local agencies' ability to spend funds.**  
DCED disagrees with this recommendation. The U.S. DOE requirements expect that we evaluate actual weatherization processes and capacity needs of each agency to train and maintain a certified workforce, conduct WAP according to the required Standard Work Specifications and adjust to potential federal funding lapses. For good management of the program, DCED must balance the above factors to ensure smooth operations in the agency network.
6. **Utilize current low-income, heating degree days, and funding data for the U.S. DOE WAP allocation formula and maintain documentation to support this data.**  
DCED disagrees with this recommendation. DCED acknowledged in the 2018-19 proposed state plan, released on April 6, 2018, that our analysis of the funding formula and review of poverty and heating degree days shows shifts in the population needs. We will do further evaluation to determine the impact funding volatility has on network capacity. It is imperative that agency baseline capacity is established in order to run a quality program. Changing allocations from year to year, due to shifting data, would not allow for adequate program management.
7. **Monitor the local agencies' productivity annually to assist in evaluating the local agencies' ability to spend program funds and reduce waiting lists.**  
DCED will continue to work with local agencies regarding their production and waiting lists.

**Finding 2 – DCED's process to prioritize weatherization services to at-risk citizens is flawed, poorly administered, and creates an opportunity for local agencies to abuse the process.**

DCED disagrees with this finding. Not every "at-risk citizen" who asks for weatherization is eligible to receive services. The PA WAP program follows DOE eligibility requirements as well as regulation-based priorities for service. There are federal rules in play that dictate our approach. With the implementation of a standardized audit and national Standard Work Specifications (SWS), many of our PA citizen's homes have to be deferred because of substandard housing that cannot be addressed according to DOE SWS and requirements. For example, a home that is structurally unsound, needs roof replacement or has extensive mold issues beyond remediation cannot be weatherized utilizing DOE or LIHEAP funds. With the advent of the national SWS, the deferral rate for PA WAP increased threefold. DCED will continue to make every attempt to administer the program in the most efficient and most impactful way according to federal DOE requirements.

#### Recommendations for Finding 2

We recommend that DCED:

1. **Revise its client prioritization policy to require local agencies to determine eligibility of applicants at the time of first contact and in a manner that will ensure vulnerable citizens are not waiting for weatherization services for long periods of time.**  
DCED disagrees with this recommendation. Waiting lists of clients asking for services is not a true indication of whether or not weatherization can actually occur. Additional information is often required to determine true eligibility. For example, visible structural issues will prevent weatherization from occurring even if a client is deemed eligible at the time they call in to request services. Weatherization is not an emergency program, therefore, there are no at-risk issues that are being addressed. Weatherization begins with a standardized audit that determines necessary weatherization measures that can be applied in order to create the correct Savings to Investment Ratio (SIR). The sole

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outcome of weatherization is energy savings for the eligible client. If a home must be deferred, then the WAP agency will refer to other housing remediation programs or streams of funding for such structural issues to be addressed.

2. **Consider adding a high-risk factor that takes into account the length of time the client has been waiting for services.**  
DCED disagrees with this recommendation. We are required to follow the DOE priorities which are *high use, high burden, age and disability*.
3. **Revise its client prioritization directive to local agencies so that it requires all local agencies to use the same uniform process to maintain WSLs and call lists, including what information should be recorded on call lists.**  
DCED agrees with this recommendation.
4. **Implement and document procedures for DCED to monitor the local agencies use of WSLs and call lists to ensure they are in compliance with DCED's policies.**  
DCED agrees with this recommendation.
5. **Evaluate the local agency call lists on a regular basis to determine if redistribution of program resources on a statewide level could more efficiently or effectively serve citizens in need of weatherization services.**  
DCED is considering this in the current strategic planning process.

**Finding 3 – DCED failed to adequately perform, document, and track its monitoring of local agencies.**

DCED acknowledges the importance of adequately performing, documenting and tracking the monitoring of all local agencies and will continue to make all necessary improvements.

#### Recommendations for Finding 3

We recommend that DCED:

1. Establish written standards operating procedures for monitoring, detailing the procedures used to monitor local agencies, including the following:
  - a. The selection process for determining which dwelling units to conduct the Quality Control Inspection (QCI). This would include not allowing the local agency to make that determination for the DCED monitors. DCED disagrees with this recommendation. Jobs are chosen based on a combination of different factors including high costs, type of service, higher risk projects identified in the Hancock Software System, and a mix of rental and owned properties. In addition, the completion timing, such as recently completed units, and/or the overall time spent on the job, client complaints, types of measures, and a mix of site built, or manufactured housing are all also taken into consideration. The local agency can make recommendations to DCED so that travel time and access to client homes can be considered. The local agency, however, does not solely decide what homes are inspected.

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- b. The selection process for determining which Crisis-related jobs should be selected to verify the work was completed (LIHEAP crisis review). DCED agrees with this recommendation.
  - c. The monitoring tracking process. A process currently exists and will be documented.
  - d. The supervisory review processes to ensure that the monitoring results are accurate, and the tracking logs are complete and accurate. DCED will increase the level of supervisory review.
2. Maintain a log to track all monitoring of local agencies, including key dates, to ensure the monitoring process is complete through finding resolution and all result letters and corrective action plan approval letters are timely sent to local agencies. A monitoring tracking log with all the recommended data points currently exists. A supervisory review process will be documented and followed to ensure that the activities are occurring.
  3. Provide training to staff responsible for maintaining the monitoring tracking logs to ensure complete and accurate information is recorded. DCED disagrees with this recommendation. This has been established.
  4. Ensure information entered into the Hancock Energy System is complete and accurate. There are 37 agencies; each entering information for up to 10,000 jobs a year. DCED believes it has a strong sampling and review process in place to address data completeness and accuracy. In addition, the Hancock Software System has its own checks and balances to "catch" incomplete records and inaccurate information. The system will not move forward without certain completed data points and jobs are sent in for "state approval" through the system if something is not correct. Checklists completed, while monitoring, document the review of the data entered for each job. If we find issues, the agency is notified via their Monitoring and/or Risk Assessment Reports.
  5. Document all reviews, both on-site and desk reviews, of the LIHEAP crisis units completed. DCED agrees with this recommendation.
  6. Conduct annual monitoring of all local agencies to ensure they are functioning at full capacity and serving as many needy Pennsylvanians as possible. DCED disagrees with this recommendation. An annual monitoring schedule is established at the beginning of each program year, according to the state and DOE fiscal year. The goal of this monitoring is to ensure that the local agencies are functioning at full capacity and operating according to standards.
  7. Conduct annual fiscal monitoring of all local agencies in accordance with federal regulations. DCED agrees with this recommendation.
  8. Ensure a minimum number of U.S. DOE Quality Control Inspections, LIHEAP Quality Control Inspections and LIHEAP crisis reviews are completed in compliance with federal regulations and DCED policies. DCED agrees with this recommendation.

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We strongly urge that your office consider including the following pertinent information in the report. It does not specifically address any one recommendation, but we feel it outlines important information that impacted program execution during the audit period.

In State Fiscal Year 2016-17, the Governor and Legislature did create a provision for our federal funding streams and released all federal funds before the general state budget was passed. The unexpended funds noted by this report primarily occurred during a period from July 1, 2015 through June 30, 2017 when agencies not only were delayed in receiving their 2015-16 allocation due to the budget impasse and received the additional 2016-17 allocation with a shortened timeline but were also tasked with the implementation of new national Standard Work Specifications (SWS) and Quality Control Inspection (QCI) certification requirements. All funds had to be expended and all requirements had to be put in place by June 30, 2017. A strong focus was put on improving the quality of work, as a direct result of national standardization and outcome expectations of the weatherization work. This entailed changing the operational directions and detail of the weatherization work while funds to the agencies were delayed. Changing the direction of a programmatic "ship" cannot be done with a 180 degree turn, especially when experiencing a perfect storm due to the delay of funds, extension of fund expenditure timeframe for one year of funds, and the extensive work requirements that had to be implemented. In addition, the actual knowledge and technical detail of the process for weatherization work, the training required, and the national certifications required were additional hurdles, when the timeline for expenditure of the funds was limited. DCED focused on the training and technical assistance needs of the workers and agencies in order to implement new Standard Work Specifications and Quality Control Inspections by the advice and recommendation of our WAP funder, the federal Department of Energy during their regular monitoring of the PA WAP in August 2016.

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**Auditor's Conclusions to the Department of Community and Economic Development's Response to the WAP Findings**

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Based on the Department of Community and Economic Development's response, it appears that DCED generally agrees with two of the three findings and agrees with approximately half of the recommendations. On the matters in which DCED disagreed, we offer the following conclusions:

**Finding 1**

We maintain that DCED should consider revising its allocation of the U.S. Department of Energy (U.S. DOE) funding to local agencies to incorporate the local agencies' capacity and ability to spend funding. Allocating funding based on population needs is a good foundation; however, DCED must be able to evaluate which local agencies have the ability to provide for the weatherization of additional homes if more funding becomes available. The current process of waiting until the end of the program year to determine whether local agencies are able to spend their funding is not proactively addressing statewide needs and potentially places some of Pennsylvania's most vulnerable citizens at a risk that might otherwise be avoided.

DCED's response states that changing allocations from year-to-year, due to shifting data, would not allow for adequate program management. We disagree. DCED should, at least, evaluate any changes in the data each year to identify whether any significant shifts have occurred and if the data in the formula needs to be updated. DCED's response stated that its analysis of the poverty and heating degree days data showed shifts in the population needs, which reinforces our position. As noted in the finding, using data over ten years old is not acceptable.

**Finding 2**

As we noted in our report, we are aware that not every individual that expresses interest in the program will be eligible for weatherization services. If local agencies asked for basic information upfront, it would help eliminate the redundancies in the current call lists. Additionally, with more accurate information, DCED would have a better, more thorough understanding of demand and local agency needs.

DCED's response states that weatherization is not an emergency program and there are no at-risk issues that are being addressed. We understand that standard weatherization funds are not used in emergency situations; however, Pennsylvania citizens waiting for weatherization services are certainly at-risk. The U.S. DOE describes the low-income households that are significantly

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disadvantaged with high energy burdens as follows:

*Often, [low-income households] must cut back on healthcare, medicine, groceries, and childcare to pay their energy bills. Weatherization helps alleviate this heavy energy burden through cost-effective building shell improvements... energy-efficient Weatherization measures continue to save money and energy year after year and increase household incomes so funds can go towards key living expenses.<sup>70</sup>*

It is very concerning that DCED management considers low-income households, potentially containing young children, elderly persons, or persons with disabilities or medical conditions, who are unable to afford key living expenses due to high energy costs, to not be at-risk.

We continue to maintain that DCED should consider adding the length of time the client has been waiting for services to its prioritization point system. DCED's response states that it is required to follow the U.S. DOE priorities. We agree that the U.S. DOE priorities must be followed; however, federal regulations offer minimum program requirements. This does not exclude additional criteria from being considered in the prioritization process.<sup>71</sup> DCED's procedures used to prioritize weatherization clients, including both its previous procedures as noted in our prior performance audit and its current procedures noted in this audit, do not ensure the neediest citizens are being serviced in a timely manner.

### **Finding 3**

We continue to maintain that local agencies should not have any influence, to any degree, in selecting which dwelling units DCED inspects using the Quality Control Inspection (QCI) process. In order to maintain an independent QCI process, DCED should not confer with local agencies during the selection of dwelling units. In reference to DCED's response describing the factors used to determine which dwellings are selected for the QCI process, we continue to recommend these considerations be memorialized in written standard operating procedures.

Our review of DCED's monitoring was for the fiscal year ended June 30, 2016. DCED management confirmed that no full local agency monitoring was conducted during that time frame beyond the reviews discussed in the finding. We did not audit any changes DCED may have implemented to its monitoring process after our audit period. Therefore, we cannot verify

<sup>70</sup> Weatherization Works! Factsheet. U.S. Department of Energy, Office of Energy Efficiency & Renewable Energy, <[http://www.energy.gov/sites/prod/files/2018/03/f49/wap-fact-sheet\\_final.pdf](http://www.energy.gov/sites/prod/files/2018/03/f49/wap-fact-sheet_final.pdf)> (accessed May 31, 2018).

<sup>71</sup> 10 C.F.R. § 440.16, <<https://www.gpo.gov/fdsys/pkg/CFR-2011-title10-vol3-part440.pdf>> (accessed December 21, 2017).

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DCED's statements that it currently has adequate monitoring of local agencies, adequate procedures to ensure the completeness and accuracy of the information entered into the Hancock Energy System, and that it adequately trained staff to maintain the monitoring logs.

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#### Appendix A

#### Objectives, Scope, and Methodology

The Department of the Auditor General conducted these performance audits pursuant to Section 3016.1 of the Energy Conservation and Assistance Act, 62 P.S. § 3016.1 to assess the administration of the energy conservation and assistance programs, which include both the Low-Income Home Energy Assistance Program (LIHEAP) administered by the Pennsylvania Department of Human Services (DHS) and the Low-Income Weatherization Assistance Program (WAP) administered by the Pennsylvania Department of Economic and Community Development (DCED). We also conducted these audits under the authority of sections 402 and 403 of The Fiscal Code, 72 P.S. §§ 402 and 403.

We conducted these audits in accordance with applicable *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

#### Objectives

Our LIHEAP performance audit objectives were as follows:

1. Evaluate whether DHS properly determines eligibility for LIHEAP applicants and authorizes the correct cash or crisis benefit. [See Finding 1]
2. Evaluate the adequacy of DHS' monitoring over LIHEAP eligibility and the authorization of the correct cash or crisis benefit. [See Finding 1]
3. Evaluate the adequacy of how DHS ensures that energy providers timely make deliveries or reconnect the heating source and properly charge DHS for providing the energy to eligible LIHEAP households. [See Finding 1]

We also conducted procedures to determine whether DHS implemented our prior LIHEAP performance audit's findings and recommendations from the report issued in August 2011 (see Status of Prior Audit Findings).



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Our WAP performance audit objectives were as follows:

1. Determine whether DCED ensures that WAP local agencies properly manage their waiting lists. [See Findings 1 and 2]
2. Determine whether the WAP monitoring activities that occurred during the audit period were in compliance with policies and procedures. [See Findings 1 and 3]

We also conducted procedures to determine whether DCED implemented our prior WAP performance audit's findings and recommendations from the report issued in August 2007 and the recommendations from our special report issued in February 2012 (see Status of Prior Audit Findings and Status of Special Report Recommendations).

### **Scope**

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For the LIHEAP audit, the audit period was July 1, 2015 through June 30, 2016.

For the WAP audit, the audit period varied by audit objective. The audit period was July 1, 2013 through June 30, 2017, for Objective 1 and July 1, 2015 through June 30, 2016, for Objective 2.

DHS and DCED management are responsible for establishing and maintaining effective internal controls to provide reasonable assurance of compliance with applicable laws, regulations, contracts, grant agreements, and administrative policies and procedures related to their respective programs.

In conducting our audits, we obtained an understanding of DHS' and DCED's internal controls, including any information system controls, if applicable, that we considered to be significant within the context of our audit objectives.

For those internal controls that we determined to be significant within the context of our audit objectives, we also assessed the effectiveness of the design and implementation of those controls as discussed in the *Methodology* section that follows. Any deficiencies in internal controls that we identified during the conduct of our audits and determined to be significant within the context of our audit objectives are included within the respective audit findings in this report.

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### **Methodology**

All of the items selected for testing in these audits were based on auditor's professional judgement. Consequently, the results of our testing cannot be projected to, and are not representative of, the corresponding populations.

To address our audit objectives, we performed the following procedures:

#### LIHEAP AUDIT

- Interviewed DHS management and staff responsible for administering the LIHEAP program in order to gain an understanding of the program and to evaluate whether management controls considered to be significant within the context of the audit objectives were adequately designed.
- Reviewed the federal Low-Income Home Energy Assistance Act of 1981, Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended, applicable sections of Titles 2 and 45 of the Code of Federal Regulations, the state Energy Conservation and Assistance Act, and other applicable federal and state laws and regulations, to determine legislative and regulatory requirements related to the audit objectives.
- Reviewed the Commonwealth of Pennsylvania LIHEAP Fiscal Year 2016 Final State Plan and Pennsylvania Department of Human Services LIHEAP Handbook and User Manual.
- Obtained a data file of all LIHEAP transactions within DHS' Electronic Client Information System (eCIS) between July 1, 2015 and June 30, 2016, and performed data analytics to assist in identifying high-risk areas within the program. As a result of our data analytics, we judgmentally selected 35 cases involving 66 LIHEAP payments from across the state to focus our testing to specific areas we considered to be of higher risk, including applicants with high income, total cash and crisis payments exceeding the maximum benefit amount of \$1,000 and \$500, respectively, and multiple cash payments to an applicant or address.
- Judgmentally selected 7 of the 40 County Assistance Offices (CAOs) and processing centers that were monitored by DHS's contractor, including three large, two medium, and two small, based on the amount of application processing performed in the prior LIHEAP season), and manually reviewed a listing of all the cash payments within these counties.

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We judgmentally selected 40 cases involving 71 payments in which there was a potential for multiple cash payments to applicants with the same or similar Social Security numbers (SSNs), names, and/or addresses.

- For the total 75 cases involving 137 payments selected as described in the prior two bullets, we reviewed the applications for LIHEAP benefits and other source documents maintained within eCIS to verify:
  - The applications were properly completed, including being signed by the applicant and approved by a CAO caseworker/energy assistance worker.
  - The applicant's household income was below 150 percent of the Federal Poverty Income Guidelines as published on January 22, 2015, by the U.S. Department of Health and Human Services.
  - The applicant household was responsible for paying for its main source of heat, either directly to an energy provider or indirectly as an undesignated part of rent.
  - The applicant household permanently lived in Pennsylvania.
- For the 127 cash payments selected, we recalculated the benefit amount to verify that it was proper based on the benefit chart for the appropriate county, income level, fuel type, and number of household members.
- For the 10 crisis payments selected, we verified that a home-heating crisis existed, the CAO approved only the amount needed to keep the utility service from being shut off or to start the utility service again, and the CAO contacted the energy provider within 48 hours (or 18 hours if someone's life was at risk) to make arrangements to resolve the crisis prior to the utility being shut off/running out of fuel.
- Reviewed DHS' monitoring plan for the 2015-2016 program year to determine whether the planned procedures were adequately designed and in compliance with DHS' LIHEAP State Plan.
- For the same seven CAOs/processing centers selected as described in the fifth bullet above, we verified the planned monitoring procedures performed by DHS and its contractor were adequately implemented, and:

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- Obtained and reviewed the closing meeting minutes/documents, rebuttal letter, and final report to ensure the monitoring was completed, adequate, and sufficiently documented.
- Ensured the CAO submitted an error prevention plan addressing the identified deficiencies and verified DHS approved the plan.
- Verified the CAO supervisor completed the assigned number of case reviews as outlined in the monitoring plan.
- Verified the final report was issued to the CAO by the Bureau of Program Evaluation Director and was accurately recorded on the 2015-2016 Service Tracker as evidence of DHS' review and approval of the monitoring.
- Obtained the monitoring results for the six applicants included in our eligibility testing that were also included in the contractor's applicant monitoring and verified that we reached the same conclusion as the contractor.
- Obtained and reviewed the results of the contractor's statewide statistical sample to ensure it was completed, adequate, and sufficiently documented.
- Obtained and reviewed the results of the contractor's monitoring of the LIHEAP crisis interface with the DCED weatherization local agencies to ensure it was completed, adequate, and sufficiently documented.
- Verified that the contractor completed a final comprehensive report on the monitoring activities and findings statewide, and submitted the report to DHS after concluding the execution of the monitoring plan.
- Reviewed the monitoring procedures over the timeliness of crisis deliveries and determined whether the planned procedures by DHS and its contractor were adequately designed and in compliance with DHS' LIHEAP State Plan.
- Obtained and reviewed the results of the contractor's monitoring of the PROMISE™ system to ensure it was completed, adequate, and sufficiently documented.
- Reviewed the contractor's monitoring procedures to ensure the energy vendors are properly charging DHS to determine whether the planned procedures were adequately designed and in compliance with DHS' LIHEAP State Plan.

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- Obtained and reviewed the results for the 25 energy vendors monitored by the contractor to ensure it was completed, adequate, and sufficiently documented.

To address the Status of Prior Audit Findings, we performed the following procedures:

- Traced the 10 recommendations (and related deficiencies) from our prior performance audit of LIHEAP to the Department of the Auditor General, Bureau of State and Federal Audits' working papers and findings within the Commonwealth's Single Audit Reports for the three fiscal years ended June 30, 2013, to ensure the findings were resolved and recommendations were implemented.

**WAP AUDIT**

- Interviewed DCED management and staff responsible for administering the WAP program in order to gain a further understanding of the program and to evaluate whether management controls considered to be significant within the context of the audit objectives were adequately designed.
- Reviewed the applicable sections of Titles 2 and 10 of the Code of Federal Regulations, U.S. Department of Energy (U.S. DOE) Weatherization Program Notices (WPN) 15-4 and 16-4, and other applicable federal and state laws and regulations, to determine legislative and regulatory requirements related to the audit objectives.
- Reviewed DCED's 2015-2016 State Plan for WAP, as approved by U.S. DOE, and the Low-Income Home Energy Assistance Program 2015-2016 Final State Plan, Appendix C.
- Reviewed DCED Directives W2016-11 Monitoring Documents (which replaced the Monitoring Guidelines and Procedures) and W2014-08 as related to the Weatherization Service List.
- Evaluated whether DCED's methodology to allocate LIHEAP and DOE funds to local agencies appears reasonable to ensure weatherization funding is available to individuals with the most need.
- Recalculated DCED's allocation of LIHEAP and DOE funds to local agencies for accuracy and compliance with DCED's allocation policy for the four fiscal years ended June 30, 2017.

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- Evaluated whether DCED’s policy regarding weatherization service lists and call lists and procedures to monitor the local agencies implementation of the policy are adequately designed to ensure weatherization funding is available to individuals with the most need.
- Obtained the weatherization service list and call list (if applicable) from each local agency for the period July 1, 2013 through June 30, 2017, and determined whether they appear to be operating in compliance with DCED’s policy.
- Evaluated whether DCED’s monitoring procedures are adequately designed to meet program requirements.
- Judgmentally selected 4 of the 36 financial reviews performed for the 2015-2016 program year based on the highest local agency expenditures, highest local agency expenditures with a corrective action plan (CAP), and noted timeliness issues by DCED management.
- For the four financial reviews selected, we:
  - Verified the Fiscal Monitoring Questionnaire was completed by the local agency and reviewed by DCED monitoring staff.
  - Verified the DCED Monitoring staff completed the Internal Control Checklist, Financial Management and Cash Management Checklist, Payroll Testing Checklist, and Expenditure Testing Checklist.
  - Verified the DCED monitoring staff obtained source documents from the local agency to support its results and findings.
  - Verified the DCED monitoring staff completed the monitoring project checklist and initialed/dated the project review docket when complete.
  - Verified the results stated in the Fiscal Monitoring Report issued to the local agency agree to the results on the checklists and that all findings/concerns were reported to the local agency.
  - Verified the Director of the Compliance Monitoring Division within the DCED Financial Management Center reviewed and approved the monitoring as evidenced through initialing the project review docket and signing the Fiscal Monitoring Report.

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- Reviewed the local agency's CAP, if applicable, and verified it addressed all of the findings/concerns within the Fiscal Monitoring Report.
- Verified DCED reviewed and approved the CAP as evidenced through the CAP acceptance letter signed by the Director of the Compliance Monitoring Division within the DCED Financial Management Center.
- Verified DCED staff/management within the Center for Community Services adequately tracked the program monitoring for the audit period.
- Judgmentally selected 39 Quality Control Inspections (QCI) from a population of 116 inspections conducted during for the 2015-2016 program year. The inspections were selected based on high and low dollar amounts, region, CAPs, and dates of when the job was completed versus the date of the QCI.
- For the 39 Quality Control Inspections selected, we:
  - Verified DCED monitoring staff completed the Quality Control Inspection Checklist and QCI Monitoring Summary.
  - Verified the local agency included documentation of the weatherization services provided and the local agency's QCI checklist within the Hancock Energy System (HES) for the DCED monitoring staff to review.
  - Verified the results stated in the program monitoring report issued to the local agency agree to the results on the checklist/summary and that all findings/concerns were reported to the local agency.
  - Verified the Weatherization Specialist Supervisor reviewed and approved the monitoring as evidenced through signing the report letter issued to the local agency.
  - Reviewed the local agency's CAP, if applicable, and verified it addressed all of the findings/concerns within the program monitoring report.
  - Verified DCED reviewed and approved the CAP as evidenced through the CAP approval date within HES.

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- Judgmentally selected 8 of 28 crisis reviews conducted by DCED staff for the 2015-2016 program year based on high and low dollar amounts, region, CAPs, and dates of when the job was completed versus date of the crisis review.
- For the eight crisis reviews selected, we:
  - Verified DCED monitoring staff completed the LIHEAP Crisis Checklist.
  - Verified the local agency included documentation of the heating unit replacement/repair within HES for the DCED monitoring staff to review.
  - Verified the results stated in the program monitoring report issued to the local agency agree to the results on the checklist and that all findings/concerns were reported to the local agency.
  - Verified the Weatherization Specialist Supervisor reviewed and approved the monitoring as evidenced through signing the report letter issued to the local agency.
  - Reviewed the local agency's CAP, if applicable, and verify it addressed all of the findings/concerns within the program monitoring report.
  - Verified DCED reviewed and approved the CAP as evidenced through the CAP approval date within HES.

To address the Status of Prior Audit Findings, we performed the following procedures:

- Reviewed the Commonwealth's Single Audit reports for the fiscal years ended June 30, 2006 through 2013.
- Reviewed the contracts between local agencies and DCED regarding the requirements for energy conservation and quality control inspections.
- Reviewed information regarding Pennsylvania Weatherization Day and related gubernatorial proclamations.
- Conducted internet research for other state agencies and utility companies that advertise Pennsylvania's weatherization services.



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- Reviewed the final WAP Quarterly Program Report for the 2015-2016 program year, which records the total annual energy savings for the program.
- Reviewed DCED's Weatherization Program Report on Client Energy Savings, issued in February 2013, which examined the change in energy consumption for WAP household weatherized between January 2010 and March 2012.
- Gained access to the HES to verify DCED's ability to gather, summarize, and track weatherization information in cooperation with local agencies.
- Reviewed DCED's priority point procedures, Wx Master File 2016 – V.3 Client Prioritization, for prioritizing WAP clients.

### **Data Reliability**

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In performing these audits, we used information from DHS' eCIS system for the period July 1, 2015 through June 30, 2016, and its 2015-2016 Service Tracker used for oversight of the monitoring process. Also, we used information from DCED's WAP Production and Expenditure Reports for each of the four fiscal years ended June 30, 2017, and DCED's financial review tracking sheet, QCI tracking sheet, and LIHEAP crisis review tracking sheet for the monitoring conducting for the 2015-2016 program year. Further, we obtained waiting lists from 33 weatherization local agencies covering the period July 1, 2013 through June 30, 2017.

*Government Auditing Standards* requires us to assess the sufficiency and appropriateness of computer-processed information that we use to support our findings, conclusions, or recommendations. The assessment of the sufficiency and appropriateness of computer-processed information includes considerations regarding the completeness and accuracy of the data for the intended purposes.

### **LIHEAP AUDIT**

To assess the completeness and accuracy of the data in the LIHEAP eCIS system, we conducted audit procedures as follows:

- Interviewed DHS management and staff to gain an understanding of eCIS and the information system controls to consider how it may impact our audit objectives.

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- Reconciled the total payments in the eCIS data file to the Commonwealth's SAP system, which is an independent source that is evaluated as part of the annual audits of the Commonwealth's Combined Annual Financial Report. These annual audits are conducted jointly by the Department of the Auditor General and a CPA firm.
- For the 137 payments tested, we traced data in eCIS to source documents, such as the LIHEAP application, driver's license, Social Security card, heating bills, etc.

Based on the above procedures, we found no limitations with using the data for our intended purposes. In accordance with *Government Auditing Standards*, we conclude the eCIS data to be sufficiently reliable regarding completeness and accuracy for the purposes of our engagement.

To access the completeness and accuracy of DHS' 2015-2016 Service Tracker, we conducted audit procedures as follows:

- Interviewed DHS management and staff responsible for contractor oversight, as well as management from DHS' contractor, to gain an understanding of the report and how it is created and used within the monitoring process.
- Obtained the 2016-2017 Service Tracker to ensure all CAO's/processing centers were monitored within the two year cycle.
- Traced all the CAOs/processing centers monitored to the final monitoring report issued by the contractor.
- For the seven CAOs/processing centers we tested, we traced data from the Service Tracker to source documents, including the individual monitoring reports sent to the CAOs/processing centers, the rebuttals from the CAOs/processing centers, and the final report issued by the contractor.

Based on the above procedures, we found no limitations with using the data for our intended purposes. In accordance with *Government Auditing Standards*, we concluded DHS' 2015-2016 Service Tracker to be sufficiently reliable regarding completeness and accuracy for the purposes of this engagement.

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#### WAP AUDIT

To access the completeness and accuracy of the data of the WAP Production and Expenditure Reports for each of the four fiscal years ended June 30, 2017, we conducted audit procedures as follows:

- Interviewed DCED management and staff regarding how the reports are generated in the Hancock Energy System.
- Recalculated the local agency allocations with the formulas used by DCED and traced these allocations to the WAP Production and Expenditure Reports.
- Traced the number of completed weatherized dwellings for five local agencies on the WAP Production and Expenditure Report to the local agency weatherization service lists.
- Traced five local agency weatherization service lists to the number of completed weatherized dwellings on the WAP Production and Expenditure Report.

Based on the above procedures, we found no limitations with using the data for our intended purposes. In accordance with *Government Auditing Standards*, we conclude the WAP Production and Expenditure Reports to be sufficiently reliable regarding completeness and accuracy for the purposes of our engagement.

To access the completeness and accuracy of the data of the WAP financial review tracking sheet for the 2015-2016 program year, we conducted audit procedures as follows:

- Interviewed DCED management who maintains and records information on the financial review tracking sheet.
- Verified all local agencies that were provided funding per the Commonwealth's SAP accounting system were included on the financial review tracking sheet.
- For 4 of the 36 financial reviews, we traced data in the tracking sheet to source documents, including the various questionnaires and reports completed as part of the monitoring reviews.

Based on the above procedures, we found no limitations with using the data for our intended purposes. In accordance with *Government Auditing Standards*, we conclude the WAP financial review tracking sheet to be sufficiently reliable regarding completeness and accuracy for the purposes of our engagement.

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The Quality Control Inspection (QCI) and LIHEAP crisis review tracking sheets for the 2015-2016 program year were deemed to be incomplete and inaccurate by DCED management. Consequently, DCED management manually compiled a list of QCIs and LIHEAP crisis reviews completed from the Hancock Energy System. However, during our testing, we found errors on the compiled list regarding both completeness and accuracy. Therefore, we found the WAP QCI and LIHEAP crisis review list to be not sufficiently reliable for the purposes of this engagement. Our testing of these areas is limited to our review of 39 QCIs and 8 LIHEAP crisis reviews selected for testing and should not be projected to the entire population of QCIs and LIHEAP crisis reviews. Any deficiencies noted were based only on the 39 items we tested.

We did not perform procedures to validate the completeness and accuracy of the local agency call lists; however, this is the best data available. As such, we deemed this information to be of undetermined reliability. Although this determination may affect the precision of the numbers we present, there is sufficient evidence in total to support our findings, conclusions, and recommendations.

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<b>Appendix B</b>	<b>Weatherization Local Agencies</b>
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The following are the names of the weatherization local agencies that DCED contracted with during our audit period to provide weatherization services and the counties those agencies serviced:

Weatherization Local Agencies	Counties Served
Action Housing, Inc.	Allegheny, Greene, Washington
Armstrong County Community Action Agency	Armstrong
Berks County Community Action Program	Berks
Blair County Community Action Program	Blair
Bucks County Opportunity Council, Inc.	Bucks
Carbon County Action Committee for Human Services	Carbon
Center for Community Action	Bedford, Cambria, Fulton
Central Pennsylvania Community Action, Inc.	Centre, Clearfield
Commission on Economic Opportunity of Luzerne County	Luzerne
Community Action Agency of Delaware County	Chester, Delaware, Lancaster, Lebanon
Community Action Committee of the Lehigh Valley, Inc.	Lehigh, Northampton
Community Action Inc.	Clarion, Indiana, Jefferson
Community Action Partnership of Mercer County	Butler, Mercer
Energy Coordinating Agency	Philadelphia
Erie County Housing Authority	Erie
Greater Erie Community Action Committee	Erie
Housing Authority of the County of Beaver	Beaver
Lawrence County Community Action Partnership	Lawrence
Lycoming/Clinton Counties Commission Community Action, Inc.	Clinton, Lycoming
Monroe County Weatherization Program	Monroe
Montgomery County Community Action Development Commission	Montgomery
Northern Tier Community Action Corporation	Cameron, Elk, McKean, Potter
Northumberland County Weatherization	Northumberland
Northwest Pennsylvania Weatherization, Inc.	Crawford
Philadelphia Housing Development Corporation	Philadelphia
Redevelopment Authority of the County of Fayette	Fayette
Schuylkill Community Action	Schuylkill
Scranton/Lackawanna Human Development Agency	Lackawanna
SEDA - Council of Governments	Columbia, Juniata, Mifflin, Montour, Perry, Snyder, Union
South Central Community Action Program Inc.	Adams, Cumberland, Dauphin, Franklin
Tableland Services Inc.	Somerset
The Trehab Center	Bradford, Sullivan, Susquehanna, Tioga, Wyoming,
Warren/Forest Economic Opportunity Council	Forest, Venango, Warren
Wayne County Redevelopment Authority	Pike, Wayne
Weatherization, Inc.	Huntingdon

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(LIHEAP and Weatherization)**

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Westmoreland Housing Authority	Westmoreland
York County Weatherization	York
<i>Source: Compiled by Department of the Auditor General staff from information on DCED's website: <a href="https://dced.pa.gov/housing-and-development/weatherization/agency-list/">https://dced.pa.gov/housing-and-development/weatherization/agency-list/</a> (accessed April 25, 2018).</i>	

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 (LIHEAP and Weatherization)**

**Appendix C****Distribution List**

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 Senate Health and Human Services  
 Committee

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 Media questions about the report can be directed to the Pennsylvania Department of the Auditor  
 General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to:  
[News@PaAuditor.gov](mailto:News@PaAuditor.gov). Please also note that pursuant to Section 3016.1(c) of the Energy  
 Conservation and Assistance Act, a copy of the performance audit report will be published as a  
 notice in the Pennsylvania Bulletin subsequent to the audits' release. See 62 P.S. § 3016.1(c).*