

# PENNSYLVANIA BULLETIN

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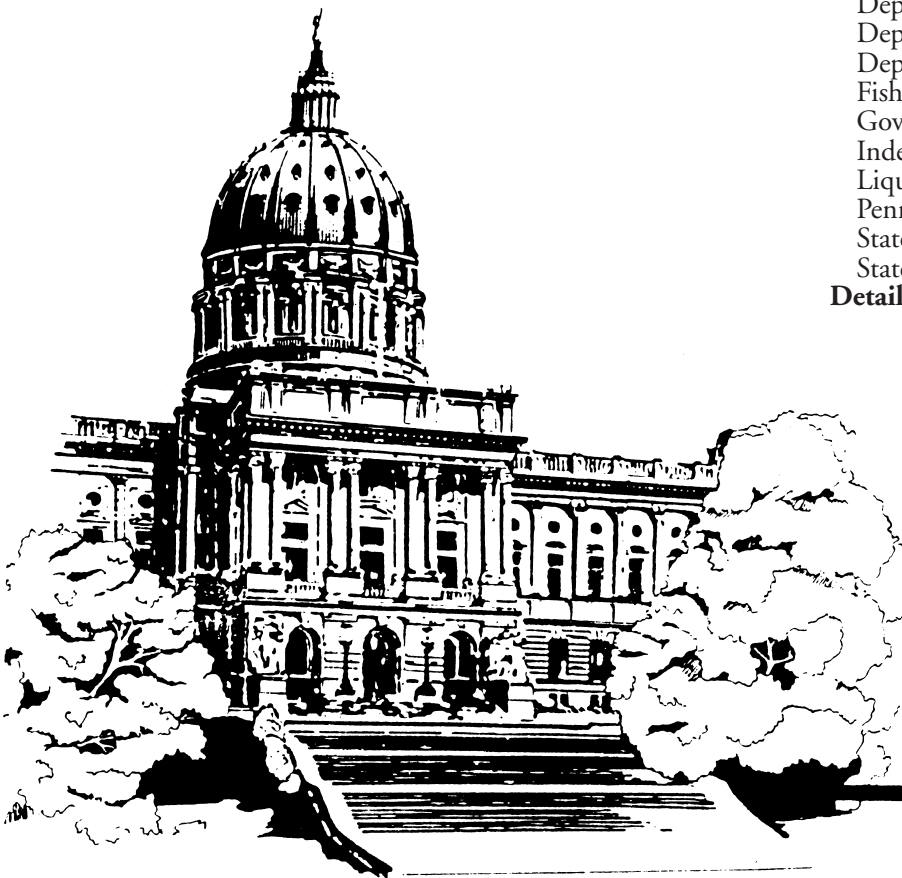
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 525 August 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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### Printing Format

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 255—LOCAL COURT RULES

### BUTLER COUNTY

#### Guardian Ad Litem Appointments; MsD 18-40169

##### Administrative Order of Court

*And Now*, this 17th day of July, 2018, the Court orders and directs that the Butler County Guardian-ad-Litem Policies in Custody Matters as follows are adopted for use in Butler County, Pennsylvania. This policy shall be published forthwith in the *Pennsylvania Bulletin*.

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

It is finally ordered that the District Court Administrator shall:

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

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

(c) Deliver a copy of the Administrative Order related to the Butler County Guardian-ad-Litem Policies in Custody Matters to the *Butler County Legal Journal* for publication as that organization deems appropriate.

(d) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County, the Domestic Relations Office, the Custody Conciliator and to the attorneys on the Butler County Family Court list serve.

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

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

*By the Court*

MARILYN J. HORAN,  
*Administrative Judge*

#### Butler County Guardian-Ad-Litem Policies in Custody Matters

The following process and procedures shall be followed when appointing a Guardian Ad Litem in a custody matter:

##### I. Qualifications

1. Pennsylvania Licensed attorney.
2. Practiced family law a minimum of one year.
3. Clearances pursuant to Act 34 (Criminal Record Check) Act 151 (Child Abuse Background Checks), and Act 114 (Finger Printing).
4. Watched the Pre-Service Training for Guardians Ad Litem video and filed accompanying affidavit with Court Administration.
5. Maintain professional liability insurance at a minimum coverage of \$100,000.00 per occurrence and \$300,000.00 in the aggregate per year, subject to commercially reasonable deductibles, retention or co-insurance.
6. Complete a minimum of three hours per year of continuing legal education in relevant substantive areas.

##### II. Appointments

1. Appointments may be made after the court makes a finding that the appointment is necessary pursuant to Pa.R.C.P. 1915.11-12.

2. The parties may by mutual consent request the appointment of a guardian ad litem.

3. Court Administration shall maintain a list of qualified guardians ad litem from which appointments shall be made.

4. Each year, no later than January 5, an attorney shall provide the following updated documents to Court Administration;

- Professional liability statement (Rider)
- Three CLE credits from the prior year in relevant substantive areas
- Current clearances (if prior is expired)
- Letter of standard hourly rate
- If an attorney no longer meets the qualifications to be appointed, he/she shall immediately notify the judge and Court Administration and his/her name shall be removed from the list until such time as the qualifications are met.

5. Any attorney who meets the qualifications may submit their name to the judge to be placed on the list of guardians ad litem.

6. The specific attorney appointed may be chosen by either mutual consent of the parties or by the judge. To ensure that no one attorney is overloaded with responsibility or there is no other conflict, the court will confirm with the attorney the desire to be appointed on a specific case prior to the issuance of an order of court.

##### III. Payment

1. If both parties are determined by the court to be indigent, the court may order compensation from the court's budget to be paid at the hourly rate of \$60.00.

2. Otherwise, costs shall be paid by the parties at the standard hourly rate for that guardian ad litem. Pursuant to Pa.R.C.P. 1915.11-2(b), the court may order either or both parties to pay all or part of the costs.

3. Each attorney shall provide to Court Administration a letter setting forth his/her standard hourly rate. That rate shall be noted on the guardian ad litem list kept by Court Administration, and made available to counsel for the parties or the parties if pro-se, for review prior to the appointment of the guardian ad litem.

4. If the cost is to be paid by the parties, the court has the power of contempt for non-payment of costs.

##### IV. Scope of Appointment

1. The guardian ad litem shall perform all duties in conformity with Pa.R.C.P. 1914-11-12, the Code of Civility, the Rules of Professional conduct, and Pennsylvania law.

2. The appointment shall terminate upon the entry of a final order resolving the complaint/petition pending for which the appointment was made. Except that in extraordinary circumstances the court may, if in the best interest of the child(ren), extend the appointment by order of court.

[Pa.B. Doc. No. 18-1194. Filed for public inspection August 3, 2018, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DELAWARE COUNTY

#### Adoption of Rule 205.4; Electronic Filing and Service of Legal Papers; No. 17-005120

##### Administrative Order

*And Now*, to wit, this 5th day of June, 2018, it is hereby *Ordered* that Delaware County Local Rule 205.4 for the Electronic Filing and Service of Legal Papers is *Adopted*.

This local rule (205.4) *Shall* be effective upon publication on the Pennsylvania Unified Judicial System (UJS) web portal at <http://ujportal.pacourts.us/>.

Use of the Delaware County Electronic Filing System *Shall* commence on Monday, July 30, 2018 at 8:30 AM, as provided by Local Rule 205.4 unless otherwise ordered by this court.

*By the Court*

KEVIN F. KELLY,  
*President Judge*

#### Local Rule 205.4.

##### (a)(1) Commencement

(i) On the commencement date, all parties may electronically file all “legal papers” as defined in Pa.R.C.P. No. 205.4(a)(2), with the Office of Judicial Support through Delaware County’s Electronic Filing system as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Delaware County Civil Rule 205.4,

(ii) Ninety (90) days from the commencement date, parties shall electronically file all “legal papers” as defined in Pa.R.C.P. No. 205.4(a)(2), with the Office of Judicial Support through Delaware County’s Electronic Filing system as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Delaware County Civil Rule 205.4.

*Explanatory Note:* The term “legal paper” as defined in Pa.R.C.P. No. 205.4(a)(2) encompasses all pleadings and all other papers filed with the Office of Judicial Support—including exhibits and attachments—even if the legal papers are not adversarial in nature and do not require the non-filing party or parties to respond.

(2) As used in this rule the following words shall have the following meanings:

*CMS (Case Management System):* A Court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

*Electronic Filing (E-Filing):* The electronic transmission, acceptance and processing of a filing. A submission consists of data, one or more documents, and/or images. The definition of electronic filing does not apply to facsimile or e-mail.

*Electronic Service (E-Service):* The electronic transmission of an original document to all other electronically-registered case participants via the electronic filing system. Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

*EFS:* Delaware County Electronic Filing System.

(b)(1) *Authorized Electronic Format of Legal Papers Electronically Filed*

All legal papers shall be filed in a portable document format (“pdf”). A legal paper presented for filing in hard copy or in a format other than portable document format shall be converted to a portable document format and maintained by the Office of Judicial Support pursuant to Pa.R.C.P. 205.4(b)(1)

(2) This Rule shall not apply to legal papers related to actions in Support as defined in Pa.R.C.P. 1910.1 through 1910.50 and 1930.1 through 1940.9, Custody, Partial Custody and Visitation of Minor Children under Pa.R.C.P. 1951.1, Special Relief under Pa.R.C.P. 1913.13 or Actions for Divorce or for the Annulments of Marriage under Pa.R.C.P. 1920.1; Protection from Abuse under Pa.R.C.P. 1901.3; Protection of Victims of Sexual Violence or Intimidation under Pa.R.C.P. 1951; Petition for Writ of Seizure pursuant to Pa.R.C.P. 1075; Petition to Postpone Sheriff’s Sale Pa.R.C.P. 3132; Petition to Appoint a Constable. Claim of Exemption pursuant to Pa.R.C.P. 3123.1; Appeal from Denial of Right to Know Request under Pa.R.J.A. 509. This rule shall also not apply to certified zoning records which include blueprints and/or plot plans under Delaware County Local Rule 27. Motions or petitions seeking relief in emergency situations, injunctive relief or stay of proceedings shall not be filed through the EFS system but shall be taken to the Office of Judicial Support to be time-stamped, processed, and docketed and then brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.

##### (2) Website. Access to the Website

(i) *Website.* All legal papers shall be filed electronically through Delaware County’s Electronic Filing system Electronic Filing system “EFS” which shall be accessible through the County of Delaware website <http://www.co.delaware.pa.us/ojs/efile.html> or at such other website as may be designated from time to time.

(ii) Use of the EFS shall be in accordance with the local rule and instructions contained on the website.

(iii) *Access to the Website.* To obtain access to the Delaware County Electronic Filing System, counsel and self-represented litigant must apply for and receive a User Name and Password.

(iv) Registered users shall be individuals, and not law firms, agencies, corporations nor other groups.

(v) User access may be suspended to prevent fraud, to maintain security of the system and network, to prevent an unacceptable level of congestion, or to prevent a disruption to the EFS or another user.

##### (d)(1) Payment of Filing Fees under the EFS system.

(i) The Office of Judicial Support will accept for payment of all filing fees through PayPal.

(ii) The Office of Judicial Support will not accept advance deposits for future filings.

##### (e) Reserved

##### (f)(1) Filing Status Messages

(i) Upon receipt of the electronic document, the Office of Judicial Support shall provide the filing party with an acknowledgment, which includes the date and time the document was received by the Delaware County Electronic Filing system.

(ii) After review of the electronic document, the Office of Judicial Support shall provide the filing party with e-mail notification, or notification on the Delaware County Electronic Filing System, that the document has been accepted for filing (“filed”) or refused and not accepted for filing.

(2) *Official Record*

(i) When an electronic document is accepted, the document is the official record.

(3) *Signatures and Verifications*

(i) The electronic filing of documents utilizing the issued User Name and Password as provided by this rule and Pa.R.C.P. No. 205.4, constitutes the party’s signature on electronic documents as provided by Pa.R.C.P. No. 1023.1 and, if the filing party is an attorney, constitutes a certification of authorization to file it as provided in Pa.R.C.P. No. 205.1.

(ii) The electronic document filed by a party must include a signature block, and the name of the filer under whose User Name and Password the document is submitted. The document may be submitted with the filers scanned signature or “/s/” and the filer’s named typed in the space where the signature would otherwise appear on the document.

(iii) If an attorney is the filing party, the Pennsylvania Supreme Court Attorney Identification number must be included under the signature line. The correct format for an attorney signature is as follows:

/s/ Attorney name  
Pa Supreme Court ID#  
Attorney for (Plaintiff/Defendant) XYZ Corporation  
ABC Law Firm  
ADDRESS  
TELEPHONE NUMBER  
FAX NUMBER - (FAX)  
E-MAIL ADDRESS

(iv) An authorized electronic filer must not allow their user name and password to be used by anyone other than an agent who is authorized by the electronic filer.

(v) Electronic filers shall notify the Office of Judicial Support’s Help Desk immediately if there has been any unauthorized use of their EFS user name and password.

(vi) The Verification required by Pa.R.C.P. Nos. 206.1 and 1024 and the signature page(s) of any document or legal paper executed by a client or other persons other than the filing party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.

(vii) Documents requiring signatures of more than one party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.

(viii) The original of a sworn or verified document that is electronically filed (e.g. affidavit) or is contained with an electronic filing (e.g. verification) shall be maintained by the electronic filer and made available upon direction of the court or reasonable request of the signatory or opposing party.

*Explanatory Note:* This subsection is designed to address issues which may arise regarding signatures on legal documents. A filer’s use of the User Name and Password issued through the Delaware County Electronic Filing System is the filer’s “electronic signature”. However, legal documents often require verifications executed by non-filers. In addition, many legal documents require

multiple signatures. Deficiencies in content and execution could be subject to preliminary objections. In order to avoid prejudicial delay, this section requires the filing party to scan such legal documents or signature pages and include them as part of the electronic filing at the time of submission. Original copies should be kept as provided for in Pa.R.C.P. No. 205.4(b)(4).

(4) *Electronic Filing Fees and Costs.*

(i) The Office of Judicial Support shall collect an electronic filing user fee for each legal paper or exhibit filed as established by the Office of Judicial Support with the approval of the President Judge of the Delaware County Court of Common Pleas.

(ii) In addition to such electronic filing user fee, the Office of Judicial Support is authorized to charge a fee as set forth from time to time for each page of a legal paper or exhibit which is filed in hard copy format and which must be converted by the Office of Judicial Support to a portable document format.

(iii) Electronic filers shall alert the EFS to any payment errors within forty-five (45) days of the payment date by notifying the Office of Judicial Support’s Help Desk.

(5) *Other Procedures Necessary to the Operation of a System of Electronic Filing:* authorized by Pa.R.C.P. No. 205.4(f), the following administrative procedures are adopted:

(i) If a document is accepted, it shall be deemed to have been filed as of the date and time it was received by the Delaware County Electronic Filing System; provided, however, that if a document is submitted without the requisite fee, the document shall be deemed to have been accepted for filing as of the date payment was received. The Office of Judicial Support is authorized to refuse for filing a document submitted without the requisite payment. If the electronic document other than original process is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. No. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. No. 205.4(g)(2)(ii).

(ii) *Termination Notice.* In addition to the procedures set forth in Pa.R.C.P. No. 230.2, in cases where a party is a registered user of the Delaware County Electronic Filing System, notice of proposed termination may also be electronic.

(iii) An electronic filer is not required to file any paper copies unless specifically required by the court.

*Note:* In addition to the electronic paper, a Judge may request counsel or a self-represented litigant to provide a courtesy copy of a pleading(s) or other such material including but not limited to a memorandum of law, a pre-trial binder for the Court including relevant pleadings, a pre-trial memo, if any, stipulations and pre-labeled exhibits which may be useful to a Judge in preparation for trial. The Court may also request courtesy motions, petitions and answers to such pleadings from time to time.

(iv) An electronic filer is not required to file multiple copies of documents unless requested by the Court, or as specified elsewhere in these local rules. If documents are to be served electronically, the electronic filer is not required to provide envelopes, unless requested by the Court or as specified elsewhere in the local rules, except for those parties who are to receive the document by regular mail or other means of service as required by other rules.

(v) Electronic filing is permitted at all times when the EFS is available. If the EFS is unavailable at the time a registered user attempts to file a document, the registered user shall make reasonable efforts to file the document as soon as the unavailability ends.

(vi) If a registered user believes the unavailability of the EFS prevented a timely filing to the party's prejudice, the registered user may submit a motion to the court within ten (10) days of the registered user's unsuccessful attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically, the date(s) and time(s) of any subsequent attempts to file the document electronically, and why the delay was prejudicial.

(vii) The filing deadline for any document filed electronically is 11:59:59PM EST/EDT.

(viii) *Documents with Attachments.* Attachments, including exhibits, that are part of any filing, shall be filed electronically at the same time as the document.

(ix) An attachment or exhibit that exceeds the technical standards for the EFS or is unable to be electronically filed must be filed as ordered by the court. A Notice of Exhibit Attachment shall be filed in the EFS referencing such an exhibit with specifically and stating the reason why the exhibit was not filed electronically.

(x) The Court may, on its own motion or for good cause shown, order a filing be made under seal. Filings requested to be made under seal shall be submitted to the Office of Judicial Support over the counter rather than through EFS.

(xi) Sealed or confidential documents may be submitted for electronic filing in a manner that maintains confidentiality under applicable law.

(xii) Filings not under seal are public and parties shall comply with the Public Access policy related to case records of the Appellate and Trial Courts of the Unified Judicial System of Pennsylvania under 204 Pa. Code 213.81 and Delaware County Administrative Rule No. 17-5120.

*Note:* As required by Pa.R.C.P. No. 205.4(c)(1), access to the Delaware County Electronic Filing System shall be available at all times, except for required maintenance. However, legal papers can only be reviewed during normal court hours. Therefore, parties are cautioned to file required legal papers in advance of any filing deadline to enable timely correction and re-submission in the event a legal paper is not accepted or is refused for filing. The Office of Judicial Support may refuse for filing any legal paper submitted without the required filing fees as provided by 42 Pa.C.S. § 1725(c)(2)(xix), or, at the Office of Judicial Support's discretion, may authorize the filer to submit the required filing fees within a stated time period after which the Office of Judicial Support may refuse the legal paper for filing if payment is not received.

(6) If a legal paper is refused for filing, the Office of Judicial Support shall specify the reason. Subject to the provisions of subsection Rule 205.4(e)(1)(i), a legal paper refused for filing shall be deemed as not having been filed.

(7) Neither the Court nor the Office of Judicial Support are required to maintain a hard copy of any legal paper or exhibit, notice, or order filed or maintained electronically under this rule.

(8) If a legal paper is electronically filed, the Delaware County Civil Electronic Filing System will automatically serve all persons who have previously submitted electronic filings in the same case, pursuant to Delaware County Civil Rule \*205.4 and Pa.R.C.P. No. 205.4(g) but the filing party must serve all others as required by rules of Court. All legal papers filed in a hard-copy format must be served by the filing party as required by rules of court.

*Note:* A party has the responsibility of providing legal papers and other correspondence to the Delaware County Sheriff's Office for service of original process pursuant to Pa.R.C.P. 400-425. The Delaware County Electronic Filing Service or CMS program does not encompass the Delaware County Sheriff's Office.

(9) Documents shall use the universal PDF standard and shall be no more than 25 megabytes (mb). Files that exceed this limit must be split into multiple files so that each individual file is less than 25 megabytes (mb).

(10) Color shall be Black and White, resolution of 300 dpi. If a filer has a document that is color or greystroke, the document shall not be filed electronically but must be submitted to the Office of Judicial Support.

(11) All pleadings must conform to Pennsylvania Rule of Civil Procedure 204.1(1) so that the size of the document be 8 1/2 inch by 11 inch paper.

(12) Any font that is not part of the Microsoft default font list must be embedded in the PDF document

(13) PDF properties (Title, Author, Subject, and Keywords) should be removed from the document. Documents cannot be password protected or encrypted. Documents names shall not include any special characters such / : \* ? " < >

(g)(2) *Service by Electronic Transmission*

(i) Service shall be made to registered users through the EFS and to all others as otherwise provided in the Pennsylvania Rules of Civil Procedure. Service by the EFS is complete upon transmission on a Saturday, a Sunday, a holiday recognized by Delaware County, or after 5:00PM EST/EDT, shall be considered complete on the next day that is not a Saturday, Sunday or recognized Delaware County holiday.

(ii) Other than original service, the electronic filer shall not be required to serve a paper copy of the electronic filing on the opposing party if the opposing party is a registered user on the EFS and the electronic filing has been served on them through the EFS.

(h) An AOPC Civil Court Cover Sheet pursuant to Pa.R.C.P. No. 205.5 shall be required and must be scanned separately from the original pleading

*Note:* The following documents may be filed through the EFS system. The Office of Judicial Support, once accepted, will forward the document to Court Administration for review and processing:

(1) Certificate of Readiness pursuant to Local Rule 241; (2) Debtor's Exemption under Local Rule 3123; (3) Application for Continuance in arbitration cases pursuant to Delaware County Local Rule 1303(f) or for a hearing related to a petition or motion (Local Rule 206.1(a)(1) and 208.3(b)(1)); (4) License Suspension Appeal (Local Rule 29); (5) Tax Assessment Appeal (Local Rule 30); (6) Board of View (Local Rule 62 (k)); and (8) Request for Extension pursuant to Local Rule 1028.

Once filed through the EFS system, the document will be processed by the Court Administrator and notice of the outcome and/or a hearing date, if any, will be sent electronically to the filing party. The party requesting a continuance shall provide advance notice to all parties in a case, state if the continuance is opposed or unopposed, and be responsible to notify all parties of the outcome of the request prior to a listed hearing or event.

Applications for Continuance in assigned cases may be filed electronically at the Court's discretion subject to the assigned judge's guidelines.

Motions or petitions seeking relief in emergency situations or stay of proceedings shall not be filed through the EFS system but shall be taken to the Office of Judicial Support to be time-stamped, processed, and docketed and then brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.

*Note:* This rule is adopted as required by Pa.R.C.P. No. 239.9.

[Pa.B. Doc. No. 18-1195. Filed for public inspection August 3, 2018, 9:00 a.m.]

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## SUPERIOR COURT

### Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts; No. 1 Administrative Doc.

#### Order

*And Now* this 18th day of December, 2017, in accordance with Section 7(C) of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*, It is hereby *Ordered* that all documents filed with the Superior Court of Pennsylvania that contain confidential information shall be filed in two versions, a redacted version and an unredacted version.

This Order shall be effective January 6, 2018.

SUSAN PEIKES GANTMAN,  
*President Judge*

[Pa.B. Doc. No. 18-1196. Filed for public inspection August 3, 2018, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 40—LIQUOR

### LIQUOR CONTROL BOARD

#### [ 40 PA. CODE CHS. 9 AND 11 ]

#### Return of Liquor

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), amends Chapter 9, Subchapter F (relating to disposition of liquor and malt or brewed beverages under certain conditions) and adds Chapter 11, Subchapter O (relating to return of liquor to the Board by licensees or permit holders) to read as set forth in Annex A.

#### *Summary*

This final-form rulemaking provides guidance to licensees and permit holders for returning liquor to the Board in the ordinary course of business. In addition, it clarifies existing regulations governing the disposition of liquor and malt or brewed beverages under certain circumstances.

The Liquor Code (47 P.S. §§ 1-101—10-1001) makes the Board the primary wholesaler of liquor in this Commonwealth and, as a result, the Board is responsible for supplying liquor to licensees and permit holders for resale. However, the Liquor Code does not address the circumstances under which the Board may accept returns of liquor from licensees or permit holders. Moreover, the Board's regulations were insufficient, since they only addressed repurchases of liquor returned to the Board by licensees going out of business, bankruptcy estates or officers of the law.

To date, returns of liquor by licensees and permit holders in the ordinary course of business have been governed by policies and procedures applicable to the operation of the Board's Fine Wine & Good Spirits stores. With the passage of the act of June 8, 2016 (P.L. 273, No. 39), which authorizes certain licensees who obtain wine expanded permits to sell wine for off-premises consumption, there is a greater need to provide clear and consistent guidance for all licensees and permit holders wishing to return liquor to the Board.

Federal laws and regulations govern the return of alcoholic beverages sold in interstate or foreign commerce. Federal laws and regulations generally make it unlawful to sell products with the privilege of returning those products for any reason other than ordinary and usual commercial reasons arising after the product has been sold. See section 105(d) of the Federal Alcohol Administration Act (27 U.S.C.A. § 205(d)) and 27 CFR 11.31 (relating to general).

Federal regulations define what constitutes "ordinary and usual commercial reasons" for the return of products and outline the conditions and limitations for returns. See 27 CFR 11.32—11.46. These Federal regulations are not generally applicable to sales transactions between the Board and licensees or permit holders in this Commonwealth since they do not occur in interstate or foreign commerce. However, the Federal regulations do offer significant guidance for the return of liquor, which the Board has followed in this final-form rulemaking. They also limit the circumstances under which the Board may seek to return product to its suppliers.

Chapter 11, Subchapter O is based on the previously referenced Federal regulations, albeit tailored to meet the Board's needs and to provide necessary guidance to the regulated community.

Section 11.231 (relating to general provisions) is added to explain the guiding principle for the return of liquor to the Board, which is that liquor may be returned for ordinary and usual commercial reasons arising after the product has been sold. This section is based on 27 CFR 11.31, 11.35, 11.36, 11.45 and 11.46.

Proposed § 11.231 provided that a refund would be given either at the price paid or the then-available price, whichever was lower. In response to a comment from the Independent Regulatory Review Commission (IRRC), final-form § 11.231 is revised to state that the refund will equal the price paid, as evidenced by documentation of the transaction. Final-form § 11.231 is further revised to define "documentation of the transaction" as including a signed bill of lading, a licensee sales invoice or a point of sale receipt. This explains to the licensee what type of paperwork or proof is required to establish the price paid for the product that is being returned.

Section 11.231 also sets forth examples of what is not considered by the Board to be ordinary and usual commercial reasons for the return of liquor, such as when product is sought to be returned because the licensee is overstocked. These examples, which generally follow Federal law, are provided so that the regulated community will know, in advance, whether a return of liquor will be accepted.

Section 11.231(b)(4) is added in this final-form rulemaking to state that the Board will not accept product sought to be returned because it was damaged after the product has left the custody or control of the Board. In this situation, the licensee's recourse would be against the person or entity that damaged the product after it left the custody or control of the Board.

Section 11.231 provides a "signpost" to §§ 9.113 and 9.114 (relating to requests for repurchase by licensees who have discontinued business or sold their licensed business; information to be furnished; and repurchase of liquor presented to the Board) to reduce confusion over which section is applicable when a licensee wants to dispose of its remaining inventory of liquor because it will no longer be operating.

Section 11.231(e) is added in this final-form rulemaking to explain the amount of the refund (the price paid by the licensee) and the amount of the handling charge. The handling charge is calculated to be 12.5% of the price paid or \$50, whichever is greater. In situations when the handling charge may be applied, it will only be assessed when 12 bottles or more are accepted for refund.

Section 11.231(f) is added in this final-form rulemaking to advise that the return of any liquor purchased as a special order listing is subject to § 11.239 (relating to special order listings).

Section 11.232 (relating to defective products) is based on 27 CFR 11.32 (relating to defective products) and sets forth the first of the ordinary and usual commercial reasons for the return of liquor. Defective products are those that are unmarketable at the time of purchase because of product deterioration, leaking containers, damaged labels, or missing or mutilated tamper evident closures.

Proposed § 11.232 required product to be returned within 15 days of product delivery. IRRC suggested that “or pickup” be added after “product delivery.” IRRC also asked for the Board’s rationale for the proposed time limits.

The Board proposed a 15-day time frame for the return of defective or erroneous product to be able to reconcile, within a short period of time, the accounts of the licensees that returned product. However, the Board’s return policy for sales to private individuals (nonlicensees) requires individuals to return product within 30 days with a receipt. Therefore, the standard time frame for licensee returns is also 30 days. In the interest of consistency, final-form § 11.232 is revised to require returns of defective product to be made within 30 days of purchase (except for special order listings), to be consistent with the Chapter 9 (relating to transportation, importation, disposition and storage) and to provide for easier enforcement.

Proposed § 11.232 required a licensee to apply the refund toward the purchase of an equal quantity of the same product. Proposed § 11.232 was intended to serve as a reflection of what typically occurs and was not meant to limit a licensee’s options. In response to a comment from IRRC, this requirement was deleted and this final-form rulemaking provides that the licensee may return product for a refund. Therefore, this final-form rulemaking is revised so that the licensee is free to utilize the refund as it sees fit.

Section 11.233 (relating to error in products delivered) is based on 27 CFR 11.33 (relating to error in products delivered) and is the second of the ordinary and usual commercial reasons for the return of liquor. This scenario occurs when the licensee has ordered one type of product and received a different type of product.

Proposed § 11.233 established that product returned under this section should be returned within 15 days of product delivery. The time frame is revised in this final-form rulemaking to “within 30 days of purchase” in the interest of consistency throughout Chapter 11, Subchapter O and to provide for easier enforcement.

Under proposed § 11.233, the licensee was required to provide “proof of the order and the discrepancy in question.” This phrase was deleted and replaced with “documentation of the transaction, as defined in § 11.231(d) (relating to general provisions), and the erroneous product.” “Documentation of the transaction” may include a signed bill of lading, a licensee sales invoice or a point of sale receipt.

Proposed § 11.233 required a licensee to apply the refund toward the purchase of an equal quantity of the same product. This was intended to serve as a reflection of what typically occurs and was not meant to limit a licensee’s options. In response to a comment from IRRC, this proposed requirement was deleted and this final-form rulemaking provides that the licensee may return product for a refund. The licensee is free to utilize the refund as it sees fit. Proposed subsections (b) and (c) were deleted in this final-form rulemaking.

Section 11.234 (relating to products that may no longer be lawfully sold) is based on 27 CFR 11.34 (relating to products which may no longer be lawfully sold) and is the third of the ordinary and usual commercial reasons for the return of liquor. This scenario may occur when a product may no longer be sold because a Federal or State law, regulation or administrative procedure was changed. For example, a law may be enacted that prohibits the

sale of any beverages that contain alcohol and caffeine. Another example is when a court rules that a product infringes upon another manufacturer’s trademark and can no longer be sold.

The manufacturer may advise licensees directly about the change in the legal status of its product, and will notify the Board since the Board serves as the principal wholesaler for this Commonwealth. Once the Board is advised of the change in legal status, the Board will notify the licensed community by e-mail.

Proposed § 11.234 did not provide a time limit for the return of liquor. This section is revised to provide licensees 30 days from the date of notification that a product may no longer be sold lawfully to return the product to the Board. Because this product will no longer be a factor in ongoing business transactions between the Board and a licensee, but is being returned to the Board for the final time, the Board believes that 30 days from the date of notification is a reasonable time frame for a licensee to return the unlawful product. This also allows the Board to seek proper recourse with the product supplier in a timely manner.

Section 11.235 (relating to product subject to recall or withdrawal) is the fourth of the ordinary and usual commercial reasons for the return of liquor. This section is based on the United States Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau Industry’s Circular No. 2010-6, which addressed product recalls in the alcohol industry.

Proposed § 11.235 only addressed product subject to recall. Generally, a product is subject to recall when it has been determined that the use of or exposure to a product is likely to cause serious adverse health consequences or death to humans or animals.

Final-form § 11.235 is revised to include product that is subject to withdrawal. “Recall” and “withdrawal” are similar but do not mean the same thing. A product recall is invoked by a government agency when a product is unsafe for the public. A product withdrawal is invoked by a manufacturer when a product is suffering from quality issues, not safety issues. The Board has experienced product recalls and product withdrawals, and wanted to assure the regulated community that recalls and withdrawals are acceptable reasons for a product’s return.

Proposed § 11.235 did not provide a time limit for the return of liquor. Final-form § 11.235 is revised to give licensees 30 days to return product after receiving notification that a product is subject to recall or withdrawal. This period of time is believed to be sufficient given the significant reasons for the return. It also encourages licensees to exercise due diligence upon receiving notification of a product issue so that the Board can pursue recourse with the product supplier in a timely manner.

Section 11.236 (relating to change in product) is based on 27 CFR 11.37 (relating to change in product) and is the fifth of the ordinary and usual commercial reasons for the return of liquor. This section provides for the return of liquor when a product has subsequently been changed in formula, proof, label or container. Usually these changes relate to a change in proof or in the blend of ingredients in the product.

Proposed § 11.236 required a licensee to return product within 30 days of delivery or pickup. Final-form § 11.236 is revised to allow returns—the return of the existing product is voluntary—within 30 days of when the licensee receives notification of the change in formula, proof, label or container. This revision was recommended by IRRC

and will allow licensees to return product that has been in their inventory for more than 30 days before the announced change in product. It also encourages licensees to exercise due diligence upon receiving notification of a product issue so that the Board can pursue recourse with the product supplier in a timely manner.

Proposed § 11.236 required a licensee to apply the refund toward the purchase of an equal quantity of the same product. Proposed § 11.236 was intended to serve as a reflection of what typically occurs and was not meant to limit a licensee's options. In response to a comment from IRRRC, this requirement was deleted and this final-form rulemaking provides that the licensee may return product for a refund. Therefore, the licensee is free to utilize the refund as it sees fit.

This final-form rulemaking clarifies that returns under this section are subject to a handling charge in accordance with § 11.231(e). The imposition of a handling charge in this instance is justified since there is nothing wrong with the existing product. It is future product that is affected by the change in formula, proof, label or container. In other words, the return of the existing product is discretionary on the part of the licensee.

Section 11.237 (relating to discontinued products) is based on 27 CFR 11.38 (relating to discontinued products) and is the sixth of the ordinary and usual commercial reasons for the return of liquor. This section allows a licensee to elect to return product when a manufacturer or importer discontinues the production or importation of the product.

Proposed § 11.237 required the return of product within 30 days of product delivery or pickup. This section is revised to allow returns within 30 days of when the licensee has received notification that the product is being discontinued. This revision was recommended by IRRRC and will allow licensees to return product that has been in inventory for more than 30 days before the announced discontinuation.

In addition, the proposed reference to allowing the return "in the Board's discretion" has been deleted. Product will be accepted for return in these circumstances. This final-form rulemaking clarifies that returns under this section are subject to a handling charge in accordance with § 11.231(e). The imposition of a handling charge in this instance is justified since there is nothing wrong with the existing product. In other words, the return of the existing product is discretionary on the part of the licensee.

Section 11.238 (relating to permit holders) is loosely based on 27 CFR 11.39 (relating to seasonal dealers) and is the seventh of the ordinary and usual commercial reasons for the return of liquor. As of April 19, 2018, there have been approximately 9,000 special occasion permit holders, wine auction permit holders and spirit auction permit holders (collectively, permit holders). This figure includes expired permits, since these permits expire at the end of the calendar year, and are typically only renewed as needed throughout the calendar year. Therefore, citing the figure for only active permits would be artificially low.

Permit holders buy liquor for fundraising events and not as part of an ongoing business. As a result, they often want to return liquor that has not been used at the event—sometimes less than a case and, in some situations, truckloads of liquor. Frequently, though, these permits are used at outdoor events, which can have a detrimental impact on the quality of liquor, particularly

wine. A regulation is needed to provide guidance to permit holders as to what the Board needs and expects in order to process a return.

By way of illustration, in 2013, the Board sold alcohol to a permit holder for a Nationally-recognized golf event. The order totaled three truckloads of wine and spirits, which were kept outdoors. At the end of the event, the permit holder tried to return the product that had not been consumed, including partially consumed bottles and bottles of wine that had not been properly stored. This experience underscored the need for regulatory guidance regarding the return of liquor by permit holders.

One of the concerns the Board has regarding liquor returned by permit holders is that, because permit holders are not usually in the business of selling liquor, the Board does not know under what conditions the liquor, particularly wine, has been kept. In the wrong conditions, such as excessive heat or sunlight, product can be ruined. Neither the Board nor the product supplier have control over these conditions once the product is sold and the permit holder takes possession.

Final-form § 11.238 is revised to set forth the conditions that shall be met for the Board to accept the return of liquor from permit holders. In addition, when a permit holder order is picked up or delivered, the permit holder will be asked to initial and sign a pre-authorization form that sets forth the requirements for returning unused product. A copy of the form was included in the final-form rulemaking package submitted to IRRRC.

In response to a comment from IRRRC, final-form § 11.238 is revised to clarify the situations when the Board will waive the handling charge when product is returned by a permit holder. The handling charge will automatically be waived if a permit holder returns less than 12 bottles that meet the required conditions. If the permit holder is returning 12 bottles or more, the Board will apply the handling charge to all bottles that meet the required conditions. The product must be unopened, unadulterated and in saleable condition. A definition of "saleable" is added in this final-form rulemaking.

Proposed § 11.239 was intended to address situations when the licensee rejected the product delivery and refused to accept the product. Proposed § 11.239 did not fit within the context of this final-form rulemaking at large, which is the return of liquor to the Board after it has been accepted by the licensee. There is no equivalent to proposed § 11.239 in Federal regulations.

Final-form § 11.239 addresses the unique circumstance of special order listings, which the Board is authorized to offer to the public under section 305(a) of the Liquor Code (47 P.S. § 3-305(a)). A special order listing is a product that the Board does not stock that is advertised as being available upon request from the product supplier. The customer is charged for the purchase when the product is shipped from the supplier. There could be as much as a 45-day delay between when a special order is placed and when the licensee can physically receive the product. Therefore, final-form § 11.239 provides that a product may be returned for a refund within 30 days from the date of receipt, rather than 30 days from the date of purchase.

Special order product is not delivered to the Board's warehouses to be handled through standard distribution procedures. It is shipped directly from the supplier to 1 of the Board's approximately 600 stores. As a result, a return of a special order product cannot be processed in the same manner as the Board's inventory. Because the



Board may have previously rejected that product for listing in its stores, or the supplier may have elected to limit distribution of the product by using the special order sales channel, it would not make sense for the Board to accept returns of the product. Therefore, the product supplier shall decide how the special order product return will be handled, within the parameters in §§ 11.231—11.237, and communicate that decision to the Board.

Final-form § 11.239 sets forth the options for the product supplier: 1) pick up the returned product at the Board's store; 2) arrange for the shipment of the returned product back to the supplier; or 3) ask the Board to destroy the returned product. If the Board is asked or required to destroy the special order product, the supplier will be charged a fee.

In October 2017, the Board established return procedures for special order listing products after providing notice of the same to licensees and suppliers. The regulated community has already had an opportunity to comment on these return procedures. Although § 11.239 is added in this final-form rulemaking, it is not new to those affected by it. The Board believes that it is beneficial to codify these procedures by including them in this final-form rulemaking, since it provides consistency to the regulated community and clarifies how special order returns are to be handled compared to returns of other products.

Section 9.111 (relating to alcoholic beverages held by estates; legal process; licensees who have discontinued business) is amended to update the language and delete references to the estate of a decedent, since decedent's estates have the authority under the Liquor Code to sell alcohol through channels other than the Board.

Section 9.111 is further revised to reflect that licensees are not limited to purchasing liquor from the Board. They may purchase from Pennsylvania-licensed manufacturers, such as limited wineries, limited distilleries or distilleries. Therefore, final-form § 9.111 is revised to clarify that, when a licensee discontinues doing business, liquor may be repurchased by the Board or the Pennsylvania-licensed manufacturer from whom it was originally purchased. This was also done to be consistent with the amendment for malt or brewed beverages.

Section 9.112 (relating to requests for repurchase by bankruptcy estates or officers of the law; information to be furnished) is amended by deleting the subsection that addressed the estates of decedents, since decedent's estates are not required to present liquor to the Board for repurchase. Subsections regarding licensees that have discontinued business, with or without the transfer of the license, were deleted as these topics are addressed in § 9.113.

The heading of § 9.112 is revised in this final-form rulemaking to more accurately reflect the section and provide more clarity to the regulated community. Additional verbiage is added to clarify the scenarios addressed in the section.

Final-form § 9.112 is further revised by adding, in each remaining subsection, the type of information that the Board requires to repurchase liquor. Specifically, licensees shall provide information regarding the date of purchase of the product, as evidenced by documentation of the transaction. That phrase is defined in this section, for the convenience of the regulated community, as a signed bill of lading, a licensee sales invoice or a point of sale receipt.

Final-form § 9.112 is revised to clarify that this section does not apply to alcohol seized under Article VI of the Liquor Code (47 P.S. §§ 6-601—6-611), regarding property illegally possessed or used, forfeitures and nuisances. Section 603 of the Liquor Code (47 P.S. § 6-603) addresses the disposition of forfeited property.

The heading of § 9.113 is revised in this final-form rulemaking to more accurately reflect the section.

Final-form § 9.113(a) is revised by adding “who wants to have its remaining liquor inventory repurchased by the Board” for clarity. Subsection (a) is further revised regarding the information a licensee shall provide to the Board, specifically the date of purchase of the product as evidenced by documentation of the transaction. That phrase is defined in subsection (d) as a signed bill of lading, a licensee sales invoice or a point of sale receipt. This was done to be consistent with revisions to Chapter 11 (relating to purchases, sales and returns).

Final-form § 9.113(b) is revised to include a listing of all the information that the licensee shall provide to the Board. This is the same list in § 9.113(a), which pertains to the discontinuance of business without the transfer of the license. Because subsection (b) pertains to the sale of the licensed business, the Board believes that reiterating the list in § 9.113(b) is appropriate, since the information required is the same, and the former regulation did not clearly express this to the regulated community.

Because of the restructuring of § 9.113(b), it was necessary to renumber proposed paragraph (2) as final-form subsection (c). Therefore, subsection (c) does not provide new information to the regulated community. Subsection (c) addresses the scenario when a licensee selling its licensed business wants to transfer its liquor and malt or brewed beverages inventory to the person buying the license.

A minor grammatical change was made to § 9.114(a)—“and” was changed to “or”—to reflect that the licensee is only required to provide the information in one of the sections, not both. Cross-references to §§ 9.112 and 9.113 are revised to reflect the new headings.

Final-form § 9.114 is revised by deleting language that the licensee would be given the price paid or the current price, whichever is lower, and replacing it with language that the licensee will be given the price paid. This was done to be consistent with revisions to Chapter 11.

Final-form § 9.114 is revised to explain that a handling charge would be assessed only when 12 bottles or more are accepted for repurchase by the Board. The handling charge is defined as 12.5% of the purchase price or \$50, whichever is greater. This was done to be consistent with revisions to Chapter 11.

Final-form § 9.114 is revised to provide that the Board will generally only accept liquor for repurchase within 30 days of the original purchase. This was also done to be consistent with the time limits established in revised Chapter 11. However, an exception is added in this final-form rulemaking that allows the Board to repurchase liquor outside this 30-day period when it is in the best interests of the Commonwealth and is operationally prudent for the Board to do so.

Final-form § 9.114 is revised to clarify that repurchases will be confined to saleable liquor in the original containers, unopened and unadulterated, as when originally sold by the Board. A definition of “saleable” is added in this final-form rulemaking.

The former text of § 9.115 (relating to repurchase of liquor or malt or brewed beverages presented to a distributor, importing distributor or manufacturer) is deleted in this final-form rulemaking and the heading is revised. The deletion of the former is negligible, since sales of liquor contrary to the Liquor Code and the Board’s regulations are prohibited.

Section 9.115 is now used to clarify that these regulations do not require a Pennsylvania-licensed distributor, importing distributor or manufacturer to repurchase liquor or malt or brewed beverages; they have the discretion to do so. Final-form § 9.115 reminds these entities to keep records pertaining to repurchases in accordance with sections 493(12) and 512 of the Liquor Code (47 P.S. §§ 4-493(12) and 5-512).

#### *Affected Parties*

The affected parties include licensees and permit holders that want to return product to the Board. As of April 19, 2018, there were approximately 13,919 active licensees and permit holders that could be affected by this final-form rulemaking. The members of the regulated community will benefit from the guidance and clarity provided by this final-form rulemaking, as they will be able to better understand what is required, and by when, to successfully return product to the Board. They will also be able to better understand what options exist for disposing of products under certain circumstances, such as the discontinuance of business or bankruptcy, or both.

#### *Paperwork Requirements*

The regulated community will be required to provide proof or evidence to support the reasons for return in some instances and may be required to do so in other instances. However, this proof or evidence would consist mostly of documentation of the sales transaction that is already required to be retained by the regulated community for 2 years, under section 493(12) of the Liquor Code. The Board will also have some recordkeeping obligations as a result of this final-form rulemaking, but the Board already has substantial measures in place relative to purchases and tracking returns. Sections 9.112 and 9.113 require some basic information to process a request for the Board to repurchase liquor from a licensee that is no longer in business. Aside from a simple form to be completed by special occasion permit holders, wine auction and spirit auction permit holders, there will be no other new paperwork requirements.

#### *Fiscal Impact*

The Board will issue a refund for product that it accepts for return. The refund will be the price paid for the product. In certain situations, the refund will be reduced by the assessment of a handling charge of 12.5% of the refund or \$50, whichever is greater. The handling charge will be waived in situations where the product is defective, is not what the licensee ordered, may no longer lawfully be sold or is subject to a recall or withdrawal. Handling charges will not be assessed if less than 12 bottles are accepted for return.

#### *Effective Date*

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

#### *Contact Person*

Questions regarding this final-form rulemaking should be addressed to Rodrigo Diaz, Chief Counsel, Jason Worley, Deputy Chief Counsel, or Norina Foster, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 4, 2017, the Board submitted a copy of the notice of proposed rulemaking, published at 47 Pa.B. 2978 (May 27, 2017), to IRRC and the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 27, 2018, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 28, 2018, and approved this final-form rulemaking.

#### *Findings*

The Board finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments to the Board’s regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

#### *Order*

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

(a) The regulations of the Board, 40 Pa. Code Chapters 9 and 11, are amended by adding §§ 11.231—11.239 and amending §§ 9.111—9.115 to read as set forth in Annex A.

(*Editor’s Note:* The amendments to § 9.115 were not included in the proposed rulemaking published at 47 Pa.B. 2978.)

(b) The Board shall certify this order and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

TIM HOLDEN,  
*Chairperson*

(*Editor’s Note:* See 48 Pa.B. 4189 (July 14, 2018) for IRRC’s approval order.)

**Fiscal Note:** Fiscal Note 54-91 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 9. TRANSPORTATION, IMPORTATION, DISPOSITION AND STORAGE

Subchapter F. DISPOSITION OF LIQUOR AND MALT OR BREWED BEVERAGES UNDER CERTAIN CONDITIONS

§ 9.111. Alcoholic beverages held by estates; legal process; licensees who have discontinued business.

(a) *Liquor.*

(1) Liquor purchased from a State Liquor Store or from a Pennsylvania-licensed limited winery, limited distillery or distillery, forming part of a bankruptcy estate or in the custody of the law under legal process, may only be repurchased by the Board or the Pennsylvania-licensed manufacturer from whom originally purchased as provided in this subchapter.

(2) Liquor in the possession of a licensee at the time the licensed business is discontinued by transfer of the license or otherwise may be sold by the licensee to the transferee or may be repurchased by the Board or the Pennsylvania-licensed manufacturer from whom originally purchased as provided in this subchapter.

(b) *Malt or brewed beverages.*

(1) Malt or brewed beverages purchased from a Pennsylvania-licensed distributor or importing distributor or manufacturer, forming part of a bankruptcy estate or in the custody of the law under legal process, may only be repurchased by the Pennsylvania-licensed distributor, importing distributor or manufacturer from whom originally purchased. Except and only in the event the Commonwealth or an agency thereof obtains the custody, possession, right of possession or the title to the malt or brewed beverages under legal process or under judicial sale, the Commonwealth or the agency may sell the malt or brewed beverages to any distributor of any class or to the Pennsylvania-licensed manufacturer who or which is licensed and authorized to buy and sell malt or brewed beverages, and the brand or brands of malt or brewed beverages.

(2) Malt or brewed beverages in the possession of a licensee at the time the licensed business is discontinued by transfer of the license or otherwise may be sold only to the transferee of the license or may be repurchased by the Pennsylvania-licensed distributor, importing distributor or manufacturer from whom originally purchased.

§ 9.112. Requests for repurchase by bankruptcy estates or officers of the law; information to be furnished.

(a) Receivers and trustees in bankruptcy or officers of the law who possess and wish to sell liquor purchased by a licensee from State Liquor Stores may ask for the liquor to be repurchased by the Board by filing a sworn statement containing the following, as applicable:

(1) Receivers and trustees in bankruptcy.

(i) Name and address of bankrupt and date of bankruptcy.

(ii) Name and address of receiver or trustee who shall file with the statement a certified copy of his appointment or election, and a certified copy of the order of court authorizing or directing the sale of liquor.

(iii) Description of the liquor, including brand name, size and number of containers of each brand, and date of purchase, as evidenced by documentation of the transaction.

(2) Officers of the law.

(i) Name and address of debtor, and nature of debt.

(ii) Name and address of sheriff, constable or other officer of the law who shall file with the statement written evidence of his authority to act, together with the name of court, and number and term or name of magistrate.

(iii) Description of the liquor, including brand name, size, number of containers of each brand and date of purchase, as evidenced by documentation of the transaction.

(b) For purposes of this section, “documentation of the transaction” may include a signed bill of lading, a licensee sales invoice or a point of sale receipt.

(c) This section does not apply to alcohol seized under Article VI of the Liquor Code (47 P.S. §§ 6-601—6-611).

§ 9.113. Requests for repurchase by licensees who have discontinued business or sold their licensed business; information to be furnished.

(a) *Discontinuance without transfer of license.* A licensee who has discontinued business without transfer of the license who wants to have its remaining liquor inventory repurchased by the Board shall provide the Board with all of the following information:

(1) Name and address of licensee.

(2) Written statement under oath that the licensee has discontinued the licensed business and the date thereof. If the business has been discontinued due to the death of the licensee, all of the following additional information shall be provided:

(i) Name and address of the decedent, and date of death.

(ii) Name and address of the executor or administrator who shall file with the statement documentary evidence of the death of the licensee.

(3) Description of the liquor, including brand name, size and number of containers of each brand, and date of purchase, as evidenced by documentation of the transaction.

(b) *Sale of licensed business and repurchase of liquor inventory by the Board.* A licensee who is selling its licensed business and who wants to have its remaining liquor inventory repurchased by the Board shall provide the Board with all of the following information:

(1) Name and address of licensee.

(2) Written statement under oath that the licensee has sold its licensed business and the date thereof.

(3) Description of the liquor, including brand name, size and number of containers of each brand, and date of purchase, as evidenced by documentation of the transaction.

(c) *Sale of licensed business and transfer of liquor and malt or brewed beverages inventory to the transferee.* A licensee who is selling its licensed business may sell the remaining liquor and malt or brewed beverages inventory to the transferee of the license, in which case the licensee shall provide the Board with all of the following information:

(1) At the time the application for the transfer of the license is filed, a statement that it is the licensee's intention to include the liquor and malt or brewed beverages inventory, or a designated quantity thereof, in the sale of the license.

(2) When the transfer of the license is approved, a sworn statement containing a description of the liquor and malt or brewed beverages, including brand name, size and number of containers of each brand sold to the transferee.

(d) *Documentation of the transaction.* For purposes of this section, "documentation of the transaction" may include a signed bill of lading, a licensee sales invoice or a point of sale receipt.

**§ 9.114. Repurchase of liquor presented to the Board.**

(a) Upon receipt of the information required under § 9.112 or § 9.113 (relating to requests for repurchase by bankruptcy estates or officers of the law; information to be furnished; and requests for repurchase by licensees who have discontinued business or sold their licensed business; information to be furnished) and verification thereof, the Board may arrange to repurchase some or all of the liquor purchased from State Liquor Stores at the price paid by the licensee. A handling charge of 12.5% or \$50, whichever is greater, will be assessed when 12 bottles or more are accepted for purchase. The Board will only repurchase liquor within 30 days of the original purchase by the licensee, except when the Executive Director of the Board or a designee determines that it is in the best interests of the Commonwealth and operationally prudent for the Board to the repurchase the liquor more than 30 days after the licensee purchased it.

(b) Repurchases will be confined to saleable liquor in the original containers, unopened and unadulterated, as when originally sold by the State Liquor Stores. "Saleable" means that the products and containers must look as they did when originally purchased.

**§ 9.115. Repurchase of liquor or malt or brewed beverages presented to a distributor, importing distributor or manufacturer.**

A Pennsylvania-licensed distributor, importing distributor or manufacturer is not required under this chapter to repurchase liquor or malt or brewed beverages. A Pennsylvania-licensed distributor, importing distributor or manufacturer has the discretion to repurchase liquor or malt or brewed beverages. The Pennsylvania-licensed distributor, importing distributor or manufacturer shall keep records pertaining to repurchases in accordance with sections 493(12) and 512 of the Liquor Code (47 P.S. §§ 4-493(12) and 5-512).

**CHAPTER 11. PURCHASES, SALES AND RETURNS**

**Subchapter O. RETURN OF LIQUOR TO THE BOARD BY LICENSEES OR PERMIT HOLDERS**

Sec.	
11.231.	General provisions.
11.232.	Defective products.
11.233.	Error in products delivered.
11.234.	Products that may no longer be lawfully sold.
11.235.	Product subject to recall or withdrawal.
11.236.	Change in product.
11.237.	Discontinued products.
11.238.	Permit holders.
11.239.	Special order listings.

**§ 11.231. General provisions.**

(a) The Board may accept the return of liquor purchased from the Board for ordinary and usual commercial

reasons arising after the product has been sold. Sections 11.232—11.237 specify ordinary and usual commercial reasons for the return of products and outline the conditions and limitations for returns. If the Board accepts the returned product, the licensee will receive the price paid as evidenced by documentation of the transaction, as defined in subsection (d), less handling charges in accordance with subsection (e). The Board will not accept the return of product purchased from a third party, even if the third party purchased the product from the Board.

(b) The Board will not accept the return of product for reasons that do not constitute ordinary and usual commercial reasons, including all of the following:

(1) Product sought to be returned because it is overstocked or slow-moving.

(2) Product sought to be returned because there is only a limited or seasonal demand, such as holiday decanters and certain distinctive bottles.

(3) Product sought to be returned because the licensee changed its menu or for other similar business reasons.

(4) Product sought to be returned because it was damaged after the product has left the custody or control of the Board.

(5) Product sought to be returned for any other reason that is not included in §§ 11.232—11.237.

(c) The repurchase of product related to the discontinuance or sale of a licensee's business is addressed in §§ 9.113 and 9.114 (relating to requests for repurchase by licensees who have discontinued business or sold their licensed business; information to be furnished; and repurchase of liquor presented to the Board).

(d) For purposes of this subchapter, "documentation of the transaction" may include a signed bill of lading, a licensee sales invoice or a point of sale receipt.

(e) The Board may refund the licensee for some or all of the liquor purchased from State Liquor Stores at the price paid by the licensee in accordance with this subchapter. A handling charge equal to the greater of 12.5% of the purchase price or \$50, whichever is greater, will only be assessed when 12 bottles or more are accepted for return.

(f) The return of liquor purchased as a special order listing, as defined in § 13.71 (relating to definitions), is subject to § 11.239 (relating to special order listings).

**§ 11.232. Defective products.**

Products that are unmarketable at the time of delivery or pickup because of product deterioration, leaking containers, damaged labels, or missing or mutilated tamper evident closures may be returned for a refund within 30 days of purchase. Returns may be contingent upon verification of the alleged defect, including photographs of the damaged product or any other evidence required by the Board or the manufacturer of the product. The payment of a handling charge will be waived for returns under this section.

**§ 11.233. Error in products delivered.**

A discrepancy between products ordered and products delivered may be corrected, within 30 days of purchase, by returning the incorrect product for a refund. The licensee will be required to provide documentation of the transaction, as defined in § 11.231(d) (relating to general provisions), and the erroneous product. The payment of a handling charge will be waived for returns under this section.

**§ 11.234. Products that may no longer be lawfully sold.**

Products that may no longer be lawfully sold may be returned for a refund within 30 days of notification that the product may no longer lawfully be sold. This includes situations when, due to a change in statute, regulation or administrative procedure over which the licensee has no control, a particular size, brand or product is no longer permitted to be sold. The payment of a handling charge will be waived for returns under this section.

**§ 11.235. Product subject to recall or withdrawal.**

Products that have been recalled or withdrawn by the manufacturer may be returned for a refund within 30 days of notification that the product has been recalled or withdrawn. The payment of a handling charge will be waived for returns under this section.

**§ 11.236. Change in product.**

When a manufacturer changes a product in formula, proof, label or container, a licensee may return its existing inventory for a refund of that product within 30 days of notification that the product has been changed. A change in vintage does not constitute a change in product for purposes of this section. The licensee will be assessed a handling charge in accordance with § 11.231(e) (relating to general provisions) for returns under this section.

**§ 11.237. Discontinued products.**

When a manufacturer or importer discontinues the production or importation of a product, a licensee's inventory of that product may be returned for a refund within 30 days of notification that the product is being discontinued. The licensee will be assessed a handling charge in accordance with § 11.231(e) (relating to general provisions) for returns under this section.

**§ 11.238. Permit holders.**

(a) The Board may accept the return of product from permit holders who sell alcohol less than 15 days in the course of a year, such as special occasion, wine auction or spirit auction permit holders.

(b) At the time product is picked up or delivered, permit holders will be made aware, through the provision of a pre-authorization form, of all of the following conditions for the return of liquor:

(1) If the product was picked up at a Pennsylvania liquor store, the permit holder shall return the product to that store and no other Board location.

(2) If the product was delivered by the Board to the event location, only 100% full, unopened cases will be accepted by the Board's delivery truck for return. All other product shall be returned to a Pennsylvania liquor store or licensee service center as directed by the Board.

(3) The product must be saleable liquor in the original containers, unopened and unadulterated, as when originally sold by the State Liquor Stores. "Saleable" means that the products and containers must look as they did when originally purchased.

(4) At the time of the return, the permit holder shall provide the Board with documentation of the transaction, as defined in § 11.231(d) (relating to general provisions).

(5) The product shall be returned within 30 days of the date of purchase.

(6) The product must be kept out of direct sunlight and in a temperature-controlled environment, such as a refrigerator, temperature-controlled delivery truck or any other location where the temperature does not reach below 55° or above 75°.

(7) The return of liquor purchased as a special order listing, as that term is defined in § 13.71 (relating to definitions), is subject to § 11.239 (relating to special order listings).

(c) The permit holder will be required to acknowledge the pre-authorization form, which will be maintained on file with the Board.

(d) Permit holders who return product in accordance with the conditions in this section will receive a refund.

(1) Refunds will be in the amount of the price paid for the product, as evidenced by the documentation of the transaction, as defined in § 11.231(d).

(2) Refunds for a return of less than 12 bottles, regardless of type or brand, will not be assessed a handling charge.

(3) Refunds for a return of 12 bottles or more, regardless of type or brand, will be assessed a handling charge of 12.5% of the total amount refunded or \$50, whichever is greater.

(4) Fees for the services of a delivery truck are non-refundable.

**§ 11.239. Special order listings.**

(a) The Board may accept the return of liquor purchased as a special order listing, as defined in § 13.71 (relating to definitions), for ordinary and usual commercial reasons, as set forth in §§ 11.231—11.237.

(b) If a licensee wants to return liquor purchased as a special order listing, the licensee shall return it to a State Liquor Store within 30 days from the date of receipt of the product by the licensee or its agent.

(c) The supplier of the special order listing product may not pick up the product from the licensee.

(d) Returns of special order listing product will be handled by the Board's Special Order Division. The supplier, not the Board, shall decide whether to authorize any returns or refunds for special order listing product.

(e) The supplier shall advise the Special Order Division which of the following will be done with the returned product:

(1) The product may be picked up at the State Liquor Store by the supplier within 30 days of notifying the Special Order Division.

(2) The product may be shipped back to the supplier by the Board if the supplier provides, within 30 days of notifying the Special Order Division, a return shipment label which must include payment for shipping.

(3) The product may be destroyed by the Board for a fee, to be charged against the supplier.

(f) If the supplier fails to pick up the product or fails to provide a return shipment label to the Board, the Board may destroy the product for a fee, to be charged against the supplier.

[Pa.B. Doc. No. 18-1197. Filed for public inspection August 3, 2018, 9:00 a.m.]

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [ 67 PA. CODE CH. 441 ]

#### Access to and Occupancy of Highways by Driveways and Local Roads

The Department of Transportation (Department), under section 420 of the State Highway Law (36 P.S. § 670-420), amends Chapter 441 (relating to access to and occupancy of highways by driveways and local roads) to read as set forth in Annex A.

##### *Purpose of Chapter 441*

The purpose of Chapter 441 is to exercise the Department's statutory authority to promulgate a regulation controlling the safe location, design, construction and maintenance of: driveways; local roads; drainage facilities; structures; means of ingress, egress and access; and other property within the State highway right-of-way.

##### *Purpose of this Final-Form Rulemaking*

The purpose of this final-form rulemaking is to clarify the provisions relating to who may apply for a permit to construct or alter driveways; local roads; drainage facilities; structures; means of ingress, egress and access; and other property within the State highway right-of-way, and to set forth application requirements that strike a careful balance between the interested parties' property rights.

##### *Significant Provisions of this Final-Form Rulemaking*

Significant amendments to Chapter 441 include the following:

The amendments to § 441.1 (relating to definitions) delete the definition of "own," amend the definition of "person" and add the term "owner." Most significant is the term "owner," which clarifies that ownership of legal interests are not limited to owners of property holding fee absolute title or certain leasehold interests.

The amendments to § 441.3(b) (relating to permit application procedure) use the term "owner" and to require an applicant that is not the holder of fee title to the property to notify the fee title holder that an application has been submitted. Section 441.3(e)(6) is amended to require applicants to prove that they are an "owner," where the proof must be in the form of a copy of the valid legal document or court order verifying the applicant's legal estate or interest in the property. Section 441.3(e)(7)(i) is added to require applicants other than fee title holders to submit additional information, including proof that either: 1) the fee title holder consents to the application; or 2) the applicant provided notice of the submission of the application to the fee title holder apprising the fee title holder of the administrative rights available to the fee title holder. The Department will not grant or deny the permit application until 30 days from the fee title holder's receipt of notice.

Section 441.3(e)(7)(ii) also requires applicants other than fee title holders to submit a written statement whereby the applicants indemnify and defend the Department from suits, damages, claims and demands of any type brought by the fee title holder because of the Department granting a permit to the applicant. Lastly, under § 441.3(e)(7)(iii), applicants other than fee title holders shall provide proof that a covenant running with the land has been recorded to ensure that subsequent property owners are bound to the indemnification provisions in § 441.3(e)(7)(ii).

##### *Summary of Comments and Changes*

Notice of proposed rulemaking was published at 48 Pa.B. 1563 (March 17, 2018), with a 30-day public comment period. Accordingly, the public comment period opened on March 17, 2018, and closed on April 16, 2018. The Department received four comments during the public comment period, three from two public commentators (one commentator submitted two comments), and one from Representative Brett R. Miller, 41st Legislative District. Thereafter, the Independent Regulatory Review Commission's (IRRC) 30-day review period began. IRRC submitted comments to the Department on May 16, 2018.

The Department carefully reviewed and considered each comment submitted by the public and IRRC. The Department prepared a comment and response document, which reflects each comment and the Department's response. The comment and response document was submitted to IRRC and is available on its web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) (search "18-479") or upon request through the information provided in the Contact Person section of this final-form rulemaking. A summary of the most significant comments and changes between the proposed and final rulemakings follows.

Concerns raised throughout the public and IRRC comments stem from the contention that the Department is "choosing sides" in a conflict between competing property interest holders. In sum, these comments, which conflate the issuance of a highway occupancy permit with making legal determinations impacting property rights, are misguided. Either through negotiations or following a final determination of a court or other judicial entity, third parties obtain property rights that are less than and may not be consonant with the rights of a fee title holder. Chapter 441 does not address that conflict.

Instead, the purpose of Chapter 441 is "to regulate the location, design, construction, maintenance and drainage of access driveways, local roads, and other property within State highway right-of-way for the purpose of security, economy of maintenance, preservation of proper drainage and safe and reasonable access." See § 441.2(a) (relating to purpose and application). The Department does not adjudicate property interests through the highway occupancy permit process, but rather assesses whether an applicant has established an already-existing property interest with a right to access for the purposes of granting a highway occupancy permit.

If a third party has an easement over the land of another and the only way to use, and give effect to, that easement is to access the easement from the State highway right-of-way, the Department must grant a highway occupancy permit or face legal action from the holder of the easement, who would have a valid legal claim that the Department's refusal to grant a highway occupancy permit is a de facto taking of property because a refusal would be tantamount to interfering with the rights of the easement holder. See, for example, *Duquesne Light Company v. Longue Vue Club*, 63 A.3d 270, 279 (Pa. Super. Ct. 2013), regarding the rights of easement holders, and *Turner v. Reynolds*, 23 Pa. 199, 206 (Pa. 1854), regarding rights of possession.

Comments focusing on impacts to fee title holders are not entirely accurate in their characterization of the net effect of this chapter. This chapter does not restrict fee title holder rights but instead gives fee title holders notice of third-party highway occupancy permit applications and encourages fee title holders' participation in the permitting process (both at the issuance and appellate levels).

The determination of the fee title holders' rights vis-à-vis a third-party interest in real property is not negotiated or adjudicated as part of the highway occupancy permit process and this fact should not be lost in the numerous public comments. Stated otherwise, to the extent that the fee title holder's rights have been "restricted" by the granting of a property interest to a third party—such as a through the eminent domain process—that property interest has been already established (and shall be proven) at the time the third party applies for the highway occupancy permit, or the Department would not grant the permit.

As previously noted, each public, legislative and IRRC comment is fully addressed in the Department's comment and response document. Changes based on those comments have been made to the Regulatory Analysis Form as requested by IRRC.

*Persons and Entities Affected*

This final-form rulemaking affects all applicants for highway occupancy permits to access State highways who intend to create an access point to a State highway or to change the design, operation or location of existing access. These applicants include owners of legal interests in property who require access to the property to exercise their property rights, such as easement holders and mineral estate holders, as well as fee title holders.

This final-form rulemaking carefully balances the interest of all interested parties. When the applicant does not hold fee title, the fee title holder shall be notified that an application has been submitted, which provides the fee title owner an opportunity to object to the application process under 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), specifically 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) and 1 Pa. Code §§ 35.27—35.32 (relating to intervention). Objections in the form of a protest or intervention can be filed with the Department through its administrative docket.

*Fiscal Impact*

This final-form rulemaking should not increase costs for the Commonwealth or local governments. New fiscal impacts to the regulated community are not anticipated because the amendments are consistent with current practices that have been in place since 2002.

*Regulatory Review*

*(Editor's Note:* The Regulatory Review section of the proposed rulemaking contained an error regarding the year of filing of the proposed rulemaking. The following date is correct.)

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 8, 2018, the Department submitted a copy of the notice of proposed rulemaking, published at 48 Pa.B. 1563, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department is required submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, Representative Miller and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 27, 2018, the final-form rulemaking was deemed approved by the House and

Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 28, 2018, and approved the final-form rulemaking.

*Sunset Provisions*

The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under section 420 of the State Highway Law. The Department will continue to closely monitor these regulations for their effectiveness.

*Contact Person*

The contact person for this regulation is Jeffrey M. Spotts, Regulatory Counsel, Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-8212, (717) 787-5299, jespotts@pa.gov.

*Findings*

The Department finds that:

- (1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law, and all comments were considered.
- (3) These regulations do not enlarge the purpose of the proposed rulemaking published at 48 Pa.B. 1563.

*Order*

The Department orders that:

- (a) The regulations of the Department, 67 Pa. Code Chapter 441, are amended by amending §§ 441.1 and 441.3 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
- (b) The Secretary of the Department shall submit this order and Annex A to IRRC and the Senate and House Committees as required under the Regulatory Review Act (71 P.S. §§ 745.1—745.14).
- (c) The Secretary of the Department shall submit this order and Annex A to the Office of Attorney General for approval as to legality and form as required by law.
- (d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

LESLIE S. RICHARDS,  
*Secretary*

*(Editor's Note:* See 48 Pa.B. 4189 (July 14, 2018) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 18-479 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart B. NONVEHICLE CODE PROVISIONS**

**ARTICLE III. HIGHWAYS**

**CHAPTER 441. ACCESS TO AND OCCUPANCY OF HIGHWAYS BY DRIVEWAYS AND LOCAL ROADS**

**§ 441.1. Definitions.**

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

\* \* \* \* \*

*Minimum use driveway*—A residential or other driveway which is used or expected to be used by not more than 25 vehicles per day.

*Owner*—A person holding:

- (i) fee title to property,
- (ii) an estate or other legal interest in property, such as an easement, a lease, a license or subsurface rights, or
- (iii) an equitable interest in property under a sales agreement or an option to purchase;

provided that the estate or other legal or equitable interest in property includes the use requested in the permit.

*Pavement edge*—The edge of the main traveled portion of any highway, exclusive of shoulder.

*Permanent curbing*—Plain or reinforced cement concrete curb which meets Department standards.

*Permit*—A highway occupancy permit (Form M-945P) issued by a district office pursuant to this chapter.

*Person*—An individual, business entity, association, political subdivision, authority, Federal or Commonwealth agency, or other entity recognized by law.

\* \* \* \* \*

**§ 441.3. Permit application procedure.**

(a) *General rule.* No driveway, local road or drainage facility or structure shall be constructed or altered within State highway right-of-way and no drainage facility of the Department may be altered or connected onto without first obtaining a permit from the Department. A permit may not be required for maintenance.

(b) *Who may apply for a permit.* Permit applications shall be submitted in the name of the owner of the property. If the applicant does not hold fee title to the property, the applicant shall notify the fee title holder that an application has been submitted.

(c) *Where to submit application.* Permit applications shall be submitted to either the district or county office having jurisdiction over the county in which the proposed work will be performed.

(d) *When to submit applications.* Permit applications shall be submitted prior to the construction of any building which the proposed driveway will serve to assure that the driveway can be constructed in accordance with this chapter.

(e) *Application procedure and required information.* Permit applications:

(1) Shall be submitted in person or by mail on a properly completed Department Form M-945A.

(2) Shall be signed by the applicant.

(3) Shall include five sets of plans, of a quality sufficient for microfilming, detailing the location and pertinent dimensions of both the proposed installation and related highway features.

(4) Shall be accompanied by a check or money order, payable to the Department, in the appropriate amount, as set forth in § 441.4 (relating to permit fees).

(5) Shall be submitted to the Department at least 30 days prior to the anticipated start of work.

(6) Shall contain proof that the applicant is an owner. The proof shall be in the form of a copy of the valid legal document or court order verifying the applicant's legal estate or interest in the property.

(7) Shall, when submitted by an applicant other than a fee title holder, contain:

(i) Proof of one of the following:

(A) The fee title holder consents to the application.

(B) The applicant provided written notice of the submission of the application to the fee title holder apprising the fee title holder of the administrative rights relative to the permit application under 1 Pa. Code §§ 35.23, 35.24 and 35.27—35.32. The Department will not grant or deny the permit application until 30 days after receipt of the written notice by the fee title holder.

(ii) A signed written statement, whereby the applicant agrees to indemnify and defend the Commonwealth (if requested) from all suits, damages, claims and demands of any type whatsoever by the fee title holder of the property because of granting the permit to the applicant, such as a failure of the permittee or other person to comply with the permit or any other statutes, ordinances or regulations in connection with the permit.

(iii) Proof that the applicant executed and recorded in the Office of the Recorder of Deeds in the appropriate county or counties, a covenant running with the land providing that all subsequent purchasers, heirs, assigns or transferees of the property take the property subject to the indemnification in subparagraph (ii), unless released by the Department.

(f) *Traffic control plan.* Submission of the traffic control plan shall be as follows:

\* \* \* \* \*

[Pa.B. Doc. No. 18-1198. Filed for public inspection August 3, 2018, 9:00 a.m.]



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Public Hearing and Business Meeting

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, August 15, 2018, at the West Trenton Volunteer Fire Company Ballroom, 40 West Upper Ferry Road, West Trenton, NJ. A business meeting will be held the following month on Thursday, September 13, 2018, at the RiverWinds Community Center, 1000 RiverWinds Drive, Thorofare, NJ. The hearing and business meeting are open to the public.

*Public hearing.* The public hearing on August 15, 2018, will begin at 1:30 p.m. Hearing items subject to the Commission's review include draft dockets for withdrawals, discharges and other projects that could have a substantial effect on the basin's water resources.

Written comments on matters scheduled for hearing on August 15, 2018, will be accepted through 5 p.m. on August 20, 2018. Time permitting, an opportunity for open public comment will be provided upon the conclusion of Commission business at the September 13, 2018, business meeting.

The public is advised to check the Commission's web site periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is deemed necessary to complete the Commission's review and items may be added up to 10 days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that project details commonly change in the course of the Commission's review, which is ongoing.

1. *Minersville Sewer Authority, D-1970-201 CP-3.* An application to renew the approval of the existing 1.0 million gallons per day (mgd) Minersville Sewer Wastewater Treatment Plant (WWTP) and its discharge. The WWTP will continue to discharge the treated effluent to the West Branch Schuylkill River at River Mile 92.47—120.4—7.5 (Delaware River—Schuylkill River—West Branch Schuylkill River), by means of Outfall No. 001, in Minersville Borough, Schuylkill County, PA.

2. *Margaretville Village, D-1974-157 CP-3.* An application to renew the approval of a groundwater withdrawal of up to 4.0 million gallons per month (mgm) from the Ball Park Well and the Fair Street Well for public water supply. The requested allocation is a reduction from the docket holder's previously approved total allocation of 18.529 million gallons per 30 days. The wells are screened in unconsolidated sand and gravel in the East Branch Delaware River Watershed within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Village of Margaretville, Delaware County, NY.

3. *Lehigh County Authority, D-1977-041 CP-4.* An application to renew approval of the docket holder's existing 0.16 mgd Lynn Township WWTP and its discharge. The WWTP will continue to discharge treated effluent to Ontelaunee Creek at River Mile 92.47—86.7—21.5—8.7 (Delaware River—Schuylkill River—Maiden Creek—Ontelaunee Creek) by means of Outfall No. 001, in Lynn Township, Lehigh County, PA.

4. *Borough of Bally, D-1978-019 CP-3.* An application to renew the approval of an existing groundwater with-

drawal of up to 10.02 mgm to supply the applicant's public water supply distribution system from existing Well No. 4. The project well is completed in the Leithsville Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Borough of Bally, Berks County, PA.

5. *Upper Merion Township (Matsunk), D-1987-013 CP-3.* An application to renew the approval of the existing 6.88 mgd Matsunk WWTP and its discharge. The WWTP will continue to discharge treated wastewater effluent to Frog Run, which is a tributary of the Schuylkill River at River Mile 92.47—21.6—0.3 (Delaware River—Schuylkill River—Frog Run) in Upper Merion Township, Montgomery County, PA.

6. *Valley Township, D-1988-031 CP-4.* An application to renew the approval of an existing groundwater withdrawal of up to 4.5 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. V1, V2 and V4. The project wells are completed in Pre-Cambrian gabbroic gneiss. The requested allocation is not an increase from the previous allocation. The project is located in the Brandywine-Christina Watershed in Valley Township, Chester County, PA.

7. *Upper Merion Township (Trout Run), D-1992-051 CP-3.* An application to renew the approval of the existing 6.0 mgd Trout Run WWTP and its discharge. The WWTP will continue to discharge treated wastewater effluent to the Schuylkill River at River Mile 92.47—27.5 (Delaware River—Schuylkill River) in Upper Merion Township, Montgomery County, PA.

8. *Pennsylvania American Water Company (Coatesville), D-1992-064 CP-4.* An application to renew the approval of the existing 7.0 mgd Coatesville WWTP and its discharge. The WWTP will continue to discharge treated sewage effluent to West Branch Brandywine Creek at River Mile 70.7—1.5—20.0—15.5 (Delaware River—Christina River—Brandywine Creek—West Branch Brandywine Creek), in the Borough of South Coatesville, Chester County, PA.

9. *Narrowsburg Water District, D-1992-081 CP-3.* An application to renew the approval of an existing groundwater withdrawal of up to 4.24 mgm from existing Wells Nos. 1 (TTW-1R), 2 and 3 for use in the docket holder's public water system. Wells Nos. 1 and 2 are screened in unconsolidated alluvium and Well No. 3 is completed in the Honesdale Formation in the Peggy Run and Delaware River watersheds within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters in the Town of Tusten, Sullivan County, NY.

10. *Helix Ironwood, LLC, D-1997-045-3.* An application to renew the approval of an existing surface water withdrawal of up to 72.54 mgm to supply water to the applicant's electric generation facility from an existing intake on Pennsy Supply Quarry No. SG-2. The docket will also continue the approval of an existing importation of up to 4.5 mgd of treated effluent from the Susquehanna River Basin and a consumptive use of up to 2.34 mgd from the source in the Delaware River Basin. The requested allocation is not an increase from the previous allocation. The project is located in the Tulehocken Creek Watershed in South Lebanon Township, Lebanon County, PA.

11. *Aqua Pennsylvania Wastewater, Inc. (Lake Harmony), D-2002-006 CP-4.* An application to renew the

approval of the existing 0.40 mgd Lake Harmony WWTP, its discharge and proposed construction modifications. The proposed upgrades to the WWTP will consist of the following: (a) the installation of a new headworks building with system and pumping equipment upgrades; (b) the installation of an additional Sequencing Batch Reactor unit; and (c) the addition of a new disc cloth filtration unit. The hydraulic design capacity of the WWTP is proposed to increase from 0.40 mgd to 0.50 mgd. The average monthly discharge will remain at 0.40 mgd and continue to discharge treated effluent to Shingle Mill Run, a tributary within the drainage area of the F.E. Walter Reservoir, at River Mile 183.66—83.5—4.9—0.6 (Delaware River—Lehigh River—Tobyhanna Creek—Shingle Mill Run) by means of Outfall No. 001, in Kidder Township, Carbon County, PA. The discharge is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

12. *Slatington Borough, D-2003-015 CP-3*. An application to renew the approval of the existing 1.5 mgd Slatington Borough WWTP, its discharge and to approve modification to the facility. The proposed modification will convert an existing anaerobic digester unit into an aerobic digester with appurtenant improvements. The WWTP will continue to discharge at a rate of 1.5 mgd to the Lehigh River at River Mile (183.66—33.7) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Slatington Borough, Lehigh County, PA.

13. *West Bradford Township, D-2004-022 CP-3*. An application to renew the approval of the existing 0.1465 mgd DuPont Property WWTP and its discharge by means of spray irrigation. The WWTP will continue to discharge treated effluent to two spray fields located in the Broad Run Watershed, in West Bradford Township, Chester County, PA.

14. *Hydro Extrusions USA, LLC, D-2005-001-5*. An application to renew the existing discharge from the 0.1 mgd Hydro Extrusions USA industrial wastewater treatment plant (IWTP) and continue the current daily maximum total dissolved solids (TDS) determination of 2,000 milligrams per liter (mg/l). The IWTP will continue to discharge treated process industrial wastewater and noncontact cooling water to the West Branch Schuylkill River at River Mile 92.47—115—0.5 (Delaware River—Schuylkill River—West Branch Schuylkill River), by means of Outfall No. 002, in Cressona Borough, Schuylkill County, PA.

15. *Evergreen Community Power, LLC, D-2008-011-2*. An application to renew the approval of an existing groundwater withdrawal of up to 53.57 mgm to supply water to the applicant's steam turbine power plant from existing Wells Nos. PW2 and PW3 and the consumptive use of up to 1.08 mgd. The project wells are completed in a Cambrian Carbonate Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Schuylkill River Watershed in the City of Reading, Berks County, PA.

16. *Department of Conservation and Natural Resources, D-2013-008 CP-2*. An application to renew the approval of the existing 0.025 mgd Beltzville State Park WWTP and its discharge. The WWTP will continue to discharge treated effluent to Pohopoco Creek, a tributary of the Lehigh River, at River Mile 183.66—40.8—4.9 (Delaware River—Lehigh River—Pohopoco Creek) by means of Outfall No. 001, in Franklin Township, Carbon County,

PA, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

17. *Lehighon Water Authority, D-2014-006 CP-2*. An application to renew the approval of the existing Lehighon Water Authority Water Filtration Plant (WFP) and its discharge. The WFP will continue to treat up to 1.6 mgd and discharge a monthly average of 0.023 mgd treated and filtered backwash to Long Run at River Mile 183.7—44.0—2 (Delaware River—Lehigh River—Long Run) by means of Outfall No. 001, located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters in Franklin Township, Carbon County, PA.

18. *Green Lane—Marlborough Joint Authority, D-1966-002 CP-2*. An application to renew the approval and upgrade of the existing 0.20 mgd Green Lane—Marlborough Joint Authority WWTP. The upgrade consists of the installation of a new influent splitter box and ultraviolet (UV) light disinfection. The WWTP will remain designed for a flow of 0.2 mgd and will continue to discharge treated effluent to Perkiomen Creek at River Mile 92.47—32.3—19.5 (Delaware River—Schuylkill River—Perkiomen Creek) in Green Lane Borough, Montgomery County, PA.

19. *Merrill Creek Owners Group (MCOG), D-1977-110 CP-19*. An application to update the Docket and Plan of Operation for the Merrill Creek Reservoir in accordance with the Commission's Consumptive Use Policy Resolution No. 2018-5.

20. *Berks County, D-1990-036 CP-2*. An application to renew the approval of the existing 0.50 mgd County of Berks WWTP, its discharge and modifications to its facilities. Proposed modifications will include the following: (a) an upgrade of the existing headworks process with equipment improvements; (b) replacement of existing oxidation equipment; (c) replacement of the existing chlorine disinfection system with UV disinfection; and (d) replacement of the existing sludge dewatering system and appurtenant improvements to its sludge conveyance operations. The WWTP will continue to operate at its current flow and discharge treated effluent to Plum Creek, within the drainage area of the Schuylkill River Watershed at River Mile 92.47—76.8—4.8—0.35 (Delaware River—Schuylkill River—Tulpehocken Creek—Plum Creek) by means of Outfall No. 001, in Bern Township, Berks County, PA.

21. *Pennsylvania American Water Company, D-1997-034 CP-3*. An application to renew the approval of an existing groundwater withdrawal with an increase in allocation from 23.56 mgm to 27.10 mgm for public water supply from existing Wells Nos. 1—7, 9, 10, 10A and 12 completed in the Delaware River Member and Towamensing Member of the Catskill Formation and the Sloat Brook Member and Millrift Member of the Trimmers Formation. The wells are located in the Saw Creek Watershed, within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Lehman Township, Pike County, PA.

22. *Kennett Square Borough, D-1999-017 CP-2*. An application to renew the approval and upgrade of the existing 1.1 mgd Kennett Square Borough WWTP. The upgrade will consist of converting the current oxidation ditch/activated sludge treatment process to a Modified Ludzak-Ettinger treatment process. The WWTP will remain designed to treat an annual average flow of 1.1 mgd

and will continue to discharge treated effluent to the West Branch Red Clay Creek, at River Mile 70.73—10.0—2.6—13.4—3.3 (Delaware River—Christina River—White Clay Creek—Red Clay Creek—West Branch Red Clay Creek) in Kennett Township, Chester County, PA.

23. *New Hanover Township Authority, D-1999-040 CP-4*. An application to renew the approval of the existing 1.925 mgd New Hanover Township Authority WWTP and its discharge, and to approve a TDS determination consisting of an increase in the average monthly TDS effluent limit from 1,000 mg/l to 1,200 mg/l. No modifications to the WWTP facilities are proposed. The WWTP will continue to discharge treated effluent to Swamp Creek at River Mile 92.47—32.3—12.9—4.8 (Delaware River—Schuylkill River—Perkiomen Creek—Swamp Creek) in New Hanover Township, Montgomery County, PA.

24. *Aqua Pennsylvania Wastewater, Inc. (Willistown Woods), D-2000-024-2*. An application to renew the approval and upgrade of the applicant's existing 0.175 mgd Willistown Woods WWTP. The upgrade will consist of converting the existing conventional activated sludge and cloth disc filter treatment system to a membrane bioreactor treatment system, and headworks and appurtenant improvements. The WWTP will remain at 0.175 mgd and will continue to discharge treated effluent to an unnamed tributary (UNT) of Hunters Run at River Mile 83.8—16.5—0.6—0.5 (Delaware River—Ridley Creek—Hunters Run—UNT Hunters Run) in Willistown Township, Chester County, PA.

25. *Lake Bryn Mawr Camp, Inc., D-2017-011-1*. An application to renew the approval of the existing 0.012 mgd Lake Bryn Mawr Camp WWTP and its discharge. The WWTP will continue to discharge treated effluent to a UNT of Big Brook at River Mile 277.9—27.1—4.9—0.8—0.7 (Delaware River—Lackawaxen River—Dyberry Creek—Big Brook—UNT Big Brook), by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Oregon Township, Wayne County, PA.

26. *SPG, Inc., D-2018-002-1*. An application to approve the existing 0.02 Whispering Hollow South Mobile Home Park WWTP, its discharge and proposed modification to its facilities. Proposed modifications include the installation of a new flow equalization tank and installation of new aerobic sludge digestion tank with appurtenant improvements. The WWTP will continue to operate at its current flow and discharge to a UNT of Hokendauqua Creek, at River Mile 183.66—22.5—6.3—0.8 (Delaware River—Lehigh River—Hokendauqua Creek—UNT Hokendauqua Creek) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Allen Township, Northampton County, PA.

27. *Keystone Anthracite Company, Inc., D-2018-003-1*. An application to approve a total withdrawal of up to 7.452 mgm of surface water from Pond No. 3 Intake and 3.068 mgm from Intake SWW No. 2, a total system allocation of 7.452 mgm, for use in the docket holder's anthracite coal preparation plant. The project withdrawals were formerly operated by South Tamaqua Coal Pockets, Inc. under Commission Certificate of Entitlement No. 256, which was terminated the date that ownership of the facility was transferred to the applicant. The project is located in the Little Schuylkill River Watershed in West Penn Township, Schuylkill County, PA.

*Public meeting.* The public business meeting on September 13, 2018, will begin at 10:30 a.m. and will include adoption of the minutes of the Commission's June 13, 2018, business meeting, announcement of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, and consideration of any items for which a hearing has been completed or is not required.

After all scheduled business has been completed and as time allows, the business meeting will also include up to 1 hour of open public comment.

There will be no opportunity for additional public comment for the record at the September 13, 2018, business meeting on items for which a hearing was completed on August 15, 2018, or a previous date. Commission consideration on September 13, 2018, of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

*Advance sign-up for oral comment.* Individuals who wish to comment on the record during the public hearing on August 15, 2018, or to address the Commissioners informally during the open public comment portion of the meeting on September 13, 2018, as time allows, are asked to sign-up in advance through EventBrite. Links to EventBrite for the public hearing and the business meeting are available at drbc.net. For assistance contact Paula Schmitt at paula.schmitt@drbc.nj.gov.

*Submitting written comment.* Written comment on items scheduled for hearing may be made through SmartComment, the web-based comment system recently introduced by the Commission, a link to which is provided at drbc.net. Use of SmartComment ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of SmartComment are available based on need by writing to the attention of the Commission Secretary, Delaware River Basin Commission, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360. For assistance in using SmartComment contact Paula Schmitt at paula.schmitt@drbc.nj.gov.

*Accommodations for special needs.* Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the meeting or hearing should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

*Additional information and contacts.* Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Denise McHugh at (609) 883-9500, Ext. 240. For other questions concerning hearing items, contact David Kovach, Project Review Section Manager, at (609) 883-9500, Ext. 264.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 18-1199. Filed for public inspection August 3, 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 24, 2018.

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

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-20-2018	Emclair Financial Corp. Emlenton Venango County	Filed
	Application for approval to acquire 100% of Community First Bancorp, Inc., Reynoldsville, and thereby indirectly acquire 100% of Community First Bank, Reynoldsville.	

##### Branch Applications

###### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-19-2018	Landmark Community Bank Pittston Luzerne County	920 Northern Boulevard South Abington Township Lackawanna County	Filed
7-23-2018	Orrstown Bank Shippensburg Cumberland County	1400 Gilbert Way Lancaster Lancaster County	Filed
7-24-2018	Firstrust Savings Bank Conshohocken Montgomery County	108 East Marlton Pike Cherry Hill Camden County, NJ	Filed

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-18-2018	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 106 Isabella Street Pittsburgh Allegheny County  <i>From:</i> 540 East Ohio Street Pittsburgh Allegheny County	Approved

#### CREDIT UNIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-24-2018	TruMark Financial Credit Union Fort Washington Montgomery County	Approved
	Application for approval to merge Philadelphia Mint Federal Credit Union, Philadelphia, with and into TruMark Financial Credit Union, Fort Washington.	

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. 18-1200. Filed for public inspection August 3, 2018, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications.

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0033740 (Sewage)	Whispering Hollow South MHP WWTP 139 Country Club Road Northampton, PA 18067-3028	Northampton County Allen Township	Unnamed Tributary to Hokendauqua Creek (2-C)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0008354 (Industrial)	Pennsylvania American Water Company Montrose Water Treatment Plant 1799 Jumper Road Wilkes-Barre, PA 18702-8031	Susquehanna County Bridgewater Township	Snake Creek (4-E)	Yes
PA0062383 (Industrial)	3 Springs Water Company 1800 Pine Run Road Laurel Run, PA 18706	Luzerne County Laurel Run Borough	Unnamed Tributary to Pine Creek (5-B)	Yes
PAS122202 (Storm Water)	Nestle Waters NA Bottling Plant 405 Nestle Way Breinigsville, PA 18031-1500	Lehigh County Upper Macungie Township	Iron Run (2-C)	Yes
PAS122203 (Storm Water)	Nestle Waters North America 305 Nestle Way Breinigsville, PA 18031	Lehigh County Upper Macungie Township	Iron Run (2-C)	Yes
PA0032123 (Sewage)	Promised Land State Park RR 1 Box 96 Rt 390 Greentown, PA 18426-9735	Pike County Greene Township	East Branch Wallenpaupack Creek (1-C)	Yes
PA0036765 (Sewage)	Tyler Memorial Hospital 5950 SR 6 Tunkhannock, PA 18657-7905	Wyoming County Tunkhannock Township	Unnamed Tributary to Tagues Creek (4-G)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0111601 (Sewage)	Christian Retreat Center 369 CRC Drive East Waterford, PA 17021-9981	Juniata County Lack Township	Tuscarora Creek (12-B)	Yes
PA0247944 (Sewage)	Paradise Elementary School 100 E College Avenue Spring Grove, PA 17362	York County Paradise Township	Unnamed Tributary of Paradise Run (7-F)	Yes
PA0081388 (Sewage)	Windy Brae MHP 14971 Mount Olivet Road Stewartstown, PA 17363-8506	York County North Hopewell Township	Unnamed Tributary of East Branch Codorus Creek (7-H)	Yes
PA0088579 (Sewage)	Felton Borough STP 88 Main Street Felton, PA 17322-9051	York County Felton Borough	North Branch Muddy Creek (7-I)	Yes
PA0083399 (Sewage)	Gettysburg Farm Campground 2 N Riverside Plaza Suite 800 Chicago, IL 60606-2682	York County Dover Township	Conewago Creek (7-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0253120 (Industrial)	TCJMA Water Treatment Plant PO Box 758 Fredericktown, PA 15333-0758	Washington County East Bethlehem Township	Monongahela River (19-C)	Yes
PA0046230 (Sewage)	Carmichaels Cumberland Joint Sewer Authority PO Box 304 103 Municipal Road Carmichaels, PA 15320-0304	Greene County Carmichaels Borough	Muddy Creek (19-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0220779 (Sewage)	Springfield Village MHP PO Box 201 13079 Ridge Road West Springfield, PA 16443-0201	Erie County Springfield Township	Unnamed Tributary to Raccoon Creek (15-A)	Yes
PA0034193 (Sewage)	Lake View CC 8351 Route 89 North East, PA 16428-5233	Erie County North East Township	Sixteenmile Creek (15-A)	Yes
PA0264024 (Sewage)	Hickory Township STP PO Box 44 Endeavor, PA 16322	Forest County Hickory Township	East Hickory Creek (16-F)	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.*

**PA0052159**, Industrial, SIC Code 4941, **Aqua Pennsylvania Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. Facility Name: Ridley Creek Water Treatment Plant. This existing facility is located in Middletown Township, **Delaware 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), Ridley Creek, is located in State Water Plan watershed 3-G and is classified for 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 0.15 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>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	10
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 002 are based on an emergency discharge—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>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	10
Iron, Total	XXX	XXX	XXX	2.0	4.0	5
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 004 are based on an intermittent discharge of 1.0 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>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX DailyMax	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permits
- D. Applicable BAT if Developed
- E. Chlorine Optimization
- F. TMDL/WLA Requirement
- G. Chemical Additive Condition  
Sedimentation Basin Cleaning

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

The EPA Waiver is in effect.

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

**PA0266345**, Industrial, SIC Code 2015, **Keystone Protein Co.**, 154 W Main Street, Fredericksburg, PA 17026-9510. Facility Name: Keystone Protein Fredericksburg. This existing facility is located in Bethel Township, **Lebanon County**.

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

The receiving stream(s), Elizabeth Run and Little Swatara Creek, are located in State Water Plan watershed 7-D and are 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 3 MGD.—Limits.

- The permit is amended to include a provision in Section C.I.C of the permit to allow nutrient credits for compliance with Chesapeake Bay Cap loads.

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.

**PA0020621**, Sewage, SIC Code 4952, **Waynesboro Borough Authority**, PO Box 310, Waynesboro, PA 17268-0310. Facility Name: Waynesboro WWTP. This existing facility is located in Waynesboro Borough, **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), Unnamed Tributary to East Branch Antietam Creek, is located in State Water Plan watershed 13-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.—Limits.

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	7.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.36	XXX	1.17
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	330	530	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	400	600	XXX	30	45	60
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000



Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Ammonia-Nitrogen						
Nov 1 - Apr 30	180	XXX	XXX	13.5	XXX	27
May 1 - Oct 31	60	XXX	XXX	4.5	XXX	9
Copper, Total	XXX	XXX	XXX	0.053	0.132	XXX
					Daily Max	

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

Parameter	Mass Units (lbs)		Effluent Limitations		
	Monthly	Annual	Monthly Average	Concentrations (mg/L) Maximum	Instant. Maximum
Ammonia—N	Report	Report	Report	XXX	XXX
Kjeldahl—N	Report	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	Report	XXX	XXX
Total Phosphorus	Report	Report	Report	XXX	XXX
Net Total N	Report	29,223	XXX	XXX	XXX
Net Total P	Report	3,896	XXX	XXX	XXX

Sludge use and disposal description and location(s): Class B biosolids are land applied at Gayman’s Grain Storage Farm and the Frank Barr Farm. Sludge is landfilled if site conditions are not favorable for land application.

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

- Chesapeake Bay nutrients requirements, Stormwater discharge conditions, Solids management for non-lagoon system, Whole Effluent Toxicity, Chlorine Minimization, Notification of designation of responsible operator, Hauled-in waste restriction, and Site-specific Chlorine Demand Study.

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.

**PA0080284**, Sewage, SIC Code 6515, **New Oxford MHC LLC**, 524 Meadow Avenue Loop, Banner Elk, NC 28604. Facility Name: New Oxford Mobile Home Village. This existing facility is located in Mount Pleasant Township, **Adams 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 South Branch Conewago Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01885 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Maximum	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (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) (lbs)	Report Total Qrtly	XXX	XXX	XXX	XXX	XXX
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 0.01885 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	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	DailyMax 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	0.027	XXX	0.089
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
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				Geo Mean		
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3

Sludge use and disposal description and location(s): Liquid sludge hauled-off site to landfill.

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

- Solids management for non-lagoon system, chlorine minimization, dry stream discharge, 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.

**PA0081710**, Sewage, SIC Code 7033, **MHC Circle M LP**, 2 N Riverside Plaza, Suite 800, Chicago, IL 60606-2682. Facility Name: Circle M Campground. This existing facility is located in Pequea Township, **Lancaster 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), Conestoga River, is located in State Water Plan watershed 7-J 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 0.06 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Annual Average</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 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> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Annual Average</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</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	200	XXX	1,000
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4
	Avg Mo					

Sludge use and disposal description and location(s): Biosolids disposed under Kline's Services under permit number PA101606. The location of the disposal is in Lancaster County, Rapho Township.

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.

**PA0088781**, Industrial, SIC Code 4911, **Calpine Mid Merit, LLC**, 500 Delaware Avenue Suite 600, Wilmington, DE 19801-7406. Facility Name: York Energy Center. This existing facility is located in Peach Bottom Township, **York 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-I 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 6.01 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>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	XXX	0.2	0.5
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report	110
Total Suspended Solids						
Effluent Net	XXX	XXX	XXX	30.0	60.0	75
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
		Daily Max				
Sulfate, Total	XXX	XXX	XXX	XXX	Report	XXX
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Bromide	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 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>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total						
Other Stormwater	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 100 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>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids Effluent Net	XXX	XXX	XXX	30	100	XXX
Oil and Grease Effluent Net	XXX	XXX	XXX	15	20	30

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

- Chlorine use at power plant
- No net addition of pollutants for NCCW
- NO PCBs may be discharged
- Cooling tower maintenance chemicals
- Chemical additives
- 316(b) New Facility cooling water intakes
- Industrial stormwater requirements

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.

**PA0082627**, Sewage, SIC Code 8661, **CBM Ministries Inc.**, 3741 Joy El Drive, Greencastle, PA 17225-9001. Facility Name: Camp Joy El. This existing facility is located in Saint Thomas 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), Back Creek, is located in State Water Plan watershed 13-C and is classified for warm water 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 0.01 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	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Total Nitrogen	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 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 DailyMax	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	XXX	XXX	XXX	Geo Mean Report	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.

**PA0045004**, Sewage, SIC Code 4952, **Lake Meade Municipal Authority**, 59 Curtis Drive, East Berlin, PA 17316-9220. Facility Name: Lake Meade STP. This existing facility is located in Reading Township, **Adams 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), Mud Run, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Copper, Total	Report	XXX	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Copper, Total	0.07	XXX	XXX	0.024	0.04 DailyMax	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.35 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Daily Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	29.0	43.0	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	29.0	43.0	XXX	10.0	15.0	20
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	13.0	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	4.3	XXX	XXX	1.5	XXX	3
Ammonia-Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	5.8	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

Sludge use and disposal description and location(s): Liquid sludge hauled-off site to Pecks Septic site in South Middleton Township, Cumberland County.

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

- TRE study, solids management for non-lagoon system, notification of designation of responsible operator, hauled-in waste restriction, and SBR batch discharge condition.

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.

**PA0024350**, Sewage, SIC Code 4952, **Dauphin Borough Dauphin County**, PO Box 487, Dauphin, PA 17018-0487. Facility Name: Dauphin Borough STP. This existing facility is located in Dauphin Borough, **Dauphin 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), Stony Creek, is located in State Water Plan watershed 7-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 0.2 MGD.—Limits.

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	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> )	41.7	66.7	XXX	25	40	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	50	75	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Daily Max Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Daily Max Report	XXX

Sludge use and disposal description and location(s):

Digested liquid sludge is hauled out to Harrisburg Wastewater Treatment Plant for further treatment and disposal.

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

- Stormwater Prohibition, Approval Contingencies, Proper Waste/solids Management, Restriction on receipt of hauled in waste under certain conditions and Chlorine minimization requirement.

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.

**PA0247936**, Sewage, SIC Code 7033, **Rv Management Services LLC**, PO Box 222178, Carmel, CA 93923. Facility Name: Twin Grove Resort & Campground. This existing facility is located in Union Township, **Lebanon 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 Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0292 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Daily Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.25	XXX	0.80
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 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	16.5	XXX	33
May 1 - Oct 31	XXX	XXX	XXX	5.5	XXX	11
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Prohibition
- Approval Contingencies
- Proper Waste/solids Management
- Collected screenings, slurries, sludges, and solids management
- Chlorine Minimization

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

The EPA Waiver is in effect.

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

**PA0026034**, Sewage, SIC Code 4952, **Johnstown Redevelopment Authority**, 4th Floor Public Sfty Bldg, Johnstown, PA 15901. Facility Name: Dornick Point WWTP. This existing facility is located in West Taylor Township, **Cambria County**.

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

The receiving stream, Conemaugh River, is in State Water Plan watershed 18-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 12 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	2,502	3,803	XXX	25.0	38.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	3,002	4,503	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	Report	50
May 1 - Oct 31	1,702	2,602	XXX	17.0	26.0	34
Aluminum, Total	75	XXX	XXX	0.75	1.1	1.5
					Daily Max	
Iron, Total	150	XXX	XXX	1.5	2.3	3
					Daily Max	
Manganese, Total	100	XXX	XXX	1.0	1.5	2
					Daily Max	

The proposed effluent limits for Outfall 001 are based on a design flow of 12 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>	
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

- Requirement to conduct Chronic Whole Effluent Toxicity Testing
- Permits a discharge through Outfall 101 of storm water from the treatment plant site
- Implement EPA approved Pretreatment Program

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.

**PA0005037**, Industrial, SIC Code 4911, **NRG Homer City Services LLC**, 1750 Power Plant Road, Homer City, PA 15748. Facility Name: Homer City Generating Station. This existing facility is located in Center 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 and storm water. This is a revision to draft limits published on July 26, 2014.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 4.32 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)						
Aug 1 - Jun 30	Report	4.32	XXX	XXX	XXX	XXX
Jul 1 - 31	Report	Daily Max 2.736	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)						
Aug 1 - Jun 30	XXX	XXX	XXX	XXX	110	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	85.9	XXX
Total Suspended Solids	XXX	XXX	XXX	15.0	50.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	7.5	10.0	XXX



<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 4.32 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)						
Aug 1 - Jun 30	Report	4.32	XXX	XXX	XXX	XXX
Jul 1 - 31	Report	Daily Max 2.736	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)						
Aug 1 - Jun 30	XXX	XXX	XXX	XXX	110	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	85.9	XXX
Total Suspended Solids	XXX	XXX	XXX	15.0	50.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	7.5	10.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	0.0021	0.0033	0.0053
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 4.32 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Annual Average</i>	<i>Daily Maximum</i>	
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Total Aluminum (Total Load, lbs)	XXX	9,869	XXX	XXX	XXX	XXX
Chromium, Total	XXX	XXX	XXX	0.2	0.2	XXX
Total Iron (Total Load, lbs)	XXX	19,739	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	13,159	XXX	XXX	XXX	XXX
Zinc, Total	XXX	XXX	XXX	1.0	1.0	XXX

The proposed effluent limits for Internal Monitoring Point 101 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. 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	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX
Iron, Dissolved	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	2.0	4.0	XXX

The proposed effluent limits for Internal Monitoring Point 201 are based on a design flow of 2.08 MGD.—Limits.

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

The proposed effluent limits for Outfall 002 are based on a design flow of 0.24 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. 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	Report	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Precipitation (in)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Precipitation (in)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	321	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	641	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	427	XXX	XXX	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Semi-Annual Total</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Precipitation (in)	XXX	Report Total Mo	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX

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

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)						
Internal Monitoring Point	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	2,264	XXX	XXX	XXX	XXX
		Total Annual				
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	4,529	XXX	XXX	XXX	XXX
		Total Annual				
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	3,020	XXX	XXX	XXX	XXX
		Total Annual				

The proposed effluent limits for Internal Monitoring Point 306 are for variable storm water discharges.—Interim Limits.

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

The proposed effluent limits for Internal Monitoring Point 306 are for variable storm water discharges.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	2,789	XXX	XXX	XXX	XXX
		Total Annual				
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	5,580	XXX	XXX	XXX	XXX
		Total Annual				
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	3,721	XXX	XXX	XXX	XXX
		Total Annual				

The proposed effluent limits for Internal Monitoring Point 406 are for variable storm water discharges. - Interim Limits.

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

The proposed effluent limits for Internal Monitoring Point 406 are for variable storm water discharges.—Final 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>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	323	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	646	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	431	XXX	XXX	XXX	XXX

The proposed effluent limits for Internal Monitoring Point 406 are for variable storm water discharges.—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>Semi-Annual Total</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease						
Internal Monitoring Point						
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 013 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	1,748	XXX	XXX	XXX	XXX
		Total Annual				
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	3,495	XXX	XXX	XXX	XXX
		Total Annual				
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	2,330	XXX	XXX	XXX	XXX
		Total Annual				

The proposed effluent limits for Internal Monitoring Points 213, 613, and 813 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. 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	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 016 are for variable overflow discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)						
Jan 1 - Feb 28	XXX	XXX	XXX	XXX	38	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	42	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	48	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	53	XXX
May 1 - 15	XXX	XXX	XXX	XXX	56	XXX
May 16 - 31	XXX	XXX	XXX	XXX	60	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	64	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	68	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	72	XXX
Aug 1 - 31	XXX	XXX	XXX	XXX	71	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	67	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	61	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	56	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	52	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	47	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	42	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	40	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	50.0	50
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Total Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Aluminum (Total Load, lbs)	XXX	8	XXX	XXX	XXX	XXX
		Total Annual				
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	16	XXX	XXX	XXX	XXX
		Total Annual				
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	11	XXX	XXX	XXX	XXX
		Total Annual				
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Thallium, Total	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 017 are for variable storm water discharges.—Interim Limits.

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

The proposed effluent limits for Outfall 017 are for variable storm water discharges.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	327	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	655	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	436	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 017 are for variable storm water discharges.—Limits.

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

The proposed effluent limits for Outfall 018 are based on a design flow of 2.14 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>Total Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	70.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)						
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Thallium, Total	XXX	XXX	XXX	0.002	0.002	XXX

The proposed effluent limits for Outfall 018 are based on a design flow of 2.14 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Aluminum (Total Load, lbs)	XXX	914	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	Total Annual 1,828	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	Total Annual 1,218	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 019 are for variable storm water discharges.—Interim Limits.

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

The proposed effluent limits for Outfall 019 are for variable storm water discharges.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	34	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	68	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	45	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 019 are for variable storm water discharges.—Limits.

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

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Flow (Total Volume, Mgal) (Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs) (lbs)	XXX	192	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs) (lbs)	XXX	383	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs) (lbs)	XXX	256	XXX	XXX	XXX	XXX

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

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

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	232	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	465	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	310	XXX	XXX	XXX	XXX

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

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



The proposed effluent limits for Outfall 023 are for variable storm water discharges.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35	70	90
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

The proposed effluent limits for Outfall 023 are for variable storm water discharges.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35	70	90
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	228	XXX	XXX	XXX	XXX
		Total Annual				
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	457	XXX	XXX	XXX	XXX
		Total Annual				
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	305	XXX	XXX	XXX	XXX
		Total Annual				

The proposed effluent limits for Outfall 025 are for variable storm water discharges.—Interim Limits.

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

The proposed effluent limits for Outfall 025 are for variable storm water discharges.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	27	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	54	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	36	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 025 are for variable storm water discharges.—Limits.

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

The proposed effluent limits for Outfall 027 are based on a design flow of 0.14 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Total Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	50.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30.0
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Arsenic, Total	XXX	XXX	XXX	Report	Report	XXX
Beryllium, Total	XXX	XXX	XXX	0.8	1.6	XXX
Boron, Total	XXX	XXX	XXX	Report	Report	XXX
Cyanide, Free	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Lead, Total	XXX	XXX	XXX	0.1	0.2	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Mercury, Total (ng/L)	XXX	XXX	XXX	Report	Report	XXX
Selenium, Total	XXX	XXX	XXX	0.8	1.6	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
MBAS	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 027 are based on a design flow of 0.14 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Total Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	50.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	24.0	50.0	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30.0
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Aluminum (Total Load, lbs)	XXX	4,045	XXX	XXX	XXX	XXX
		Total Annual				
Arsenic, Total	XXX	XXX	XXX	Report	0.004	XXX
Beryllium, Total	XXX	XXX	XXX	0.8	1.6	XXX
Boron, Total	XXX	XXX	XXX	217.0	339.0	542.5
Cyanide, Free	XXX	XXX	XXX	0.59	0.92	1.48
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	8,091	XXX	XXX	XXX	XXX
		Total Annual				
Lead, Total	XXX	XXX	XXX	0.1	0.2	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	5,395	XXX	XXX	XXX	XXX
		Total Annual				
Mercury, Total (ng/L)	XXX	XXX	XXX	24.0	39.0	XXX
Selenium, Total	XXX	XXX	XXX	Report	0.005	XXX
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
MBAS	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 029 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
Total Flow (Total Volume, Mgal)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)						
Total Aluminum (Total Load, lbs)	XXX	872	XXX	XXX	XXX	XXX
		Total Annual				
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	1,745	XXX	XXX	XXX	XXX
		Total Annual				
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)						
Total Manganese (Total Load, lbs)	XXX	1,163	XXX	XXX	XXX	XXX
		Total Annual				

The proposed effluent limits for Outfalls 030 and 032 are for variable storm water discharges.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Total Aluminum (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)						

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Total Monthly		Average Monthly	Daily Maximum	
Total Aluminum (Total Load, lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.75
Total Iron (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Iron (Total Load, lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5
Total Manganese (Total Load, lbs) (lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Manganese (Total Load, lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

In addition, the permit contains the following major special conditions: a Toxics Reduction Evaluation for new water quality limits at Outfalls 018; a schedule of compliance for new water quality limits at Outfalls 001 and 027; a schedule of compliance for Total Maximum Daily Load limits; requirements for TMDL implementation; compliance reporting requirements for water quality limits below quantitation limits; requirements for chemical additives; requirements applicable to storm water; and requirements pertaining to the facility's Cooling Water Intake Structure pursuant to Section 316(b) of the Clean Water Act including interim Best Technology Available.

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

The EPA Waiver is not in effect.

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

**PA0265586**, Industrial Waste, SIC Code 3429, **Spinworks International Corporation**, 10093 West Main Road, North East, PA 16428. Facility Name: Spinworks International. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of non-contact cooling water.

The receiving stream(s), Unnamed Tributary of Sixteenmile Creek, is located in State Water Plan watershed 15-A 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 004 are based on a design flow of 0.0085 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2

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

The EPA Waiver is in effect.

**PA0095231**, Industrial Waste, SIC Code 4941, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701-3570. Facility Name: Arcadia System. This existing facility is located in Montgomery Township, **Indiana County**.

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

The receiving stream(s), Unnamed Tributary to Cush Creek, is located in State Water Plan watershed 8-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 0.001 MGD.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Aluminum, Total	0.03	XXX	XXX	4.0	XXX	8
Iron, Total	0.02	XXX	XXX	2.0	XXX	4
Manganese, Total	0.01	XXX	XXX	1.0	XXX	2

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.

**PA0271519**, Sewage, SIC Code 8800, **Deborah E Burke**, 250 Tieline Road, Grove City, PA 16127. Facility Name: Deborah Burke SRSTP. This proposed facility is located in Pine Township, **Mercer County**.

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

The receiving stream, Swamp Run, is located in State Water Plan watershed 20-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 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <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

Sludge use and disposal description and location: Anaerobic digestion and disposal in a publicly-owned treatment works.

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

- Requirement to submit an Annual Maintenance Report
- No stormwater admitted to the treatment system
- Aerobic tank pumping requirement
- Solids handling
- Abandonment of the treatment system (for public sewage)

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 0509403, A1**, Sewerage, **Bedford Borough**, 244 W. Penn Street, Bedford, PA 15522.

This proposed facility is located in Bedford Borough, **Bedford County**.

Description of Proposed Action/Activity: Seeking amendment approval to enable larger organic loading at the Authority's existing WWTP.

**WQM Permit No. WQG02361801**, Sewerage, **Lititz Borough**, 7 South Broad Street, Lititz, PA 17543.

This proposed facility is located in Lititz Borough, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction /operation of proposed sewage pump station for Phase 2 of Warwick Woodlands.

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

**WQM Permit No. 0218408**, Sewage, **Castlebrook Development Group, LLC**, 428 Boulevard of the Allies, Suite 100, Pittsburgh, PA 15219.

This proposed facility is located in Center Township & Potter Township, **Beaver County**.

Description of Proposed Action/Activity: The applicant proposes to construct a 400 gpm pump station and 6-inch diameter forcemain to serve The Bluffs at Glade Path Development. Sewage will be conveyed and treated at the Center Township Sanitary Authority's Elkhorn Run WPCP.

**WQM Permit No. WQG0211802**, Sewage, **East Carroll Township**, 3350 Brick Road, Carrolltown, PA 15722.

This proposed facility is located in East Carroll Township & Patton Borough, **Cambria County**.

Description of Proposed Action/Activity: The applicant proposed to extend sewer service to 50 existing home in East Carroll Township. The project consists of installing approximately 12,900 LF of 8-inch diameter sewer, which will be treated at the Patton Borough STP.

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

**WQM Permit No. 0270416, A-4**, Sewage, **Elizabeth Borough Municipal Authority**, 1 Locust Street, Elizabeth, PA 15037-1763.

This existing facility is located in Elizabeth Borough, **Allegheny County**.

Description of Proposed Action/Activity: Installation/Construction of new replacement pump station for EBMA.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 0274469, A-7**, Sewage, **Allegheny County Sanitary Authority ALCOSAN**, 3300 Preble Avenue, Pittsburgh, PA 15233-1025.

This existing facility is located in Pittsburgh City, **Allegheny County**.

Description of Proposed Action/Activity: Wet Weather Plant Expansion consisting of New East Headworks Facilities, two new primary clarifiers, two new final clarifiers, new Disinfection Facilities, Wet Weather Bypass Control Structure, New Waste Sludge Thickening Facilities, Additional Wet Scrubber Odor Control Facilities and Electrical System Upgrade.

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

**WQM Permit No. 1018408**, Sewage, **Allegheny Clarion Valley Development Corp**, PO Box 311, Foxburg, PA 16036-0311.

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

Description of Proposed Action/Activity: Interim replacement wastewater treatment plant.

#### **IV. NPDES Individual Permit Applications for Stormwater Discharges from MS4.**

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

**PAI132225**, MS4, **Northampton County**, 669 Washington Street, Easton, PA 18042-7499. 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 **Northampton County**. The receiving streams, Unnamed Tributary of Monocacy Creek, Delaware River, Little Bushkill Creek and Catasauqua Creek, are located in State Water Plan watershed 2-C and 1-F and are classified for Cold Water Fishes, Migratory Fishes, High Quality—Cold Water, and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

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

**PAI132280**, MS4, **Lower Towamensing Township**, 595 Hans Dairy Road, Palmerton, PA 18071. 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 Lower Towamensing Township, **Carbon County**. The receiving streams, Unnamed Tributary to Pohopoco Creek, Mill Creek, Fireline Creek, Unnamed Tributary to Mill Creek, Aquashicola Creek, and Lehigh River, are located in State Water Plan watershed 2-B and are classified for Cold Water Fishes, Migratory Fishes, and Trout Stocking, 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.

**PAI132267**, MS4, **Middle Smithfield Township**, 147 Municipal Drive, East Stroudsburg, PA 18302. 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 Middle Smithfield Township, **Monroe County**. Two of the receiving streams, Sambo Creek and Brodhead Creek, are located in State Water Plan watershed 1-E and are classified for High Quality—Cold Water and Migratory Fish (Brodhead Creek), Cold Water and Migratory Fish (Sambo Creek), as well as

aquatic life, water supply and recreation. The other two receiving streams, Bushkill Creek and the Delaware River, are located in State Water Plan watershed 1-D and are classified for High Quality—Cold Water and Migratory Fish (Bushkill Creek), Warm Water and Migratory Fish (Delaware River), as well as 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)

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.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150083	Chester Springs Ventures, LLC 911 Tatnall Street Wilmington, DE 19801	Chester	Upper Uwchlan Township	Unnamed Tributary to Pickering Creek HQ-TSF
PAD150077	Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057	Chester	Upper Uwchlan Township	Marsh Creek HQ-TSF-MF

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

*Carbon County Conservation District, 5664 Interchange Road, Lehigh, PA 18235.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130013	PennDOT Engineering District 5-0 Christopher Kufro 1002 Hamilton St Allentown, PA 18101	Carbon	Mahoning Twp Lehigh Boro	Mahoning Creek (CWF, MF) EV Wetlands

*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>
PAD390093	Big Bear Management Fund c/o 1-A Realty, Inc 7475 Hamilton Blvd PO Box 8 Trexlerstown, PA 18087	Lehigh	Lower Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)

*Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400022	White Haven Re, LLC Peter Bio 411 Susquehanna St White Haven, PA 18661	Luzerne	White Haven Boro	UNT to Lehigh River (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450057	CB H2O, LP PO Box 168 Tannersville, PA 18372	Monroe	Jackson Twp	UNT to Coolmoor Creek (HQ-CWF, MF)

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

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD520014	Pine Hill Partners, LP James Roggio 2178 Loines Ave Merrick, NY 11566	Pike	Westfall Twp	Crawford Branch (HQ-CWF, MF) Cummins Branch (HQ-CWF, MF) Deep Brook (EV, MF) UNT to Delaware River (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
PAD500003	PPL Electric Utilities Corporation Two North Ninth Street, GENN4 Allentown, PA 18101-1179	Perry & Cumberland	Carroll & Middlesex Township	Shermans Creek (WWF-HQ) UNTs Sherman's Creek (WWF) Spring Run (WWF) UNTs Spring Run (WWF)
PAD210026	Andrew Martin Martin Poultry Operation	Cumberland	South Newton Township	Yellow Breeches Creek (HQ-CWF)

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

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD110005	East Carroll Township 3350 Brick Road Carrolltown, PA 15722	Cambria County	East Carroll Township and Patton Borough	Chest Creek (HQ-CWF); Little Chest Creek (CWF)

## 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. PA0233889 A-1, CAFO, Troester Dairy, 175 Cannon Road, Mifflinburg, PA 17844-7714.**

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

Description of size and scope of existing operation/activity: Dairy (Cows, Heifers, Calves, Steers): 2,146.5 AEU's.

The receiving stream, Unnamed Tributary of Mill Race, is in watershed 10-C and classified for: Cold Water Fishes and Migratory Fishes.

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

**NPDES Permit No. PA0229105, CAFO, Amos Newswanger, 158 Miller Road, Lewisburg, PA 17837-7851.**

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

Description of size and scope of existing operation/activity: Swine (Grow—Finish), Poultry (Broilers): 470 AEU's.

The receiving stream, Muddy Run, is in watershed 10-C and classified for: High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no



other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**NPDES Permit No. PA0229156**, CAFO, **Four Winds Dairy LLC**, 901 Jackson Road, Ulysses, PA 16948-9560.

This existing facility is located in Harrison Township, **Potter County**.

Description of size and scope of existing operation/activity: Dairy (Cows, Heifers, Calves): 2,193.74 AEU's.

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

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

**Application No. PA0266761**, Concentrated Animal Feeding Operation (CAFO), **Metzler J Douglas (Douglas Metzler Poultry CAFO)**, 81 Douts Hill Road, Pequea, PA 17565.

Metzler J Douglas has submitted an application for an Individual NPDES permit for a new CAFO known as Douglas Metzler Poultry CAFO, located in Martic Township, **Lancaster County**.

The CAFO is situated near Tucquan Creek in Watershed 7-K, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO will be designed to maintain an animal population of approximately 412.14 animal equivalent units (AEUs) consisting of 88,000 layers. Manure will be stored in underbarn solid manure storages. 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 717-705-4732.

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

**Application No. PA0261726**, Concentrated Animal Feeding Operation (CAFO), **Lester Martin (Lester Martin Duck CAFO)**, 415 E Old York Road, Carlisle, PA 17015-9207.

Lester Martin has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Lester Martin Duck CAFO, located in South Middleton Township, Cumberland County.

The CAFO is situated near Yellow Breeches Creek in Watershed 7-E, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 135.28 animal equivalent units (AEUs) consisting of 38,000 ducks. Manure is stored in an HDPE-lined lagoon outside of the barn. 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 717-705-4732.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136371	Penn State Beaver Campus 100 University Drive Monaca, PA 15061-2764	Monaca Borough Beaver County	Y	N

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed

NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Rowe Family Farm Co. David Rowe 216 Pawling Station Rd. Selinsgrove, PA 17870	Snyder	116 Total 57 manure application	622.03	Poultry, Broilers & Swine	NA	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act.**

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

**Application No. 4018517, Construction Permit, Public Water Supply.**

Applicant	<b>Hazle Water Depot LLC</b> 3 N Cedar Street Hazelton, PA 18201
Municipality	City of Hazleton
County	<b>Luzerne County</b>
Responsible Official	Mr. Robert Silfa Hazle Water Depot LLC 3 N Cedar Street Hazelton, PA 18201
Type of Facility	BVRB
Consulting Engineer	Mr. David L. Horst, P.E. Alfred Benesch & Co. One South Church St. Suite 300 Hazelton, PA 18201
Application Received Date	June 26, 2018
Description of Action	This project is for installation of a Retail Water Facility system. The Hazle Water Depot receives treated water from Hazelton City Authority (PWS ID # 2408001).

**Application No. 4018518**, Public Water Supply.  
 Applicant **Lake Lehman School District**  
 Ross Elementary School  
 P.O. Box 38  
 Lehman, PA 18627

[Township or Borough] Ross Township  
**Luzerne County**

Responsible Official Mr. David Madajewski  
 Director of Buildings & Grounds  
 Lake Lehman School District  
 Ross Elementary School  
 P.O. Box 38  
 Lehman, PA 18627

Type of Facility Public Water Supply

Consulting Engineer Mr. Martin J. Gilligan, P.E.  
 Martin J. Gilligan, LLC  
 52 Westminster Drive  
 Dallas, PA 18612

Application Received Date 7/12/2018

Description of Action Proposed corrosion control  
 treatment per the Department's  
 Lead and Copper Regulation.

**Application No. 3518504**, Public Water Supply.  
 Applicant **Mr. Terry Fitzsimmons, Owner**  
 Benton Springs, LLC  
 241 Brian Lane  
 Dalton, PA 18414

[Township or Borough] Benton Township  
**Lackawanna County**

Responsible Official Mr. Terry Fitzsimmons, Owner  
 Benton Springs, LLC  
 241 Brian Lane  
 Dalton, PA 18414

Type of Facility Public Water Supply

Consulting Engineer Mr. Patrick J. Ward, PE  
 Uni-Tec Consulting Engineers,  
 Inc.  
 2007 Cato Avenue  
 State College, PA 16801

Application Received Date 7/12/2018

Description of Action Applicant proposes modifications  
 to an existing PWS system to  
 upgrade their water system  
 facilities primarily including new  
 metering pumps and storage.

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

**Permit No. 0618517**, Public Water Supply.  
 Applicant **Hamburg Commerce Park, Inc.**

Municipality Perry Township

County **Berks**

Responsible Official Anthony Scarcia, Authorized  
 Representative  
 74 West Broad Street  
 Bethlehem, PA 18018

Type of Facility Public Water Supply

Consulting Engineer Steven G. Lowry, P.E.  
 Steven G. Lowry &  
 Associates Inc.  
 3708 Leyland Drive  
 Mechanicsburg, PA 17050

Application Received: 6/22/2018

Description of Action Construction of a new  
 consecutive water system  
 consisting of a 300,000-gallon  
 elevated water storage tank and  
 distribution system which will  
 receive finished water from the  
 Perry Township Municipal  
 Authority.

**Permit No. 0618518**, Public Water Supply.  
 Applicant **Hamburg Commerce Park, Inc**

Municipality Perry Township

County **Berks**

Responsible Official Anthony Scarcia, Authorized  
 Representative  
 74 West Broad Street  
 Bethlehem, PA 18018

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: 6/22/2018

Description of Action Construction of a new water  
 system consisting of one (1)  
 groundwater well rated for 65  
 gpm, 5-micron cartridge  
 filtration, water softening for  
 hardness removal, sodium  
 hypochlorite disinfection with  
 4-log treatment of viruses, pH  
 adjustment with sodium  
 hydroxide for general corrosion  
 control, a 750-gallon finished  
 water storage tank, booster  
 pump station, distribution  
 system, and a 300,000-gallon  
 elevated water storage tank.  
 They system is poised to  
 eventually interconnect with the  
 Perry Township Municipal  
 Authority.

**Permit No. 6718510**, Public Water Supply.  
 Applicant **Dillsburg Water Authority**

Municipality Carroll Township

County **York**

Responsible Official Sheldon K. Williams, General  
 Manager  
 P.O. Box 370  
 98 W Church St  
 Dillsburg, PA 17019

Type of Facility Public Water Supply

Consulting Engineer Peter Lusardi, P.E.  
 GHD, Inc.  
 1240 N. Mountain Rd.  
 Harrisburg, PA 17112

Application Received: 7/20/2018  
 Description of Action A new booster pump station will be constructed to distribute water from Well 7 and the Route 15 standpipe to the entire water service area. Additionally, zinc pyrophosphate will be added at well 7.

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

**Application No. 4918506—Construction—Public Water Supply.**

Applicant **Aqua PA—Roaring Creek Division**  
 Township/Borough Coal Township  
 County **Northumberland County**  
 Responsible Official Mr. Steven Draus  
 204 East Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility Public Water Supply  
 —Construction  
 Consulting Engineer Ms. Amanda J. Stank  
 GHD Inc.  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Application Received July 24, 2018  
 Description of Action Authorizes the replacement of existing tri-media filter system with a conventional dual media filter system at the water treatment plant.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for con-

tamination 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.*

**Furniture Mart USA**, 50 Hulmeville Avenue, Pennel Borough, **Bucks County**. David Schantz, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382 on behalf of Roger Betesh, Furniture USA Mart, 50 Hulmeville Avenue, Pennel, PA 19047 submitted a Notice of Intent to Remediate. This site has been found to be contaminated with selected metals in soil and groundwater. Proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in the *Lower Bucks Times* on July 3, 2018.

**Taco Bell/Pizza Hut**, 121 North MacDade Boulevard, Glenolden Borough, **Delaware County**. Jason Pero, Resource Control Consultants, 10 Lippincott Lane, Unit 1 Mount Holly, NJ 08060 on behalf of Joe DePascale, Summerwood Corporation, 14 Balligomingo Road, Conshohocken, PA 19428 submitted a Notice of Intent to Remediate. The site has been found to have elevated concentrations of volatile organic compounds in soil and groundwater. The Notice of Intent to Remediate was published in the *Digital First Media* on June 11, 2018.

**First Blue Bell Cleaners Service**, 1734 Dekalb Pike, Whitpain Townships, **Montgomery County**. James Carey, GHD services, Inc., 135 Raritan Center Parkway, Suite 5, Edison, NJ 08837 on behalf of Robert Carson, Regency Blue Bell, L.P. c/o Levin Management Company, 975 US Highway 22 West, North Plainfield, NJ 07060 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with chlorinated solvents which have contaminated the groundwater on the site. The proposed future use of the property will be non-

residential for a commercial property. The Notice of Intent to Remediate was published in the *Digital First Media* on July 9, 2018.

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

**Black 1H/2H Wellsite**, 84 Black Road, Springville Township, **Susquehanna County**. Civil & Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15275, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Notice of Intent to Remediate. Groundwater was contaminated by a release of drilling mud. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Susquehanna County Transcript* on July 18, 2018.

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

**Motor Vehicle Accident Fluid Release near 38 West Lake Glory Road, Catawissa**, Locust Township, **Columbia County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Tom Schreck, 38 West Lake Glory Road, Catawissa, PA 17820, has submitted a Notice of Intent to Remediate site soil contaminated with motor oil, antifreeze and transmission fluid. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on June 30, 2018.

**CTC Transit LLC Accident Cleanup**, State Route 235, Segment 80-1700, Beaver Springs, Spring Township, **Snyder County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of CTC Transit, LLC, 1342 Sunny Side Road, Crewe, VA 23930-3304, 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 Standards. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on July 2, 2018.

**MyTBIInv 6076 Natural Gas Well Pad**, 302 Doan Road, Knoxville, Deerfield Township, **Tioga County**. SWEPI, LP, 150 North Dairy Ashford Road, E1296 C, Houston, TX 77079, has submitted a Notice of Intent to Remediate site soil contaminated with produced water. The applicant proposes to remediate the site to meet Background and Statewide Health Standards. A summary of the Notice of Intent to Remediate was published in the *Wellsboro Gazette* on June 21, 2018.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

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

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

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

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

**PA-03-00244A: Dominion Energy Transmission, Inc.** ( 925 White Oaks Blvd. Bridgeport, WV 26330-6919)

on June 29, 2018, plan approval extension issued, to incorporate the new sources in the pending SOOP application. Plan Approval is extended until January 28, 2019, for their Rural Valley Compressor Station located in Valley Township, **Armstrong County**.

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

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

**10-079F: BNZ Materials** (191 Front Street, Zelienople, PA 16063), for the re-permitting of Kiln # 3 in Zelienople Borough, **Butler County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the Title V operating permit at a later date.

Plan approval No 10-079F is for the proposed re-permitting of Kiln # 3. The potential emissions are as follows: 9.90 tpy for PM/PM<sub>10</sub>/PM<sub>2.5</sub>, 3.65 tpy for NO<sub>x</sub>, 4.58 tpy for SO<sub>x</sub>, 98.67 tpy for CO, 26.40 tpy for VOC, and 30.4 tpy of CO<sub>2</sub>(e). This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Subject to 25 Pa. Code §§ 123.13 and 123.21
- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor, and visible emissions respectively.
- No person may permit the emission into the outdoor atmosphere from Kiln # 3 of the following:
  - Total PM: 4.5 #/ton and 9.90 tpy based on a 12-month rolling basis
  - Total PM<sub>10</sub>: 4.5 #/ton and 9.90 tpy based on a 12-month rolling basis
  - Total PM<sub>2.5</sub>: 4.5 #/ton and 9.90 tpy based on a 12-month rolling basis
  - SO<sub>x</sub>: 2.08 #/ton and 4.58 tpy based on a 12-month rolling basis
  - NO<sub>x</sub>: 1.66 #/ton and 3.65 tpy based on a 12-month rolling basis
  - CO: 44.85 #/ton and 98.67 tpy based on a 12-month rolling basis
  - VOC: 12.0 #/ton and 26.4 tpy based on a 12-month rolling basis
  - Fluorides (other than HF): 0.491 #/ton and 1.08 tpy based on a 12-month rolling basis
  - HF: 0.786 #/ton and 1.74 tpy based on a 12-month rolling basis
  - The permittee shall use only natural gas as a fuel for this source.
  - The throughput from the source shall not exceed 4,400 tpy finished brick based on a 12-month rolling total.
  - A stack test shall be conducted within 180 days after plan approval issuance or within twelve (12) to eighteen (18) months (July 31, 2019, to January 31, 2020) prior to the expiration of the facility operating permit thereafter, a stack test for NO<sub>x</sub>, CO, VOC, SO<sub>x</sub>, HF, Fluoride (other than HF), total PM (both filterable and condensable),

PM<sub>10</sub> (both filterable and condensable), and PM<sub>2.5</sub> (both filterable and condensable) [total PM testing can be used in lieu of PM<sub>10</sub> and PM<sub>2.5</sub> testing] and shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application.

- The permittee shall take a representative sample (0.5 #/ton of clay) from each shipment of clay.
- The permittee shall make a monthly composite sample from all the samples taken in part (a) and test for Fluoride concentration in the clay.
- After 6 months of sampling, the permittee may petition the Department to reduce the sampling frequency if the average Fluoride concentration in the clay does not vary greater than 5% from the Fluoride concentration during the latest stack test for Fluoride emission compliance.
- The Fluoride emission factor developed during the latest stack test for Fluoride emission compliance shall increase proportionally with an increase in Fluoride concentration in the clay above the concentration during testing. This adjusted emission factor shall be used in calculating the monthly and yearly Fluoride emissions.
- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.
- The permittee shall maintain a record of all preventive maintenance inspections of the source. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.
- The permittee shall record the following operational data from the source (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
  - Completion of operational inspection—daily defined as once per calendar day
  - The permittee shall record the following:
    - Gas usage and sawdust usage on a monthly basis and a 12-month rolling total basis
    - Production on a monthly basis and a 12-month rolling total basis
    - Clay throughput on a monthly basis and a 12-month rolling total basis
    - Clay Fluoride concentration from sampling
  - The permittee shall perform a daily operational inspection of the source.
  - All gauges employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full scale reading.
  - The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [10-079F] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

If a plan approval has not undergone the previously stated public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for State only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

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

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

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

**40-00116: Tempur Production USA, Inc.** (25 Elmwood Road Mountain Top, PA 18707). The Department intends to issue a renewal State-Only Natural Minor Permit for Sealy Mattress located in Wright Township, **Luzerne County**. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

*Contact: Thomas Bianca, Facilities Permitting Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-03108: North American Pipe Corp.** (88 Newport Road, Leola, PA 17540) for the operation of a poly vinyl chloride (PVC) pipe manufacturing plant in Upper Leacock Township, **Lancaster County**. This is for the renewal of the existing State-only operating permit. Potential VOC air emissions from the facility's ink and cleaning solvents in less than 1.0 tpy, and the particulate matter (PM) emissions associated with pipe manufacturing processes is also less than 1.0 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.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**32-00390: Neiswonger Construction, Inc.** (3756 State Route 981, Saltsburg, PA 15681) Natural Minor Operating Permit is for a limestone processing plant and is located in Young Township, **Indiana County**. The site was formerly owned and operated by Ridge Limestone, Inc. 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 consist of a grid-powered, stationary nonmetallic mineral processing plant and fugitive emissions from storage piles and unpaved roads. Emissions at the facility are primarily particulate matter (PM) emissions which are controlled by a water spray system. Emission estimates were provided by the applicant based on the EPA's AP-42 tables. No fuel-fired air contamination sources exist at this site. 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 8.94 tons per year (TPY) PM and 2.59 TPY PM<sub>10</sub>. 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 (32-00390) 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.*

**10-00375: Harmony Castings, LLC** (251 Perry Highway, Harmony, PA 16037-9213). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the aluminum foundry located in Jackson Township, **Butler County**. The facility's primary emission sources include the aluminum casting process, shot blast, and a parts washer. The potential emissions of the primary pollutants from the facility are as follows: 0.72 TPY (tons per year) NO<sub>x</sub>, 1.69 TPY CO, 40.45 TPY VOC, 7.38 TPY total HAPs, 7.36 TPY methanol, 4.14 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.02 TPY SO<sub>x</sub>; thus, the facility is a natural minor. Currently, the facility is not subject to 40 CFR Part 63 Subpart ZZZZZZ, because the annual aluminum melt production has been less than 600 tons per year as stated in § 63.11544(a)(4). The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**24-00131: SGL Carbon Corp.** (900 Theresia St., Saint Marys, PA 15857-5030). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the graphite product manufacturing facility located in the City of Saint Marys, **Elk County**. The facility's primary emission sources include natural gas combustion sources, a 9.9 MMBtu/hr natural gas boiler, chemical vapor deposition reactors, machining operations, the special impregnation process, solvent degreasers, a natural gas-fired emergency power generator, graphitization and purification furnaces, and a V.O.G. furnace. The potential emissions of the primary pollutants from the facility are as follows: 4.89 TPY (tons per year) NO<sub>x</sub>, 4.06 TPY CO, 25.93 TPY VOC, 1.02 TPY total HAPs, 0.70 TPY HCl, 0.10 TPY HF, 0.12 TPY Cl, 17.58 TPY PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.03 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The emergency generator is subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

#### 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.*

**54-00090: Riverside Cremation Services, LLC** (25 East Main Street Schuylkill Haven, PA 17972) for their facility located in Schuylkill Haven Borough, **Schuylkill County**.

Plan Approval No. 54-00090 is for the modification and operation of a human cremator. This facility is a Non-Title V facility. The company has applied to operate the cremator without interlock system & opening of the primary chamber door during cremation to check and reposition the remains if necessary. The company shall comply with 123.41 for opacity. The company will operate the cremator and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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.: 54-00090 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, Environmental Group Manager, 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*

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

**Permit No. 54860206C24. Rausch Creek Generation, LLC** (formerly Westwood Generation, LLC), (978 Gap Street, Valley View, PA 17983), correction to existing anthracite coal refuse reprocessing, refuse disposal and coal ash utilization operation to update the permit boundary from 441.4 acres to 367.4 acres and change the post-mining land use to from woodland to unmanaged natural habitat in Frailey and Porter Townships, **Schuylkill County**, receiving stream: Lower Rausch Creek, classified for the following uses: cold water and migratory fishes. Application received: June 29, 2018.

**Permit No. 49080104R and NPDES Permit No. PA0224987. D. Molesevich & Sons Construction Co., Inc.**, (P.O. Box 12, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Mt. Carmel Township, **Northumberland County** affecting 423.0 acres, receiving streams: Quaker Run, Coal Run and South Branch of Roaring Creek, classified for the following use: HQ—cold water fishes. Application received: July 11, 2018.

*Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

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

**3076SM13. White Rock Silica Sand Co., Inc.** (331 Methodist Road, Greenville, PA 16125). Renewal of NPDES Permit No. PA0207535 in Hempfield Township, **Mercer County**. Receiving streams: Tributary to Shenango River, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Greenville Municipal Water Authority. Application received: July 16, 2018.

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

**Permit No. 7874SM1A1C11 and NPDES Permit No. PA0612880. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3912 Brumbaugh Road, New Enterprise, PA 16664), correction to an existing quarry operation to merge 2 other existing permits Nos. 39880301 and 39920301 into this site for a total of 234.09

acres, in North Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek, classified for the following uses: cold water and migratory fishes. Application received: June 20, 2018.

**Permit No. 49050301C. Central Builders Supply Company**, (P.O. Box 152, Sunbury, PA 17801), correction to an existing quarry operation to update the post-mining land use from cropland (farmland) to unmanage natural habitat and/or unmanaged water impoundment in Point Township, **Northumberland County** affecting 54.0 acres, receiving stream: Susquehanna River, classified for the following use: cold water fishes. Application received: June 29, 2018.

**Permit No. 6173SM3A1C. Central Builders Supply Company**, (P.O. Box 152, Sunbury, PA 17801), correction to an existing quarry operation to update the post-mining land use from cropland (farmland) to unmanage natural habitat and/or unmanaged water impoundment in Point Township, **Northumberland County** affecting 94.5 acres, receiving stream: Susquehanna River, classified for the following use: cold water fishes. Application received: June 29, 2018.

**Permit No. 7974SM2A2C12 and NPDES No. PA0611999. Hanson Aggregates BMC, Inc.**, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a

quarry operation in Nockamixon Township, **Bucks County** affecting 83.5 acres, receiving stream: Rapp Creek, classified for the following use: exceptional value waters. Application received: July 18, 2018.

**Permit No. 22880301C and NPDES No. PA0223948. Rocky Licensing, Corporation**, (P.O. 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Swatara Township, **Dauphin County** affecting 143.10 acres, receiving stream: Swatara Creek, classified for the following use: warm water fishes. Application received: July 17, 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*

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

**NPDES No. PA0262391 (Mining Permit No. 11070201), Fuel Recovery, Inc.**, 254 Interpower Drive, Colver, PA 15927, renewal of an NPDES permit for surface mining of coal in Washington Township, **Cambria County**, affecting 87.8 acres. Receiving streams: unnamed tributaries to/and Bear Rock Run and Burgoon Run classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: June 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 coal mining activities.

The following outfall discharges to Burgoon Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

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

<i>Outfalls: 001 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90

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

The following outfalls discharge to unnamed tributaries to/and Bear Rock Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N
003	N
004	N
005	N

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

<i>Outfalls: 002, 003, 004, 005 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35	70	90

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

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0280615 (Permit No. 20180303). Lakeland Sand & Gravel, Inc.** (11203 Ellion Road, Conneaut Lake, PA 16316) New NPDES permit for a large industrial minerals surface mine in Sadsbury Township, **Crawford County**, affecting 24.0 acres. Receiving streams: Unnamed tributary to Mud Run, classified for the following uses: WWF; and unnamed tributary to Conneaut Lake, classified for the following uses: HQ-CWF. TMDL: None. Application received: June 25, 2018.

There will be no discharge from this site.

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

**NPDES Permit No. PA0612537 on Surface Mining Permit No. 7874SM3. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (3912 Brumbaugh Road, New Enterprise, PA 16664), renewal of an NPDES Permit for a limestone quarry operation in Whitehall Township, **Lehigh County**, affecting 137.6 acres. Receiving stream: Coplay Creek, classified for the following use: cold water fishes. Application received: February 19, 2018.

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

The following outfalls discharge to Coplay Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids Discharge (MGD) MDT Only	5.76	35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E58-323. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Oakland Township, Susquehanna County, Army Corps of Engineers, Baltimore District.**

To remove an existing structure and to construct and maintain a 12-foot diameter corrugated metal pipe culvert depressed 1 foot below streambed elevation conveying Lewis Creek (CWF, MF).

The project is located at S.R. 1012, Segment 0130, Offset 3040 (Great Bend, PA Quadrangle Latitude: 41° 54' 57.3"; Longitude: -75° 37' 44.5"), in Oakland Township, Susquehanna County.

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

**E4129-122: ARD Operating, LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701, Cascade Township, Lycoming County, ACOE Baltimore District.**

To construct, operate, and maintain:

1) A 16-inch water pipeline and a timber mat bridge impacting 2,273 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'15"N 76°59'09"W);

2) A 16-inch water pipeline impacting 952 square feet of floodway of an unnamed tributary to West Branch Murray Run (EV) (Bodines, PA Quadrangle 41°24'14"N 76°59'14"W);

3) A 16-inch water pipeline and a timber mat bridge impacting 116 square feet of PEM wetland (Bodines, PA Quadrangle 41°24'56"N 76°58'18"W);

4) A 16-inch water pipeline and a timber mat bridge impacting 13 linear feet of an unnamed tributary to West Branch Murray Run (EV) (Bodines, PA Quadrangle 41°25'05"N 76°58'14"W);

5) A 16-inch water pipeline and a timber mat bridge impacting 2,884 square feet of PEM wetland (Bodines, PA Quadrangle 41°25'08"N 76°58'13"W);

6) A 16-inch water pipeline and a timber mat bridge impacting 12 linear feet of an unnamed tributary to West Branch Murray Run (EV) (Bodines, PA Quadrangle 41°25'09"N 76°58'11"W);

7) A 16-inch water pipeline and a timber mat bridge impacting 13 linear feet of an unnamed tributary to West Branch Murray Run (EV) (Bodines, PA Quadrangle 41°25'10"N 76°58'09"W);

8) A 16-inch water pipeline and a timber mat bridge impacting 1,056 square feet of PEM wetland (Bodines, PA Quadrangle 41°25'11"N 76°58'07"W);

9) A 16-inch water pipeline and a timber mat bridge impacting 24 linear feet of an unnamed tributary to West Branch Murray Run (EV) (Bodines, PA Quadrangle 41°25'14"N 76°58'00"W);

10) A 16-inch water pipeline and a timber mat bridge impacting 892 square feet of PEM wetland (Bodines, PA Quadrangle 41°25'25"N 76°57'41"W);

11) A 16-inch water pipeline and a timber mat bridge impacting 86 square feet of PEM wetland (Bodines, PA Quadrangle 41°25'26"N 76°57'38"W);

12) A 16-inch water pipeline and a timber mat bridge impacting 26 linear feet of unnamed tributaries to East Branch Murray Run (EV) and 969 square feet of PEM wetlands (Bodines, PA Quadrangle 41°25'26"N 76°57'35"W);

13) A 16-inch water pipeline and a timber mat bridge impacting 12 linear feet of an unnamed tributary to East Branch Murray Run (EV) and 610 square feet of PEM wetland (Bodines, PA Quadrangle 41°25'36"N 76°56'49"W);

14) A 16-inch water pipeline impacting 1,942 square feet of floodway of an unnamed tributary to East Branch Murray Run (EV) (Bodines, PA Quadrangle 41°25'38"N 76°56'28"W);

15) A 16-inch water pipeline and a timber mat bridge impacting 14 linear feet of East Branch Murray Run (EV)

and 4,880 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°25'38"N 76°56' 27"W);

16) A 16-inch water pipeline and a timber mat bridge impacting 13 linear feet of an unnamed tributary to Slacks Run (HQ-CWF) and 3,155 square feet of adjacent PEM wetland (Bodines, PA Quadrangle 41°26'22"N 76°55'32"W);

17) A 16-inch water pipeline and a timber mat bridge impacting 12 linear feet of an unnamed tributary to Slacks Run (HQ-CWF) (Bodines, PA Quadrangle 41°26'24"N 76°55'31"W).

The project will result in a total of 139 linear feet of stream impacts, 0.07 acre of additional floodway impacts, and 0.39 acre of wetland impacts all for the purpose of installing water pipeline and temporary access roadway for Marcellus well development.

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## ACTIONS

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### 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.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0244589 (Sewage)	Ling Quang Buddhist Temple 821 Ridge Road Telford, PA 18969-1528	Montgomery County Salford Township	Unnamed Tributary to Ridge Valley Creek 3-E	Y
PA0058467 A-1 (Industrial)	The American College 270 S. Bryn Mawr Bryn Mawr, PA 19010	Montgomery County Upper Merion Township	Unnamed Tributary to Trout Creek 3-F	Y
PA0050202 (Storm Water)	National RR Passenger Corp 2955 Market St Box 13 Philadelphia, PA 19104	Philadelphia County City of Philadelphia	Schuylkill River 3-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0008346 (Industrial)	PA American Water Susquehanna WTP 1799 Jumper Road Wilkes-Barre, PA 18702-8032	Susquehanna County Harmony Township	East Branch Canawacta Creek (4-E)	Yes
PA0062855 (Industrial)	Mary D Comm Association Water System P.O. Box 115 Mary D, PA 17952-0115	Schuylkill County Schuylkill Township	Unnamed Tributary to Schuylkill River (3-A)	Yes
PA0060704 (Sewage)	Pleasant Valley Manor WWTP 4227 Manor Drive Stroudsburg, PA 18360	Monroe County Hamilton Township	McMichael Creek (01E)	Yes
PA0063592 (Sewage)	Gilberton Borough WWTP 2710 Main Street Mahanoy Plane, PA 17949	Schuylkill County Gilberton Borough	Mahanoy Creek (06B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0020711 (SEW)	Topton Borough 205 S. Callowhill Street Topton, PA 19562	Berks County/ Topton Borough	UNT of Little Lehigh Creek (2-C)	Y
PA0087041 (SEW)	Lake-In-Wood RV Resort 27777 Franklin Road Ste 200 Southfield, MI 48034	Lancaster County/ Brecknock Township	UNT Black Creek (7-J)	Y
PA0014648 (SEW)	Suez Water PA Inc. 4405 N. 6th Street Harrisburg, PA 17110	Dauphin County/ Hummelstown Borough	Swatara Creek (7-D)	Y
PA0024228 (IW)	Hain Pure Protein Corp 2609 Route 22 P.O. Box 10 Fredericksburg, PA 17026	Lebanon County/ Bethel Township	Elizabeth Run, Deep Run, and Beach Run (7-D)	N
PA0248223 (SEW)	Douglas Elasser 83 Douglas Dr. Cocolamus, PA 17014	Juniata County/ Fayette Township	Cocolamus Creek (12-B)	Y
PA0260908 (SEW)	Bethanne Schott 9499 Brogueville Road Felton, PA 17322-7900	York County/ Colerain Township	Carter Creek (7-I)	Y
PA0082368 (SEW)	Abbottstown Paradise Joint Sewer Authority P.O. Box 505 Abbottstown, PA 17301-0505	Adams County/ Hamilton Township	Beaver Creek (7-F)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081922 (SEW)	Lewisberry Area Joint Authority P.O. Box 363 Lewisberry, PA 17339-0363	Lewisberry Borough/ York County	to Bennett Run in Watershed(s) 7-F	Y
PA0260169 (CAFO)	Elmer King 3382 B West Newport Road Ronks, PA 17572	Lack Township/ Juniata County	UNT Dougherty Run 12-B	Y

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

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*Bureau of Clean Water: Environmental Program Manager, NPDES Permitting Division, P.O. Box 8774, Harrisburg, PA 17105, Phone: 717.787.8184.*

**NPDES Permit No. PA0001627**, Industrial, SIC Code 4911, **NRG Power Midwest LP**, 151 Porter Street, Springdale, PA 15144-1452.

This existing facility is located in Springdale Borough, **Allegheny County**.

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

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

**NPDES Permit No. PA0057029**, Industrial, **HP Inc.**, 3390 E Harmony Road, Fort Collins, CO 80528-8903.

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

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

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

**NPDES Permit No. PA0271381**, Sewage, SIC Code 8800, **Christina Dick**, 89 Patterson School Road, Grove City, PA 16127.

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

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

**NPDES Permit No. PA0265659**, Sewage, SIC Code 4952, 8800, **Clyde Roberts**, 233 George Junior Road, Grove City, PA 16127.

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

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

**NPDES Permit No. PA0265837**, Sewage, SIC Code 8800, **Barbara Hajel**, P.O. Box 169, Knox, PA 16232.

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

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

**NPDES Permit No. PA0271471**, Sewage, SIC Code 4952, 8800, **Chad Yohe**, 499 Seaward Avenue, Bradford, PA 16701.

This proposed facility is located in Corydon Township, **McKean County**.

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

**NPDES Permit No. PA0271497**, Sewage, SIC Code 4952, 8800, **Randall E Reynolds**, 420 Kemmer Road, Summerville, PA 15864.

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

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

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

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

**WQM Permit No. 4817402**, Sewage, SIC Code 5271, **Spg Inc.**, 139 Country Club Road, Northampton, PA 18067-3028.

This proposed facility is located in Allen Township, **Northampton County**.

Description of Proposed Action/Activity: Upgraded larger Flow Equalization Tank and new Aerobic digester tank.

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

**WQM Permit No. 0602404, A3**, Sewerage, **Berks County**, 633 Court Street, 16th Floor, Reading, PA 19601-4322.

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

Description of Proposed Action/Activity:

This permit approves the modifications/operation of sewage facilities consisting of: a new mechanical screen and washer compactor, with the existing cylindrical screen retained as stand-by unit; two new blower and drives for the EQ tanks, replacing the previous blowers; replacement of diffusers in the EQ tanks; improvements to EQ and oxidation ditch flow

controls; replacement of oxidation ditches' equipment including aerator rotors and drives; replacement of clarifiers' equipment; installation of UV disinfection, 2 units for redundancy and replacement of belt filter press with volute screw press unit, with new sludge feed pump, polymer feed, lime fee and conveyers.

**WQM Permit No. 3618201**, CAFO, **David W Sweigart III**, 189 Ridge View Road, S Elizabethtown, PA 17022.

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

Description of Proposed Action/Activity:

This permit approves the construction and operation of manure storage facilities consisting of:

- Two proposed underbarn manure storages of similar size
- Proposed Leak detection system
- Two underbarn manure storages (existing)
- Two reception pits (existing)
- Slurrystore (existing)
- Two Heifer barn concrete storages (existing) (King)
- Heifer round concrete tank (existing) (Easton)

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

**WQM Permit No. 0471411 A-2**, Sewage, SIC Code 4941, 4952, **Monaca Borough**, 806 Lincoln Place, Beaver Falls, PA 15010-4557.

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

Description of Proposed Action/Activity: Modifications to the primary clarifier inlet channels as well as primary clarifier chain and flight replacement at the Monaca WWTP.

**WQM Permit No. 6576417 A-3**, Sewage, SIC Code 4952, **Unity Township Municipal Authority Westmoreland County**, 370 Pleasant Unity Mutual Road, Greensburg, PA 15601-6388.

This existing facility is located in Unity Township, **Westmoreland County**.

Description of Proposed Action/Activity: Removal and replacement of the existing headworks influent raw screen at the Pleasant Unity Water Pollution Control Plant.

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

**WQM Permit No. 4318403**, Sewage, SIC Code 8800, **Christina Dick**, 89 Patterson School Road, Grove City, PA 16127.

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

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

**WQM Permit No. 4318401**, Sewage, **Clyde Roberts**, 1289 Mercer Grove City Road, Mercer, PA 16137-6243.

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

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

**WQM Permit No. 1618402**, Sewage, **Barbara Hajel**, P.O. Box 169, Knox, PA 16232.

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

Description of Proposed Action/Activity: Small Flow Treatment Facility for residence and attached commercial property.

**WQM Permit No. 2517201**, Industrial, **AAAG-Pennsylvania LLC**, 12141 Route 6, Corry, PA 16407.

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

Description of Proposed Action/Activity: Installation of new drainage tank with grit chamber for existing car wash facility.

**WQM Permit No. 4218403**, Sewage, **Chad Yohe**, 499 Seaward Avenue, Bradford, PA 16701.

This proposed facility is located in Corydon Township, **McKean County**.

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

**WQM Permit No. 1618405**, Sewage, **Randall E Reynolds**, 420 Kemmer Road, Summerville, PA 15864.

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

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

**WQM Permit No. WQG01251801**, Sewage, **Randall D Brunner**, 10055 State Road, Cranesville, PA 16410.

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

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

**WQM Permit No. WQG01431801**, Sewage, **Thomas C Pesci**, 227 Corey Drive, Gibsonia, PA 15044.

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

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



**IV. NPDES Stormwater Discharges from MS4 Permit Actions.**

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

<i>NPDES Permit No.</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI133526	Middlesex Township Cumberland County 350 N. Middlesex Road Carlisle, PA 17013	Middlesex Township, Cumberland	Hogestown Run, Unnamed Tributary to Wertz Run, and Unnamed Tributary to Conodoguinet Creek/WWF, CWF, and MF	N	Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090015	Thomas H. Crews 242 South Sugan Road New Hope, PA 18938	Bucks	New Hope Borough	Unnamed Tributary to Licking Creek to Unami Creek HQ-TSF
PAD510012	Philadelphia Authority for Industrial Development (PAID) 4747 South Broad Street Building 101 Suite 120 Philadelphia, PA 19112	Philadelphia	City of Philadelphia	Lower Schuylkill Watershed B Management District Zone C WWF-MF
PAD090012	Windy Springs Farm 1845 Myers Road Quakertown, PA 18951	Bucks	Milford Township	Unnamed Tributary to Aquetong Creek HQ-CWF-MF

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

*Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130012	Blue Mountain Resort c/o Barbara Green 1660 Blue Mountain Drive Palmerton, PA 18071	Carbon County	Lower Towamensing Township	Aquashicola Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450058	Chestnuthill Township P.O. Box 243 Broadsheadville, PA 18322  West End Park & Open Space Commission 578 Evergreen Hollow Road Saylorsburg, PA 18322	Monroe	Chestnuthill Township	UNT to McMichael Creek (EV, MF)

*Susquehanna County Conservation District, 88 Chenango Street, Montrose, PA 18801.*

<i>NPDES 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)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
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.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210022 Issued	UGI Utilities, Inc. 2525 North 12th Street Suite 360 P.O. Box 12677 Reading, PA 19612	Cumberland	South Middletown Township & Carlisle Borough	UNT Hogestown Run (CWF, MF) Letort Spring Run (EV, MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140029	Keystone Payroll 355 Colonnade Blvd C State College, PA 16801	Centre	Benner Twp	UNT-Buffalo Run HQ-CWF

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

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

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

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

*General Permit Type—PAG-02*

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

<i>Facility Location &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>
Richland Township Bucks County	PAC090161	W.B. Homes 404 Sumneytown Pike Suite 200 North Wales, PA 19454	Unnamed tributary Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Perkasie Borough Bucks County	PAC090174	Peter Zavitsanos 1218 Forest Hill Drive P.O. Box 412 Gwynedd Valley, PA 19437-0412	Unnamed tributary East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAC090146	The County of Bucks 55 East Court Street Doylestown, PA 18901	Unnamed tributary Neshaminy Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAC090156	BSV Housing LP 1301 North 31st Street Philadelphia, PA 19121	Poquessing Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAC090172	Ivy State Property LLC 35 Field Point Road Greenwich, CT 06830	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warminster Township Bucks County	PAC090152	Centennial School District 48 Swan Way Warminster, PA 18974	Unnamed tributary to Southampton Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tullytown Borough Bucks County	PAC090169	Provco Pinegood Levittown, LLC 975 East Lancaster Avenue Building No. 2 Suite 200 Villanova, PA 19085	Tullytown Borough Bucks County	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
New Britain Township Bucks County	PAC090157	Alex Sharpan 3400 Paper Mill Road Huntingdon Valley, PA 19006	New Britain Township Bucks County	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAC460213	Datalogic USA Inc 959 Terry Drive Eugene, OR 97402	Unionville Tributary WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAC460221	ELU Macoby Run LLC 485 Devon Park Drive Suite 106 Wayne, PA 19087	Macoby Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Norriton Township Montgomery County	PAC460254	Reserve at Stoney Creek LP 950 West Valley Forge Road Blue Bell, PA 19422	Stoney Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Gwynedd Township Montgomery County	PAC460166	Kevin O Flaherty Gwynedd Mercy University 1325 Sumneytown Pike Gwynedd Valley, PA 19437	Unnamed tributary to Trewellyn Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAC460144	BT Dreshertown, LP 200 Dryden Road Suite 2000 Dresher, PA 19025	Pine Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAC460180	Indian Valley Faith Fellowship 190 Maple Avenue Harleysville, PA 19438	Unnamed tributary to Indian Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatboro Borough Montgomery County	PAC460194	Hatboro-Horsham School District 229 Meetinghouse Road Horsham, PA 19044	Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAC460206	Rosemont College 1400 West Montgomery Avenue Bryn Mawr, PA 19010	Mill Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAC460209	BET Investments Inc 200 Dryden Road Suite 2000 Dresher, PA 19025	Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Conshohocken Borough Montgomery County	PAC460210	Provco Pineville Fayette LP Two Villanova Center Villanova, PA 19085	Plymouth Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
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 Ave North Wales, PA 19454	Tributary to Skipack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

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<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>
Upper Gwynedd Township Montgomery County	PAC460096	David Caracausa Cornerstone Premier Homes 601 West Prospect Ave North Wales, PA 19454	Tributary to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAC460067	Upper Providence Township 1286 Black Rock Road Oaks, PA 19456	Unnamed Tributary to Doe Run MF-TSF UNT to Schuylkill River MF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAC460105	Geryville Storage LLC 224 Cathill Road Sellersville, PA 18703	UNT to Macoby Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Trappe Borough Montgomery County	PAC460195	Damon London Development Group LLC 1217 Fairview Avenue Blue Bell, PA 19422-1819	Donny Brook TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Schwenksville Borough Montgomery County	PAC460186	Hoff Properties LLC 362 Winslow Drive Souderton, PA 18964	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAC460234	Fonciere Linfield LLC 191 South Keim St Suite 108 Pottstown, PA 19464	Unnamed tributary to Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &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>
Pittston Twp Luzerne County	PAC400083	Mericle Oak St, LLC Robert Mericle 100 Baltimore Dr Wilkes-Barre, PA 18702	UNT to Susquehanna River (CWF, MF) UNT to Mill Creek (CWF, MF)	Luzerne County Conservation District 570-674-7991
Butler Twp Luzerne County	PAC400084	Donald Kellner 118 Old Airport Rd Drums, PA 18222	Nescopeck Creek (CWF, MF)	Luzerne County Conservation District 570-674-7991

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Tulpehocken Township, Berks County Issued	PAC060124	Earl Martin 20 Deck Road Richland, PA 17087	UNT # 09939 Little Swatara Creek (CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
Amity Township, Berks County Issued	PAC060135	Dean Rittenhouse High Meadows 3, LP 345 Main St Ste 112 Harleysville, PA 19438	UNT Leaf Creek (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657

<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>
South Newton Township Cumberland County Issued	PAD210026	Martin Poultry Operation 74 Furnace Hollow Road Shippensburg, PA 17257	Yellow Breeches (HQ, CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Lower Paxton Township Dauphin County Issued	PAC220102	Bishop McDevitt School District 1 Crusader Way Harrisburg, PA 17111	Spring Creek—West (CWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
City of Harrisburg Dauphin County Issued	PAC220108	The Salvation Army 440 W Nyack Road West Nyack, NY 10994	UNT Spring Creek (CWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Rapho Township Lancaster County Issued	PAC360259	Ferril Good 597 Cold Spring Road Elizabethtown, PA 17022	Chiques Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Earl Township Lancaster County Issued	PAC360261	Ezra Beiler P.O. Box 314 East Earl, PA 17519	Cedar Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Lampeter Township Lancaster County Issued	PAC360227	Brendan Johnson 30 Stephanie Lane Darien, CT 06820	UNT Mill Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Lampeter Township Lancaster County Issued	PAC360111	Todd Stumpf 1947 Lincoln Highway East Lancaster, PA 17602	UNT Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Manheim Township Lancaster County Issued	PAC360213	Tom Koch 450A Candlewyck Road Lancaster, PA 17601	Landis Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Cocalico Township Lancaster County Issued	PAC360267	Jared Weaver 20 Hickory Lane Denver, PA 17517	Little Muddy Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Warwick Township Lancaster County Issued	PAC360239	Phil Wolgemuth P.O. Box 5026 Lancaster, PA 17606	UNT Bachman Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

*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>
State College Boro, Centre Cnty	PAC140043	Foxdale Village Corporation 500 Ease Marylyn Ave State College, PA 16801	Storm Sewer Trib. to Slab Cabin Run CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
College Twp, Centre Cnty	PAG02001408012R(1)	The Village of Canterbury LP 2121 Old Gatesburg Rd State College, PA 16803	UNT-Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Muncy Twp, Lycoming Cnty	PAC410029	Blaise Alexander Family Partnership LTD PA 10 Alexander Drive Muncy, PA 17756	Turkey Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Mahoning & Valley Twp, Montour Cnty	PAC470016	Danville Associates P.O. Box 201 Boalsburg, PA 16827	Kase Run CWF Sechler Run CWF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140
Center Twp, Snyder Cnty	PAC550010	Amos Zimmerman 1605 Borough Line Rd Mifflinburg, PA 17844	UNT of Penns Creek CWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

*General Permit Type—PAG-3*

<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>
New Britain Township Bucks County	PAG030079	Doylestown Waste Recycling 1510 Swamp Road Doylestown, PA 18901	North Branch Neshaminy Creek 2-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
East Fallowfield Twp Bucks County	PAG030082	Stein Steel Mill Services, Inc. 1929 East Royalton Road Broadview Heights, OH 44147-2867	Sucker Run and Unnamed Tributary to Sucker Run 3-H	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Plum Borough Allegheny County	PAR216158	Wendell H. Stone Company dba Stone & Company, Inc. 606 McCormick Avenue Connellsville, PA 15425	Unnamed Tributary of Thompson Run— 19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-4*

<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>
Elk Creek Township Erie County	PAG041227	Randall D Brunner 10055 State Road Cranesville, PA 16410	Little Elk Creek— 15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*Facility Location:  
Municipality &  
County*

Wilmington  
Township  
Mercer County

*Permit No.*  
PAG041226

*Applicant Name &  
Address*  
Thomas C Pesci  
227 Corey Drive  
Gibsonia, PA 15044

*Receiving  
Water / Use*  
Unnamed Stream—  
20-A

*Contact Office &  
Phone No.*  
DEP Northwest  
Regional Office  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814.332.6942

*General Permit Type—PAG-10**Facility Location &  
Municipality*

York County/Peach  
Glen Township

*Permit No.*  
PAG103576

*Applicant Name &  
Address*  
CBI Services, LLC  
1125 Pikes Peak Road  
Delta, PA 17314-9049

*Receiving  
Water / Use*  
UNT Susquehanna  
River/WWF & MF

*Contact Office &  
Phone No.*  
DEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

*General Permit Type—PAG-12**Facility Location &  
Municipality*

East Donegal  
Township,  
Lancaster County

*Permit No.*  
PAG123752 A-1

*Applicant Name &  
Address*  
Mitchell Shellenberger  
Shelmar Acres LLC  
580 Colebrook Road  
Mount Joy, PA  
17552-9776

*Receiving  
Water / Use*  
Watershed 7-G

*Contact Office &  
Phone No.*  
DEP—SCRO—CW  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

*General Permit Type—PAG-13**Facility Location  
Municipality &  
County*

South Coatesville  
Borough  
Chester County

*Permit No.*  
PAG130163

*Applicant Name &  
Address*  
South Coatesville  
Borough  
Chester County  
136 Modena Road  
Coatesville, PA  
19320-4035

*Receiving  
Water / Use*  
Unnamed Tributary  
to West Branch  
Brandywine Creek  
and West Branch  
Brandywine  
Creek—3-H

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

Lower Merion  
Township  
Montgomery County

PAG130064

Lower Merion Township  
Montgomery County  
75 E Lancaster Avenue  
Ardmore, PA 19003

Schuylkill River,  
Glanraffan Creek,  
West Branch Indian  
Creek, Unnamed  
Tributary to  
Schuylkill River,  
Gulley Run, Mill  
Creek, East Branch  
Indian Creek,  
Sawmill Run, Cobbs  
Creek, Arrowmink  
Creek, and Unnamed  
Tributary to Trout  
Run—3-F and 3-G

DEP Southeast  
Regional Office  
Clean Water Program  
2 E Main Street  
Norristown, PA 19401  
484.250.5970

Monroe Township/  
Cumberland County

PAG133573 A-1

Monroe Township  
1220 Boiling Springs  
Road  
Mechanicsburg, PA 17055

Dogwood Run,  
Trindle Spring Run,  
and Yellow Breeches  
Creek Watersheds  
7-B and 7-E

DEP Southcentral  
Regional Office  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
717.705.4707

Mountville  
Borough/  
Lancaster County

PAG133533

Mountville Borough  
Lancaster County  
21 E Main Street  
P.O. Box 447  
Mountville, PA  
17554-1650

Strickler Run and  
West Branch Little  
Conestoga Creek—  
7-J and 7-G

DEP Southcentral  
Regional Office  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
717.705.4707



<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>
Heidelberg Township/ Berks County	PAG133504	Heidelberg Township Berks County P.O. Box 241 Robesonia, PA 19551	Unnamed Tributary to Furnace Creek and Unnamed Tributary to Tulpehocken Creek—3-C	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
Irwin Borough Westmoreland County	PAG136164	Irwin Borough Westmoreland County 424 Main Street Irwin, PA 15642-3440	Brush Creek and Unnamed Tributary to Tinkers Run—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Findlay Township Allegheny County	PAG136131	Township of Findlay 1271 Rte 30 P.O. Box W Clinton, PA 15026	N. Fork Montour Run, S. Fork Montour Run, Montour Run, McClarens Run, Raccoon Creek, Potato Garden Run, Raredon Run, & Boggs Run— 20-G—TSF and WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

## PUBLIC WATER SUPPLY PERMITS

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

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

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

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

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act.

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

#### **Permit No. 1518504**, Public Water Supply.

Applicant	<b>Atglen Borough</b> P.O. Box 250 Atglen, PA 19310
Township	West Sadsbury
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Mr. Homan, P.E. Becker Engineering, LLC 115 Millersville Road Lancaster, PA 17603-4250
Permit to Construct Issued	July 18, 2018

#### **Permit No. 0918504**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Middletown
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	GHD, Inc. 1240 Mountain Road Harrisburg, PA 17112-1754
Permit to Construct Issued	July 15, 2018

**Permit No. 2318502**, Public Water Supply.  
 Applicant **Crozer-Keystone Health System**  
 100 West Sproul Road  
 Healthplex Pavillion II  
 Springfield, PA 19064  
 Township Upper Darby  
 County **Delaware**  
 Type of Facility PWS  
 Consulting Engineer IES  
 1720 Walton Road  
 Blue Bell, PA 19422  
 Permit to Construct Issued June 13, 2018

**Operations Permit No. 1518514** issued to: **UMH Properties, Inc.**, 150 Clay Street, Suite 150, Morgantown, WV 26508, **PWS ID # 1150052**, Honey Brook Township, **Chester County**, on June 29, 2018 for the operation of the UHV Valley View Honey Brook MHP Caustic Soda Feed Equipment at Well No. 6 facilities.

**Operations Permit No. 0918515** issued to: **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, P.O. Box 460, **PWS ID # 1090026**, Tullytown Borough, **Bucks County**, on July 19, 2018 for the operation of the Delaware River Surface Water Source with an Additional 1-Log Cryptosporidium Treatment Requirement.

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

**Permit No. 4018516MA**, Public Water Supply.  
 Applicant **PA American Water**  
 800 W. Hershey Park Drive  
 Hershey, PA 17033  
 [Township or Borough] Pittston Township  
**Luzerne County**  
 Responsible Official Mr. David Kaufman  
 Vice President-Engineering  
 Type of Facility Public Water Supply  
 Consulting Engineer Mr. Richard Dudek, PE  
 PA American Water Company  
 2699 Stafford Avenue  
 Scranton, PA 18505  
 Operation Permit Issued 07/12/2018

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

**Permit No. 3817503**, Public Water Supply.  
 Applicant **Quentin Water Company**  
 Municipality West Cornwall Township  
 County **Lebanon**  
 Responsible Official William Matthews, Manager  
 P.O. Box 243  
 Quentin, PA 17083  
 Type of Facility The construction of Well No. 4 as a new source-of-supply with sodium hypochlorite disinfection and 4-log contact piping along with manganese treatment and an upgrade to the existing booster pumping station.

Consulting Engineer Randolph S. Bailey, P.E.  
 Wm. F. Hill & Assoc., Inc.  
 207 Baltimore Street  
 Gettysburg, PA 17325  
 Permit to Construct Issued 7/20/2018

**Permit No. 0618515 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Spunktown Tavern**  
 Municipality Colebrookdale Township  
 County **Berks**  
 Responsible Official Steve Oswald, Owner  
 699 Englesville Road  
 Boyertown, PA 19512

Type of Facility Spunktown Tavern (Tavern) has proposed to install two (2) 120-gallon contact tanks in order to provide twenty (20) minutes of chlorine contact time for 4-log treatment of viruses at Entry Point 101 (Well No. 1). The Tavern has an existing sodium hypochlorite feed system which will continue to be utilized.

Consulting Engineer Jeremy S. Madaras, P.E.  
 J.S. Madaras Consulting LLC  
 250 Indian Lane  
 Boyertown, PA 19512  
 Permit to Construct Issued 7/6/2018

**Operation Permit No. 6718505 MA** issued to: **Borough of Hanover (PWS ID No. 7670076)**, Hanover Borough, **York County** on 7/20/2018 for facilities approved under Construction Permit No. 6718505 MA.

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

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**), Washington Township, **Greene County** on July 12, 2018 for the operation of facilities approved under Construction Permit # 3013501WMP9.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**), Washington Township, **Greene County** on July 12, 2018 for the operation of facilities approved under Construction Permit # 3017517MA.

**Operations Permit** issued to: **Kittanning Suburban Joint Water Authority**, 710 Tarrtown Road, Adrian, PA 16210, (**PWSID # 5030043**), East Franklin Township, **Armstrong County** on July 18, 2018 for the operation of facilities approved under Construction Permit # 0317509MA.

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

**Operation Permit** issued to **Summit Township Water Authority, PWSID No. 6250090**, Summit Township, **Butler County**. Permit Number 2514505-MA1 issued July 19, 2018 for the operation of the Moore Road WTP backwash water recycle system. This permit is issued in

response to an operation inspection conducted by the Department of Environmental Protection personnel on July 17, 2018.

**Permit No. 2501505-MA2**, Public Water Supply.

Applicant **Erie City Water Authority**  
 Township or Borough City of Erie  
 County **Erie County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Chad Ellsworth, P.E.  
 Richard S Wasielewski WTP  
 Sommerheim Drive  
 Erie, PA 16505  
 Permit to Construct July 19, 2018  
 Issued

**Permit No. 2594501-MA12**, Public Water Supply.

Applicant **Erie City Water Authority**  
 Township or Borough City of Erie  
 County **Erie County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Donnell Duncan  
 Utility Service Co., Inc.  
 1230 Peachtree Street NE  
 Ste 1100, 11th Floor  
 Atlanta, GA 30309  
 Permit to Construct July 19, 2018  
 Issued

**Permit No. 3718502**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 Township or Borough Jackson Township  
 County **Butler County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Jay Lucas, P.E.  
 PA American Water Company  
 800 Galley Road  
 McMurray, PA 15137  
 Permit to Construct July 19, 2018  
 Issued

**Operation Permit issued to Cornell Abraxas Group Inc., PWSID No. 6270005**, Summit Township, **Butler County**. Permit Number 2787501-T2-MA3 issued July 24, 2018 for the operation of the newly renovated 75,000 gal. steel storage tank known as the Abraxas Tank 1. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on July 5, 2018.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals 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>
Carroll Township	50 Rambo Hill Road Shermans Dale, PA 17090	Perry

*Plan Description:* The planning exemption for Ryan & Ashley Colledge, DEP Code No. A3-50905-460-2E, APS Id 972220, consisting of one new residential lot using an individual onlot sewage disposal system, is disapproved. The proposed development is located on Fox Hollow 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 underlain by carbonate geology as per Chapter 71, Section 71.51(b)(1)(ii).

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	P.O. Box 5625 Belleville, PA 17004	Mifflin

*Plan Description:* The planning exemption for Westfield cottages, DEP Code No. A3-44914-129-3E, APS Id 972291, consisting of 55 senior housing cottages and a community center to be served by a Septic Tank Effluent Pumping collection system tributary to the sewage collection, conveyance and treatment facilities of the Municipal Authority of Union Township, is disapproved. The proposed development is located on Crestview Drive. 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 connection to or an extension of public sewer facilities which require or which must apply for a new or modified permit from DEP under the Pennsylvania Clean Streams Law (CSL) as per Chapter 71, Section 71.51(b)(5).

**OBLIGATIONS AND RESPONSIBILITIES OF OWNERSHIP OF A SITE UNDER THE HAZARDOUS SITES CLEAN-UP ACT OF OCTOBER 18, 1988**

**Proposed Consent Order and Agreement**

**Bear Creek Area Chemical Site—Spitzer Pines Disposal Area**

**Fairview Township, Butler County**

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, No. 108, 35 P.S. §§ 6020.101—6020.1305 (“HSCA”), notice is hereby provided that the Pennsylvania Department of Environmental Protection (“Department”) has agreed to a Consent Order and Agreement with Spitzer Family, LLC (“Agreement”) concerning the Spitzer Pines Disposal Area which is found within the Bear Creek Area Chemical Site in Fairview Township, Butler County (“Site”).

The Site contains at least twenty-four disposal areas where industrial wastes were historically disposed. The industrial wastes have contaminated the surface water, groundwater, soils and sediments at and/or near the Site and such wastes contain “hazardous substances” and “contaminants” as those terms are defined in Section 103 of HSCA, 35 P.S. § 6020.103, including: resorcinol, xylene, benzene, acetone, phenols, formaldehyde, chloromethane, bromomethane, methyl ethyl ketone, carbon disulfide, trichloroethane, ethyl benzene, nickel, lead, chromium, copper, aluminum sulfate, arsenic, meta-benzene disulfonic acid, benzene sulfonic acid, para-phenol sulfonic acid and calcium petronate/KSS.

The Spitzer Family, LLC owns property in Fairview Township, Butler County (“Property”) where the Spitzer Pines Disposal Area is located. Between 2004 and 2009, the Department investigated the nature and extent of contamination at the Property pursuant to its authority

under Section 501(a) of HSCA, 35 P.S. § 6020.501(a), and confirmed that hazardous substances and contaminants were disposed at the Property. The disposal of hazardous substances and contaminants at the Property, and the contamination of the environment with hazardous substances and contaminants at the Property constitute a “release” and a “threat of release” of a hazardous substance, as defined in Section 103 of HSCA, 35 P.S. § 6020.103. Beginning in 2008, the Department and its contractors conducted a cleanup response at the Property which included the excavation and off-site disposal of impacted environmental media. The Department’s cleanup response ended in 2015.

The Agreement sets forth the rights and obligations of the Spitzer Family, LLC pursuant to HSCA for the hazardous substances and the contaminants at the Property and the Site. The specific obligations are described in the Agreement between the Department and the Spitzer Family, LLC and include the following: a consensual lien upon a 67.23-acre portion of the Property currently owned by the Spitzer Family, LLC under Tax Parcel Identification Number 150-1F55-A3D-000 in the amount of \$40,000; and a subordination agreement that gives the Department’s Consensual Lien priority over a precedent mortgage in the Butler County Registry of Deeds. The Agreement also provides for covenants not to sue, and contribution protection for Spitzer Family, LLC against actions under HSCA by other responsible parties in connection with the Site.

The Department will receive and consider comments relating to the Agreement for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations which indicate that the Agreement is inappropriate, improper, or not in the public interest. After the public comment period, the Department’s settlement with the Spitzer Family, LLC shall be effective upon the date that the Department notifies the Spitzer Family, LLC, in writing, that the Agreement is final and effective, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

The Agreement is available for inspection and copying at the Department’s Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Comments may be submitted, in writing, to 230 Chestnut Street, Meadville, PA 16335, attention Mr. Charles Byham, Solid Waste Supervisor. Mr. Byham can also be reached by telephone: 814-332-6648. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-645-5984.

## 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.*

**Corona Corporation**, 820 Main Street, Red Hill Borough, **Montgomery County**. Andrew Markoski, Patriot Environmental Management, LLC, P.O. Box 629, Douglassville, PA 19518 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with CVOCs, metals and VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Laurel Pipe Line Company, L.P.**, 3398 Garnet Mine Road/3221 Foulk Road, Bethel Township, **Delaware County**. Paul Miller, Environmental Alliance, Inc., 5341 Limestone Road, Wilmington, DE 19808 behalf of Jeff Brudereck, Laurel Pipe Line Company, L.P., Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031 submitted a Remedial Investigation/Cleanup Plan 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.

**448 Maple Avenue**, 448 Maple Avenue, Lower Salford Township, **Montgomery County**. Christina Moretti, ATC Group Services, LLC, 3 Terri Lane, Suite 4, Burlington, NJ 09016 on behalf of Andrew Shields, Nationwide Mutual Insurance Company, One Nationwide Plaza, Columbus, OH 43215 submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Gretz Beverage Company**, 700 East Main Street, Norristown Borough, **Montgomery County**. Carl Rinkevich, II, Reliance Environmental Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Aaron Muderick TIPCO, LLC, 700 East Main Street, Norristown, PA 19401 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with MTBE and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Jakes Fireworks**, 1901 Chichester Avenue, Upper Chichester Township, **Delaware County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegetown, PA 19426 on behalf of Eric Easter, MMXVIII Land Company, LLC, 1500 E 27th Terrace, Pittsburgh, KS 66762 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.

**First Blue Bell Cleaners Services**, 1734 Dekalb Pike, Whitpain Township, **Delaware County**. James Carey, GHD Services, Inc., 135 Raritan Center Parkway, Suite 5, Edison, NJ 08837 on behalf of Robert Carson, Regency Blue Bell, L.P., c/o Levin Management Corporation, 975 US Highway 22 West, North Plainfield, NJ 07060 submitted a Final Report concerning remediation of site soil contaminated with PCE and TCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**500 Fashion Group**, 39 West 21st Street, Northampton Borough, **Northampton County**. Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Posh Properties No. 33 Northampton Family LP, 2216 Willow Park Road, Bethlehem, PA 18020, submitted a combined Remedial Investigation Report and Final Report concerning remediation at this former garment manufacturing site. Groundwater was contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet Site Specific Standards.

**Black 1H/2H Wellsite**, 84 Black Road, Springville Township, **Susquehanna County**. Civil & Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15275, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, has submitted a Final Report concerning remediation of a release of drilling mud to groundwater. The report is intended to document remediation of the site to meet Statewide Health Standards.

**Ross Property**, 210 Reed Road, **Lackawanna County**. Geological & Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651, on behalf of Leonard Ross, 2536 Wulfert Road, Sanibel, FL 33957, submitted a final report concerning remediation of a release of heating oil to soil and groundwater. The report is intended to document remediation of the site to meet Statewide Health Standards.

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

**Crane 1H Unconventional Well Pad**, 1517 Coddling Road, Ulster, Smithfield Township, **Bradford County**. Moody and Associates Inc., 685 Broad Street Extension, Suite 1, Waverly, NY 14892, on behalf of EOG Resources Inc, 2639 S. 6th Street, Indiana, PA 15701, has submitted a combined Soil Site Characterization and Remedial Action Completion Report concerning remediation of site soil contaminated with friction reducer. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**Motor Vehicle Accident Fluid Release near 38 West Lake Glory Road**, Catawissa, Locust Township, **Columbia County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Tom Schreck, 38 West Lake Glory Road, Catawissa, PA 17820, has submitted a Final Report concerning remediation of site soil contaminated with motor oil, antifreeze and transmission fluid. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**CR England Inc. Accident Cleanup**, State Route 54W near Sugar Camp Road, Danville, Derry Township, **Montour County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of CR England, Inc., 3701 West 2100 South, Salt Lake City, UT 84120, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil & antifreeze. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**National Fuel Gas Midstream Wharton Compressor Station**, Wharton Township, **Potter County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of National Fuel Gas Midstream Clermont, LLC, P.O. Box 2081, 1100 State Street, Erie, PA 16512, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**CTC Transit LLC Accident Cleanup**, State Route 235, Segment 80-1700, Beaver Springs, Spring Township, **Snyder County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of CTC Transit, LLC, 1342 Sunny Side Road, Crewe, VA 23930-3304, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**Eclipse Painter Well Pad**, 424 Broughton Road, Westfield Township, **Tioga County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Eclipse Resources, 2121 Old Gatesburg Road, Suite 100, State College, PA 16803, has submitted a Final Report/Remedial Action Completion Report concerning remediation of site soil contaminated with brine and a red dyed petroleum hydrocarbon Fluid. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**MyTBIv 6076 Natural Gas Well Pad**, 302 Doad Road, Knoxville, Deerfield Township, **Tioga County**. SWEPI, LP, 12880 Route 6, Wellsboro, PA 16901, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Background and Statewide Health Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Estate of Robert M. lam and 123 Easton LLC**, 123 South Easton Road, Cheltenham, **Montgomery County**. John W. Storb Jr. Storb Environmental Incorporated, 410 North Easton Road, Willow Grove, PA 19090 on behalf of Estate of Robert M. Lam, Fox Rothschild LLP c/o Gerald M. Hatfield Esquire, 2000 Market Street, 20th Floor,

Philadelphia, PA 19103 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 July 6, 2018.

**Righters Ferry Road Site**, 609-615 Righter Ferry Road, Lower Merion Township, **Montgomery County**. Craig Herr, PG, RT Environmental Service, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of Glen Tomkinson, Footbridge, L.P. & Bridgehead, L.P., 620 Righters Ferry Road, Bala Cynwyd, PA 19904 submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site soil contaminated with PAHs and metals. The Report was approved by the Department on June 13, 2018.

**1245 Ridge Avenue**, 1245 Ridge Avenue, City of Philadelphia, **Philadelphia County**. Paul White, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Ryan Reich, 1245 Ridge Avenue, LLC, 9 College Place, Apt 1H, Brooklyn, NY 11201 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with petroleum, lead and 2,4-Dinitrotoluene. The Report was approved by the Department on July 5, 2018.

**1220 North Broad Street**, 1220 North Broad Street, City of Philadelphia, **Philadelphia County**. Paul White, PG., 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, 491 Old York Road, # 200, Jenkintown, PA 19046 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil and groundwater contaminated with No. 5 fuel oil. The Report was approved by the Department on July 3, 2018.

**Toscano Residence**, 210 Union Street, Newtown Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 Mermaid Lane, Glenside, PA 19038 on behalf of Marie Shepard, 119 Wenger Avenue, Silverdale, PA 18962 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 July 5, 2018.

**Mary Barnes Swim Club Property**, 2501 Freedoms Way, Warrington Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Barry Luber, Warrington Townships, 852 Easton Road, Warrington, PA 18976 submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 20, 2018.

**Village Cleaners**, 832 North Pottstown Pike, Uwchlan Township, **Chester County**, Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, on behalf of Dr. Leonard Giunta, Lionville Commercial LLC, 439 South Bolmar Street, West Chester, PA 19382 submitted a Final Report concerning the remediation of site soil contaminated with PCE. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 19, 2018.

**Whitehall Estates**, Whitehall Road and Bean Road, Worcester Township, **Montgomery County**. Jeffrey T.

Bauer, P.G., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Brennan Marion, Whitehall Development Partners, L.P., 1805 Berks Road, Worcester, PA 19490 submitted a Final Report concerning the remediation of site soil contaminated with arsenic, benzo(a)pyrene and benzo(b)fluoranthene. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on June 27, 2018.

**Warminster Plaza**, 606 York Road, Warminster Township, **Bucks County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of John Giangulio, Liberty Bell Capital, III, LP, 401 East City Avenue, Suite 812, Bala Cynwyd, PA 19004 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PCE and related compounds. The Report was approved by the Department on June 28, 2018.

**Rohm and Haas Chemical LLC Philadelphia Plant**, 5000 Richmond Street, City of Philadelphia, **Philadelphia County**. Susan La Brake, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Carl Coker, The Dow Chemical Company, 310 George Patterson Boulevard, Suite 100, Bristol, PA 19007 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs, pesticides, herbicides and metals. The Report was approved by the Department on July 3, 2018.

**US Steel Corporation (52-Acre Parcel)**, One Ben Fairless Drive, Falls Township, **Bucks County**. John A. Garges, GHD, 410 Eagleview Blvd, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil contaminated with PCBs, VOCs, SVOCs, metals and cyanide. The Report was disapproved by the Department on June 15, 2018.

**Center Square Golf Club Property**, 2620 Skippack Pike, Worcester Township, **Montgomery County**. Terence A. O'Reilly, PG, Tri State Environmental Management Services, Inc., 368 Dunksferry Road, Bensalem, PA 19020 on behalf of Michael A. Downs, P.E., Toll Mid-Atlantic LP Company, Inc., 250 Gibraltar Road, Horsham, PA 19044 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning the remediation of site soil contaminated with metals. The Report was approved by the Department on July 6, 2018.

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

**Weldship Corporation**, 225 West 2nd Street, Bethlehem City, **Northampton County**. Synergy Environmental, 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Weldship Corporation, 225 West 2nd Street, Bethlehem, PA 18015, submitted a Final Report concerning remediation of site soils contaminated with Simple Green and kerosene. The report documented remediation of the site to meet residential Statewide Health Standards and was approved by the Department on July 18, 2018.

**Friedland Farms Pad 1**, 2229 Glenwood Road, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite

300, Pittsburgh, PA 15275, has submitted a Final Report concerning remediation of releases of brine to the soil. The report documented remediation of the site to meet a combination of Statewide Health and Background Standards and was approved by the Department on July 18, 2018.

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

**SWN Production Company, LLC, GU X Seymour Pad**, 675 Gage Road, Lawton, Stevens Township, **Bradford County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 11, 2018.

**Johnson BRA Pad**, Kellogg Road, Towanda, Monroe Township, **Bradford County**. Leidos, Inc., 6310 Allentown Boulevard, Suite 110, Harrisburg, PA 17112, on behalf of Chesapeake Appalachia, LLC, 300 North 2nd Street, 5th Floor, Harrisburg, PA 17101, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 5, 2018.

**Gardens at Millville**, 48 Haven Lane, Borough of Millville, **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 contaminated with fuel oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 24, 2018.

**Savage Well Pad**, 200 Millview Mountain Road, Forksville, Elkland Township, **Sullivan County**. Woodard & Curran, 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235, on behalf of Chief Oil & Gas, LLC, 1720 Sycamore Road, Montoursville, PA 17754, submitted a Final Report concerning remediation of site soil contaminated with produced fluid. The report demonstrated attainment of the Background and Statewide Health Standards and was approved by the Department on July 13, 2018.

**Eclipse Painter Well Pad**, 424 Broughton Road, Westfield Township, **Tioga County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Eclipse Resources, 2121 Old Gatesburg Road, Suite 100, State College, PA 16803, has submitted a Final Report/Remedial Action Completion Report concerning remediation of site soil contaminated with brine and a red dyed petroleum hydrocarbon fluid. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 24, 2018.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Former Levin Property**, Mount Pleasant, **Westmoreland County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Borough of Mount Pleasant, 1 Etze Avenue, PA 15666 has submitted

a Final Report concerning the remediation of organic and inorganic compounds detected in soil and groundwater. The Plan was approved by the Department on July 9, 2018 and demonstrated attainment of a site-specific standard for soil and groundwater. The intended future use of the property is non-residential. Public notice was made in the *Tribune-Review* on April 30, 2018.

### HAZARDOUS WASTE TRANSPORTER LICENSE

#### Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### *New Applications Received*

**Resource Environmental Management, Inc.**, 50 Maple Street, Montrose, PA 18801. License No. PA-AH 0875. Effective Jul. 19, 2018.

#### *Renewal Applications Received*

**Altom Transport, Inc.**, 1646 Summer Street, Hammond, IN 46320. License No. PA-AH 0693. Effective Jul. 23, 2018.

**Biomedical Waste Services, Inc.**, 7833 Golden Pine Circle, Severn, MD 21144. License No. PA-AH 0753. Effective Jul. 18, 2018.

**McVac Environmental Services, Inc.**, 481 Grand Avenue, New Haven, CT 06513. License No. PA-AH 0801. Effective Jul. 24, 2018.

**Page E.T.C., Inc.**, P.O. Box 1290, Weedsport, NY 13166. License No. PA-AH 0338. Effective Jul. 19, 2018.

#### *Hazardous Waste Transporter License Issued*

**AWT Environmental Services**, P.O. Box 128, Sayreville, NJ 08871. License No. PA-AH 0871. Effective Jul. 18, 2018.

#### *Hazardous Waste Transporter License Reissued*

**Altom Transport, Inc.**, 1646 Summer Street, Hammond, IN 46320. License No. PA-AH 0693. Effective Jul. 23, 2018.

**Biomedical Waste Services, Inc.**, 7833 Golden Pine Circle, Severn, MD 21144. License No. PA-AH 0753. Effective Jul. 18, 2018.

**McVac Environmental Services, Inc.**, 481 Grand Avenue, New Haven, CT 06513. License No. PA-AH 0801. Effective Jul. 24, 2018.

**Page E.T.C., Inc.**, P.O. Box 1290, Weedsport, NY 13166. License No. PA-AH 0338. Effective Jul. 19, 2018.

### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

#### Notice of Draft Permit prepared under the Solid Waste Management Act and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

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

**Letterkenny Army Depot, Permit Number PA6213820503**, 1 Overcash Avenue, Chambersburg, PA 17201.

The Department of Environmental Protection has prepared a Draft Class 2 Permit Modification for RCRA Part B Permit Number PA6213820503 that will allow the operation of a new Flashing Furnace unit to thermally treat outdated small arms munitions at Letterkenny Army Depot's Open Burning/Open Detonation Area.

Persons interested in obtaining more information about the permit application and draft permit may contact the Department's Southcentral Regional Office, Waste Management Program at 717-705-4706. A copy of the permit application, draft permit and statement of basis are available for review at the Department's Southcentral Regional Office. File reviews may be scheduled by calling 717-705-4732. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, 800-654-5984.

All persons wishing to comment on any of the draft permit conditions or the permit application should submit the comments in writing by September 18, 2018 to John Oren, P.E., Permits Section Chief, DEP Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Comments should include all reasonably available references, factual grounds and supporting material.

### HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

#### Proposed action on an application for a permit under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations for the post-closure care of a hazardous waste landfill.

#### *Intent to Renew Permit*

*Southwest Region: Regional Waste Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. PAD000739672. United States Steel Corporation**, 600 Grant Street, Pittsburgh, PA 15219. Post-closure care of the closed U.S. Steel Corp South Taylor Environmental Park Hazardous Waste Landfill located at 555 Delwar Road, Pittsburgh, PA 15236, West Mifflin Borough, **Allegheny County**. The application for renewal of the permit for continued post-closure care of this hazardous waste landfill is being considered for intent to approve by the Regional Office on August 4, 2018.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.



### RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGR123NE004. Fluid Recovery Services LLC**, P.O. Box 232, 5035 Route 110, Creekside, PA 15732. An application for permit modification to increase the storage capacity, improve treated water quality, change operating hours and have spare treatment capacity at this existing oil and gas liquid waste processing facility located in Lenox Township, **Susquehanna County**. The application was approved by the Regional Office on July 18, 2018.

Persons interested in reviewing the permit may contact Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

### 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. WMGR089, Mercer Lime and Stone Company**, 560 Branchton Road, Slippery Rock, PA 16057. On July 20, 2018 the Department denied coverage under General Permit WMGR089 to provide for beneficial use of Lime Kiln Dust (LKD) as a soil amendment for stabilization/solidification of soils and sludges, treatment of acid mine drainage, as an alkaline activator in cements, grouts for mine reclamation, for roadway subbase stabilization and conditioning, as a filler material or ingredient in various agricultural and construction projects, and as a construction material for non-residential projects. The applicant failed to respond to technical deficiencies in a timely manner. The Determination of Applicability was received by the Department on October 12, 2017.

### 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.**

*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.*

**GP3-06-03069I: Highway Materials, Inc.** (409 Stenton Avenue, Flourtown, PA 19031) on July 17, 2018, for portable nonmetallic mineral processing equipment under GP3 located at the Temple Quarry in Alsace Township, **Berks County**.

**GP9-06-03069I: Highway Materials, Inc.** (409 Stenton Avenue, Flourtown, PA 19031) on July 17, 2018, for one diesel fuel-fired internal combustion engine under GP9 to power portable nonmetallic mineral processing equipment located at the Temple Quarry in Alsace Township, **Berks County**.

**GP11-38-05024A: Pennsy Supply, Inc.** (101 Paxton Street, P.O. Box 3331, Harrisburg, PA 17105) on July 17, 2018, for an existing non-road engine, under GP11, at the Prescott Quarry located in South Lebanon Township, **Lebanon County**. The general permit authorization was renewed.

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**AG5-59-00001A: UGI Texas Creek, LLC** (One Meridian Blvd, Suite 2C01, Wyomissing, PA 19610) on July 19, 2018, for authorization to construct two (2) 1,380 bhp Caterpillar G3516B LE four-stroke ultra-lean-burn compressor engines and one (1) 60 MMscf/day dehydrator unit equipped with a 0.50 MMBtu/hr reboiler burner and for authorization to continue operation of two (2) 1,380 bhp Caterpillar G3516B LE four-stroke ultra-lean-burn compressor engine, one (1) 80 bhp Arrow VRG 380 (4SRB) natural gas fired generator engine, one (1) 60 MMscf/day dehydrator unit equipped with a 0.50 MMBtu/hr reboiler burner and one (1) 15,000-gallon produced water tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Lovell Compressor Station located in Liberty Township, **Tioga County**.

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

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

**GP5-26-00483A (AG5-26-00001A): Range Resources-Appalachia LLC** (3000 Town Center Blvd., Canonsburg, PA 15317) on July 19, 2018, to operate previously installed—one (1) natural gas fired Caterpillar compressor engine, Model G3516 LE-4EK03170, 4SLB, rated at 1,340 bhp at 1,400 rpm, equipped with an air fuel ratio controller, no add-on control installed on this unit; one (1) Natco, TEG dehydrator, Model SB12-6, rated at 5.0 MMscfd, and attached to a reboiler rated at 0.25 MMBtu/hr; and four (4) Storage pipeline fluid tanks, each with a capacity of 2,100 gallons. The estimated annual throughput of each of four tanks is 2,100 gallons at their Rumbaugh Compressor Station located in Lower Tyrone Township, **Fayette County**.

**GP5-63-01012: EQM Gathering OPCO, LLC** (2200 Energy Drive, Canonsburg, PA 15317) on July 18, 2018, to authorize installation and operation of five lean burn, natural gas-fired compressor engines rated at 5,350 bhp and controlled by oxidation catalysts, two tri ethylene glycol dehydrator (including flash tanks and reboilers) rated for 246 MMSCF/day and controlled by enclosed flares, two 8,820 gallon produced water tanks, and twenty-four other miscellaneous storage tanks, pigging operations, and other associated components and exempt

sources at the Pisces Compressor Station, located in East Finley Township, **Washington 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.**

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

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

**30-00235A APV Renaissance Partners Opco, LLC** (232 Chestnut Avenue, Bernardsville, NJ 07924-1704) on July 19, 2018, to construct a 1,127 MW natural gas-fired combined cycle power plant named the Renaissance Energy Center Project in Monongahela Township, **Greene County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**PA-11-00533B: Starprint Publication, Inc.** (722 Dulancy Drive, Portage, PA 15946-6902) In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval (PA-11-00533B) for the construction and operation of a Printing Press at their Scottdale Facility in Portage Borough, **Cambria County**.

The proposed sources and controls include—One (1) Harris M200 Off-set Lithographic Heat-set Printing Press equipped with a TEC C12 dryer, temperature range 300—400°F, rated at 2.2 MMBtu/hr. The emissions from the process shall be controlled by a catalytic oxidizer (CatOx) rated at 12,000 scfm equipped with a burner rated at 2.06 MMBtu/hr.

The facility wide potential to emit including the new sources with control will be; 0.5 tpy PM<sub>10</sub>, 5.8 tpy NO<sub>x</sub>, 4.6 tpy CO, 16.5 tpy VOC, and 0.6 total HAPs. This project is subject to applicable requirements of 25 Pa. Code Chapters 121—145. The Department has determined that the proposed project satisfies Best Available Technology (“BAT”) requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a State Only Operating Permit (“SOOP”) application in accordance with 25 Pa. Code Subchapter F. The proposed Plan Approval includes a limitation on potential emissions, as well as monitoring, record keeping, reporting, work practice, and stack testing requirements.

Starprint Facility’s Plan Approval application, the Department’s Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the plan approval application and all supporting information, a person may contact Thomas Kaminski at thkaminski@pa.gov or 412.442.4097. To receive an electronic copy of the Depart-

ment’s Air Quality Review Memorandum, or to receive an electronic copy of the Department’s proposed Air Quality Plan Approval for this project, a person may contact Jesse Parihar at jparihar@pa.gov, 412.442.4030.

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed plan approval issuance being opposed (PA-11-00533B) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Comments, protests and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (jparihar@pa.gov, Phone 412.442.4030)

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

*Contact: Thomas Bianca, Facilities Permitting Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**28-05002J: Letterkenny Army Depot—US Department of Defense** (One Overcash Avenue, Chambersburg, PA 17201) on July 19, 2018, to construct a new AP Rocket Motor Destruction (ARMD) Facility within the Letterkenny Munitions Center ammunition storage area, at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**. Air emissions from the ARMD will be controlled by a wet scrubber system, followed by an ADIOX packed bed scrubber tower absorption system. The plan approval was extended.

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

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

**14-00002S: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) was issued an extension to the authorization that permits natural gas use in Kilns No. 6 & 7 from June 16, 2018 to December 13, 2018, to facilitate shake-down of these sources while firing natural gas. The authorization has established NO<sub>x</sub> and CO PALs pursuant to 25 Pa. Code § 127.218 and 40 CFR section

52.21(aa). These rotary kilns (Source IDs P408 and P413) are located at their Pleasant Gap plant in Spring Township, **Centre County**. The plan approval has been extended.

**08-00057A: Gateway Cogeneration 1, LLC** (6219 Squires Court Spring, Texas 77389) on July 23, 2018, to extend the authorization to construct a 128 MW electric power generation station at the Gateway Bradford Plant facility located in Towanda Township, **Bradford County** to January 19, 2019. The plan approval has been extended.

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

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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.*

**01-05009: US DOD/Raven Rock Mountain Complex** (1155 Defense Pentagon, Washington, DC 20301) on July 16, 2018 for the Raven Rock Mountain Complex located in Liberty Township, **Adams County**. The Title V permit was renewed.

**67-05012: Transcontinental Gas Pipe Line Co.** (P.O. Box 1396, Houston, TX 77251-1396) on July 18, 2018, for the Station 195 natural gas transmission facility located in Peach Bottom Township, **York County**. The Title V permit was renewed.

**01-05042: NRG REMA LLC** (1731 Hunterstown Road, Gettysburg, PA 17325) on June 28, 2018, for the Hunterstown Peaking Station located in Straban Township, **Adams County**.

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

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

**62-00012: NRG REMA LLC/Warren Generating Station** (250 Power Plant Drive, P.O. Box F, Shawville, PA 16873). On June 18, 2018, the Department issued a minor operating permit modification to the Title V Operating Permit to incorporate the annual capacity factor of less than 5% for the electric generating unit and presumptive RACT requirements of 25 Pa. Code §§ 129.97(c)(7) and 129.100(d) for the facility located in Conewango Township, **Warren County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**23-00108: Barry Callebaut USA LLC** (903 Industrial Hwy., Eddystone, PA 19022) On July 13, 2018 for a non-Title V, State-Only, Synthetic Minor Operating Permit for their cocoa bean processing plant in Eddystone Borough, **Delaware 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.*

**40-00008: Offset Paperback Manufacturing** (2211 Memorial Hwy, Dallas, PA 18612) The Department issued, on 7/20/18, a State-Only (Natural Minor) Operating Permit for operation of a book manufacturing facility located in Dallas Borough, **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.

*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.*

**21-05051: PA State System of Higher Education, Shippensburg University** (1871 Old Main Drive, Reed Operations Center, Shippensburg, PA 17257-2299) on July 18, 2018, for the boilers and engines at the Shippensburg University located in Shippensburg Borough, **Cumberland County**. The State-only permit was renewed.

**31-03004: New Enterprise Stone & Lime Co., Inc.** (P.O. Box 77, New Enterprise, PA 16664-0077) on July 13, 2018, for the stone crushing operations at the Tyrone Forge Quarry located in Warriors Mark Township, **Huntingdon County**. The State-only permit was renewed.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**10-00331: Butler Memorial Hospital** (1 Hospital Way, Butler, PA 16001), on July 16, 2018, the Department issued the renewal of the State-Only Operating Permit of a healthcare institution located in the City of Butler, **Butler County** that operates six (6) gas-fired boilers and six (6) diesel-fueled emergency generators. With PTEs of 45.9, 20.6, 4.24, 1.52, and 1.49 TPY for NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, and PM<sub>10</sub>, respectively, the healthcare institution is a Natural Minor facility for permitting purposes. Permitted to run on fuel oil during gas supply interruptions, the boilers are subject to 25 Pa. Code § 123.22 (Sulfur Compound Emissions, Combustion Units). Under 40 CFR 63 Subpart ZZZZ (NESHAP for Stationary Reciprocating Internal Combustion Engines), two emergency generators are considered new engines and must comply with 40 CFR 60 Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) while the other four are considered existing engines and are exempt from 40 CFR 63 Subpart ZZZZ. In this renewal, only minor changes are made in permit requirements. Reporting requirement pursuant to § 123.22(g) is added for the boilers. Provisions of 60 Subpart IIII determined not applicable are removed from the permit. Based on EPA guidance, 63.6640(f) of 63 Subpart ZZZZ is added as an operating hours restriction to ensure that the affected engines can maintain their status as institutional emergency stationary RICE and be exempt from other requirements of the said subpart.

**20-00303: Crawford Central School District** (11280 Mercer Pike, Meadville, PA 16335-6260). On July 16, 2018, the Department issued a State Only Natural Minor Operating Permit for the Middle and High School located

in the City of Meadville, **Crawford County**. The facility's primary emission sources include the 9.5 MMBtu/hr biomass combustion unit, three natural gas-fired hot water boilers, miscellaneous natural gas usage, and an emergency generator. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 20.43 TPY NO<sub>x</sub>, 24.11 TPY CO, 1.16 TPY VOC, 7.52 TPY PM<sub>-10</sub> and PM<sub>-2.5</sub>, and 0.88 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The biomass boiler is subject to 40 CFR Part 63, Subpart JJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources. The emergency generator is not subject to 40 CFR Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines, due to the exemption criteria in § 63.6585(f)(3), which includes institutions. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00339: Supreme Manufacturing Inc**, (327 Billy Boyd Road, Stoneboro, PA 16153-1701), on July 23, 2018, the Department issued the renewal of the Natural Minor State-Only Operating Permit to a facility which manufactures conveyor systems, storage tanks and hoppers, located in New Vernon Township, **Mercer County**. The primary sources at the facility are blasting operations, coating operations, machining operations and welding operations. Potential emissions for the site are below Title V permitting thresholds for all criteria pollutants. The permit contains emission restrictions, along with monitoring, recordkeeping, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

**46-00046: UTI Holdings, LLC** (200 West 7th Ave., Trappe, PA 19426) On July 19, 2018 for an administrative amendment to change the ownership from Accellent, Inc. to UTI Holdings, LLC for their facility located in Trappe Borough, **Montgomery County**. The facility shall continue to do business as Lake Region Medical. The physical location of the plant and all sources identified in the facility's Title V Operating Permit remain unchanged. This Administrative Amendment is issued in accordance with the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**23-00003: Monroe Energy, LLC** (4101 Post Road, Trainer, PA 19061) On July 19, 2018 for an administrative amendment to change the name of the Responsible Official contact for this facility located in Trainer Borough, **Delaware County**. The physical location of the plant and all sources identified in the facility's Title V Operating Permit remain unchanged. This Administrative Amendment is issued in accordance with the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

*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.*

**01-05029: Kestrel Acquisitions LLC** (C/O Platinum Equity Advisors LLC, 360 N. Crescent Drive, South Bldg., Beverly Hills, CA 90210) on June 28, 2018, for the Hunterstown Generating Station located in Straban Township, **Adams County**. The Title V permit underwent a significant modification to reflect a change of ownership, include presumptive RACT 2 requirements, and replace CAIR requirements with CSAPR requirements.

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

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

**49-00047: Furman Foods, Inc.** (770 Cannery Road, Northumberland, PA 17857) on July 13, 2018, was issued a revised State Only Operating Permit for their Northumberland Cannery located in Point Township, **Northumberland County** for incorporation of an agricultural digester and biogas-fired engine, as well as ancillary equipment which had been constructed pursuant to Plan Approvals 49-00047A and 49-00047B. The facility's main sources include four natural gas/# 2 fuel oil-fired boilers. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**11-00516: Siemens Gamesa Renewable Energy Wind, LLC/Gamesa Rotor Blade Manufacturing Facility** (100 Commerce Drive, Ebensburg, PA 15931). Administrative Amendment, issued on July 23, 2018, for a change of the Responsible Official and a change in the company name to Siemens Gamesa Renewable Energy Wind, LLC from Gamesa Wind US, LLC. Siemens Gamesa Renewable Energy Wind, LLC manufactures wind turbines. The facility is located in Ebensburg Borough, **Cambria County**. All permitted sources, control devices and conditions remain the same as in the previously issued operating permit.

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

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

**10-00284: Seneca Landfill Incorporated** (P.O. Box 1080, Mars, PA 16046-1080). The Department on July 23, 2018, issued an administrative amendment of the Title V Operating Permit for the facility to incorporate the requirements of Plan Approval 10-284G. The facility is located in Jackson Township, **Butler County**.

**37-00307: PSC Metals, LLC New Castle Plant** (P.O. Box 310, Slippery Rock, PA 16057-0310). On July 23, 2018, the Department issued an administrative amendment to the State Operating Permit to incorporate the name change, responsible official change, and permit contact change into the permit for the facility located in New Castle City, **Lawrence County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

### Coal Permits Issued

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

**32733708 and NPDES No. PA0215503. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the NPDES permit for the Greenwich No. 1 CRDA in Greene Township, **Indiana County** and Susquehanna Township, **Cambria County**. No additional discharges. The application was considered administratively complete on September 1, 2015. Application received: January 19, 2015. Permit issued: July 16, 2018.

**03961301 and NPDES No. PA0214787. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the NPDES permit for the Tracy Lynne Mine in Kiskimintas and Parks Townships, **Armstrong County**. No additional discharges. The application was considered administratively complete on February 2, 2017. Application received: August 25, 2016. Permit issued: July 16, 2018.

**17841607 and NPDES No. PA0100803. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the NPDES permit for the Bigler Coal Preparation Plant in Bradford Township, **Clearfield County**. No additional discharges. The application was considered administratively complete on April 29, 2016. Application received: November 9, 2015. Permit issued: July 16, 2018.

**17941601 and NPDES No. PA0215708. Forcey Coal Inc.**, (475 Banion Road, Madera, PA 16661). To renew the NPDES permit for the Tipple Operation in Bigler Township, **Clearfield County**. No additional discharges. The application was considered administratively complete on October 30, 2015. Application received: October 30, 2015. Permit issued: July 16, 2018.

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

**61120107 and NPDES Permit No. PA0259331. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine and associated NPDES permit in Irwin Township, **Venango County**, affecting 62.7 acres. Receiving streams: unnamed tributaries to Scrubgrass Creek. Application received: February 23, 2018. Permit Issued: July 18, 2018.

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

**Permit No. 35910102R5. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite surface mine and coal refuse disposal operation in Archbald Borough, **Lackawanna County** affecting 1,000.3 acres, receiving stream: unnamed tributary to Aylesworth Creek. Application received: January 22, 2018. Renewal issued: July 19, 2018.

**Permit No. 35910102C7. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), correction of an existing anthracite surface mine to include coal refuse disposal in Archbald Borough, **Lackawanna County** affecting 1,000.3 acres, receiving stream: unnamed tributary to Aylesworth Creek. Application received: January 22, 2018. Renewal issued: July 19, 2018.

**Permit No. PAM113022R. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35910102 in Archbald Borough, **Lackawanna County**, receiving stream: Aylesworth Creek. Application received: January 22, 2018. Renewed issued: July 19, 2018.

**Permit PAM111028R. Fox Coal Co., Inc.**, (212 West Cherry Street, Mt. Carmel, PA 17851), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49100101 in Zerbe Township, **Northumberland County**, receiving stream: unnamed tributary to Zebe Run. Application received: May 15, 2017. Renewed issued: July 20, 2018.

**Permit No. 54071301R2. Kimmel's Mining, Inc.**, (P.O. Box 1, Wiconisco, PA 17097), renewal of an existing anthracite underground mine operation in Porter, Williams and Wiconisco Townships, **Schuylkill and Dauphin Counties** affecting 26.4 acres, receiving stream: Wiconisco Creek. Application received: October 13, 2017. Renewal issued: July 20, 2018.

**Permit No. 54071301C. Kimmel's Mining, Inc.**, (P.O. Box 1, Wiconisco, PA 17097), correction of an existing anthracite underground mine operation to update the post-mining land use to unmanaged natural habitat in Porter, Williams and Wiconisco Townships, **Schuylkill and Dauphin Counties** affecting 26.4 acres, receiving stream: Wiconisco Creek. Application received: October 13, 2017. Renewal issued: July 20, 2018.

**Permit No. PAM112088R. Kimmel's Mining, Inc.**, (P.O. Box 1, Wiconisco, PA 17097), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54071301 in Porter, Williams and Wiconisco Townships, **Schuylkill and Dauphin Counties**, receiving stream: Wiconisco Creek. Application received: October 13, 2017. Renewed issued: July 20, 2018.

**Permit No. 13070101R2. Lehigh Anthracite, LP**, (1233 East Broad Street, Tamaqua, PA 18252), renewal of an existing anthracite surface mine operation in Nesquehoning Borough, **Carbon County** affecting 252.3 acres, receiving stream: Nesquehoning Creek. Application received: August 15, 2017. Renewal issued: July 23, 2018.

**Permit No. PAM113007R. Lehigh Anthracite, LP**, (1233 East Broad Street, Tamaqua, PA 18252), renewal of

General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 13070101 in Nesquehoning Borough, **Carbon County**, receiving stream: Nesquehoning Creek. Application received: August 15, 2017. Renewed issued: July 23, 2018.

*Noncoal Permits Issued*

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

**PAM618045. Natural Sand Company, Inc.** (4783 Harlansburg Road, Slippery Rock, PA 16057) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 10082801 in Buffalo Township, **Butler County**. Receiving streams: unnamed tributary to Little Bull Creek. Application received: June 18, 2018. Permit Issued: July 18, 2018.

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

**08970302 and NPDES PA0237868. Bishop Brothers Construction Company, Inc.** (1376 Leisure Drive, Towanda, PA 18848). Renewal for an existing NPDES on a large noncoal surface mining site located in Sheshequin Township, **Bradford County** affecting 187.29 acres. Receiving stream(s): Susquehanna River classified for the following use(s): WWF, MF. Application received: May 17, 2018. Permit issued: July 17, 2018.

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

**PAM317011. V & B Excavating, LLC** (856 County Line Road, Acme, PA 15610-1150). General NPDES permit for stormwater discharge associated with mining activities on an existing small noncoal (Industrial Mineral), Permit No. 65892305, located in Donegal Township, **Westmoreland County** affecting 9.1 acres. Receiving streams: Champion Creek. Application received: September 22, 2017. GP-104 permit issued: July 17, 2018.

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

**Permit No. 58180801. S & S Stone Distributors**, (15384 SR 171, Thompson, PA 18465), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Snake Creek. Application received: March 1, 2018. Permit issued: July 17, 2018.

**Permit No. PAM118007. S & S Stone Distributors**, (15384 SR 171, Thompson, PA 18465), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58180801 in Liberty Township, **Susquehanna County**, receiving stream: Snake Creek. Application received: March 1, 2018. Permit issued: July 17, 2018.

**Permit No. 36120301C2 and NPDES Permit No. PA0225266. Allan Myers Materials PA, Inc.**, (638 Lancaster Avenue, Malvern, PA 19355), renewal of NPDES permit for discharge of treated mine drainage in Manheim & Upper Leacock Townships, **Lancaster County**, receiving stream: unnamed tributary to Conestoga River. Application received: October 27, 2017. Renewal issued: July 18, 2018.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

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

**Permit No. 06184106. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Spring Valley Village in Washington Township, **Berks County** with an expiration date of December 31, 2018. Permit issued: July 18, 2018.

**Permit No. 48184109. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Heritage Village Phase II in Upper Nazareth Township, **Northampton County** with an expiration date of July 17, 2019. Permit issued: July 19, 2018.

**Permit No. 54184101. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting for BRADS Landfill in Blythe Township, **Schuylkill County** with an expiration date of July 13, 2019. Permit issued: July 24, 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**

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

**E19-311 Amendment, Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Blvd, Level 6, Houston, TX 77056, Atlantic Sunrise Pipeline Project, in Greenwood Township, **Columbia County**, ACOE Baltimore District. The pipeline project starts at 0.35 mile south on Hynick Road from the intersection of Hynick Road and SR 118 (Red Rock, PA Quadrangle N: 40°, 17', 2.17"; W: 76°, 18', 48.68") and ends at 0.22 mile north on Happy Valley Road from the intersection with Monroe Drive (Shamokin, PA Quadrangle N: 40°, 50', 23.7"; W: 76°, 30', 27.13")

The amendment consists of the construction, operation and maintenance of an engineered slope stabilization system (Sierrascape Slope Stability System) to stabilize a steep sloping buffer zone along Little Green Creek-TSF; Crossing ID # WW-T16-14003. The Sierrascape system will consist of construction of a bench in the bedrock along the west bank to an elevation of approximately 674.50' and will install a coffer dam that is 5' off of the south side of Little Green Creek stream bank and 90 feet in length to the limit of disturbance. In the area of the trench the contractor will construct a cast-in-place reinforced concrete scour wall dog housed over the product pipe. The concrete wall will bear on and be doweled to bedrock (bottom and sides). The annulus between the doghouse scour wall and the product pipe will be filled with low strength flowable fill. A concrete leveling pad will be poured in place over the scour wall and the benched bedrock. The leveling pad will extend nearly all of the LOD. The leveling pad will be anchored to the scour wall (where over the trench) and the benched bedrock. The first course of Sierrascape wire mesh facing units will be placed along the leveling pad. The first course of the facing units will be filled with concrete, bonded thru dowels to the leveling pad and the underlying bedrock. The wire mesh facing units will be placed sequentially on top of each other and filled with native stone to specified gradation. As the wire mesh facing units are placed and filled a geogrid will be installed west back into the slope. The Sierrascape system will be constructed by a Contractor familiar with the system and overseen by Williams Civil Design and Geotechnical Engineers. Twelve courses of wire mesh facing units will be installed bringing the final wall height to elevation 693.00'. The slope will then be restored to existing grades with native materials. At an elevation 1-foot from the final grade a geotextile separating fabric will be installed and 1-foot of topsoil will be placed and vegetated. The proposed project impacts authorized in previously ap-

proved permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County, PA and Drumore Township, Lancaster County, PA.

More detailed information regarding this Chapter 105 application related to this proposed project is available in the DEP Northcentral Regional Office. Please contact the DEP Northcentral Region file review coordinator at 570-327-0550 to request a file review of this Chapter 105 application.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX12-003-0001 Renewal  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Allegheny County  
Township(s) Frazer Township  
Receiving Stream(s) and Classification(s) Tributary 42480 to Bull Creek (TSF), Bull Creek (TSF), Tributary 42454 to Days Run (WWF) & Days Run (WWF)

ESCGP-2 # ESX11-129-0026 Renewal  
Applicant Name XPR Resources  
Contact Person David Miller  
Address 6000 Town Center Boulevard, Suite 210  
City, State, Zip Canonsburg, PA 15317  
County Westmoreland County  
Township(s) Derry Township  
Receiving Stream(s) and Classification(s) UNT McGee Run (CWF) & UNT Stony Run (TSF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESG13-019-0047A—West Pad 15  
Applicant PennEnergy Resources, LLC  
Contact Gregg Stewart  
Address 1000 Commerce Drive; Park Place One;  
Suite 100  
City Pittsburgh State PA Zip Code 15275  
County Butler Township(s) Clearfield  
Receiving Stream(s) and Classification(s) UNT Buffalo  
Creek (HQ-TSF) and UNT North Branch Rough Run  
(HQ-TSF)

ESCGP-2 # ESX18-019-0013—Paul Smith Freshwater  
Impoundment  
Applicant XTO Energy Inc.  
Contact Melissa Breitenbach  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Jefferson  
Receiving Stream(s) and Classification(s) UNT to Thorn  
Creek

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-015-18-0024  
Applicant Name SWN Production Co LLC  
Contact Person Nicki Atkinson  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Bradford  
Township(s) Stevens  
Receiving Stream(s) and Classification(s) Rockwell Creek  
(WWF/MF)  
Secondary—Wyalusing Ck

ESCGP-2 # ESX29-015-18-0031  
Applicant Name SWN Production Co LLC  
Contact Person Nicki Atkinson  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Bradford  
Township(s) Herrick & Orwell  
Receiving Stream(s) and Classification(s) UNT to Rumm-  
erfield Ck (WWF/MF); UNT to Johnson Ck (CWF/MF)  
Secondary—Rummerfield Ck & Johnson Ck

ESCGP-2 # ESX29-015-18-0026  
Applicant Name SWN Production Co LLC  
Contact Person Nicki Atkinson  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Bradford  
Township(s) Herrick  
Receiving Stream(s) and Classification(s) Rummerfield Ck  
(WWF/MF)  
Secondary—Susquehanna River

ESCGP-2 # ESX29-015-18-0019  
Applicant Name SWN Production Co LLC  
Contact Person Nicki Atkinson  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Bradford  
Township(s) Stevens  
Receiving Stream(s) and Classification(s) UNT to Wyalus-  
ing Ck (WWF/MF)  
Secondary—Wyalusing Ck

ESCGP-2 # ESG29-015-18-0030  
Applicant Name Appalachia Midstream Svcs LLC  
Contact Person Scott Kinter  
Address 400 IST Center, Suite 404

City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Overton  
Receiving Stream(s) and Classification(s) UNT to Lick Ck  
(EV/MF); UNT to Mill Ck (EV/MF); UNT to Sugar Run  
(EV/MF)  
Secondary—Lick Ck, Mill Ck and Sugar Run

ESCGP-2 # ESX29-115-18-0045  
Applicant Name Williams Field Svcs Co LLC  
Contact Person Matt Anderson  
Address 310 SR 29 N  
City, State, Zip Tunkhannock, PA 18657-7845  
County Susquehanna  
Township(s) Brooklyn  
Receiving Stream(s) and Classification(s) Dry Ck  
(CWF-MF)

ESCGP-2 # ESG29-015-18-0032  
Applicant Name Appalachia Midstream Svcs LLC  
Contact Person Scott Kinter  
Address 400 IST Center, Suite 404  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Tuscarora  
Receiving Stream(s) and Classification(s) Little Tuscarora  
Ck (CWF/MF)  
Secondary—Susquehanna River

ESCGP-2 # ESX29-117-18-0021  
Applicant Name Eclipse Resources PA LP  
Contact Person Steven Lynch  
Address 2121 Old Gatesburg Rd, Suite 110  
City, State, Zip State College, PA 16803  
County Tioga  
Township(s) Westfield  
Receiving Stream(s) and Classification(s) Mill Ck (TSF);  
Crance Brook (CWF)

ESCGP-2 # ESG29-117-18-0016  
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 & Covington  
Receiving Stream(s) and Classification(s) Sand Run (EV);  
Boone Run (CWF)

ESCGP-2 # ESG29-117-18-0014  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 150 N Dair Ashford, E1296E  
City, State, Zip Houston, TX 77079  
County Tioga  
Township(s) Gaines  
Receiving Stream(s) and Classification(s) Elk Run (EV);  
Lewis Run (HQ-CWF)

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## SPECIAL NOTICES

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### **Solicitation of Interest for Municipal Waste Disposal Capacity and Optional Integrated Waste and Recycling Program Support; Northampton County**

Northampton County, in Northeast Pennsylvania, is updating its County Municipal Waste Management Plan in accordance with the provisions of Pennsylvania Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act. As required in the Act, the County has prepared a Solicitation of Interest (SOI) for the purpose of obtaining 10 year commitments, beginning on January 1, 2021, and continuing through December 31,



2030, with renewal options, for disposal capacity for the municipal waste (MSW) generated within Northampton County during that period. The waste facilities to be considered in the County Plan Update must be permitted and fully available for use prior to January 1, 2021. SOI Respondents are also asked to consider supporting the sustainability of integrated waste and recycling programs in Northampton County. Transfer Stations wishing to be included in the Northampton County Solid Waste Management Plan, who handle MSW from Northampton County, should also request submission requirements from Ashley N. Duncan, whose information follows. To obtain a hard copy or electronic copy of the SOI, e-mail Ashley N. Duncan, PE at [aduncan@bartonandloguidice.com](mailto:aduncan@bartonandloguidice.com). Submittals are due no later than 4 p.m. E.S.T. on Friday August 31, 2018.

[Pa.B. Doc. No. 18-1201. Filed for public inspection August 3, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Maintenance Dredging at Walnut Creek Marina

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that the Fish and Boat Commission (Commission) is proposing to conduct maintenance dredging at the Walnut Creek Marina in Fairview Township, Erie County.

The Commission is seeking reauthorization of a 10-year maintenance dredging permit from the United States Army Corps of Engineers (USACE), Pittsburgh District. The Commission will utilize a hydraulic dredging machine to remove native built-up material from the mooring basin of Walnut Creek Marina. The dredged material will be pumped through piping to a previously approved area along the East Beach down-drift from the marina and below the plane of ordinary high water to allow the material to enter back into the littoral system. The mooring basin will be dredged to an elevation of 567.0 feet to provide a water depth of 5.0 feet throughout the basin to provide a safe passage-way to boaters. The mooring basin will not be expanded laterally in any direction nor will it be dredged below a previously permitted elevation. The Commission will utilize a long-reach excavator to remove native built-up material from a section of the channel of Walnut Creek from the mouth of the marina basin to the mouth of Walnut Creek leading out into Lake Erie. Once the material is removed from the channel, it will be loaded into a dump truck and transported to a previously approved area along the East Beach down-drift from the marina and below the plane of ordinary high water. The material will be dumped and pushed/spread out to allow it to enter back into the littoral system. As with the mooring basin, the channel will be dredged to an elevation of 567.0 feet to provide a

water depth of 5.0 feet throughout the channel to provide a safe passage-way to boaters. The channel will not be widened beyond existing conditions nor will it be dredged below a previously permitted elevation. All dredging activities will be performed in accordance with the previously issued USACE Maintenance Dredging Permit # 87-476-6 and USACE Emergency Dredging Permit # 1987-0003.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on the Commonwealth's coastal resources or uses.

In accordance with National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), the Commission has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, at [RA-Fed\\_Consistency@pa.gov](mailto:RA-Fed_Consistency@pa.gov) or (717) 772-2196.

The Department will consider all comments received on or before August 20, 2018, before issuing a final Federal consistency concurrence or objection. Comments, including comments submitted by e-mail, must include the originator's name and address. Comments submitted by facsimile will not be accepted. Commentators are encouraged to submit comments using the Department's eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments may be submitted by mail to the Policy Office, Department of Environmental Protection, 400 Market Street, Harrisburg, PA 17101.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 18-1202. Filed for public inspection August 3, 2018, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Small Water Systems Technical Assistance Center Board Meeting Cancellation

The August 16, 2018, meeting of the Small Water Systems Technical Assistance Center Board has been cancelled. The next regular meeting is scheduled for Thursday, October 18, 2018, beginning at 9 a.m. in the Susquehanna Conference Room, Department of Environmental Protection's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

Questions concerning the October 18, 2018, meeting should be directed to Dawn Hissner, Bureau of Safe Drinking Water, at [dhissner@pa.gov](mailto:dhissner@pa.gov) or (717) 787-9633. The agenda and meeting materials will be available

through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <https://www.dep.pa.gov>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Dawn Hissner at (717) 787-9633, or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 18-1203. Filed for public inspection August 3, 2018, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Decisions on Requests for Exception to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b) for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from April 1, 2018, through June 30, 2018. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Use the following key for abbreviations in the Decision (Dec.\*) column.

	DEF=Deferred	DEN=Denied	RJT=Rejected	REV=Revoked	GRAN=Granted
GNNP=Granted/ Not Nec. in Part	GDP=Granted/ Denied in Part	GP=Granted Probationary	GPWC=Granted Prob. w/Cond.	GWC=Granted w/Conditions	GWR=Granted w/Restrictions
GT=Granted Temporary	NN=Not Necessary	AN=Annulled	WD=Withdrawn		

#### Ambulatory Surgical Facilities

Facility Name	28 Pa. Code Regulation	Relating to	Request Published	Dec.*
Abington Surgical Center, LP	§ 551.22(a)(1)	criteria for performance of ambulatory surgery on pediatric patients	02/17/18	GRAN
AFP Surgery Center	§ 553.31(a)	administrative responsibilities	05/12/18	GWC
	§ 553.31(a)	administrative responsibilities	04/07/18	WD
Ambulatory Surgery Center at Bucks County	§ 567.53	sterilization control	04/28/18	GRAN
Asplundh Surgical Center	§ 153.1	3.7-7.2.2.1 corridor widths	05/12/18	GRAN
Center for the Surgical Arts	§ 51.3(a)	notifications	05/12/18	REJ
Central Penn Endoscopy Center	§ 553.31(a)	administrative responsibilities	05/26/18	GWC
Chambersburg Endoscopy Center	§ 551.3(ii)	definitions, specifically subparagraph (ii) of the definition of "classification levels," regarding Class B facilities PS III patients	04/07/18	GWC
	§ 555.31(a)	anesthesia services (propofol)	04/07/18	GPWC
Children's Hospital of Philadelphia Brandywine Valley Specialty Care and Surgery Center	§ 567.53	sterilization control	04/28/18	GRAN
Children's Surgery Center of Lehigh Valley, LLC	§ 551.22(3)(ii)	criteria for performance of ambulatory surgery on pediatric patients	05/12/18	GWC
The Colonoscopy Center—Lansdale	§ 551.3(ii)	definitions, specifically subparagraph (ii) of the definition of "classification levels," regarding Class B facilities PS III patients	04/28/18	GWC
	§ 555.31(a)	anesthesia services (propofol)	04/28/18	GWC

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
Crozer-Keystone Surgery Center at Brinton Lake	§ 551.21(d)(3)	criteria for ambulatory surgery	07/22/17	GRAN
Delaware Valley Laser Surgery Institute	§ 553.31(a)	administrative responsibilities	02/17/18	GWC
DH Physicians Endoscopy ASC	§ 551.3(ii)	definitions, specifically subparagraph (ii) of the definition of “classification levels,” regarding Class B facilities PS III patients	06/30/18	GWC
	§ 555.31(a)	anesthesia services (propofol)	06/30/18	GWC
Einstein Endoscopy Center—Blue Bell	§ 553.1	principle	05/19/18	GWC
	§ 555.1	principle	05/19/18	GWC
	§ 557.2(a)	plan	05/19/18	GWC
	§ 557.2(b)	plan	05/19/18	GWC
	§ 563.2	organization and staffing	05/19/18	GWC
	§ 567.2	committee responsibilities (environmental services)	05/19/18	GWC
Evangelical Ambulatory Surgical Center, LLC	§ 553.31(a)	administrative responsibilities	05/26/18	GWC
Hanover Surgicenter, LLC	§ 553.31(a)	administrative responsibilities	02/17/18	GWC
Jefferson Endoscopy Center at Bala	§ 551.21(d)(1)	criteria for ambulatory surgery	04/07/18	NN
Lehigh Valley Hospital, Inc. d/b/a Fairgrounds Surgical Center	§ 553.2	ownership (governing body)	01/20/18	RJT
	§ 553.3	governing body responsibilities	01/20/18	RJT
	§ 553.4	other functions (governing body)	01/20/18	RJT
	§ 563.1	principle (medical records)	01/20/18	RJT
	§ 563.2	organization and staffing (medical records)	01/20/18	RJT
LVHN Children’s Surgery Center	§ 551.21(d)(2)	criteria for ambulatory surgery	04/28/18	GWC
Memorial Hospital Outpatient Endoscopy Center	§ 551.3	definitions	06/16/18	RJT
	§ 553.1	principle	06/16/18	RJT
	§ 553.3	governing body responsibilities	06/16/18	RJT
	§ 553.31(a)	administrative responsibilities	06/16/18	RJT
	§ 553.31(b)	administrative responsibilities	06/16/18	RJT
	§ 553.4	other functions	06/16/18	RJT
	§ 555.1	principle	06/16/18	RJT
	§ 555.2	medical staff membership	06/16/18	RJT
	§ 555.3	requirements for membership and privileges	06/16/18	RJT
	§ 555.4	clinical activities and duties of physician assistants and CRNPs	06/16/18	RJT
	§ 557.1	policy	06/16/18	RJT
	§ 557.2	plan	06/16/18	RJT
	§ 557.3	quality assurance and improvement program	06/16/18	RJT
	§ 557.4	quality assurance and improvement committee	06/16/18	RJT
	§ 563.1	principle	06/16/18	RJT
	§ 563.2	organization and staffing	06/16/18	RJT
	§ 567.2(1)	committee responsibilities	06/16/18	RJT

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
	§ 569.1	principle	06/16/18	RJT
Memorial Hospital Outpatient Surgery Center	§ 553.1	principle	06/16/18	RJT
	§ 553.3	governing body responsibilities	06/16/18	RJT
	§ 553.31(a)	administrative responsibilities	06/16/18	RJT
	§ 553.31(b)	administrative responsibilities	06/16/18	RJT
	§ 553.4	other functions	06/16/18	RJT
	§ 555.1	principle	06/16/18	RJT
	§ 555.2	medical staff membership	06/16/18	RJT
	§ 555.3	requirements for membership and privileges	06/16/18	RJT
	§ 555.4	clinical activities and duties of physician assistants and CRNPs	06/16/18	RJT
	§ 557.1	policy	06/16/18	RJT
	§ 557.2	plan	06/16/18	RJT
	§ 557.3	quality assurance and improvement program	06/16/18	RJT
	§ 557.4	quality assurance and improvement committee	06/16/18	RJT
	§ 563.1	principle	06/16/18	RJT
	§ 563.2	organization and staffing	06/16/18	RJT
	§ 567.2(1)	committee responsibilities	06/16/18	RJT
	§ 569.1	principle	06/16/18	RJT
Mid-Atlantic Gastrointestinal Center	§ 553.31(a)	administrative responsibilities	05/12/18	GWC
Mid-Atlantic Gastrointestinal Center II	§ 553.31(a)	administrative responsibilities	05/12/18	GWC
North East Surgery Center	§ 551.21(d)	criteria for ambulatory surgery	06/03/17	REJ
Phoenixville Hospital Ambulatory Surgery Center—Limerick	§ 553.31	administrative responsibilities	05/12/18	DEN
	§ 559.2	director of nursing	05/12/18	DEN
Phoenixville Hospital Ambulatory Surgery Center—Main Line	§ 553.31	administrative responsibilities	05/12/18	DEN
	§ 559.2	director of nursing	05/12/18	DEN
Rhawn Street Endoscopy Center	§ 553.31(a)	administrative responsibilities	04/07/18	GWC
St. Luke's Anderson Ambulatory Surgery Center	§ 551.21(d)(3)	criteria for ambulatory surgery	05/12/18	WD
Turk's Head Surgery Center	§ 569.35(7)	general safety precautions (flammable agents in ASF)	03/17/18	GWC

### Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
Abington Memorial Hospital	§ 119.11	principle (outpatient facilities)	04/07/18	RJT
	§ 153.1	2.2-3.4.2.1(1)(b) space requirements	04/28/18	GRAN
	§ 153.1	2.2-3.4.2.1(3) door swing	04/28/18	GRAN
Advanced Surgical Hospital, LLC	§ 117.58	exemption for hospitals providing limited emergency services	06/16/18	RJT
Allegheny General Hospital	§ 153.1	2.1-3.2.1.3(3) (table 2.1-4 (station outlets for oxygen, vacuum and medical air systems in hospitals) 2.1-3.2)	06/16/18	DEN
Bradford Regional Medical Center	§ 103.1	principle	06/16/18	GWC
	§ 103.3	bylaws	06/16/18	GWC

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
	§ 103.31	chief executive officer	06/16/18	GWC
	§ 103.4	functions	06/16/18	GWC
	§ 107.1	principle	06/16/18	GWC
	§ 107.11	principle	06/16/18	GWC
	§ 107.25	medical staff executive committee	06/16/18	GWC
	§ 107.31	medical staff meetings	06/16/18	GWC
	§ 146.1	principle	06/16/18	GWC
Children's Hospital of Pittsburgh of UPMC	§ 107.61	written orders	03/17/18	GWC
	§ 153.1	2.1-2.2.5.1(1) hand-washing station in the patient rooms	05/12/18	GRAN
	§ 153.1	2.1-2.2.5.3 hand-washing station in the patient rooms	05/12/18	GRAN
Conemaugh Nason Medical Center	§ 138.15	high-risk cardiac catheterizations	05/26/18	GWC
Corry Memorial Hospital Association d/b/a LECOM Health Corry Memorial Hospital	§ 107.25	medical staff executive committee	02/17/18	DEN
	§ 107.26	additional committees	02/17/18	GWC
Divine Providence Hospital	§ 107.62(a)	oral orders	12/23/17	REJ
	§ 107.62(b)	medical staff by-laws	12/23/17	REJ
	§ 153.1	2.1-8.5.3.2 size	04/28/18	RJT
Eagleview Hospital	§ 153.1	2.6-2.3.2.1 activities of daily living unit	04/07/18	GRAN
Geisinger Jersey Shore Hospital	§ 107.62(a)	oral orders	05/12/18	GWC
	§ 107.62(b)	medical staff by-laws	05/12/18	GWC
Geisinger Lewistown Hospital	§ 107.62(a)	oral orders	03/17/18	GWC
	§ 107.62(b)	medical staff by-laws	03/17/18	GWC
Geisinger Medical Center	§ 107.62(a)	oral orders	04/07/18	GWC
	§ 107.62(b)	medical staff by-laws	04/07/18	GWC
	§ 153.1	2.2-3.4.5.4(1) patient toilet rooms	04/28/18	DEN
	§ 153.1	2.2-3.4.5.4(2) patient toilet rooms	04/28/18	DEN
Geisinger Wyoming Valley Medical Center	§ 107.62(a)	oral orders	05/12/18	GWC
	§ 107.62(b)	medical staff by-laws	05/12/18	GWC
Geisinger-Bloomsburg Hospital	§ 107.26(b)(3)	additional committees (organization of the medical staff)	04/07/18	GWC
	§ 107.62(a)	oral orders	04/28/18	GWC
	§ 107.62(b)	medical staff by-laws	04/28/18	GWC
	§ 107.62(a)	oral orders	05/12/18	GWC
	§ 107.62(b)	medical staff by-laws	05/12/18	GWC
Gettysburg Hospital	§ 153.1	3.1-3.2.2.2(1) area	04/28/18	RJT
	§ 153.1	3.1-3.6.10 soiled holding rooms	04/28/18	REJ
Good Shepherd Rehabilitation Network	§ 153.1	2.6-2.2.2.1(1) capacity	04/28/18	GWC
Hahnemann University Hospital	§ 107.2(b)	medical staff membership	04/07/18	GWC
Highlands Hospital	§ 153.1	2.1-2.4.3 seclusion rooms	04/28/18	GRAN
	§ 153.1	2.1-8.5.3.2 size	04/28/18	GRAN
	§ 153.1	2.5-2.2.2.6(1) patient toilet rooms	04/28/18	GRAN
	§ 153.1	2.5-2.2.2.6(2) patient toilet rooms	04/28/18	GRAN
Holy Redeemer Health System d/b/a Holy Redeemer Hospital	§ 139.12	neonatal care units	03/03/18	GRAN

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
Hospital of the Fox Chase Cancer Center	§ 153.1	2.1-2.6.12 environmental services room	04/28/18	GT
	§ 153.1	3.1-6.2.4.1 public toilets	04/28/18	GT
Hospital of the University of PA	§ 153.1	2.1-5.2.2.1(1)(b) soiled and clean linen-handling areas	04/28/18	GRAN
Jefferson Hospital	§ 153.1	2.1-8.5.3.2 size (TDRs)	04/07/18	GRAN
	§ 153.1	2.2-3.3.2.1 space requirements (operating rooms)	04/07/18	GRAN
	§ 153.1	2.2-3.4.6.16 facilities for processing ultrasound probes	05/12/18	DEN
	§ 153.1	2.2-3.5.2.1 space requirements (interventional imaging procedure rooms)	04/07/18	GRAN
Jefferson Hospital—Brentwood Diagnostic Center	§ 153.1	2.2-3.4.6.10(2) soiled holding	06/16/18	DEN
Jefferson Hospital—JMA Building	§ 153.1	2.1-2.6.1.1(2) hand-washing stations (control desk reception areas)	06/16/18	RJT
	§ 153.1	2.2-3.6.2.3 hand-washing stations	06/16/18	GRAN
	§ 153.1	2.2-3.6.6.10(1) soiled workrooms	06/16/18	DEN
	§ 153.1	2.2-3.6.6.10(2) soiled holding rooms	06/16/18	RJT
	§ 153.1	2.2-3.6.8.1(1) patient waiting areas	06/16/18	RJT
Jefferson Hospital—Waterfront Diagnostic Center	§ 153.1	2.2-3.4.7.1 staff lounges	06/16/18	RJT
	§ 153.1	2.2-3.4.7.2 staff toilets	06/16/18	RJT
Jefferson Hospital—Waterfront Diagnostic Center (EKG Room)	§ 153.1	3.1-3.2.3.2(1) area	06/16/18	GRAN
Jefferson Hospital—Waterfront Diagnostic Center (PFT Room)	§ 153.1	3.1-3.2.3.2(1) area	06/16/18	DEN
Jefferson Hospital (1010 Higbee Drive, Bethel Park)	§ 153.1	2.2-3.4.5.4 patient toilet rooms	05/12/18	GRAN
	§ 153.1	2.2-3.4.6.16 facilities for processing ultrasound probes	05/12/18	DEN
	§ 153.1	3.1-3.8.2 toilet room(s) for patient use	05/12/18	DEN
	§ 153.1	3.1-3.9.8.1 changing rooms or booths	05/12/18	DEN
Jefferson Hospital (1200 Brooks Lane, Jefferson Hills)	§ 153.1	3.1-7.2.2.2(1) ceiling heights	05/12/18	GRAN
Jefferson Hospital (1st Floor, 3722 Brownsville Road, Pittsburgh)	§ 153.1	2.2-3.4.1.2 location	05/12/18	GRAN
	§ 153.1	3.1-7.2.2.2(1) ceiling heights	05/12/18	RJT
Jefferson Hospital (2nd Floor, 3722 Brownsville Road, Pittsburgh)	§ 153.1	3.1-7.2.2.2(1) ceiling heights	05/12/18	GRAN
Jefferson Hospital (Suite 140, 1200 Brooks Lane, Jefferson Hills)	§ 153.1	2.2-3.4.1.2 location	05/12/18	GRAN
Jefferson Hospital (Suite 220, 495 East Waterfront Drive Homestead)	§ 153.1	2.2-3.4.1.2 location	05/12/18	GRAN
	§ 153.1	3.1-7.2.2.2(1) ceiling heights	05/12/18	RJT
Jefferson Hospital (Suite G40, 1200 Brooks Lane, Jefferson Hills)	§ 153.1	2.2-3.4.1.2 location	05/12/18	RJT
	§ 153.1	3.1-7.2.2.2(1) ceiling heights	05/12/18	GRAN
Jefferson Hospital (Suite G60, 1200 Brooks Lane, Jefferson Hills)	§ 153.1	2.2-3.4.1.2 location	05/12/18	GRAN
	§ 153.1	3.1-7.2.2.2(1) ceilings	05/12/18	GRAN
Lankenau Medical Center	§ 153.1	2.2-2.11.1.1(1) location	05/26/18	DEN

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
Lock Haven Hospital	§ 107.62(a)	oral orders	06/16/18	GWC
	§ 107.62(a)	oral orders	04/07/18	RJT
	§ 107.62(b)	medical staff by-laws	04/07/18	RJT
	§ 107.62(b)	medical staff by-laws	06/16/18	GWC
Meadville Medical Center	§ 153.1	2.2-3.4.5.4(1) space requirements (ultrasound facilities)	04/07/18	GRAN
Millcreek Community Hospital	§ 107.25	medical staff executive committee	02/17/18	DEN
	§ 107.26	additional committees	02/17/18	GWC
Nazareth Hospital	§ 107.61	written orders	05/12/18	GWC
	§ 153.1	2.2-2.6.2.6 toilet room or human waste disposal room	05/19/18	GWC
Penn Highlands Brookville	§ 107.12(9)	content of bylaws, rules and regulations	04/28/18	GWC
	§ 107.26(5)	additional committees (in accordance with § 113.5 (relating to pharmacy and therapeutics committees))	04/28/18	GWC
	§ 107.26(6)	additional committees (radiation safety committees)	04/28/18	GWC
	§ 109.2(b)	director of nursing services	04/28/18	GRAN
Penn Highlands Clearfield	§ 107.12(9)	content of bylaws, rules and regulations	04/28/18	GWC
	§ 107.26(5)	additional committees (in accordance with § 113.5)	04/28/18	GWC
	§ 107.26(6)	additional committees (radiation safety committees)	04/28/18	GWC
	§ 109.2(b)	director of nursing services	04/28/18	GRAN
	§ 153.1	2.2-3.4.2.2 control rooms	03/17/18	GRAN
Penn Highlands DuBois	§ 107.12(9)	content of bylaws, rules and regulations	04/28/18	GWC
	§ 107.26(5)	additional committees (in accordance with § 113.5)	04/28/18	GWC
	§ 107.26(6)	additional committees (radiation safety committees)	04/28/18	GWC
	§ 153.1	3.1-3.8.2 toilet room(s) for patient use	06/16/18	GWC
	§ 153.1	3.1-5.5.1.1 number (environmental services rooms)	06/16/18	GWC
Penn Highlands Elk	§ 107.12(9)	content of bylaws, rules and regulations	04/28/18	GWC
	§ 107.26(5)	additional committees (in accordance with § 113.5)	04/28/18	GWC
	§ 107.26(6)	additional committees (radiation safety committees)	04/28/18	GWC
Pennsylvania Hospital of the University of PA Health System— Spruce Street Crisis Response Center	§ 153.1	2.2-3.1.4.3 secure holding rooms	06/16/18	GRAN
	§ 153.1	2.5-2.2.6.14 conference rooms	02/17/18	WD
	§ 153.1	2.5-2.2.6.2 documentation areas	02/17/18	WD
	§ 153.1	2.5-2.2.8.2(2)(b)(i) space requirements (social spaces)	02/17/18	GRAN
Saint Vincent Hospital	§ 153.1	2.2-2.2.2.1(1) capacity	05/12/18	DEN
	§ 153.1	2.2-3.1.6.1(4) administrative center or nurse station	05/19/18	GWC
	§ 153.1	2.2-3.4.6.4(2) pre-procedure patient care and observation space	05/19/18	DEN
Sunbury Community Hospital	§ 107.62(a)	oral orders	06/16/18	GWC
	§ 107.62(a)	oral orders	04/07/18	REJ

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
	§ 107.62(b)	medical staff by-laws	06/16/18	GWC
	§ 107.62(b)	medical staff by-laws	04/07/18	REJ
Thomas Jefferson University Hospital	§ 153.1	2.1-2.2.6.1 general	04/28/18	GWC
	§ 153.1	2.1-2.2.6.1 patient toilet rooms	03/17/18	GT
	§ 153.1	2.1-2.2.6.2 patient toilet rooms in nursing units	04/28/18	GWC
	§ 153.1	2.1-2.2.6.2 patient toilet rooms in nursing units	03/17/18	GT
	§ 153.1	2.1-2.2.6.3 room features	03/17/18	GT
	§ 153.1	2.1-2.2.6.3 room features	04/28/18	GWC
Thomas Jefferson University Hospital—Meadowbrook Neurology	§ 153.1	3.6-3.2.2.1(1) area	04/28/18	DEN
	§ 153.1	3.6-3.2.2.2(2) clearances	04/28/18	DEN
Thomas Jefferson University Hospital—Methodist Endocrinology	§ 153.1	3.1-6.2.4.1 toilets rooms	04/28/18	GRAN
	§ 153.1	3.1-7.2.2.1 corridor widths	04/28/18	GRAN
Thomas Jefferson University Hospital—Women's Primary Care	§ 153.1	3.1-7.2.2.2 ceiling heights	04/28/18	GRAN
Titusville Area Hospital	§ 153.1	2.1-2.4.2.2(4) AII room requirements	03/17/18	DEN
	§ 153.1	2.2-3.1.3.6(2) treatment rooms or areas (single-bed treatment room(s))	03/17/18	GRAN
	§ 153.1	2.2-3.1.3.6(5) treatment rooms or areas (treatment rooms for bariatric patients)	03/17/18	GRAN
	§ 153.1	2.2-3.1.3.6(6) treatment rooms or areas (trauma/resuscitation room(s))	03/17/18	GRAN
Tyrone Regional Health Network	§ 153.1	3.1-3.6.5.1 location (hand-washing stations)	03/17/18	GRAN
	§ 153.1	3.1-3.6.5.3 additional requirements for hand-washing stations that serve multiple patient care stations	03/17/18	GRAN
UPMC Altoona	§ 117.52	minimum requirements for sexual assault emergency services	03/17/18	DEN
UPMC East	§ 153.1	2.1-2.6.8.1 ice making equipment	05/12/18	GRAN
	§ 153.1	2.2-3.3.4.4(1)(b)(ii) phase II recovery room(s) or area	05/12/18	GRAN
	§ 153.1	2.2-3.3.4.6(3) support areas for pre- and postoperative patient care areas	05/12/18	DEN
	§ 153.1	2.2-3.3.4.6(4) support areas for pre- and postoperative patient care areas	05/12/18	DEN
	§ 153.1	2.2-3.3.4.7 support areas for staff	05/12/18	GRAN
	§ 153.1	2.2-3.6.6.10(1) soiled workroom or soiled holding room	05/12/18	DEN
	§ 153.1	2.2-3.6.6.10(2) soiled workroom or soiled holding room	05/12/18	DEN
	§ 153.1	2.2-3.6.6.7(1) pre-procedure patient care area	05/12/18	GRAN
	§ 153.1	2.2-3.6.6.7(2) pre-procedure patient care area	05/12/18	GRAN
UPMC Horizon—Greenville Campus	§ 153.1	2.1-8.5.3.2 size (TDRs)	04/28/18	GRAN
UPMC Horizon—Shenango Campus	§ 153.1	2.1-8.5.3.2 size (TDRs)	04/28/18	GRAN
UPMC Kane	§ 117.52	minimum requirements for sexual assault emergency services	03/17/18	DEN



<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
UPMC Presbyterian Shadyside	§ 153.1	2.1-2.4.3.1(2)(a) observation from nursing station	04/28/18	GRAN
	§ 153.1	2.1-2.4.3.9(1)(b) ceiling heights	04/28/18	GRAN
	§ 153.1	2.1-8.5.3.2 size (TDRs)	04/28/18	GRAN
	§ 153.1	2.5-2.2.2.6(1) patient toilet rooms	04/28/18	GRAN
	§ 153.1	2.5-2.2.2.6(2) patient toilet rooms	04/28/18	GRAN
UPMC St. Margaret	§ 153.1	2.1-8.5.3.2 size (TDRs)	04/28/18	GRAN
WellSpan Gettysburg Hospital	§ 138.15	high-risk cardiac catheterizations	05/26/18	GP
WellSpan Good Samaritan Hospital	§ 107.12(11)	content of bylaws, rules and regulations (medical staff bylaws rules and regulations)	04/07/18	GWC
West Penn Hospital	§ 153.1	2.1-3.2.1.3(3) (table 2.1-4 (station outlets for oxygen, vacuum and medical air systems in hospitals) 2.1-3.2)	06/16/18	RJT
Wills Eye Hospital	§ 101.31(7)	hospital requirements	06/16/18	GWC
York Hospital	§ 153.1	2.1-3.2.2.1(2)(a) clearances (space requirements)	03/17/18	GRAN

#### Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
Crosslands	§ 205.20(a)	resident bedrooms	04/30/18	GRAN
Hamilton Arms Center	§ 205.25(b)	kitchens	03/31/18	GRAN
Hearthside Rehab Center	§ 205.33	utility rooms	05/26/18	WD
HRH Transitional Care Unit (a d/b/a Entity of Holy Redeemer Health System)	§ 201.22(e) and (j)	prevention, control and surveillance of tuberculosis (TB)	05/26/18	GRAN
Julia Pound Care Center	§ 201.22(e) and (j)	prevention, control and surveillance of tuberculosis (TB)	04/28/18	GRAN
The Lafayette-Redeemer (a d/b/a Entity of HRHS)	§ 201.22(e) and (j)	prevention, control and surveillance of tuberculosis (TB)	04/21/18	GRAN
Laurel Ridge Center	§ 211.9(g)	pharmacy services	04/30/18	GRAN
ManorCare Health Services—North Hills	§ 201.22(d) and (e)	prevention, control and surveillance of tuberculosis (TB)	04/14/18	GRAN
ManorCare Health Services—Elizabethtown	§ 205.20(a)	resident bedrooms	03/24/18	GRAN
Meadow View Nursing Center	§ 201.22(e) and (j)	prevention, control and surveillance of tuberculosis (TB)	04/28/18	GRAN
Mountain View Care and Rehabilitation Center	§ 211.9(g)	pharmacy services	04/14/18	GRAN
Quincy Retirement Community	§ 201.22(e) and (j)	prevention, control and surveillance of tuberculosis (TB)	04/28/18	GRAN
Redstone Highlands Health Care Center	§ 205.36(g)	bathing facilities	04/28/18	GRAN
Southwestern Nursing Care Center	§ 201.22(h)	prevention, control and surveillance of tuberculosis (TB)	04/14/18	GRAN
St. Barnabas Nursing Home	§ 211.9(g)	pharmacy services	04/14/18	GRAN
St. Joseph Manor (a d/b/a Entity of HRHS)	§ 201.22(e) and (j)	prevention, control and surveillance of tuberculosis (TB)	04/21/18	GRAN
Sunbury Community Health and Rehabilitation Center	§ 205.38(b)	toilet facilities	04/07/18	GRAN
Tulip Special Care, LLC	§ 211.9(g)	pharmacy services	04/21/18	GRAN

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Dec.*</i>
West Hills Health and Rehabilitation Center	§ 205.6(a)	function of building	05/26/18	GRAN
WillowBrooke Court Skilled Care Center at Brittany Pointe Estates	§ 205.67(j) and (k)	electric requirements for existing and new construction	04/30/18	GRAN

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced 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).

RACHEL L. LEVINE, MD,  
Secretary

[Pa.B. Doc. No. 18-1204. Filed for public inspection August 3, 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 § 201.22(h) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Pleasant Acres Nursing & Rehabilitation Center  
118 Pleasant Acres Road  
York, PA 17402  
FAC ID # 250102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(c) (relating to nurses' station):

Spang Crest Manor  
945 Duke Street  
Lebanon, PA 17042  
FAC ID # 193602

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. 18-1205. Filed for public inspection August 3, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Eagles Fast Play Game 5036

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Eagles (hereinafter "Eagles"). The game number is PA-5036.

2. *Definitions*:

(a) *Authorized Retailer* or *Retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *DOUBLER*: The numbers, letters, symbols or other characters found in the Your Numbers Area printed over the visual representation of a Football that, when matched against "WINNING NUMBERS," determine whether a player doubles the prize shown under the "DOUBLER" play symbol.

(d) *Football*: The visual representation of a Football printed beneath certain play symbols in the Your Numbers Area. When a "DOUBLER" play symbol, which is printed over the visual representation of a Football, matches any "WINNING NUMBER" play symbol, the player wins double the prize shown under the "DOUBLER" play symbol.

(e) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(f) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(g) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *PRIZE*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *Progressive Top Prize*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased, and then resets to the minimum prize amount whenever a top prize winning ticket is sold.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the "YOUR NUMBERS" play symbols and the "DOUBLER" play symbols, determine whether a player wins a prize.

(n) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *Your Numbers Area*: The part of the play area that contains the "YOUR NUMBERS" and "DOUBLER" play symbols.

(p) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the Your Numbers Area that, when matched against the "WINNING NUMBERS," determine whether a player wins the prize shown under the "YOUR NUMBERS" play symbol.

3. *Price*: The price of an Eagles ticket is \$5.

4. *Description of the Eagles lottery game*:

(a) The Eagles lottery game is an instant win game printed from a Lottery Terminal. With the exception of the Progressive Top Prize amount, all prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Eagles tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Eagles is played by matching the "YOUR NUMBERS" play symbols and "DOUBLER" play symbols in the play area to the play symbols located in the "WINNING NUMBERS" area. If the matching play symbol is a "YOUR NUMBERS" play symbol, win the prize shown under the matching "YOUR NUMBERS" play symbol. If the matching play symbol is a "DOUBLER" play symbol, printed over a virtual representation of a Football, win double the prize shown under the matching "DOUBLER" play symbol. The Progressive Top Prize cannot be doubled. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) An Eagles game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer by verbally requesting an Eagles game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of an Eagles game ticket and select the Eagles option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Eagles ticket characteristics*:

(a) An Eagles ticket shall contain a play area, the cost of the play, the date the ticket was printed, and a bar code.

(b) *Play Symbols*: Each Eagles ticket play area will contain a "WINNING NUMBERS" area and a Your Numbers Area. The Your Numbers Area consists of "YOUR NUMBERS" play symbols and "DOUBLER" play symbols. The play symbols located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT). The "YOUR NUMBERS" play symbols located in the Your Numbers Area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT). The "DOUBLER" play symbols printed over the visual representation of a Football and located in the Your Numbers Area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT).

(c) *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and PROGRESSIVE (TOP PRIZE).

(d) *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$5,000 and the Progressive Top Prize. The Progressive Top Prize amount starts at \$50,000 and increases by 25¢ every time an Eagles ticket is purchased. When Progressive Top Prize winning ticket is sold, the Progressive Top Prize resets to \$50,000. A player can win up to 16 times on a ticket.

(e) *Approximate Number of Tickets Available for the Game*: Approximately 2,400,000 tickets will be available for sale for the Eagles lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct an Eagles Second-Chance Drawing for which non-winning Eagles Fast Play lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All Eagles prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of PROGRESSIVE (TOP PRIZE) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of a "Progressive Top Prize." The amount won under this paragraph is the amount of the Progressive Top Prize, determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$800.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING

NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the

“PRIZE” area under the matching “DOUBLER” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “PRIZE” area under the

matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Chances of Winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
\$5	\$5	9.09	264,000
\$5 × 2	\$10	166.67	14,400
\$5 ON FOOTBALL	\$10	16.67	144,000
\$10	\$10	200	12,000
\$5 × 3	\$15	333.33	7,200
(\$5 ON FOOTBALL) + \$5	\$15	28.57	84,000
\$15	\$15	100	24,000
\$10 × 2	\$20	1,000	2,400
(\$5 ON FOOTBALL) + (\$5 × 2)	\$20	200	12,000
\$10 ON FOOTBALL	\$20	181.82	13,200
\$20	\$20	1,000	2,400
\$20 × 2	\$40	1,000	2,400
(\$10 × 3) + (\$5 × 2)	\$40	2,000	1,200
(\$15 × 2) + \$10	\$40	1,000	2,400
\$20 ON FOOTBALL	\$40	1,000	2,400
\$40	\$40	2,000	1,200
\$10 × 5	\$50	1,000	2,400
(\$20 × 2) + \$10	\$50	1,667	1,440
(((\$10 ON FOOTBALL) × 2) + (\$5 × 2)	\$50	1,000	2,400
(\$15 ON FOOTBALL) + \$20	\$50	1,000	2,400
(\$20 ON FOOTBALL) + \$10	\$50	1,000	2,400
\$50	\$50	1,000	2,400
\$50 × 2	\$100	24,000	100
(\$20 × 2) + (\$15 × 2) + (\$10 × 2) + (\$5 × 2)	\$100	24,000	100
(\$40 × 2) + (\$10 × 2)	\$100	24,000	100
(\$15 ON FOOTBALL) + (\$10 ON FOOTBALL) + (\$20 × 2) + (\$5 × 2)	\$100	12,000	200
(((\$20 ON FOOTBALL) × 2) + (\$10 ON FOOTBALL))	\$100	12,000	200
\$50 ON FOOTBALL	\$100	12,000	200
\$100	\$100	24,000	100
\$100 × 4	\$400	60,000	40
(\$50 × 4) + (\$40 × 2) + (\$20 × 2) + (\$15 × 4) + (\$5 × 4)	\$400	60,000	40
(\$100 ON FOOTBALL) + (\$50 ON FOOTBALL) + (\$20 × 2) + (\$15 × 2) + (\$10 × 2) + (\$5 × 2)	\$400	24,000	100
(\$100 ON FOOTBALL) × 2	\$400	24,000	100
\$400	\$400	60,000	40
\$100 × 5	\$500	120,000	20
\$400 + \$100	\$500	120,000	20

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
$(\$50 \times 4) + (\$40 \times 4) + (\$20 \times 4) + (\$15 \times 4)$	\$500	120,000	20
$(\$50 \text{ ON FOOTBALL}) + (\$10 \text{ ON FOOTBALL}) + (\$100 \times 3) + (\$40 \times 2)$	\$500	120,000	20
$(\$50 \text{ ON FOOTBALL}) \times 5$	\$500	120,000	20
$(\$100 \text{ ON FOOTBALL}) + (\$50 \text{ ON FOOTBALL}) + (\$40 \times 3) + (\$20 \times 3) + (\$5 \times 4)$	\$500	120,000	20
$(\$100 \text{ ON FOOTBALL}) \times 2 + (\$50 \text{ ON FOOTBALL})$	\$500	120,000	20
\$500	\$500	120,000	20
$\$500 \times 2$	\$1,000	120,000	20
$(\$100 \times 4) + (\$50 \times 2) + \$500$	\$1,000	120,000	20
$(\$400 \text{ ON FOOTBALL}) + (\$50 \text{ ON FOOTBALL}) + (\$20 \text{ ON FOOTBALL}) + \$50 + \$10$	\$1,000	120,000	20
\$500 ON FOOTBALL	\$1,000	120,000	20
\$1,000	\$1,000	120,000	20
$\$1,000 \times 5$	\$5,000	240,000	10
\$5,000	\$5,000	240,000	10
PROGRESSIVE TOP PRIZE	\$50,000*	120,000	20

When the matching number is on a Football, win DOUBLE the prize shown under the matching number!

\*PROGRESSIVE TOP PRIZE: The minimum value of the PROGRESSIVE TOP PRIZE is \$50,000. The PROGRESSIVE TOP PRIZE increases by 25¢ every time a ticket is purchased, and resets to \$50,000 whenever a top prize winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* Eagles Second-Chance Drawings (hereafter, "Drawings").

(a) *Qualifying Tickets:* Non-winning PA-5036 Eagles Fast Play tickets (\$5) ("Qualifying Tickets") are eligible for entry into the Drawings.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawings. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawings, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawings' promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry periods. The identifying information from a Qualifying Ticket may be submitted only once into the Eagles Second-Chance Drawings. Validly submitted entries will be applied to the active drawing at the time of successful submission of the entry and will carry forward to the subsequent drawing or drawings. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets into each Drawing.

(c) *Drawings Description:*

(1) The Lottery will conduct three Drawings. Drawing entries are cumulative and are eligible for all Drawings that occur after the entry is made. All time references are Eastern Prevailing Time.

(i) All Drawings entries received after 11:59:59 p.m. August 6, 2018, through 11:59:59 p.m. September 6, 2018, will be entered into Drawing #1, held between September 7, 2018 and September 17, 2018.

(ii) All Drawings entries received after 11:59:59 p.m. August 6, 2018, through 11:59:59 p.m. October 4, 2018, will be entered into Drawing #2, held between October 5, 2018 and October 15, 2018.

(iii) All Drawings entries received after 11:59:59 p.m. August 6, 2018, through 11:59:59 p.m. November 8, 2018, will be entered into Drawing #3, held between November 9, 2018 and November 19, 2018.

(2) The entry periods for the Drawings will be posted to the Pennsylvania Lottery's publically accessible website.

(3) A Qualifying Ticket will receive 5 entries.

(4) Players may review their entries for the Drawings via the Drawings' promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The Lottery will conduct three Drawings from among all the entries available to be drawn as described in section 9(c).

(2) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or mentioned anywhere else in these rules.

(3) The following prizes shall be awarded for Drawing #1:

(i) The first through the twenty-fifth entries selected from the entries submitted in Drawing #1 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Eagles Alumni Event prize. Each Eagles Alumni Event prize includes two tickets to attend a private event at Lincoln Financial Field with three Philadelphia Eagles Legends, and also includes food and non-alcoholic beverage, a behind-the-scenes tour and an autograph session for each ticket holder.

(ii) The twenty-sixth through the forty-fifth entries selected from the entries submitted in Drawing #1 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Eagles Insider Event prize. Each Eagles Insider Event prize includes two tickets to attend a private event at NovaCare Complex with three Philadelphia Eagles Players or Legends, and also includes food and non-alcoholic beverage and a behind-the-scenes tour of the Philadelphia Eagles practice facility.

(iii) The forty-sixth through the fifty-fifth entries selected from the entries submitted in Drawing #1 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Replica Jersey prize. Each Autographed Replica Jersey prize includes one autographed replica Philadelphia Eagles jersey signed by a Philadelphia Eagles player to be determined at the team's discretion.

(iv) The fifty-sixth through the sixty-fifth entries selected from the entries submitted in Drawing #1 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Football prize. Each Autographed Football prize includes one autographed football signed by a Philadelphia Eagles player to be determined at the team's discretion.

(4) The following prizes shall be awarded for Drawing #2:

(i) The first through the fiftieth entries selected from the entries submitted in Drawing #2 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Regular Season Tickets prize. Each Regular Season Tickets prize includes two tickets and \$30 worth of stadium concession or Pro-Shop credit loaded on each ticket for the Philadelphia Eagles home game against the Washington Redskins to be held on December 3, 2018.

(ii) The fifty-first through the seventy-fifth entries selected from the entries submitted in Drawing #2 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Eagles Alumni Event prize. Each Eagles Alumni Event prize includes two tickets to attend a private event at Lincoln Financial Field with three Philadelphia Eagles Legends, and also includes food and non-alcoholic beverage, a behind-the-scenes tour and an autograph session for each ticket holder.

(iii) The seventy-sixth through the ninetieth entries selected from the entries submitted in Drawing #2 will be

winning entries, and the entrants who submitted those winning entries shall each be entitled to one Eagles Insider Event prize. Each Eagles Insider Event prize includes two tickets to attend a private event at NovaCare Complex with three Philadelphia Eagles Players or Legends, and also includes food and non-alcoholic beverage and a behind-the-scenes tour of the Philadelphia Eagles practice facility.

(iv) The ninety-first through the ninety-fifth entries selected from the entries submitted in Drawing #2 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Replica Jersey prize. The Autographed Replica Jersey prize includes one autographed replica Philadelphia Eagles jersey signed by a Philadelphia Eagles player to be determined at the team's discretion.

(v) The ninety-sixth through the one hundredth entries selected from the entries submitted in Drawing #2 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Football prize. The Autographed Football prize includes one autographed football signed by a Philadelphia Eagles player to be determined at the team's discretion.

(5) The following prizes shall be awarded for Drawing #3:

(i) The first through the fiftieth entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Regular Season Tickets prize. Each Regular Season Tickets prize includes two tickets and \$30 worth of stadium concession or Pro-Shop credit loaded on each ticket for the Philadelphia Eagles home game against the Houston Texans to be held on December 23, 2018.

(ii) The fifty-first through the seventy-fifth entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Eagles Alumni Event prize. Each Eagles Alumni Event prize includes two tickets to attend a private event at Lincoln Financial Field with three Philadelphia Eagles Legends, and also includes food and non-alcoholic beverage, a behind-the-scenes tour and an autograph session for each ticket holder.

(iii) The seventy-sixth through the ninetieth entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Eagles Insider Event prize. Each Eagles Insider Event prize includes two tickets to attend a private event at NovaCare Complex with three Philadelphia Eagles Players or Legends, and also includes food and non-alcoholic beverage and a behind-the-scenes tour of the Philadelphia Eagles practice facility.

(iv) The ninety-first through the one hundredth entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Replica Jersey prize. The Autographed Replica Jersey prize includes one autographed replica Philadelphia Eagles jersey signed by a Philadelphia Eagles player to be determined at the team's discretion.

(v) The one hundred first through the one hundred tenth entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Football prize. The Autographed Foot-

ball prize includes one autographed football signed by a Philadelphia Eagles player to be determined at the team's discretion.

(6) The entry deadlines and the number of winning entries to be selected for each Drawing will be posted to the Pennsylvania Lottery's publically accessible website.

(7) The odds of an entry being selected in the Drawings depend upon the number of entries received for the Drawings.

(8) A computer generated randomizer will be used to select the winning entries for the Drawings.

(e) *Prize Claim Procedures:*

(1) Winners of any prize awarded in the Drawings will be contacted by email by the Pennsylvania Lottery to initiate the prize claim procedure.

(2) Winners will have seven calendar days from the date they are notified by the Pennsylvania Lottery, pursuant to section 9(e)(1), to claim their prizes. In order to claim their prizes, winners must respond to the Pennsylvania Lottery's email regarding prize claim procedure, and must submit a properly completed prize claim form within seven calendar days from the date they are notified by the Pennsylvania Lottery, pursuant to section 9(e)(1). Failure to comply with the prize claim requirements as set forth herein, for any reason, shall result in the winner forfeiting his/her right to receive the prize. An alternate winner will be awarded the respective prize, according to Lottery procedure.

(3) By entering a ticket into the Drawing, the entrant agrees to be bound by these rules, the prize claim requirements set forth herein, and expressly waives any claim against the Pennsylvania Lottery for a prize not awarded in conformance with these rules.

(f) *Second-Chance Drawing Restrictions:*

(1) Each winner, his or her respective heirs, legal representatives, and assigns, agree to indemnify, defend, release, and discharge the Pennsylvania Lottery, Philadelphia Eagles, LLC, Eagles Stadium Operator, LLC, and the NFL, as well as their employees, officers, directors and commissioners from and against any loss, claim, damage, suit, or injury arising out of or relating to this promotion. By entering, the winner indemnifies, releases, discharges, and agrees to hold harmless the Pennsylvania Lottery, Philadelphia Eagles, LLC, Eagles Stadium Operator, LLC, and the NFL, as well as their employees, officers, directors and commissioners from unanticipated cancellation, suspension, or postponement of the promotion due to natural disaster, national emergency, or other unforeseen act of God or man. Winners participate solely at their own risk and responsibility.

(2) To be eligible to participate in the Drawings, entrants must have complied with the requirements of these rules.

(3) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawings. The Lottery is not responsible for entries that are not entered into the Drawings because of incompatible internet browsers, mobile lottery application failure or other technical issues. If a Drawings entry is selected as a winner and rejected or otherwise disqualified during or following the Drawings, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(4) If any discrepancy exists between these rules and any material describing the Drawings, these rules shall govern.

(5) Employees of the Pennsylvania Lottery, MARC Advertising, MUSL, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawings. Offer void where prohibited or restricted.

(6) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawings and change these rules if the Drawings cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawings.

(7) All entries shall be subject to verification by the Pennsylvania Lottery.

(8) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawings or to be acting in violation of these rules or applicable law.

(9) The Drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A winner is responsible for all taxes arising from or in connection with any prize won.

(12) A player may only win the prize for which they are first selected in each of the Drawings. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified from receiving a prize and a replacement entry will be selected. Any entries disqualified under this subsection will still be carried forward to the subsequent drawing or drawings.

(13) Prizes are not transferrable.

(14) Winners and/or guest(s) must abide by all venue policies. Any promotional partner reserves the right to revoke full or partial prize from any winner or winner's guest who it and/or venue personnel deem may, in their sole discretion, be intoxicated, be a safety risk, have violated any venue policy or law, and/or may bring the promotional partner into disrepute.

(15) The winner is responsible for all costs, expenses and transportation, not specifically included in the prize won in the Drawings, arising from or in connection with any prize won.

(16) Prizes are not redeemable for cash.

(17) If a date is provided for a game or event that is part of a prize described in section 9(d), the date is subject to change at the sole discretion of the Philadelphia Eagles.

(18) If no date is provided for a game or event that is part of a prize described in section 9(d), the date will be determined by the Philadelphia Eagles and will be communicated to the winner by either the Philadelphia Eagles or the Lottery.

(19) In the event the winner is not available on the date of the game or event that is part of a prize described in section 9(d), there will be no extensions or substitu-



tions of prizes and the winner will not receive any reimbursement for the unused prize.

(20) In the event a prize described in section 9(d) is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

(21) The specific seats to be provided as part of any prize described in section 9(d) will be determined at the sole discretion of the Philadelphia Eagles.

(22) The food and non-alcoholic beverage to be provided as part of any prize described in section 9(d) will be selected at the sole discretion of the Philadelphia Eagles.

(23) The Philadelphia Eagles Players and Legends referenced as part of any prize described in section 9(d) will be determined at the sole discretion of the Philadelphia Eagles.

(24) Other restrictions may apply.

#### 10. *Ticket Responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

#### 11. *Ticket Validation and Requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

#### 12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the winning Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the winning Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

#### 16. *Progressive Top Prize Restrictions:*

(a) An amount of 25¢ from the sale of each Eagles ticket will be accumulated in the Progressive Top Prize pool.

(b) *Prize Amount:* The amount of the Progressive Top Prize at the time a ticket is purchased can only be

verified through the Lottery's Central Computer System. Any advertisement or any materials describing the amount of the Progressive Top Prize are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the Eagles game, this notice and the data contained in the Lottery's Central Computer System shall govern.

(c) The Progressive Top Prize and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a Progressive Top Prize being reset without the actual sale of a Progressive Top Prize winning ticket, all prize money that had accumulated into the Progressive Top Prize pool (i.e. 25¢ from the sale of each ticket) shall be awarded as part of the next Progressive Top Prize won.

#### 17. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Eagles lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

#### 18. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

19. *Retailer Incentive Programs.* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Eagles lottery game tickets.

20. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

21. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Eagles or through normal communications methods.

22. *Applicability:* This notice applies only to the Eagles lottery game announced in this notice.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 18-1206. Filed for public inspection August 3, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Go Fish Fast Play Game 5038

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Go Fish (hereinafter "Go Fish"). The game number is PA-5038.

#### 2. *Definitions:*

(a) *Authorized Retailer or Retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, and transmitting reports, and performing inventory functions.

(f) *Play:* A chance to participate in a particular Fast Play lottery game.

(g) *Play Area:* The area on a ticket which contains one or more play symbols.

(h) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(i) *PRIZE:* A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *PRIZE LEGEND:* The area on the ticket that shows a player the corresponding prize that can be won by finding at least six (6) Fish symbols in the "YOUR NUMBERS" area.

(k) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the “YOUR NUMBERS” area, determine whether a player wins a prize.

(l) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area and generated via quick pick that, when matched against the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Go Fish ticket is \$1.

4. *Description of the Go Fish lottery game*:

(a) The Go Fish lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Go Fish tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Go Fish has two ways to win a prize. A bet slip is not used to play this game.

(1) *Key Number Match*: Go Fish is played by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area. A player correctly matching a “YOUR NUMBERS” play symbol to a “WINNING NUMBERS” play symbol wins the prize shown under the matching “YOUR NUMBERS” play symbol.

(2) *Count Up*: Players finding six (6) or more Fish symbols in the “YOUR NUMBERS” portion of the play area will win the corresponding prize shown in the “PRIZE LEGEND.”

(c) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A Go Fish game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer by verbally requesting a Go Fish game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Go Fish game ticket and selecting the Go Fish option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Pennsylvania Go Fish ticket characteristics*:

(a) A Go Fish ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: Each Go Fish ticket play area will contain a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21

(TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), and 25 (TWYFIV). The play symbols located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), Hook symbol, and a Fish symbol.

(c) *Prize Symbols*: The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$2,500 (TWYFIVHUN).

(d) *Prizes*: The prizes that can be won in this game are: Free \$1 Fast Play Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500 and \$2,500.

(e) A player can win up to 12 times on a ticket.

(f) *Approximate Number of Tickets Available for the Game*: Approximately 1,200,000 tickets will be available for sale for the Go Fish lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Go Fish prize payments will be made as one-time, lump-sum cash payments.

(b) A winning match using the Fish symbol is entitled only to the highest prize won by the winning combinations described below on each game ticket.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “PRIZE” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets upon which eight (8) Fish symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets upon which seven (7) Fish symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(o) Holders of tickets upon which six (6) Fish symbols appear in the "YOUR NUMBERS" area, on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets upon which any of the "WINNING NUMBER" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of FREE (TICKET) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Go Fish game ticket.

7. *Number and Description of Prizes and Approximate Chances of Winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>When You Find At Least Six "Fish" Symbols In The Play Area, Win Corresponding Prize Shown In The PRIZE LEGEND Below. Win With:</i>	<i>Win:</i>	<i>Approximate Chances of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets</i>
FREE		FREE \$1 TICKET	10	120,000
	\$1 w/ 6 FISH	\$1	25	48,000
\$1		\$1	50	24,000
\$1 × 2		\$2	333.33	3,600
\$1	\$1 w/ 6 FISH	\$2	58.82	20,400
	\$2 w/ 7 FISH	\$2	58.82	20,400
\$2		\$2	333.33	3,600
\$1 × 4		\$4	1,000	1,200
\$1 × 3	\$1 w/ 6 FISH	\$4	333.33	3,600
\$2	\$2 w/ 7 FISH	\$4	250	4,800
\$4		\$4	1,000	1,200
\$1 × 5		\$5	1,000	1,200
\$1 × 4	\$1 w/ 6 FISH	\$5	333.33	3,600
\$2 + \$1	\$2 w/ 7 FISH	\$5	200	6,000
	\$5 w/ 8 FISH	\$5	166.67	7,200
\$5		\$5	1,000	1,200
\$2 × 5		\$10	1,000	1,200
\$2 × 4	\$2 w/ 7 FISH	\$10	500	2,400
(\$2 × 2) + \$1	\$5 w/ 8 FISH	\$10	500	2,400
\$5	\$5 w/ 8 FISH	\$10	200	6,000
\$10		\$10	1,000	1,200
\$4 × 5		\$20	2,000	600
\$10 × 2		\$20	2,000	600
(\$5 × 2) + (\$4 × 2)	\$2 w/ 7 FISH	\$20	1,000	1,200
\$5 × 3	\$5 w/ 8 FISH	\$20	1,000	1,200

<i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>When You Find At Least Six "Fish" Symbols In The Play Area, Win Corresponding Prize Shown In The PRIZE LEGEND Below. Win With:</i>	<i>Win:</i>	<i>Approximate Chances of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets</i>
\$20		\$20	2,000	600
\$10 × 4		\$40	24,000	50
(\$5 × 2) + (\$4 × 5) + (\$2 × 5)		\$40	24,000	50
(\$10 × 3) + (\$4 × 2)	\$2 w/ 7 FISH	\$40	24,000	50
\$20 + \$10 + \$5	\$5 w/ 8 FISH	\$40	4,000	300
\$40		\$40	24,000	50
\$20 × 5		\$100	12,000	100
(\$20 × 3) + \$40		\$100	12,000	100
(\$40 × 2) + (\$10 × 2)		\$100	12,000	100
\$100		\$100	12,000	100
\$100 × 5		\$500	24,000	50
\$500		\$500	24,000	50
\$2,500		\$2,500	120,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

#### 8. Ticket Responsibility:

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or a Fast Play ticket redeemed by a player in error.

#### 9. Ticket Validation and Requirements:

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

#### 10. Procedures for claiming and payment of prizes:

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) Pursuant to the preceding paragraphs, the retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this subsection. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Go Fish lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs.* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Go Fish lottery game tickets.

17. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after

the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Go Fish or through normal communications methods.

19. *Applicability:* This notice applies only to the Go Fish lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 18-1207. Filed for public inspection August 3, 2018, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Steelers Fast Play Game 5037

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Steelers (hereinafter "Steelers"). The game number is PA-5037.

2. *Definitions:*

(a) *Authorized Retailer or Retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *DOUBLER:* The numbers, letters, symbols or other characters found in the Your Numbers Area printed over the visual representation of a Football that, when matched against "WINNING NUMBERS," determine whether a player doubles the prize shown under the "DOUBLER" play symbol.

(d) *Football:* The visual representation of a Football printed beneath certain play symbols in the Your Numbers Area. When a "DOUBLER" play symbol, which is printed over the visual representation of a Football, matches any "WINNING NUMBER" play symbol, the player wins double the prize shown under the "DOUBLER" play symbol.

(e) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(f) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(g) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including

making purchases, validating plays, transmitting reports, and performing inventory functions.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *PRIZE*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *Progressive Top Prize*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased, and then resets to the minimum prize amount whenever a top prize winning ticket is sold.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the "YOUR NUMBERS" play symbols and the "DOUBLER" play symbols, determine whether a player wins a prize.

(n) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *Your Numbers Area*: The part of the play area that contains the "YOUR NUMBERS" and "DOUBLER" play symbols.

(p) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the Your Numbers Area that, when matched against the "WINNING NUMBERS," determine whether a player wins the prize shown under the "YOUR NUMBERS" play symbol.

3. *Price*: The price of a Steelers ticket is \$5.

4. *Description of the Steelers lottery game*:

(a) The Steelers lottery game is an instant win game printed from a Lottery Terminal. With the exception of the Progressive Top Prize amount, all prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Steelers tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Steelers is played by matching the "YOUR NUMBERS" play symbols and "DOUBLER" play symbols in the play area to the play symbols located in the "WINNING NUMBERS" area. If the matching play symbol is a "YOUR NUMBERS" play symbol, win the prize shown under the matching "YOUR NUMBERS" play symbol. If the matching play symbol is a "DOUBLER" play symbol, printed over a virtual representation of a Football, win double the prize shown under the matching "DOUBLER" play symbol. The Progressive Top Prize cannot be doubled. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) A Steelers game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Steelers game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Steelers game ticket and select the Steelers option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

#### 5. *Steelers ticket characteristics*:

(a) A Steelers ticket shall contain a play area, the cost of the play, the date the ticket was printed, and a bar code.

(b) *Play Symbols*: Each Steelers ticket play area will contain a "WINNING NUMBERS" area and a Your Numbers Area. The Your Numbers Area consists of "YOUR NUMBERS" play symbols and "DOUBLER" play symbols. The play symbols located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT). The "YOUR NUMBERS" play symbols located in the Your Numbers Area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT). The "DOUBLER" play symbols printed over the visual representation of a Football and located in the Your Numbers Area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT).

(c) *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and PROGRESSIVE (TOP PRIZE).

(d) *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$5,000 and the Progressive Top Prize. The Progressive Top Prize amount starts at \$50,000 and increases by 25¢ every time a Steelers ticket is purchased. When Progress

sive Top Prize winning ticket is sold, the Progressive Top Prize resets to \$50,000. A player can win up to 16 times on a ticket.

(e) *Approximate Number of Tickets Available for the Game:* Approximately 2,400,000 tickets will be available for sale for the Steelers lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Steelers Second-Chance Drawing for which non-winning Steelers Fast Play lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All Steelers prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of PROGRESSIVE (TOP PRIZE) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of a "Progressive Top Prize." The amount won under this paragraph is the amount of the Progressive Top Prize, determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$800.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and

matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol



of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "DOUBLER" play symbols appears on a Football and matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area under the matching "DOUBLER" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Chances of Winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
\$5	\$5	9.09	264,000
\$5 × 2	\$10	166.67	14,400
\$5 ON FOOTBALL	\$10	16.67	144,000
\$10	\$10	200	12,000
\$5 × 3	\$15	333.33	7,200
(\$5 ON FOOTBALL) + \$5	\$15	28.57	84,000
\$15	\$15	100	24,000
\$10 × 2	\$20	1,000	2,400
(\$5 ON FOOTBALL) + (\$5 × 2)	\$20	200	12,000
\$10 ON FOOTBALL	\$20	181.82	13,200
\$20	\$20	1,000	2,400
\$20 × 2	\$40	1,000	2,400
(\$10 × 3) + (\$5 × 2)	\$40	2,000	1,200
(\$15 × 2) + \$10	\$40	1,000	2,400
\$20 ON FOOTBALL	\$40	1,000	2,400
\$40	\$40	2,000	1,200
\$10 × 5	\$50	1,000	2,400
(\$20 × 2) + \$10	\$50	1,667	1,440
(((\$10 ON FOOTBALL) × 2) + (\$5 × 2)	\$50	1,000	2,400
(\$15 ON FOOTBALL) + \$20	\$50	1,000	2,400
(\$20 ON FOOTBALL) + \$10	\$50	1,000	2,400
\$50	\$50	1,000	2,400
\$50 × 2	\$100	24,000	100
(\$20 × 2) + (\$15 × 2) + (\$10 × 2) + (\$5 × 2)	\$100	24,000	100
(\$40 × 2) + (\$10 × 2)	\$100	24,000	100
(\$15 ON FOOTBALL) + (\$10 ON FOOTBALL) + (\$20 × 2) + (\$5 × 2)	\$100	12,000	200
(((\$20 ON FOOTBALL) × 2) + (\$10 ON FOOTBALL))	\$100	12,000	200
\$50 ON FOOTBALL	\$100	12,000	200
\$100	\$100	24,000	100
\$100 × 4	\$400	60,000	40
(\$50 × 4) + (\$40 × 2) + (\$20 × 2) + (\$15 × 4) + (\$5 × 4)	\$400	60,000	40
(\$100 ON FOOTBALL) + (\$50 ON FOOTBALL) + (\$20 × 2) + (\$15 × 2) + (\$10 × 2) + (\$5 × 2)	\$400	24,000	100
(\$100 ON FOOTBALL) × 2	\$400	24,000	100
\$400	\$400	60,000	40

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
\$100 × 5	\$500	120,000	20
\$400 + \$100	\$500	120,000	20
(\$50 × 4) + (\$40 × 4) + (\$20 × 4) + (\$15 × 4)	\$500	120,000	20
(\$50 ON FOOTBALL) + (\$10 ON FOOTBALL) + (\$100 × 3) + (\$40 × 2)	\$500	120,000	20
(\$50 ON FOOTBALL) × 5	\$500	120,000	20
(\$100 ON FOOTBALL) + (\$50 ON FOOTBALL) + (\$40 × 3) + (\$20 × 3) + (\$5 × 4)	\$500	120,000	20
(((\$100 ON FOOTBALL) × 2) + (\$50 ON FOOTBALL))	\$500	120,000	20
\$500	\$500	120,000	20
\$500 × 2	\$1,000	120,000	20
(\$100 × 4) + (\$50 × 2) + \$500	\$1,000	120,000	20
(\$400 ON FOOTBALL) + (\$50 ON FOOTBALL) + (\$20 ON FOOTBALL) + \$50 + \$10	\$1,000	120,000	20
\$500 ON FOOTBALL	\$1,000	120,000	20
\$1,000	\$1,000	120,000	20
\$1,000 × 5	\$5,000	240,000	10
\$5,000	\$5,000	240,000	10
PROGRESSIVE TOP PRIZE	\$50,000*	120,000	20

When the matching number is on a Football, win DOUBLE the prize shown under the matching number!

\*PROGRESSIVE TOP PRIZE: The minimum value of the PROGRESSIVE TOP PRIZE is \$50,000. The PROGRESSIVE TOP PRIZE increases by 25¢ every time a ticket is purchased, and resets to \$50,000 whenever a top prize winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing*: Steelers Second-Chance Drawings (hereafter, "Drawings").

(a) *Qualifying Tickets*: Non-winning PA-5037 Steelers Fast Play tickets (\$5) ("Qualifying Tickets") are eligible for entry into the Drawings.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawings. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawings, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawings' promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry periods. The identifying information from a Qualifying Ticket may be submitted only once into the Steelers Second-Chance Drawings. Validly submitted entries will be applied to the active drawing at the time of successful submission of the entry and will carry forward to the subsequent drawing or drawings. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets into each Drawing.

(c) *Drawings Description*:

(1) The Lottery will conduct three Drawings. Drawing entries are cumulative and are eligible for all Drawings that occur after the entry is made. All time references are Eastern Prevailing Time.

(i) All Drawings entries received after 11:59:59 p.m. August 6, 2018, through 11:59:59 p.m. September 6, 2018, will be entered into Drawing #1, held between September 7, 2018 and September 17, 2018.

(ii) All Drawings entries received after 11:59:59 p.m. August 6, 2018, through 11:59:59 p.m. October 4, 2018, will be entered into Drawing #2, held between October 5, 2018 and October 15, 2018.

(iii) All Drawings entries received after 11:59:59 p.m. August 6, 2018, through 11:59:59 p.m. November 8, 2018, will be entered into Drawing #3, held between November 9, 2018 and November 19, 2018.

(2) The entry periods for the Drawings will be posted to the Pennsylvania Lottery's publically accessible website.

(3) A Qualifying Ticket will receive 5 entries.

(4) Players may review their entries for the Drawings via the Drawings' promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The Lottery will conduct three Drawings from among all the entries available to be drawn as described in section 9(c).

(2) The prize entitlements described below are subject to all restrictions and limitations described in section 9(f), or mentioned anywhere else in these rules.

(3) The following prizes shall be awarded for Drawing #1:

(i) The first through the twenty-first entries selected from the entries submitted in Drawing #1 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Steelers Suite Tickets prize. Each Steelers Suite Tickets prize includes two Party Suite tickets for the Pittsburgh Steelers home game against the Baltimore Ravens to be held on September 30, 2018.

(ii) The twenty-second through the seventy-first entries selected from the entries submitted in Drawing #1 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Steelers Monday Night Practice Event prize. Each Steelers Monday Night Practice Event prize includes two tickets to attend a private event at UPMC Rooney Sports Complex with one Pittsburgh Steelers Player, and also includes food and non-alcoholic beverage and a behind-the-scenes tour of the Pittsburgh Steelers practice facility for each ticket holder, to be held on October 1, 2018.

(iii) The seventy-second and seventy-third entries selected from the entries submitted in Drawing #1 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Replica Jersey prize. Each Autographed Replica Jersey prize includes one autographed replica Pittsburgh Steelers jersey signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(iv) The seventy-fourth through the seventy-eighth entries selected from the entries submitted in Drawing #1 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Football prize. Each Autographed Football prize includes one autographed football signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(v) The seventy-ninth entry selected from the entries submitted in Drawing #1 will be a winning entry, and the entrant who submitted the winning entry shall be entitled to one Autographed Helmet prize. The Autographed Helmet prize includes one autographed helmet signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(vi) The eightieth through the eighty-ninth entries selected from the entries submitted in Drawing #1 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Autographed Mini Helmet prize. Each Autographed Mini Helmet prize includes one autographed mini helmet signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(4) The following prizes shall be awarded for Drawing #2:

(i) The first through the twenty-first entries selected from the entries submitted in Drawing #2 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Steelers Suite Tickets

prize. Each Steelers Suite Tickets prize includes two Party Suite tickets for the Pittsburgh Steelers home game against the Cleveland Browns to be held on October 28, 2018.

(ii) The twenty-second through the forty-sixth entries selected from the entries submitted in Drawing #2 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Steelers Player Meet & Greet prize. Each Steelers Player Meet & Greet prize includes two tickets to attend a private breakfast with a Pittsburgh Steelers Player at Heinz Field to be held on October 23, 2018.

(iii) The forty-seventh entry selected from the entries submitted in Drawing #2 will be winning entry, and the entrants who submitted the winning entry shall be entitled to one Autographed Replica Jersey prize. The Autographed Replica Jersey prize includes one autographed replica Pittsburgh Steelers jersey signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(iv) The forty-eighth through the fifty-second entries selected from the entries submitted in Drawing #2 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Football prize. The Autographed Football prize includes one autographed football signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(v) The fifty-third and fifty-fourth entries selected from the entries submitted in Drawing #2 will be the winning entries, and the entrants who submitted the winning entries shall be entitled to one Autographed Helmet prize. The Autographed Helmet prize includes one autographed helmet signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(vi) The fifty-fifth through the fifty-ninth entries selected from the entries submitted in Drawing #2 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Mini Helmet prize. Each Autographed Mini Helmet prize includes one autographed mini helmet signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(5) The following prizes shall be awarded for Drawing #3:

(i) The first through the twenty-fifth entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Steelers Player Meet & Greet prize. Each Steelers Player Meet & Greet prize includes two tickets to attend a private breakfast with a Pittsburgh Steelers Player at Heinz Field to be held on December 18, 2018.

(ii) The twenty-sixth through the seventy-fifth entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to one Steelers Monday Night Practice Event prize. Each Steelers Monday Night Practice Event prize includes two tickets to attend a private event at UPMC Rooney Sports Complex with one Pittsburgh Steelers Player, and also includes food and non-alcoholic beverage and a behind-the-scenes tour of the Pittsburgh Steelers practice facility for each ticket holder, to be held on December 3, 2018.

(iii) The seventy-sixth through the seventy-seventh entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted

the winning entries shall each be entitled to one Autographed Replica Jersey prize. The Autographed Replica Jersey prize includes one autographed replica Pittsburgh Steelers jersey signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(iv) The seventy-eighth through the eighty-seventh entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Football prize. The Autographed Football prize includes one autographed football signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(v) The eighty-eighth and eighty-ninth entries selected from the entries submitted in Drawing #3 will be the winning entries, and the entrants who submitted the winning entries shall be entitled to one Autographed Helmet prize. The Autographed Helmet prize includes one autographed helmet signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(vi) The ninetieth through the ninety-fourth entries selected from the entries submitted in Drawing #3 will be winning entries, and the entrants who submitted the winning entries shall each be entitled to one Autographed Mini Helmet prize. Each Autographed Mini Helmet prize includes one autographed mini helmet signed by a Pittsburgh Steelers Player to be determined at the team's discretion.

(6) The entry deadlines and the number of winning entries to be selected for each Drawing will be posted to the Pennsylvania Lottery's publically accessible website.

(7) The odds of an entry being selected in the Drawings depend upon the number of entries received for the Drawings.

(8) A computer generated randomizer will be used to select the winning entries for the Drawings.

(e) *Prize Claim Procedures:*

(1) Winners of any prize awarded in the Drawings will be contacted by email by the Pennsylvania Lottery to initiate the prize claim procedure.

(2) Winners will have seven calendar days from the date they are notified by the Pennsylvania Lottery, pursuant to section 9(e)(1), to claim their prizes. In order to claim their prizes, winners must respond to the Pennsylvania Lottery's email regarding prize claim procedure, and must submit a properly completed prize claim form within seven calendar days from the date they are notified by the Pennsylvania Lottery, pursuant to section 9(e)(1). Failure to comply with the prize claim requirements as set forth herein, for any reason, shall result in the winner forfeiting his/her right to receive the prize. An alternate winner will be awarded the respective prize, according to Lottery procedure.

(3) By entering a ticket into the Drawing, the entrant agrees to be bound by these rules, the prize claim requirements set forth herein, and expressly waives any claim against the Pennsylvania Lottery for a prize not awarded in conformance with these rules.

(f) *Second-Chance Drawing Restrictions:*

(1) Each winner, his or her respective heirs, legal representatives, and assigns, agree to indemnify, defend, release, and discharge the Pennsylvania Lottery, Pittsburgh Steelers LLC, PSSI Stadium LLC, and the National Football League, as well as their employees, officers, members, managers, directors and commissioners from and against any loss, claim, damage, suit, or injury

arising out of or relating to this promotion. By entering, the winner indemnifies, releases, discharges, and agrees to hold harmless the Pennsylvania Lottery, Pittsburgh Steelers LLC, PSSI Stadium LLC, and the National Football League, as well as their employees, officers, members, managers, directors and commissioners from unanticipated cancellation, suspension, or postponement of the promotion due to natural disaster, national emergency, or other unforeseen act of God or man. Winners participate solely at their own risk and responsibility.

(2) To be eligible to participate in the Drawings, entrants must have complied with the requirements of these rules.

(3) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawings. The Lottery is not responsible for entries that are not entered into the Drawings because of incompatible internet browsers, mobile lottery application failure or other technical issues. If a Drawings entry is selected as a winner and rejected or otherwise disqualified during or following the Drawings, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(4) If any discrepancy exists between these rules and any material describing the Drawings, these rules shall govern.

(5) Employees of the Pennsylvania Lottery, MARC Advertising, MUSL, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawings. Offer void where prohibited or restricted.

(6) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawings and change these rules if the Drawings cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawings.

(7) All entries shall be subject to verification by the Pennsylvania Lottery.

(8) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawings or to be acting in violation of these rules or applicable law.

(9) The Drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A winner is responsible for all taxes arising from or in connection with any prize won.

(12) A player may only win the prize for which they are first selected in each of the Drawings. Subsequent entries, from the same individual, selected in the same Drawing will be disqualified from receiving a prize and a replacement entry will be selected. Any entries disqualified under this subsection will still be carried forward to the subsequent drawing or drawings.

(13) Prizes are not transferrable.

(14) Winners and/or guest(s) must abide by all venue policies. Any promotional partner reserves the right to revoke full or partial prize from any winner or winner's guest who it and/or venue personnel deem may, in their sole discretion, be intoxicated, be a safety risk, have violated any venue policy or law, and/or may bring the promotional partner into disrepute.

(15) The winner is responsible for all costs, expenses and transportation, not specifically included in the prize won in the Drawings, arising from or in connection with any prize won.

(16) Prizes are not redeemable for cash.

(17) If a date is provided for a game or event that is part of a prize described in section 9(d), the date is subject to change at the sole discretion of the Pittsburgh Steelers.

(18) If no date is provided for a game or event that is part of a prize described in section 9(d), the date will be determined by the Pittsburgh Steelers and will be communicated to the winner by either the Pittsburgh Steelers or the Lottery.

(19) In the event the winner is not available on the date of the game or event that is part of a prize described in section 9(d), there will be no extensions or substitutions of prizes and the winner will not receive any reimbursement for the unused prize.

(20) In the event a prize described in section 9(d) is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

(21) The specific seats to be provided as part of any prize described in section 9(d) will be determined at the sole discretion of the Pittsburgh Steelers.

(22) The food and non-alcoholic beverage to be provided as part of any prize described in section 9(d) will be selected at the sole discretion of the Pittsburgh Steelers.

(23) The Pittsburgh Steelers Players and Legends referenced as part of any prize described in section 9(d) will be selected at the sole discretion of the Pittsburgh Steelers.

(24) Other restrictions may apply.

#### 10. *Ticket Responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

#### 11. *Ticket Validation and Requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

#### 12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by

the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the winning Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the winning Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Progressive Top Prize Restrictions:*

(a) An amount of 25¢ from the sale of each Steelers ticket will be accumulated in the Progressive Top Prize pool.

(b) *Prize Amount:* The amount of the Progressive Top Prize at the time a ticket is purchased can only be verified through the Lottery's Central Computer System. Any advertisement or any materials describing the amount of the Progressive Top Prize are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the Steelers game, this notice and the data contained in the Lottery's Central Computer System shall govern.

(c) The Progressive Top Prize and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a Progressive Top Prize being reset without the actual sale of a Progressive Top Prize winning ticket, all prize money that had accumulated into the Progressive Top Prize pool (i.e. 25¢ from the sale of each ticket) shall be awarded as part of the next Progressive Top Prize won.

17. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Steelers lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

18. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

19. *Retailer Incentive Programs.* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Steelers lottery game tickets.

20. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described

in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

21. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Steelers or through normal communications methods.

22. *Applicability:* This notice applies only to the Steelers lottery game announced in this notice.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 18-1208. Filed for public inspection August 3, 2018, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Applications for Funding under the Section 5310 Program for Fiscal Year 2018-2019

The Department of Transportation, Bureau of Public Transportation, under the authority in section 5310 of the Federal Transit Act (49 U.S.C.A. § 5310), gives notice that it will receive applications for the State-administered Section 5310 Program (Program). The application will open on Monday, August 13, 2018, and is due by the close of business on Friday, August 31, 2018. The application can be found at <https://sportal.dot.pa.gov/Planning/AppReg/BPT-5310/Pages/default.aspx>.

Under this Program, private nonprofit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles used to provide transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers.

Additional information can be obtained by calling John Levitsky, Bureau of Public Transportation, (717) 787-1206, [jlevitsky@pa.gov](mailto:jlevitsky@pa.gov).

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 18-1209. Filed for public inspection August 3, 2018, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**Contemplated Sale of Land No Longer Needed for  
Transportation Purposes**

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

1. Saegertown Borough, Crawford County. This is an uneconomic remnant of parcel 16, 727 Main Street, Saegertown, PA 16433, and contains 1,371 square feet of unimproved land. The estimated fair market value is \$170.

Public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Engineering District 1-0, Right-of-Way Unit, 255 Elm Street, P.O. Box 398, Oil City, PA 16301, Attn: Nathan Lytle.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 18-1210. Filed for public inspection August 3, 2018, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

**Mentored Youth Fishing Program; Catfish**

Acting under the authority of 58 Pa. Code § 65.20 (relating to Mentored Youth Fishing Day Program), the Executive Director has designated August 4, 2018, from 6 p.m. to 11 p.m. and August 5, 2018, from sunrise to 11 p.m. as Mentored Youth Fishing Days for catfish. The water included in the Mentored Youth Fishing Days for Catfish Program (Program) on August 4 and 5, 2018, is the Children’s Fishing Pond, Nockamixon State Park, Haycock Township, Bucks County. This designation under 58 Pa. Code § 65.20 will be effective upon publication of this notice in the *Pennsylvania Bulletin*.

To participate, anglers 16 years of age or older (adult anglers) must possess a valid Pennsylvania fishing license and be accompanied by a youth (less than 16 years of age) who has obtained a mentored youth permit or a voluntary youth license from the Fish and Boat Commission (Commission). Youth anglers must obtain a 2018 mentored youth permit or a voluntary youth license from the Commission and accompanied by a licensed adult angler to participate.

Although this water will be open to adult anglers, only youth anglers with a 2018 voluntary youth license or mentored youth permit may possess two catfish (combined species) with no minimum length. Adult anglers are prohibited from possessing catfish. Other Commonwealth inland regulations will apply. It is unlawful to fish in the water designated as part of the Program except in compliance with the requirements of 58 Pa. Code § 65.20 when participating in the Program.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 18-1211. Filed for public inspection August 3, 2018, 9:00 a.m.]

**GOVERNOR’S OFFICE**

**Regulatory Agenda**

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication semi-annually an agenda of regulations under development or consideration.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration’s present intentions regarding future regulations. The information provided is current as of July 13, 2018. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>Department of Aging</b>			
No regulations being developed or considered at this time.			
<b>Department of Agriculture</b>			
Agriculture Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e (# 2-192)	September 2018, as Proposed	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Pennsylvania Preferred Program Regulations 7 Pa. Code Chapter 107	September 2018, as Proposed	This regulation will establish standards required under the Pennsylvania Preferred Act (3 Pa.C.S. §§ 4601—4611).	Laura England (717) 783-8462
Pennsylvania Vegetable Marketing Program 7 Pa. Code Chapter 104 (# 2-185)	October 2018, as Final	This regulation will update and simplify the process by which the Pennsylvania Vegetable Marketing Program collects “producer charges” to fund its marketing and research efforts from participating Pennsylvania vegetable producers.	William Troxell (717) 694-3596
Rabies Prevention and Control 7 Pa. Code Chapter 16 (# 2-188)	September 2018, as Proposed	The regulation will update current regulations to reflect statutory changes and otherwise update the current regulations.	Nanette Hanshaw, DVM (717) 783-6677
Weights, Measures and Standards 7 Pa. Code Chapter 9 (# 2-187)	October 2018, as Final	The regulation will rescind outdated paperwork requirements relating to the issuance of weighmaster certificates.	Walt Remmert (717) 787-6772
Milk Sanitation 7 Pa. Code Chapter 59a (# 2-191)	September 2018, as Proposed	The regulation will allow PA raw milk cheese producers to produce any raw (unpasteurized) milk cheese where: (1) there is a Federal standard of identity for that cheese; and (2) the standard of identity allows for the production of the standardized cheese from raw milk.	Lydia Johnson (717) 787-4315
<b><i>Department of Banking and Securities (DOBS)</i></b>			
No regulations being developed or considered at this time.			
<b><i>Department of Community and Economic Development (DCED)</i></b>			
Local Earned Income Tax— Act 32 of 2008 Regulations 12 Pa. Code Chapter 151 (# 4-97)	Summer 2018, as Final	The final regulation interprets and makes specific the provisions of the Local Tax Enabling Act, as provided in Chapter 5 of the act (53 P.S. §§ 6924.501 et seq.). The final regulation establishes procedures to supplement the implementation of the act which will facilitate consolidated collection of local income taxes in this Commonwealth.	Lori Irwin (717) 720-7311
<b><i>Department of Conservation and Natural Resources (DCNR)</i></b>			
Conservation of Pennsylvania Native Wild Plants 17 Pa. Code Chapter 45 (# 7B-8)	Summer 2018, as Final	The purpose of the rulemaking is to update the department’s listing of Pennsylvania’s classified plant species. The legal basis for the rulemaking is: Section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); as well as Sections 305 and 313 of the Conservation and Natural Resources Act (71 P.S. §§ 1340.305, 1340.313).	Ellen Shultzabarger (717) 214-3818 Stephen Ekema-Agbaw, Esq. (717) 772-4171
Snowmobile and All-Terrain Vehicle Grants 17 Pa. Code Chapter 53 (# 7B-9)	Summer 2018, as Final	The purpose of this rulemaking is to comply with the Act of July 20, 2016, P.L. 837, No. 97, codified in 75 Pa.C.S. § 7706(b.1) of the Vehicle Code, which mandates this rulemaking. The Act instructs the Dept. to promulgate regulations implementing a grant program using funds from the snowmobile and ATV management restricted accounts, created by the Act.	Alex MacDonald (717) 772-4586 Stephen Ekema-Agbaw, Esq. (717) 772-4171
<b><i>Department of Corrections (DOC)</i></b>			
Purchase for Inmates by Family and Friends 37 Pa. Code § 93.4	Fall 2018, as Proposed	Purchase for inmates by family and friends regulations are being revised for clarification and more accurately comport with current standards.	Tracey Tubbs (717) 728-7763



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Motivational Boot Camps 37 Pa. Code §§ 93.301—93.308	Fall 2018, as Proposed	The Motivational Boot Camp regulations are being revised to conform the statutory references and to reduce costs by eliminating unnecessary mandates.	Tracey Tubbs (717) 728-7763
<b><i>Department of Drug and Alcohol Programs (DDAP)</i></b>			
Standards for Licensure of Treatment Facilities 28 Pa. Code Chapter 709 (# 74-3)	Summer 2018, as Proposed	The regulation will be revised to enlarge the amount of time between inspections for the free standing drug and alcohol facilities that, for the last two years, have not had any citations in four critical areas (conduct or omissions that jeopardized the safety of any persons, compromised the quality of treatment provided, violated a client's confidentiality rights or resulted in treatment being provided without informed consent) and have reasonably and timely taken any remedial measure requested by the Department. Act 50 of 2010 authorizes DDAP to modify existing drug and alcohol regulations.	Derrick Pelletier (717) 547-3323
Recovery Home Regulations 28 Pa. Code Chapter _ (new)	Winter 2018, as Proposed	Act 59 of 2017 directs DDAP to establish regulations for recovery houses that receive public funds or referrals. Recovery homes provide support to those suffering from addiction subsequent to leaving inpatient treatment or correctional facilities.	Derrick Pelletier (717) 547-3323
<b><i>Department of Education (PDE)</i></b>			
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 59, 61 and 63	Summer 2018, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board is currently in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P.S. §§ 6701 et. seq.).	Matthew Stem (717) 787-2127
Standards for Approved Private Schools 22 Pa. Code Chapter 171, Subchapters A and C	Winter 2018, as Proposed	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). This subchapter contains general provisions, which the Department seeks to update to conform to intervening changes in applicable law. The standards are promulgated under the authority of sections 1376 and 1376.1 of the Public School Code of 1949, 24 P.S. §§ 13-1376 and 1376.1.	Alaina Koltash (717) 787-5500
Professional Standards and Practices Commission 22 Pa. Code Chapter 235	Spring 2019, as Proposed	This chapter sets forth the standards for professional practice and conduct applicable to educators. The Commission plans to update this chapter to conform to the 2014 amendments to the Educator Discipline Act (24 P.S. §§ 2070.1a et seq.) and to expound the obligations educators owe to students, colleagues and the profession, with an emphasis on appropriate student-teacher boundaries, electronic communications with students and role model responsibilities. The regulation is promulgated under the authority of sections 5(a)(10) and 5(a)(14) of the Educator Discipline Act (24 P.S. § 2070.5(a)(10) and § 2070.5(a)(14)).	Shane Crosby (717) 787-6576

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Education	Winter 2018, as Proposed	These regulations will address the possession and use of medical marijuana by students and employees on the grounds of a preschool, primary school and a secondary school. These regulations are promulgated under authority of the Medical Marijuana Act (2016 Pa. Laws 16).	Wallace Rejrat (717) 787-5500
Department of Education	Winter 2018, as Final	This regulation will establish the permanent fees for institutions of higher education to participate in the state authorization reciprocity agreement. These regulations are promulgated under authority granted by the Act 35 of 2016 (24 P.S. § 1-124(b)).	Patricia Landis (717) 783-8228
Regulations of the State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Winter 2018, as Proposed	These regulations define the requirements for obtaining and maintaining licensure as a Private Licensed School. The Board is currently in the process of updating the regulations and establishing outcomes benchmarks. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P.S. §§ 6501 et. seq.).	Patricia Landis (717) 783-8228
Regulations of Special Education Services and Programs 22 Pa. Code Chapter 14	Summer 2018, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectual disability" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 502, 1372, 26-2603-B, of the Public School Code of 1949, as amended, 24 P.S. Sections 5-502, 13-1372, 26-2603-B. Sections 875-101 through 875-503 of the Early Intervention Services System Act, as amended, 11 P.S. Sections 875-101 through 875-503.	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapter 10	Fall 2018, for review and discussion	These regulations establish requirements for memorandums of understanding between school entities and local law enforcement and also include a model memorandum of understanding for voluntary use by school entities. The model memorandum of understanding is to be reviewed and revised, as necessary, on a biennial basis. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. §§ 1302.1-A and 2603-B.	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapter 16	Fall 2018, for review and discussion	These regulations establish requirements for public school districts of the Commonwealth regarding the identification of gifted education students and the delivery of gifted education services. The regulations will be opened for a periodically-required review. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. § 2603-B.	Karen Molchanow (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations of Charter School and Cyber Charter School Services and Programs for Children with Disabilities 22 Pa. Code Chapter 711	Summer 2018, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectual disability" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 1701-A through 1732-A, 1749-A(b)(8), 1751-A, of the Public School Code of 1949, as amended, 24 P.S. §§ 17-1701-A through 17-1732-A, 17-1749-A(b)(8), 17-1751-A, and §§ 875-101 through 875-503 of the Early Intervention Services System Act, as amended, 11 P.S. §§ 875-101 through 875-503.	Ann Hinkson-Herrmann (717) 783-6134
State Board of Education 22 Pa. Code Chapter 49	Fall 2018, as Draft Proposed	These regulations establish requirements for certification of professional personnel employed in the public schools of the Commonwealth. The regulations will be open for a periodically-required major review. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. § 2603-B.	Karen Molchanow (717) 787-3787
Regulations of the State Library and Advisory Council on Library Development 22 Pa. Code Chapters 131, 133, 135, 137, 141, 142 and 143	Winter 2018, as Proposed	The Department will be promulgating regulations under the authority of the Public Library Code of 2012, Act 210 of 2012, P.L. 2411. The Department plans to update the regulations (promulgated in 1962) in 2018. These regulations will address the use of the State Library, the Advisory Council on Library Development, general provisions and plans for the use of State Aid, certification of library personnel, library traineeships, use of the state library, grants for public library facilities, and state document depositories.	Jonelle Darr (717) 783-5725
<b><i>Environmental Hearing Board (EHB)</i></b>			
Practice and Procedure 25 Pa. Code Chapter 1021 (# 106-13)	Fall/Winter 2018, as Proposed; and Summer 2019, as Final	This proposed rulemaking will make minor revisions to the Board's rules in the following categories: mediation; motions for admission pro hac vice; the inclusion of a table of contents in briefs exceeding 30 pages; and implement other minor corrections to the rules.	Maryanne Wesdock, Senior Assistant Counsel (412) 565-5245
<b><i>Department of Environmental Protection (DEP)</i></b>			
Federal Office of Surface Mining (OSM) Program Consistency Updates 25 Pa. Code Chapters 86, 89 and 90 (# 7-532)	Quarter 3, 2018, Publication, as Proposed	This rulemaking proposes to amend Chapter 86 in order to comply with Federal regulatory requirements; to revise (Chapter 89) effluent limits for passive treatment systems to comply with Federal regulations, and to update (Chapter 90) coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Noncoal Mining Program Fee Amendments 25 Pa. Code Chapter 77 (# 7-523)	Quarter 3, 2018, EQB Consideration, as Final	This rulemaking increases fees in order to provide the funding for the Noncoal Mining Program, which implements the Noncoal Surface Mining and Conservation and Reclamation Act (NSMCRA). The rulemaking provides more revenue in order to implement the NSMCRA, which requires operators to apply for and maintain active permits and licenses to mine noncoal minerals in Pennsylvania. In administering the noncoal mining program, DEP reviews and issues permits and conducts inspections to assure compliance with the permits and performance standards. (Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov
Water Supply Replacement 25 Pa. Code Chapters 87 and 88 (# 7-545)	Quarter 4, 2018, EQB Consideration, as Proposed	This rulemaking includes revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies. (Surface Mining Conservation and Reclamation Act)	Sharon Hill (717) 787-6842 shill@pa.gov
Unconventional Well Permit Application Fees 25 Pa. Code Chapter 78a (# 7-542)	Quarter 3, 2018, Publication, as Proposed	This rulemaking proposes amendments to 25 Pa. Code §§ 78a.1 (relating to definitions and 78a.19 (relating to permit application fee schedule). These amendments are necessary to increase fees to support the administration of 58 Pa.C.S. Chapter 32 (related to development) (2012 Oil and Gas Act) by the DEP's Office of Oil and Gas Management. The proposed rulemaking increases the current well permit application fees from \$5,000 for nonvertical unconventional wells and \$4,200 for vertical unconventional wells, to \$12,500 for all unconventional well permit applications to administer the 2012 Oil and Gas Act. (2012 Oil and Gas Act)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Environmental Protection Performance Standards for Conventional Oil and Gas Operators 25 Pa. Code Chapter 78 (# 7-539)	Quarter 1, 2019, EQB Consideration, as Proposed	This rulemaking proposes to amend the Oil and Gas regulations applicable to conventional operators (Chapter 78) to update the environmental protection performance standards related to oil and gas activities. (2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Safe Drinking Water General Update and Fee Amendments 25 Pa. Code Chapter 109 (# 7-521)	Quarter 3, 2018, Publication, as Final	This rulemaking strengthens turbidity standards for surface water filtration plants, updates and clarifies permitting requirements for new sources, and clarifies source water protection requirements and other sections of Chapter 109. This rulemaking also establishes new annual fees and increases permit fees to supplement state costs for administering the Safe Drinking Water Program. (Pennsylvania Safe Drinking Water Act)	Ed Chescottie (717) 772-2184 echescatti@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Triennial Review of Water Quality Standards and Updates to Toxics Management Strategy—Statement of Policy 25 Pa. Code Chapters 93 and 16 (# 7-534)	Quarter 1, 2019, EQB Consideration, as Final	This rulemaking revises the Commonwealth's water quality criteria and standards in Chapter 93 and updates the Chapter 16 Statement of Policy to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. (40 CFR Section 131.20)	Tom Barron (717) 787-9637 tbarron@pa.gov
Water Quality Management Fee Amendments and NPDES Program Fee Amendments 25 Pa. Code Chapters 91 and 92a (# 7-533)	Quarter 3, 2018, EQB Consideration, as Proposed	This rulemaking proposes to amend fees related to water quality management permitting (Chapter 91) and proposes to amend the fee schedule for NPDES permit applications (Chapter 92a). Chapter 91 establishes, among other things, a water quality management (WQM) permitting program for the construction of sewage and industrial waste treatment facilities and for land application of sewage and industrial wastes. DEP began its Chapter 92a annual invoicing and fee collection program in December 2010. Chapter 92a updated the fee schedule for NPDES permit applications for persons to discharge pollutants from point sources into surface waters. In addition, Chapter 92a introduced an annual fee for certain facilities authorized to discharge pollutants by individual NPDES permits. A fee analysis that DEP presented to the EQB in 2014 highlighted that, despite the fee increase in 2010, revenue continues to fall short of expenses, impeding the work of Programs to carry out necessary tasks for protecting water resources in the Commonwealth. (Pennsylvania Clean Streams Law)	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov
Administration of the Storage Tank and Spill Prevention Program 25 Pa. Code Chapter 245 (# 7-530)	Quarter 3, 2018, EQB Consideration, as Final	This rulemaking amends Chapter 245 to strengthen the underground storage tank (UST) requirements by increasing the emphasis on properly operating and maintaining equipment. Currently, UST owners and operators are required to have spill prevention, overfill prevention, and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. The amendments included in this rulemaking are expected to result in improvements in the routine operation, maintenance and monitoring of underground storage tanks. This will help to further reduce the number of releases from underground storage tanks and, in turn, protect public health and the environment. Upon promulgation, the final-form regulation will be submitted to the EPA as part of the reapplication for State Program Approval (SPA). The final-form regulation is necessary for DEP to re-apply for SPA and to continue to receive Federal grant funds. (Storage Tank and Spill Prevention Act)	Kris Shiffer (717) 772-5809 kshiffer@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health 25 Pa. Code Chapters 215—221, 223—228, 230, 232 and 240 (# 7-499)	Quarter 3, 2018, IRRC Consideration	This rulemaking proposes to amend Chapters 215—240 to update Computed Tomography and Fluoroscopic regulations; to address new X-ray technology that is not addressed in current regulations; and to include comprehensive updates to the radon regulations to incorporate procedures and protocols that are not addressed in the current regulations. Additional items of clarification are 45-day reporting and application requirements, specifying the number of mitigation firm employees, and numerous changes and additions to the definitions section. (Radiation Protection Act and Radon Certification Act)	John Chipppo (717) 787-2480 jchipppo@pa.gov
Control of VOC Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; and Additional RACT Requirements for Major Sources of NO <sub>x</sub> and VOCs 25 Pa. Code Chapter 129 (# 7-492)	Quarter 3, 2018, Publication, as Final	This rulemaking amends Chapter 129 to adopt requirements to reduce the emissions of volatile organic compounds from industrial cleaning solvents not regulated elsewhere in Chapter 129 or Chapter 130 to meet the Clean Air Act requirements to implement “reasonably available control measures,” including implementation of “reasonably available control technology” (RACT) requirements, for ozone nonattainment areas. The emission limitations and work practice standards are consistent with the recommendations of the EPA included in the Control Techniques Guidelines for industrial cleaning solvents. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan (SIP). (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Air Quality Fee Schedule Amendments 25 Pa. Code Chapters 127 and 139 (# 7-536)	Quarter 4, 2018, EQB Consideration, as Proposed	This rulemaking proposes to revise existing requirements and fee schedules codified in Chapter 127, Subchapter I to ensure that fees collected are sufficient to cover the costs of administering the air program as required under Section 6.3(a) of the Air Pollution Control Act (35 P.S. § 4006.3(a)). Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the SIP or the Title V Program Approval, as appropriate. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of Emissions from the Oil and Natural Gas Industry 25 Pa. Code Chapter 129 (# 7-544)	Quarter 1, 2019, EQB Consideration, as Proposed	This rulemaking proposes to establish emission limitations and other requirements codified in 25 Pa. Code Chapter 129 consistent with reasonably available control technology (RACT). The proposed rulemaking would establish RACT requirements for volatile organic compounds and other pollutants from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Water Quality Standard for Manganese 25 Pa. Code Chapters 93 and 96 (# 7-553)	Quarter 2, 2019, EQB Consideration, as Proposed	This rulemaking will propose to address a provision included in Act 40 of 2017. (Administrative Code of 1929, Pennsylvania Clean Streams Law, Federal Clean Water Act)	Tom Barron (717) 787-9637 tbarron@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Water Quality Standards—Class A Stream Redesignations 25 Pa. Code Chapter 93 (# 7-548)	Quarter 3, 2018, EQB Consideration, as Proposed	The proposed regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC). In this rulemaking, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. DEP staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth to ensure that the HQ criteria were met. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)	Tom Barron (717) 787-9637 tbarron@pa.gov
Administration of the Land Recycling Program 25 Pa. Code Chapter 250 (# 7-552)	Quarter 1, 2019, EQB Consideration, as Proposed	The rulemaking proposes to amend 25 Pa. Code Chapter 250 to update the medium specific concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. The regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. Additional changes to the regulations may be needed to clarify regulatory language, update outdated information, and to make other corrections. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs. (Land Recycling and Environmental Remediation Standards Act)	Troy Conrad (717) 783-9480 tconrad@pa.gov
Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil 25 Pa. Code § 123.22 (# 7-546)	Quarter 4, 2018, EQB Consideration, as Proposed	This rulemaking proposes to amend 25 Pa. Code § 123.22 to reduce the maximum allowable sulfur content in No. 2 and lighter commercial fuel oil, sold for and used in combustion units, from the current limit of 500 parts per million (ppm) of sulfur to 15 ppm. The rulemaking would require No. 2 fuel oil offered for sale, delivered for use, exchanged in trade or used in Pennsylvania to meet the new sulfur limit. Emissions of sulfur dioxide contribute to the formation of regional haze, which degrades visibility in urban and rural areas and contributes to fine particulate matter. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
U.S. Nuclear Regulatory Commission (NRC) Consistency Rule 25 Pa. Code Chapters 215, 217, 230 and 232 (# 7-550)	Quarter 3, 2018, IRRC Consideration	This rulemaking amends Chapters 215, 217, 230 and 232 to exclude specific provisions of Title 10, Chapter 1 (relating to Nuclear Regulatory Commission) of the Code of Federal Regulations (CFR) from incorporation-by-reference in these chapters. The Commonwealth and the NRC entered into an agreement in 2008 in which the Commonwealth agreed to oversee and regulate most types of radioactive materials used in Pennsylvania. As part of that agreement, the Commonwealth's radioactive materials program must remain compatible with NRC's radioactive materials program. The Commonwealth meets this requirement by incorporating the appropriate NRC regulations by reference. The NRC recently identified provisions of 10 CFR that should be excluded from the Commonwealth's incorporation-by-reference. (Radiation Protection Act)	John Chipppo (717) 787-2480 jchippo@pa.gov
Electronic Submission of Air Quality General Plan Approval and General Operating Permit Applications 25 Pa. Code Chapter 127 (# 7-549)	Quarter 3, 2018, EQB Consideration, as Final-Omitted	This final-omitted rulemaking amends 25 Pa. Code § 127.621(b) (relating to application for use of general plan approvals and general operating permits) to add the option of electronic means as authorized by the Department for delivery of applications for air quality general plan approvals (GPA) and general operating permits (GP). (Clean Air Act, Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Additional Requirements for Control of Fine Particulate Matter in the Nonattainment New Source Review Program 25 Pa. Code Chapters 121 and 127 (# 7-551)	Quarter 4, 2018, EQB Consideration, as Proposed	This proposed rulemaking would amend Chapter 127, Subchapter E to incorporate Federal requirements issued by the EPA on August 26, 2016, for the regulation of precursor emissions to the formation of particulate matter less than and equal to 2.5 micrometers in diameter (PM <sub>2.5</sub> ). The EPA's final rule requires states with nonattainment areas for PM <sub>2.5</sub> to amend their new source review (NSR) regulations to include emissions of volatile organic compounds (VOC) and ammonia as PM <sub>2.5</sub> precursors. See 81 FR 58010. The proposed amendments would limit the emissions of VOC and ammonia as PM <sub>2.5</sub> precursors for new major sources or major sources being modified in certain counties of this Commonwealth that are designated as nonattainment for the PM <sub>2.5</sub> National Ambient Air Quality Standard. This proposed rulemaking would also add PM <sub>2.5</sub> significant impact levels (SIL) to conform with the EPA guidance for SILs published on April 17, 2018. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOCs from Gasoline Dispensing Facilities (Stage II) 25 Pa. Code § 129.82 (# 7-525)	Quarter 4, 2018, EQB Consideration, as Proposed	This rulemaking proposes to remove the requirement to install new Stage II vapor recovery systems and establish procedures for the decommissioning of existing Stage II vapor recovery systems. Stage II systems that are not decommissioned will be required to still comply with existing Stage II regulatory maintenance requirements. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
<b><i>Department of General Services (DGS)</i></b>			
Contract Compliance— Prequalification of Vendors and Nonconstruction Contractors 4 Pa. Code Chapter 68, Subchapter A (# 8-24)	Winter 2018, as Proposed	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Mary Fox (717) 787-6789 Ed Olivieri (717) 783-3280
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47 (# 8-26)	Winter 2018, as Proposed	These regulations should be rescinded since they are outdated and have been superseded by new Commonwealth procedures as well as the Commonwealth Procurement Code.	Ken Hess (717) 787-4352 Mary Fox (717) 787-6789 Pamela Cross (717) 214-7739
State Metrology Laboratory Fee Schedule 70 Pa. Code Chapter 110 (# 8-27)	Winter 2018, as Proposed	These regulations will increase the fees charged by the State Metrology Laboratory and update the description fields to accurately reflect the Metrology Lab's measurement parameters and ranges.	Ken Hess (717) 787-4352 Mary Fox (717) 787-6789
Commonwealth Buildings 4 Pa. Code Chapters 85, 86 and 87 (# 8-28)	Winter 2018, as Proposed	These regulations (Chapters 85 and 87) and statement of policy (Chapter 86) will be amended to update the procedures for the public to request use of the public areas of the Capitol Complex and the Forum auditorium.	Matthew Bembenick (717) 787-5996 Shawn E. Smith (717) 787-5599 Mary Fox (717) 787-6789 Joseph Gavazzi (717) 346-9781
<b><i>Department of Health (DOH)</i></b>			
Health Facilities and Hospitals 28 Pa. Code Chapters 51 and 101—158	February 2019, as Proposed	The Secretary of Health created a task force of hospital industry representatives to review the current hospital regulations and provide recommendations to improve the quality of care in hospitals across the state. The hospital regulations will be updated to reflect those recommendations.	Tanya Leshko (717) 783-2500 Nancy Lescavage (717) 233-4252 Ann Chronister (717) 787-8015
Long Term Care Facilities 28 Pa. Code Chapters 201—211	February 2019, as Proposed	Pennsylvania's long-term care facility licensure regulations were last updated in 1999. Since that time, the clinical complexity of nursing home residents has changed substantially. The Nursing Home Quality Improvement Task Force was commissioned by the Secretary of Health to make recommendations for revisions to the regulations. The long-term care facility regulations will be updated to reflect those recommendations.	Karin Simpson (717) 783-2500 Nancy Lescavage (717) 233-4252 Ann Chronister (717) 787-8015

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Marijuana Research 28 Pa. Code Chapter 1210	August 2018, as Temporary Regulations	Act 43 of 2018 was enacted on June 22, 2018, amending Chapter 20 of the Medical Marijuana Act, pertaining to Academic Clinical Research Centers and directing the Department to publish temporary regulations within 90 days.	Carol Mowery (717) 783-2500 John Collins (717) 547-3047 Lawrence Clark (717) 547-3058
Communicable and Noncommunicable Diseases, specific to HIV CD4 Counts and Viral Load Results 28 Pa. Code Chapter 27	November 2018, as Proposed	Revise the details of the reportable disease regulations (Chapter 27) to include reporting of all HIV CD4 counts and viral load results by providers and laboratories to provide improved surveillance, detection and treatment of HIV disease and is in line with national standards.	Yvette Kostelac (717) 783-2500 Raphael Barishansky (717) 772-5025 Godwin Obiri (717) 547-3499
Communicable and Noncommunicable Diseases 28 Pa. Code Chapter 27	February 2019, as Proposed	Revise the listing and details associated with the reportable disease regulations (Chapter 27) to include additional and emerging diseases, new laboratory tests, and changes to exclusion policies for individuals with evidence of disease. Changes will allow for alignment with national standards and improve disease surveillance, investigation and response efforts.	Neil Hittinger (717) 783-2500 Raphael Barishansky (717) 772-5025 Sharon Watkins (717) 547-3517
Communicable and Noncommunicable Diseases 28 Pa. Code Chapter 27	February 2019, as Proposed	Revise the details of the reportable disease regulations (Chapter 27) to include reporting of Neonatal Abstinence Syndrome and overdoses.	Neil Hittinger (717) 783-2500 Raphael Barishansky (717) 772-5025 Sharon Watkins (717) 547-3517
<b><i>Department of Human Services (DHS)</i></b>			
Outpatient Psychiatric Services and Psychiatric Outpatient Clinics 55 Pa. Code Chapters 1153 and 5200 (# 14-538)	October 2018, as Final	These amendments will update the current regulations to align outpatient psychiatric services with current industry standards and parity requirements and will include provisions for mobile mental health treatment.	Caitlin Palmer (717) 772-4141
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5231	December 2018, as Proposed	This regulation will amend psychiatric rehabilitation services for individuals 14 years of age and older with serious mental health conditions to support the transition to adulthood, implement an initiative to improve coordination between the child and adult mental health care systems, and amend outdated language throughout.	Caitlin Palmer (717) 772-4141
Intensive Behavioral Health Services 55 Pa. Code Chapters 1155 and 5270 (# 14-546)	August 2018, as Proposed	This regulation will govern the provision of the array of in-home and community-based behavioral health rehabilitation services for children, including services for children with autism spectrum disorder.	Caitlin Palmer (717) 772-4141
Subsidized Child Care Eligibility 55 Pa. Code Chapters 3041 and 3042	October 2018, as Proposed	This regulation will rescind Chapter 3041 and replace it with Chapter 3042 to add requirements imposed by the 2014 Reauthorization of the Child Care Development Block Grant and amend other requirements regarding redetermination, continuation of subsidy during job loss, reporting and verification, financial eligibility, and prioritized groups.	Caitlin Palmer (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Day Care Centers, Group Child Care Day Care Homes, Family Child Day Care Homes 55 Pa. Code Chapters 3270, 3280 and 3290 (# 14-542)	October 2018, as Proposed	This regulation will add new requirements imposed by the 2014 Reauthorization of the Child Care Development Block Grant and other requirements, including employment, background checks, training, water safety training, and equipment.	Caitlin Palmer (717) 772-4141
Home and Community-Based Supports and Licensing 55 Pa. Code Chapters 51, 2380, 2390, 6100, 6200, 6400 and 6500 (# 14-540)	November 2018, as Final	This regulation will rescind Chapter 51 and replace it with a new Chapter 6100, which will govern the program, operational and fiscal components of the Office of Developmental Programs' home and community-based waiver programs, State plan services, block grant and base-funded programs and will amend licensing requirements in chapters 2380, 2390, 6200, 6400 and 6500.	Caitlin Palmer (717) 772-4141
Definitions and Requirements 55 Pa. Code Chapters 123 and 133	September 2018, as Proposed	This regulation will allow applicants for and recipients of Temporary Assistance to Needy Families (TANF) to fulfill requirements without a face-to-face interview.	Caitlin Palmer (717) 772-4141
Miscellaneous Changes for Nonpublic and County Nursing Facilities 55 Pa. Code Chapters 1187 and 1189	December 2018, as Proposed	This regulation will amend Chapters 1187 and 1189: to establish the requirement for nursing facilities to subscribe to and monitor the Department's automated notification system; to align with the implementation of Pennsylvania's new managed care program, Community HealthChoices (CHC) and the Commonwealth's currently approved Medicaid State Plan; and to align Chapter 1187, Subchapter B with the new adult benefit package for individuals 21 years of age and older as announced in Medical Assistance Bulletin 99-15-05.	Caitlin Palmer (717) 772-4141
Medical Assistance Manual 55 Pa. Code Chapter 1101.51	September 2018, as Proposed	This regulation will be amended to rescind the outdated "shared space" language at § 1101.51(b)(3) to allow for a more integrated approach to the provision of health care by multi-disciplinary and co-location arrangements.	Caitlin Palmer (717) 772-4141
Medical Marijuana in Facilities 55 Pa. Code Chapters 3270, 3280, 3290, 3800, 5310, 6400 and 6600	November 2018, as Proposed	This regulation will amend Chapters 3270, 3280, 3290, 3800, 5310, 6400 and 6600 as directed by Section 2105 of Act 16 regarding possession and use of medical marijuana in child care centers or other social services centers.	Caitlin Palmer (717) 772-4141
<b><i>Pennsylvania Insurance Department (PID)</i></b>			
Medicare Supplement (NAIC Model Regulation update) (# 11-256)	Fall 2018, as Final	Amendments to Chapter 89 based upon NAIC Model amendments.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Privacy and Opt Out Notices for Financial Information (NAIC Model Regulation update) (# 11-257)	Summer 2018, as Proposed	Amendments to Chapter 146a in accordance with NAIC model regulation # 672 regarding requirements for annual privacy policy notices.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Health Insurance Reserves (NAIC Model Regulation)	Spring 2019, as Proposed	Amendments to Chapter 84a based upon NAIC Model amendments regarding actuarial reserving requirements.	Bridget E. Burke Regulatory Coordinator (717) 787-2567

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Producer Licensing Modernization Regulatory Updates	Spring 2019, as Proposed	Repeal of outdated regulations and replacement with a new chapter implementing sections 601-A—699.1-A of the Act (40 P.S. §§ 310.1—310.99a), which will set forth requirements and standards for the operation of a single licensing system for insurance producers in this Commonwealth.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
<b><i>Department of Labor and Industry (L&amp;I)</i></b>			
Boiler and Unfired Pressure Vessel Regulations Title 34, Part I, Chapter 3a Bureau of Occupational and Industrial Safety	Spring 2019, as Proposed	Update regulations based on Act 104 of 2013 and adopt certification standards for third party inspection agencies.	Matthew Kegg (717) 783-6304
Flammable and Combustible Liquids Title 34, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Winter 2018, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Matthew Kegg (717) 783-6304
Unemployment Compensation Title 34, Chapter 101 Board of Review	Winter 2018, as Proposed	Update regulation to reflect statutory and operational changes.	Marsha Sajer (717) 787-4186
Services for the Blind and Visually Impaired Currently Title 55, Part IV, Adult Services Manual, Subpart D, Nonresidential Agencies, Facilities and Services, Chapter 2430, Business Enterprises Program, to be moved to Title 34	Winter 2019, as Proposed	Deletion of current regulations and creation of new regulations for the Business Enterprise Program to reflect operational changes, based on the transfer of the program from the Department of Welfare to L&I, Act 15 of 1999.	Joe Strechay (717) 787-7312
Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board, Title 34, Part VII, Chapter 111, Workers' Compensation Appeal Board (# 12-105)	Summer 2018, as Proposed	Modernize regulations to reflect judicial best practices in scheduling of oral argument after the parties file briefs and where the appellate issues so warrant.	Steven Loux (717) 783-7838
Minimum Wage Title 34, Part 12, Chapter 231 Bureau of Labor Law Compliance (# 12-106)	Fall 2018, as Proposed	Revise regulations to update the executive, administrative and professional exemptions from the Minimum Wage Act of 1968.	Bryan Smolock (717) 787-0606
Uniform Construction Code Regulations Title 34, Part I, Chapters 401 and 403 Bureau of Occupational and Industrial Safety (# 12-107)	Fall 2018, as Proposed	Update regulations based on the adoption of the 2015 ICC codes by the UCC Review and Advisory Council.	Matthew Kegg (717) 783-6304
Sign Language Interpreter and Transliterator State Registration Act, Act 57 of 2004	January 2019, as Proposed	Update the regulations to ensure the protection of deaf consumers' rights and to increase the number of qualified interpreters in PA.	Melissa Hawkins (717) 783-4912

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Uniform Construction Code Regulations Title 34, Part I, Chapters 401, 403 and 405 Bureau of Occupational and Industrial Safety	Winter 2018, as Proposed	Update regulations adopting the 2018 ICC accessibility provisions, as required by the PA Construction Code Act.	Matthew Kegg (717) 787-6304
Apprenticeship EEO Regulations Title 34, Chapter 81 Equal Opportunity in Apprenticeship Programs	Winter 2018, as Proposed	Update the PA apprenticeship regulations to align with new Federal EEO regulations.	Eric Ramsay (717) 787-6997
<b><i>Department of Military and Veterans Affairs (DMVA)</i></b>			
Veterans' Homes Regulations 43 Pa. Code Chapter 7	Fall/Winter 2018, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Elizabeth Pettis (717) 861-8503
<b><i>Municipal Police Officers' Education and Training Commission (MPOETC)</i></b>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203 (# 17-80)	Fall 2018, as Proposed	Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The amendments that will be proposed are the product of an extensive review project that included key stakeholders of the regulated community.	Sergeant Patrick Beaver (717) 705-1749
<b><i>Pennsylvania Commission on Crime and Delinquency (PCCD)</i></b>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	Spring 2019, as Proposed	The Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to Deputy Sheriffs' Education and Training Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P.L. 1006, No. 114).	Derin Myers (717) 265-8466 Debra Sandifer (717) 265-8517
Preliminary Provisions and Administrative Proceedings of the Commission on Crime and Delinquency 37 Pa. Code Chapters 401 and 407	Spring 2019, as Proposed	The Commission on Crime and Delinquency plans to amend the regulations at 37 Pa. Code Chapter 401 (relating to Preliminary Provisions) and 407 (relating to Administrative Proceedings) pursuant to Section 3(12) of the Act of Nov. 22, 1978 (P.L. 1166, No. 274).	Derin Myers (717) 265-8466 Debra Sandifer (717) 265-8517

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b><i>Pennsylvania Emergency Management Agency (PEMA)</i></b>			
Act 187 of 2014	Fall 2018, as Proposed	Act 187 of 2014 established the Public Disaster Assistance Grant Program within the Pennsylvania Emergency Management Agency provide grants to political subdivisions and municipal authorities for assistance with repair of disaster-related damage in a disaster emergency area when the damages to public facilities are beyond the financial capabilities of the political subdivision or authority. The Pennsylvania Emergency Management Agency is directed to Promulgate any regulations necessary to implement and administer the program which include: (i) Development of additional procedures or requirements for the submission of grant applications; (ii) Development of procedures to verify adjusted loss; (iii) Development of criteria for the determination of the amount of assistance to be given to a political subdivision or municipal authority; and (iv) Development of a methodology to prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.	Stephen Bekanich (717) 651-2146 Westburn Majors (717) 651-2728
<b><i>Pennsylvania Infrastructure Investment Authority (PENNVEST)</i></b>			
Pennsylvania Infrastructure Investment Authority (PENNVEST) Assistance and Clean Water State Revolving Fund 25 Pa. Code §§ 963.1—963.20, including inter alia: 963.12(a)(7) 963.13(c) 963.15(a) 963(15)(c) 963(16) 963.18(c) (# 101-08; # 101-09)	Spring 2019, as Proposed	Revisions under consideration include, inter alia: Amendments to 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P.L. 51, No. 16, enacted June 19, 2013, the Federal Water Resources Reform and Development Act of 2014, and guidance revisions implemented by the Department of Environmental Protection, to reflect updates to business practices, and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following: (1) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor. (2) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>(3) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(4) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(5) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the date of the approval of the loan.</p> <p>(6) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST.</p> <p>(7) Delete 25 Pa. Code § 963.18(c)(2)(iii) to eliminate the requirement for prior written approval of change orders that exceed \$25,000 or 2 percent of the amount of the project’s construction cost, or an aggregate of all change orders that exceed 10 percent of the project’s construction cost.</p>	
<b><i>Pennsylvania State Police (PSP)</i></b>			
Training and Minimum Standards Under the Wiretapping and Electronic Surveillance Control Act 37 Pa. Code Chapter 51	Winter 2018, as Proposed	Title 18 Pa.C.S. § 5724 requires the Commissioner of the Pennsylvania State Police (PSP) and the Attorney General to establish a training course for certification related to conducting wiretapping and electronic surveillance. Revisions to Chapter 51 as it relates to officer certification/re-certification and authorization to engage in the conduct of communications interception will be proposed to adjust the training to current technology and operational needs.	Sergeant Patrick Beaver (717) 705-1749
<b><i>Department of Revenue (DOR)</i></b>			
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	December 2018, as Proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	John Brenner (717) 705-3906
Amendments to Chapter 113, Withholding of Tax (PIT) 61 Pa. Code § 113.4 (# 15-459)	September 2018, as Final	Amendments to Chapter 113 are proposed to reduce the threshold from “250” to “10 or more” for employers’ electronic submission of the Annual Withholding Reconciliation Statements. Additionally, outdated language is being removed from the regulation.	John Brenner (717) 705-3906
Amendments to Realty Transfer Tax (RTT) Regulations 61 Pa. Code Chapter 91	December 2018, as Proposed	Amendments to the RTT regulations are being proposed to improve the clarity and effectiveness of the regulations. Additionally, the proposed amendments will be consistent with Department policy and the language in the RTT statute.	John Brenner (717) 705-3906

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
iLottery Games 61 Pa. Code Chapter 876 (# 15-460)	March 2019, as Proposed	Act 42 of 2017 authorized the Department to promulgate “temporary” regulations for iLottery games, effective for two years upon publication in the <i>Pennsylvania Bulletin</i> . The temporary regulations for iLottery Games were published at 48 Pa.B. 1829 (March 31, 2018) and codified in the June 2018 Supplement to the <i>Pennsylvania Code</i> . The temporary regulations expire on March 31, 2020. The Department will promulgate permanent regulations.	Casey Fenstermaker (717) 346-1860
<b><i>Department of State (DOS)</i></b>			
<b><i>State Architects Licensure Board</i></b>			
Electronic Seals and Signing 49 Pa. Code Chapter 9 (# 16A-4111)	Spring 2019, as Proposed	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Registration Board for Professional Engineers, Land Surveyors and Geologists and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Amanda Li (717) 783-3397
<b><i>State Board of Chiropractic</i></b>			
Chiropractic Specialties 49 Pa. Code Chapter 5 (# 16A-4312)	Spring 2019, as Final	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The rulemaking would prohibit a chiropractor from advertising that the chiropractor holds certification or otherwise is a specialist in a chiropractic specialty unless the chiropractor holds certification or diplomate status from a specialty board recognized by the American Board of Chiropractic Specialties, and other organizations approved by the Board. This proposal protects consumers of chiropractic services who can be misled by advertising of “certifications” that do not truly reflect advanced knowledge, training or skill.	Elizabeth Wecker (717) 783-7155
Government Employee Liability Coverage 49 Pa. Code §§ 5.17(f) and 5.41 (# 16A-4325)	Fall 2018, as Proposed	The Chiropractic Practice Act requires chiropractors to maintain professional liability insurance, including self-insurance. This regulation would permit a licensee who practices exclusively on behalf of the government to meet this requirement by reliance upon the coverage provided under the Federal Tort Claims Act or the Sovereign Immunity Act as administered by the Commonwealth’s Employee Liability Self-insurance Program.	Elizabeth Wecker (717) 783-7155



<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b>Commissioner of Professional and Occupational Affairs</b>			
Expungement 49 Pa. Code Chapter 43b, §§ 43b.101—43b.103 and 43b.201 (# 16A-060)	Fall 2018, as Proposed	The proposed rulemaking would implement the expungement provisions in the act of February 15, 2018 (P.L. 14, No. 6), which authorizes the Commissioner of Professional and Occupational Affairs to expunge certain disciplinary actions upon application, and to require the applicant to pay a fee to cover all costs associated with the expungement as established by the Commissioner by regulation.	Cynthia Montgomery (717) 783-7200
<b>Bureau of Commissions, Elections and Legislation</b>			
Notaries Public 4 Pa. Code, Part VIII, Subpart C (# 16-59)	Fall 2018, as Proposed	The proposed rulemaking would implement the act of October 9, 2013 (P.L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA).	Martha Brown (717) 787-6802
<b>State Board of Crane Operators</b>			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (# 16A-7103)	Fall 2018, as Proposed	The proposed regulation would create a schedule of civil penalties for violations of the Crane Operator Licensure Act and regulations of the State Board of Crane Operators.	Amanda Li (717) 783-1404
<b>State Board of Dentistry</b>			
Anesthesia Update 49 Pa. Code Subchapter E, §§ 33.331—33.342 (# 16A-4621)	Fall 2018, as Proposed	This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices to conform to and adopt the current standards used by the dental profession.	Lisa Burns (717) 783-7162
Child Abuse Reporting Requirements 49 Pa. Code § 33.250 (# 16A-4626)	Spring 2019, as Final	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Dentistry obtain required training in child abuse recognition and reporting.	Lisa Burns (717) 783-7162
General Revisions 49 Pa. Code Chapter 33 (# 16A-4628)	Fall 2018, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education. It would also implement two new licensure categories: restricted faculty licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4632) and temporary volunteer dental licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4631).	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b><i>State Registration Board for Professional Engineers, Land Surveyors and Geologists</i></b>			
Electronic Seals and Signatures 49 Pa. Code Chapter 37 (# 16A-4712)	Fall 2018, as Proposed	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Architects Licensure Board and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Jeannie Bronshtein (717) 783-7049
<b><i>State Board of Landscape Architects</i></b>			
Electronic Seals and Signatures 49 Pa. Code Chapter 15 (# 16A-6112)	Fall 2018, as Proposed	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Architects Licensure Board and the State Registration Board for Professional Engineers, Land Surveyors and Geologists to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Terrie Kocher (717) 772-8528
<b><i>State Board of Massage Therapy</i></b>			
Fees 49 Pa. Code § 20.3 (# 16A-724)	Spring 2019, as Final	Under section 11 of the Massage Therapy Act (63 P.S. § 627.11) the State Board of Massage Therapy is required to support its operations by the revenue it generates from fees, fines and civil penalties. In addition, it provides that the Board shall increase fees if revenue is not sufficient to meet projected expenditures. Under the current fee structure, the Board cannot produce enough revenue to meet projected expenditures. This proposal would increase biennial renewal fees for massage therapists, application fees, and fees for temporary practice permits.	Carol Niner (717) 783-7155
<b><i>State Board of Medicine</i></b>			
Practitioners of Oriental Medicine 49 Pa. Code Chapter 16 (# 16A-4956)	Fall 2018, as Proposed	This proposed rulemaking would revise the regulations relating to Practitioners of Oriental Medicine, to reflect the application of herbal therapy for acupuncturists. The rulemaking is in accordance to the Governor's recommendation for occupational licensure reform.	Suzanne Zerbe (717) 787-7768
<b><i>State Board of Nursing</i></b>			
Fees 49 Pa. Code Chapter 21 (# 16A-5142)	Fall 2018, as Proposed	This proposed regulation revises initial and biennial renewal fees for applicants and licensees and revises and sets additional fees for nursing education programs.	Cindy Miller (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b><i>State Board of Examiners of Nursing Home Administrators</i></b>			
Continuing Education Requirements 49 Pa. Code § 39.11 (# 16A-6219)	Fall 2018, as Proposed	The proposed regulation amends the biennial continuing education requirement to conform with the Governor's recommendations for licensure reform that were generated by Executive Order 2017-3. The biennial requirement of 48 credit hours will be reduced to 24. Additionally, the rulemaking provides for showing of continued competence where a licensee has been inactive for a period of time.	Chris Stuckey (717) 783-4856
<b><i>State Board of Optometry</i></b>			
General Revisions 49 Pa. Code Chapter 23 (# 16A-5213)	Fall 2018, as Proposed	Section 3(b)(14) of the Optometric Practice and Licensure Act (act) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Section 5(b) of the act provides the minimal requirements for continuing education of 30 hours in a biennial period for licensed optometrists. The Board is proposing amendments to its existing regulations to ensure that clear guidance is given to licensees in prescribing contact lenses, reporting continuing education and the standards for accepting commercial support from the providers of continuing education.	Elizabeth Wecker (717) 783-7155
<b><i>State Board of Osteopathic Medicine</i></b>			
Prescribing 49 Pa. Code § 25.218 (# 16A-5330)	Fall 2018, as Proposed	The State Board of Osteopathic Medicine proposes this rulemaking to set forth the minimum acceptable standards of practice that an osteopathic physician or physician assistant licensed by the Board must follow when prescribing, administering or dispensing drugs, including the requirements of the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35, relating to prescribing opioids to minors, and the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives.	Aaron Hollinger (717) 783-4858
<b><i>State Board of Pharmacy</i></b>			
Compounding Practices 49 Pa. Code Chapter 27 (# 16A-5419)	Spring 2019, as Final	Through careful review and with input from stakeholders, the State Board of Pharmacy proposes to update its regulations to incorporate developments and improvements in the profession's safe, sterile practices and procedures for the compounding of pharmaceutical products for patients.	Melanie Zimmerman (717) 783-7156
Naloxone Exceptions 49 Pa. Code §§ 27.18 and 27.19 (16A-5431)	Fall 2018, as Final-Omitted	This final-omitted regulation eliminates two regulatory impediments to allow pharmacists to partner with prisons and treatment programs to make Naloxone available to at-risk individuals upon discharge from these facilities.	Melanie Zimmerman (717) 783-7156

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b><i>State Board of Physical Therapy</i></b>			
Fees 49 Pa. Code § 40.5 (# 16A-6521)	Spring 2019, as Proposed	This proposed rulemaking would amend the Board's regulations so that application fees would be set to recover the cost of processing the application and biennial renewal fees would be reduced, yet would still cover the balance of the Board's cost of operations each biennium.	Michelle Roberts (717) 783-7134
<b><i>State Board of Podiatry</i></b>			
Continuing Education 49 Pa. Code § 29.61 (# 16A-4417)	Fall 2018, as Proposed	This proposed rulemaking would reduce the biennial requirement for continuing education, in accordance with the Governor's recommendations for licensure reform; additionally, the rulemaking would provide for the use of distance learning to satisfy the continuing education requirement and provide for exemptions.	Aaron Hollinger (717) 783-4858
<b><i>State Board of Psychology</i></b>			
Continuing Education 49 Pa. Code § 41.59 (# 16A-6317)	Spring 2019, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over.	Chris Stuckey (717) 783-7155
Code of Ethics 49 Pa. Code § 41.61 (# 16A-6324)	Spring 2019, as Proposed	This proposed rulemaking will update the Board's Code of Conduct to adopt the American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct and various enumerated APA practice guidelines.	Chris Stuckey (717) 783-7155
<b><i>State Board of Certified Real Estate Appraisers</i></b>			
General Revisions for Certified Real Estate Appraisers 49 Pa. Code Chapter 36 (# 16A-7022)	Spring 2019, as Final	This proposed rulemaking updates the Board's regulations to reflect mandated Federal changes made by the Appraisal Qualifications Board of the Appraisal Foundation, which is charged with establishing education and experience requirements for real estate appraisers under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA).	Heidy Weirich (717) 783-4866
Certified Pennsylvania Evaluators 49 Pa. Code Chapter 36 (# 16A-7018)	Fall 2018, as Proposed	The proposed rulemaking would amend the Board's regulations to update provisions relating to signatures and recordkeeping and would reduce the biennial requirement for continuing education for Certified Pennsylvania Evaluators to 20 hours, in accordance with the Governor's recommendations for occupational licensure reform and based upon Executive Order (EO-2017-3) Report on Occupational Licensure.	Heidy Weirich (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<b><i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i></b>			
Licensed Bachelor Social Worker 49 Pa. Code Chapter 47 (# 16A-6922)	Spring 2019, as Final	The proposed rulemaking would amend the Board's regulations to implement the act of October 22, 2014 (P.L. 2884, No. 179) (Act 179) which provides for the establishment of a bachelor level social worker's license. The proposal establishes fees, licensure requirements, continuing education requirements and standards of practice for licensed bachelor social workers.	Sandra Matter (717) 783-1389
General Revisions 49 Pa. Code Chapters 47, 48 and 49 (# 16A-6923)	Fall 2018, as Proposed	Beginning in 2012, and culminating with this proposed rulemaking, the Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means, and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology and to modernize the Board's processes relating to licensure.	Sandra Matter (717) 783-1389
<b><i>State Board of Veterinary Medicine</i></b>			
Licensure of Euthanasia Technicians 49 Pa. Code Chapter 31 (# 16A-5726)	Fall 2018, as Proposed	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal welfare organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals.	Michelle Roberts (717) 783-7134
Certified Veterinary Technicians; Veterinary Assistants 49 Pa. Code § 31.39 (# 16A-5727)	Fall 2018, as Proposed	The proposed rulemaking would implement the Governor's recommendation generated from Executive Order 2017-3, and update regulations relating to unlicensed veterinary assistants and certified veterinary technicians. The purpose of this rulemaking is to remove unnecessary burdens to credentialing otherwise qualified applicants.	Michelle Roberts (717) 783-7134
<b><i>Department of Transportation (DOT)</i></b>			
Registration Class Stickers 67 Pa. Code Chapter 55	Summer 2018, as Proposed	This rulemaking will delete Chapter 55 and eliminate the issuance of weight class stickers. The elimination of these stickers will result in cost savings to the Department and the regulated community.	Anita Wasko (717) 787-2171 Jeffrey Spotts (717) 787-5299
School Bus Drivers—Physical and Mental Criteria 67 Pa. Code Chapter 71	Fall 2018, as Proposed	This rulemaking will update the medical standards for school bus drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Drivers—Physical and Mental Criteria 67 Pa. Code Chapter 83	Fall 2018, as Proposed	This rulemaking will update the medical standards for drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Photographic Driver's License 67 Pa. Code Chapter 73	Fall 2018, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a driver's license.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Identification Cards 67 Pa. Code Chapter 91	Fall 2018, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a Department issued identification card.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Vehicle Equipment and Inspection 67 Pa. Code Chapter 175	Fall 2018, as Final	This rulemaking updates vehicle equipment and inspection standards to better reflect current technologies, consistent with recommendations made by the Department's Inspection Advisory Board.	Anita Wasko (717) 787-2171 Jeffrey Spotts (717) 787-5299
Oversize and Overweight Loads and Vehicles 67 Pa. Code Chapter 179	Summer 2018, as Proposed	This rulemaking accommodates the planned implementation of the Automated Permit Routing/Analysis System (APRAS), updates outdated language and ensures references in this chapter are consistent with amendments to 75 Pa.C.S. §§ 4901—4983.	Glenn Rowe, P.E. (717) 783-6479 Jeffrey Spotts (717) 787-5299
Hauling in Excess of Posted Weight Limit 67 Pa. Code Chapter 189	Fall 2018, as Proposed	This rulemaking will update regulations to be consistent with amendments to the Vehicle Code under Act 89 of 2013.	Halley Cole, P.E. (717) 783-6146 Jeffrey Spotts (717) 787-5299
Intrastate Motor Carrier Safety 67 Pa. Code Chapter 231	Summer 2018, as Proposed	This rulemaking is necessary to waive hours of service and other requirements for mass transportation organizations and their drivers, while establishing new requirements consistent with the public interest.	Danielle Spila (717) 787-1208 Jeffrey Spotts (717) 787-5299
Hazardous Material Transportation 67 Pa. Code Chapter 403	Summer 2018, as Final	This rulemaking will remove outdated or superfluous language in the Department's Hazardous Materials regulations and ensure consistency with Federal regulations.	Glenn Rowe, P.E. (717) 783-6479 Jeffrey Spotts (717) 787-5299
Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code Chapter 441	Summer 2018, as Final	The Department will be promulgating a regulation to clarify the application process for highway occupancy permits, including the primary purpose as redefining an owner to reflect all legally cognizable ownership interests.	Richard Roman, P.E. (717) 787-6899 Jeffrey Spotts (717) 787-5299
Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code Chapter 441	Fall 2018, as Proposed	The Department will be promulgating a regulation to rewrite the entire Chapter 441 to include comments received during the promulgation of the Chapter 441 regulation redefining the term "owner."	Richard Roman, P.E. (717) 787-6899 Jeffrey Spotts (717) 787-5299

[Pa.B. Doc. No. 18-1212. Filed for public inspection August 3, 2018, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, July 19, 2018, and announced the following:

#### Action Taken—Regulation Approved:

Department of Community and Economic Development # 4-97: Local Earned Income Tax (adds 12 Pa. Code Chapter 151)

Insurance Department # 11-256: Medicare Supplement Insurance Minimum Standards (amends 31 Pa. Code Chapter 89)

### Approval Order

Public Meeting Held  
July 19, 2018

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Department of Community and Economic Development  
Local Earned Income Tax  
Regulation No. 4-97 (# 3156)*

On July 20, 2016, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Community and Economic Development (Department). This rulemaking adds 12 Pa. Code Chapter 151. The proposed regulation was pub-

lished in the July 30, 2016 *Pennsylvania Bulletin* with a public comment period ending on August 29, 2016. The final-form regulation was submitted to the Commission on June 1, 2018.

This regulation adds Chapter 151 which addresses local earned income tax general provisions, withholding, tax officer, mediation, procurement and tax collection committees.

We have determined this regulation is consistent with the statutory authority of the Department (53 P.S. §§ 6924.502(c)(2)(iv), 505(k)(1) and (m)(3)(iii) and 508) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting Held  
July 19, 2018

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Insurance Department  
Medicare Supplement Insurance Minimum Standards  
Regulation No. 11-256 (# 3189)*

On January 9, 2018, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code Chapter 89. The proposed regulation was published in the January 20, 2018 *Pennsylvania Bulletin* with a public comment period ending February 20, 2018. The final-form regulation was submitted to the Commission on June 15, 2018.

This regulation updates the requirements for Medigap plans and establishes an open enrollment period for certain individuals retroactively enrolled in Medicare Part B.

We have determined this regulation is consistent with the statutory authority of the Department (71 P.S. §§ 186 and 412) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 18-1213. Filed for public inspection August 3, 2018, 9:00 a.m.]

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## 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. 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 20, 2018. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

**A-2018-3003062. Om Jai Parvati, LLC, t/a PA Care Transportation** (124 West Oxford Street, Philadelphia, Philadelphia County, PA 19122) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from Penn Gardens Adult Day Services in Lansdale, Montgomery County to points in Pennsylvania, and return; and routine and nonroutine nonemergency medical appointments, between points in the Counties of Bucks, Lehigh, Montgomery, Northampton and Philadelphia.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-1214. Filed for public inspection August 3, 2018, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due August 20, 2018, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

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### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Sunni Buses, LLC; Docket No. C-2018-3002228

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Sunni Buses, LLC, (respondent) is under suspension effective May 16, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 33 Mill Creek Road, Suite 101, East Stroudsburg, PA 18301.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 31, 2017, at A-6419826.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6419826 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/29/2018

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this num-



ber if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Kathleen Francis  
Parker, t/a Parker K. Tour and Travel;  
Docket No. C-2018-3002733**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Kathleen Francis Parker, t/a Parker K. Tour and Travel, (respondent) is under suspension effective June 04, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 235 East Thirteenth Street, Berwick, PA 18603.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 09, 1984, at A-00105173.

4. That respondent has failed to maintain evidence of Bond insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00105173 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state

that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/19/2018

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-1215. Filed for public inspection August 3, 2018, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2018-3003593. Citizens Telecommunications Company of New York, Inc., Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Oswayo River, LLC, Frontier Communications of Pennsylvania, LLC and Onvoy, LLC.** Joint petition of Citizens Telecommunications Company of New York, Inc., Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Oswayo River, LLC, Frontier Communications of Pennsylvania, LLC and Onvoy, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Citizens Telecommunications Company of New York, Inc., Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Oswayo River, LLC, Frontier Communications of Pennsylvania, LLC and Onvoy, LLC, by their counsel, filed on July 24, 2018, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Citizens Telecommunications Company of

New York, Inc., Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Oswayo River, LLC, Frontier Communications of Pennsylvania, LLC and Onvoy, LLC joint petition 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 Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Robert Marinko, Office of Special Assistants, (717) 783-3930.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-1216. Filed for public inspection August 3, 2018, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2018-3003590. Commonwealth Telephone Company, LLC and Onvoy, LLC.** Joint petition of Commonwealth Telephone Company, LLC and Onvoy, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, LLC and Onvoy, LLC, by their counsel, filed on July 24, 2018, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Commonwealth Telephone Company, LLC and Onvoy, LLC joint petition 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 Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Robert Marinko, Office of Special Assistants, (717) 783-3930.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-1217. Filed for public inspection August 3, 2018, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Indirect Control

**A-2018-3003554 and A-2018-3003555. Lingo Communications, LLC, Birch Communications of the Northeast, LLC, TNCI Impact, LLC and Matrix Telecom, LLC.** Joint application of Lingo Communications, LLC, Birch Communications of the Northeast, LLC, TNCI Impact, LLC and Matrix Telecom, LLC for approval

of the proposed transfer of indirect control of Matrix Telecom, LLC to Lingo Communications, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 20, 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](http://www.puc.pa.gov) and at the applicant's business address.

*Joint Applicants:* Lingo Communications, LLC; Birch Communications of the Northeast, LLC; TNCI Impact, LLC; Matrix Telecom, LLC

*Through and By Counsel:* Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 18-1218. Filed for public inspection August 3, 2018, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Angela M. Patriarca, RN; File No. 17-51-07320;  
Doc. No. 1392-51-17**

On June 27, 2018, Angela M. Patriarca, RN, Pennsylvania license No. RN328267L, last known of Modesto, CA, had her registered nurse license placed on probation to run concurrent with the probation imposed on respondent's license by the Board of Registered Nursing for the State of California based on receiving disciplinary action by the proper licensing authority of another state.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 18-1219. Filed for public inspection August 3, 2018, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v.  
Stephen M. Costa; File No. 18-45-02080**

On March 7, 2018, Stephen M. Costa, license No. CO227756L, last known of Malvern, Chester County, was suspended under the Order of the Court of Common Pleas of Chester County dated February 13, 2018, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Deputy Chief Counsel, State Real Estate Commission, P.O. Box 69523, Harrisburg, PA 17106-9523.

ALEXIS L. BARBIERI, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 18-1220. Filed for public inspection August 3, 2018, 9:00 a.m.]



# PENNSYLVANIA BULLETIN

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## Part II

This part contains the  
Proposed Rulemakings





# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[ 7 PA. CODE CH. 59a ]

### Milk Sanitation

The Department of Agriculture (Department) proposes to amend § 59a.402 (relating to raw milk; prohibitions) to read as set forth in Annex A.

#### *Authority*

This proposed rulemaking is authorized under the act of July 2, 1935 (P.L. 589, No. 210) (31 P.S. §§ 645—660g), known as the Milk Sanitation Law (act), which establishes the powers and duties of the Department with respect to milk sanitation. Section 19 of the act (31 P.S. § 660c) authorizes the Department to adopt the regulations necessary to administer the act. This proposed rulemaking is also authorized under 3 Pa.C.S. §§ 5721—5737 (relating to Food Safety Act), which: 1) authorize the Department to promulgate regulations and food standards necessary for enforcement of 3 Pa.C.S. §§ 5721—5737; 2) define certain “Federal acts” as including the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. §§ 301—399i); and 3) encourage consistency among the Department’s food safety regulations and the defined Federal acts and their attendant regulations. See 3 Pa.C.S. §§ 5722, 5733(a) and 5736(a) (relating to definitions; rules and regulations; and construction of subchapter).

#### *Need for this Proposed Rulemaking*

The United States Food and Drug Administration’s (FDA) regulations in 21 CFR Part 133, Subpart B (relating to requirements for specific standardized cheese and related products) were promulgated under authority of the Federal Food, Drug, and Cosmetic Act, and establish standardized definitions and requirements for 72 different kinds of cheese. These Federal regulations allow for 57 standardized cheeses to be produced from raw (unpasteurized) milk.

Section 59a.402 addresses the types of cheese that can be produced from raw milk and is more restrictive than 21 CFR Part 133, Subpart B. The Department is satisfied that the FDA’s raw milk cheese standards are reasonable and represent the current state of food science with respect to the safe production of raw milk cheeses. There is no practical reason for the Department’s raw milk cheese standards to be any more stringent than the FDA’s raw milk cheese standards. The proposed rulemaking will also further the objective of 3 Pa.C.S. §§ 5721—5737 to make the Department’s food regulations consistent with the FDA’s food safety regulations.

This proposed rulemaking would bring the Commonwealth into alignment with FDA standards and allow the manufacture and sale of cheese from raw milk to the full extent allowed under the FDA standards. It would also allow manufacturers of raw milk cheese to market a greater variety of raw milk cheeses and provide consumers a wider selection of these cheeses.

#### *Summary of this Proposed Rulemaking*

Section 59a.402 is proposed to be amended to allow the holder of a raw milk permit to obtain an additional permit from the Department authorizing the manufacture and sale of cheese from raw milk if: 1) the type of cheese that is being produced is a standardized cheese under the

FDA’s standards; and 2) the FDA’s standards allow that type of standardized cheese to be produced from raw milk.

#### *Persons Likely to be Affected*

The beneficiaries of this proposed rulemaking will be cheese manufacturers in this Commonwealth who produce cheese from raw milk. There are approximately 90 manufacturers. These manufacturers will be able to market a greater variety of raw milk cheeses and able to better compete with counterparts from other states. This proposed rulemaking will also benefit consumers to the extent there will be a wider variety of Pennsylvania-produced raw milk cheeses in the marketplace.

#### *Fiscal Impact*

##### *Commonwealth*

This proposed rulemaking would not have fiscal impact on this Commonwealth.

##### *Political subdivisions*

This proposed rulemaking would not have fiscal impact on political subdivisions.

##### *Private sector*

This proposed rulemaking would have some fiscal impact on the private sector. In particular, businesses that manufacture raw milk cheese (of which there are approximately 90 businesses) would benefit from being able to market a greater variety of raw milk cheeses.

##### *General public*

This proposed rulemaking would not have appreciable impact on the general public, other than to make a greater variety of Pennsylvania-made raw milk cheeses available to consumers.

##### *Paperwork Requirements*

This proposed rulemaking will not add to paperwork requirements for any entity or the Department. The persons who are currently making raw milk cheese under authority of Department-issued permits are the same group that will be producing the expanded variety of standardized raw milk cheeses when the final-form rulemaking is promulgated. New permits or paperwork will not be necessary.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 25, 2018, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. 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.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Lydia Johnson, Ph.D., Director, Bureau of Food Safety and Laboratory Services, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4315 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

*Contact Person*

The contact person for technical questions regarding this proposed rulemaking is Lydia Johnson, Ph.D., Director, Bureau of Food Safety and Laboratory Services, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4315.

RUSSELL C. REDDING,  
*Secretary*

**Fiscal Note:** 2-191. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 7. AGRICULTURE****PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES****Subpart B. LIQUID FOODS****CHAPTER 59a. MILK SANITATION****Subchapter F. RAW MILK FOR HUMAN CONSUMPTION****§ 59a.402. Raw milk; prohibitions.**

(a) *Sale of raw milk without permit.* A person may not sell raw milk for human consumption without having a current raw milk permit issued by the Department. The term "sell" includes the selling, exchanging, delivering or having in possession, care, control or custody with intent to sell, exchange, or deliver or to offer or to expose for sale.

(b) *Actions authorized under a raw milk permit.* A raw milk permit authorizes the permitholder to lawfully produce and sell (within this Commonwealth) raw whole milk for human consumption. It also authorizes the permitholder to obtain an additional permit, issued by the Department under authority of [ **21 CFR 133.150 (relating to hard cheeses), authorizing the sale of aged cheese manufactured from raw milk.** ] **21 CFR Part 133 (relating to cheese and related cheese products), authorizing the sale of cheese manufactured from raw milk if all of the following apply:**

**(1) The cheese is a standardized cheese identified in 21 CFR Part 133, Subpart B (relating to requirements for specific standardized cheese and related products).**

**(2) The standards for that cheese allow for it to be manufactured from raw milk.**

(c) *Compliance with testing and documentation requirements.* A person may not sell raw milk for human consumption without being in compliance with the testing and documentation requirements of this section.

[Pa.B. Doc. No. 18-1221. Filed for public inspection August 3, 2018, 9:00 a.m.]

**DEPARTMENT OF HUMAN SERVICES****[ 55 PA. CODE CHS. 1155 AND 5240 ]  
Intensive Behavioral Health Services**

The Department of Human Services (Department), under the authority of sections 201(2) and 1021 of the Human Services Code (62 P.S. §§ 201(2) and 1021) and section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)), proposes to add Chapters 1155 and 5240 (relating to intensive behavioral health services) to read as set forth in Annex A.

*Purpose*

The purpose of this proposed rulemaking is to codify the minimum licensing standards and program requirements for participation in the Medical Assistance (MA) Program and MA payment conditions for agencies that deliver intensive behavioral health services (IBHS) to children, youth and young adults under 21 years of age with mental, emotional and behavioral health needs. IBHS includes individual services, applied behavioral analysis (ABA) services, evidence-based therapy (EBT) services and group services.

This proposed rulemaking will support children, youth and young adults with mental, emotional and behavioral health needs by improving their functioning, promoting their resiliency and enhancing their quality of life, which will allow the children, youth and young adults to live and participate in the community with their families. This proposed rulemaking will replace the requirements for behavioral health rehabilitation services (BHRS) previously set forth in bulletins issued by the Department. It also adds a requirement for a separate and distinct license for agencies that deliver these services and additional oversight of services. This proposed rulemaking eliminates redundancies in bulletins, streamlines the admission process for IBHS, provides a process for the reinitiation of services within 60 days of discharge if the condition of the child, youth or young adult regresses, establishes training requirements and qualifications for staff delivering each IBHS, and includes provisions to protect the health and safety of a child, youth or young adult receiving services.

*Background*

BHRS were developed in response to the Omnibus Budget Reconciliation Act of 1989 (Pub.L. No. 101-239), which amended section 1905(r)(5) of the Social Security Act (42 U.S.C.A. § 1396d(r)) to require states to provide "necessary health care, diagnostic services, treatment, and other measures described in [the Social Security Act]. . . whether or not such services are covered under the State plan." BHRS are individualized services provided in the home, school or community to meet the needs of children, youth and young adults under 21 years of age with mental, emotional and behavioral health needs. The Department has issued bulletins to inform providers of



the policies and procedures governing BHRS, many of which were issued when these services were new in the continuum of care. The service delivery system has become more complex and sophisticated. Individuals and family members of individuals who receive BHRS, advocates, providers and county administrators have also expressed the need for revised standards for the delivery of BHRS. In response, the Department engaged a diverse group of stakeholders to provide input into the development of regulations that would address the delivery of IBHS.

#### *Requirements*

Proposed Chapter 1155 contains the MA payment conditions for IBHS. Proposed Chapter 5240 identifies the minimum program and operational standards for an agency to obtain a license to provide one or more IBHS.

Following is a summary of the major provisions of each chapter included in this proposed rulemaking.

#### *Chapter 1155. Intensive behavioral health services*

##### *General provisions and scope of benefits—§§ 1155.1, 1155.2 and 1155.11*

This proposed rulemaking establishes the requirements for MA payment for covered IBHS when the services are medically necessary and provided to children, youth and young adults under 21 years of age with mental, emotional and behavioral health needs.

##### *Provider participation in the MA Program—§ 1155.21*

This proposed rulemaking requires that for participation in the MA Program the IBHS agency is licensed under Chapter 5240 as an IBHS agency, has a written provider agreement with the Department and is enrolled in the MA Program.

##### *Payment for IBHS—§§ 1155.31—1155.37*

This proposed rulemaking establishes the conditions for MA payment for IBHS, which include that services be medically necessary and that there be a written order for the service based on a face-to-face interaction with the child, youth or young adult from a licensed professional whose scope of practice includes the diagnosis and treatment of behavioral health disorders; a comprehensive face-to-face assessment completed after the initiation of services; and an individual treatment plan (ITP) based upon the written order and the assessment. The requirements are consistent for each IBHS included in Chapter 1155 to avoid more stringent requirements creating barriers to access for one service or confusion for parents or caregivers of children, or a youth or young adult seeking the service. A written order can include more than one IBHS, which eliminates the need for duplicative evaluations for the child, youth or young adult. Previously, a psychological or psychiatric evaluation prescribing BHRS, an interagency service planning team (ISPT) meeting and documentation of the ISPT meeting, and a plan of care were required for MA payment for BHRS. Stakeholders have expressed concerns about the time it takes to convene an ISPT meeting and the impact this has had on the initiation of services. This proposed rulemaking makes changes to the MA payment requirements to ensure prompt delivery of the services based upon the written order. This proposed rulemaking also establishes the types of IBHS eligible for MA payment and limitations on MA payment for IBHS.

#### *Chapter 5240. Intensive behavioral health services*

##### *General provisions—§§ 5240.1—5240.7*

This proposed rulemaking requires that an IBHS agency obtain a license from the Department prior to

beginning operations and describes the services that an agency may provide under an IBHS license. It also allows an IBHS agency that holds an outpatient psychiatric clinic, a psychiatric partial hospitalization program or a family based mental health license issued by the Department to continue to provide IBHS until that license expires and then obtain an IBHS license. To aid in the overall readability of this chapter, the provisions that apply to all licensed agencies, regardless of which IBHS they provide, are included in the first sections of Chapter 5240.

This proposed rulemaking requires IBHS agencies to have an administrative director, clinical director and staff. As part of their initial licensing application package, IBHS agencies will also be required to submit to the Department for review and approval a written description of the services the agency will provide. IBHS agencies can include all services in one service description that will be reviewed and approved as part of the licensing process. Previously, agencies were required to submit the service description for each service to the Department for review and approval.

This proposed rulemaking includes specific requirements related to the use of restrictive procedures. Manual restraints may only be used in an emergency situation by trained staff to prevent injury to the child, youth, young adult or others when other less intrusive interventions have been tried but have failed. This proposed rulemaking prohibits the use of any restrictive procedures other than manual restraints and prohibits manual restraints that use a prone position or that apply pressure or weight on a child's, youth's or young adult's respiratory system.

IBHS agencies will be required by this proposed rulemaking to have written agreements to coordinate services with other service providers, which shall be updated at least every 5 years. Coordination of care was a key issue discussed by stakeholders. Additionally, the agency shall have a list of community resources that provide behavioral health services that the agency can provide to parents or caregivers or individuals receiving services upon request.

##### *Staffing and supervision—§§ 5240.11—5240.14, 5240.72, 5240.81, 5240.82 and 5240.102*

This proposed rulemaking establishes the minimum staffing requirements for IBHS agencies and includes the minimum qualifications for an IBHS agency's administrative director and clinical director and the responsibilities of IBHS agencies' administrative directors and clinical directors. The staffing qualifications for the administrative director are intended to allow an agency to have an administrative director provide oversight for more than one IBHS agency.

This proposed rulemaking also establishes the minimum qualifications for an individual that supervises staff that provide individual services, ABA services and group services. Supervision requirements have been included in this proposed rulemaking to ensure that staff providing IBHS have the knowledge and skill to carry out the specific procedures and interventions that are identified in the ITP. The qualifications of a supervisor and the amount of supervision a staff person receives depends on the staff position and the qualifications of the individual

providing services. Professionals with graduate degrees and clinical training are required to receive less supervision than individuals without these qualifications and are not required to receive supervision prior to the delivery of IBHS independently. Supervision can be provided individually or in group sessions as well as in person or through secure audio or visual technology to provide a variety of options to meet the supervision requirements. To ensure the health and safety of children, youth and young adults receiving IBHS, a supervisor shall be available to consult with all staff during all hours the IBHS agency provides services. If the IBHS agency employs nine or less full-time equivalent staff and provides individual services or ABA services, the clinical director may provide supervision. This will allow small agencies to employ one individual as both the clinical director and supervisor when one staff person could fill both roles without compromising the quality of service delivery.

Additionally, this proposed rulemaking requires the supervisor to document that supervision was provided. In addition to ensuring documentation of all required supervision, this provides a record that can be utilized to develop an individualized training plan that will assist the staff person with developing skills that are specific to the staff person's job. This proposed rulemaking also clarifies that staff do not have to repeat completed training when working for more than one IBHS agency or changing employment. This clarification will allow individuals who have received training and changed jobs to immediately begin providing IBHS. Stakeholders indicated that this not only was an unnecessary cost to agencies, but also that staff could not provide services until the additional training was completed.

This proposed rulemaking also requires IBHS agencies to have policies and procedures in place to ensure that staff having contact with children or youth comply with 23 Pa.C.S. §§ 6301–6386 (relating to Child Protective Services Law), including mandatory reporter and training requirements. This requirement will protect the health, safety and well-being of children and youth receiving IBHS.

*Service planning and delivery—§§ 5240.21–5240.23, 5240.85, 5240.86, 5240.92, 5240.105 and 5240.106*

This proposed rulemaking requires that IBHS be provided in accordance with each child's, youth's or young adult's ITP in a community-based, clinically appropriate setting as identified in the written order for each service and the ITP. The ITP is to be based upon a comprehensive individualized face-to-face assessment process. The assessment process is the same for individual services, EBT services and group services. There are some differences in the assessment process for ABA services to address the need for completion of standardized assessment tools and the compilation of observational data to identify developmental, cognitive, communicative, behavioral and adaptive functioning across home, school and community settings, which are needed to design appropriate interventions for the ITP. This proposed rulemaking includes time frames for completion of the initial assessment and for the review and update of the assessment to ensure that accurate information is utilized in the development and update of the ITP.

In addition to being based on the assessment, the ITP for all services will be required to include the recommendations from the licensed professional who completed the written order for services; be strength-based with individualized goals, objectives and interventions to address the identified therapeutic needs, skill deficits or targeted

behaviors for the child, youth or young adult to function at home, school or in the community; and include the assistance, if any, parents or caregivers may require to address the therapeutic needs of the child, youth or young adult and be developed in collaboration with the child, youth or young adult, and parents or caregivers as appropriate. This proposed rulemaking also contains the time frame for review and update of the ITP and the staff qualified to develop the ITP. The components of the ITP are similar for each service, consistent with current practices and include the components that were discussed with stakeholders.

*Service initiation—§§ 5240.74, 5240.84, 5240.91 and 5240.104*

This proposed rulemaking requires an IBHS agency to provide IBHS in accordance with the written order for the services and requires the IBHS agency to obtain prior to the initiation of services written consent to receive the services identified in the written order from the youth, young adult, or parent or caregiver of a child or youth.

*Discharge—§§ 5240.31 and 5240.32*

This proposed rulemaking establishes the criteria for discharging a child, youth or young adult from IBHS including the assurance that other clinical services be in place prior to discharge if needed to ensure continuity of care. An IBHS agency is required to complete at least two telephone contacts within the first 30 days after discharge to monitor the child's, youth's or young adult's maintenance of treatment progress. Stakeholders advocated for follow up contact for a period of time after discharge.

This proposed rulemaking also allows an IBHS agency to continue to serve a child, youth or young adult after the child, youth or young adult is discharged for 90 days if the youth, young adult, parent or caregiver of the child or youth requests within 60 days after a child, youth or young adult is discharged that services be reinitiated for 90 days when the condition of the child, youth or young adult has regressed and impacts the child's, youth's or young adult's ability to function in the home, school or community and when there is a written order for services. This will allow services to be provided expeditiously to stabilize and maintain a child's, youth's or young adult's treatment progress. This provision addresses concerns identified by stakeholders.

*Records—§§ 5240.41–5240.43*

This proposed rulemaking addresses the elements that must be included in each individual record and the IBHS agency's records and how these records shall be maintained. In addition to other requirements, the individual record must include specific documentation of each IBHS provided to the child, youth or young adult as well as documentation of any use of a manual restraint procedure. Additionally, IBHS agency records must include, among other items, documentation of staffs' credentials and qualifications to provide IBHS to ensure that staff meet the minimum qualifications to provide IBHS; criminal history checks and child abuse certifications for all staff required to have a completed criminal history check or child abuse certifications to ensure the health and safety of each child, youth or young adult receiving services; and an approved service description for all IBHS provided by the agency. A review of IBHS agency records and individual records is included in the yearly licensure process for the Department to ensure the health and safety of children, youth and young adults receiving IBHS.

*Nondiscrimination—§ 5240.51*

This proposed rulemaking prohibits an IBHS agency from discriminating against staff, or children, youth or young adults receiving services on the basis of race, color, creed, disability, religious affiliation, ancestry, gender, gender identity or expression, sexual orientation, national origin or age and requires an IBHS agency to comply with all applicable Federal and State statutes and regulations.

*Quality improvement—§ 5240.61*

This proposed rulemaking includes requirements that promote quality services, including the requirement that an IBHS agency have a written quality improvement plan that provides for an annual review of the quality, timeliness and appropriateness of services, and identifies the type of review and the methodology for the review. The IBHS agency is required to prepare a report of the findings of the annual review and make this report available to the public upon request and shall notify the youth, young adult, or parent or caregiver of a child, youth or young adult that the report may be requested upon admission to services.

*Individual services—§§ 5240.71, 5240.73 and 5240.75*

Individual services are intensive one-to-one therapeutic interventions and supports that are used to reduce and manage identified therapeutic needs, increase coping strategies and support skill development to promote positive behaviors with the goal of stabilizing and maintaining a child, youth or young adult in the home, school or community setting. Individual services are provided by behavior specialists, mobile therapists and behavioral health technicians (BHT).

This proposed rulemaking includes qualifications for behavior specialists, mobile therapists and BHTs, formerly known as therapeutic staff support (TSS) workers, that are generally consistent with the bulletins. Individuals with graduate-level certifications in behavior analysis from a Nationally-recognized certification board can be behavior specialists and individuals with graduate degrees in psychology, ABA, social work, education, counseling or related field that includes a clinical or mental health direct service practicum and a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults can be behavior specialists. In addition, licensed behavior specialists are qualified to be behavior specialists. If the behavior specialist provides individual services to a child diagnosed with autism spectrum disorder for the treatment of autism spectrum disorder, the behavior specialist shall have the same qualifications as a behavior specialist analyst that provides ABA services. Changes to the qualifications of behavior specialists were made to address stakeholders' concerns about the knowledge and skills of individuals providing services. Mobile therapists shall continue to meet the requirements provided for in the bulletins.

An individual can be a BHT if the individual has or obtains within 18 months of being hired by an IBHS agency as a BHT or within 2 years after the effective date of adoption of this proposed rulemaking, whichever is later, a behavior analysis certification from a Nationally-recognized certification board or the Pennsylvania Certification Board. If the individual does not have the required certification, the individual can be a BHT for 18 months after being hired by an IBHS agency as a BHT or for 2 years of the effective date of adoption of this proposed rulemaking, whichever is later, if the individual has a

bachelor's degree in psychology, social work, counseling, sociology, education or related field, or is licensed as a registered nurse and has a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults. A BHT that does not have the required certification but has an associate's degree or at least 60 credits towards a bachelor's degree and 1 year of full-time experience in providing mental health direct services to children, youth or young adults can also provide individual services for 18 months after being hired by an IBHS agency as a BHT or for 2 years after the effective date of adoption of this proposed rulemaking, whichever is later. Previously an individual was required to have 3 years of full-time work experience in a job that involved direct contact with children, youth or young adults to provide services. The Department will be engaging the Pennsylvania Certification Board to develop State specific certifications as required by this proposed rulemaking.

This proposed rulemaking includes training requirements for behavior specialists and mobile therapists who are not required to complete continuing education units as part of their professional licensure. These staff will be required to complete at least 16 hours of Department-approved training annually related to their specific job functions. Training requirements for BHTs are similar to what was previously required for TSS workers. BHTs will be required to receive 30 hours of Department-approved training prior to working independently with a child, youth or young adult. Previously TSS workers had been required to receive 24 hours of training prior to working independently with a child, youth or young adult. Stakeholders recommended the 6-hour increase to allow sufficient time to receive training on the array of training topics that have been required in bulletins and included in this proposed rulemaking. In addition, BHTs shall complete at least 24 hours of Department-approved training within the first 6 months of employment and at least 20 hours of Department-approved training annually that is related to the BHT's specific job functions. BHTs who have a behavior analysis certification may count hours of training and completed coursework required for obtaining and maintaining certification towards the training requirements. In addition, equivalent college coursework may be counted.

The services behavior specialists, mobile therapists and BHTs can provide are also generally consistent with the bulletins. Behavior specialists can assess the behavioral needs of children, youth and young adults; design and direct the implementation of behavioral interventions in the ITP; identify behavioral goals and select appropriate interventions for inclusion in the ITP; and review, analyze and interpret data to determine any changes to goals and objectives included in the ITP; consult with mobile therapists or BHTs on behavioral management protocols and review clinical outcomes for the behavioral interventions being implemented in the treatment plan with the youth, young adult, or parent or caregiver of the child to determine effectiveness of the individual services on a monthly basis. Mobile therapists can provide individual and family therapy; assess the strengths and therapeutic needs of a child, youth or young adult and family or caregiver; and develop the ITP and provide assistance with crisis stabilization and addressing problems a child, youth or young adult has encountered. As part of implementing the ITP, BHTs support children's, youths' or young adults' problem solving skill development; instruct children, youth or young adults on how to understand, direct, interpret, manage and control feelings and emo-

tional responses to situations; assist parents or caregivers with addressing the therapeutic needs of a child, youth or young adult; provide psychoeducational services related to mental health, including the development of improved decision making skills to manage a child's, youth's or young adult's behavior; assist with a child's, youth's or young adult's development of social skills and socially acceptable behaviors; and provide instruction on stress reduction techniques. BHTs are also responsible for collecting data; providing behavioral stabilizations and interventions to children, youth and young adults that support services provided by behavior specialists or mobile therapists; and for making referrals to other necessary services and supports.

*ABA—§§ 5240.81—5240.83 and 5240.87*

This proposed rulemaking separately identifies ABA as an IBHS that can be provided by qualified staff to children, youth or young adults with autism spectrum disorder and other behavioral health disorders. ABA is the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function. ABA can be used for skill development and to target behaviors that impact the ability of the child, youth or young adult to function in the home, school or community setting.

This proposed rulemaking includes qualifications, training and supervision requirements for individuals who deliver ABA services to ensure that staff providing ABA have adequate knowledge, skills and experience. This proposed rulemaking includes additional requirements for the clinical director of an IBHS agency that provides ABA. All clinical directors of IBHS agencies shall be licensed or certified, but the clinical director of an IBHS agency that provides ABA shall either have a current certification as a board-certified behavior analyst (BCBA) from the Behavior Analyst Certification Board or other graduate-level certification in behavior analysis from a Nationally-recognized certification board, or a graduate degree in ABA and a minimum of 1 year of full-time experience in the provision of ABA and obtain BCBA certification or other graduate-level certification in behavior analysis from a Nationally-recognized certification board within 3 years from starting work as the clinical director for any IBHS agency. Based upon discussion and input from stakeholders, this proposed rulemaking allows individuals 3 years to obtain a BCBA or other graduate-level certification in behavior analysis from a Nationally-recognized certification board to ensure that there is adequate qualified staff to perform the functions of the clinical director in an IBHS agency providing ABA services when this proposed rulemaking becomes effective. The 3-year time frame accounts for the requirements for certification which include a graduate degree with specific coursework related to ABA, experience, supervision hours and testing.

ABA can be provided by a behavior specialist analyst, assistant behavior specialist analyst (ABSA) and a BHT-ABA. The qualifications for a behavior specialist analyst, formerly a behavior specialist consultant, have been changed from the requirements included in the bulletins. Behavior specialist analysts shall be licensed as a psychologist, professional counselor, marriage and family therapist, clinical social worker, social worker or behavior specialist, and have a graduate or undergraduate-level certification in behavior analysis from the Behavior Analyst Certification Board or other Nationally-recognized

certification board, or a current certification as a behavior specialist analyst with a competency in ABA from the Pennsylvania Certification Board, or a minimum of 12 credits in ABA and 1 year of full-time experience in the provision of ABA, or a minimum of 1 year of full-time experience in the provision of ABA under the supervision of an individual with a graduate-level certification in behavior analysis.

The qualifications for a BHT-ABA, formerly a TSS worker, have also been changed to ensure that staff providing ABA have adequate training and skills to provide ABA services to children, youth and young adults with mental, emotional and behavioral health needs. A BHT-ABA shall have or obtain within 18 months of being hired by an IBHS agency as a BHT-ABA or within 2 years after the effective date of adoption of this proposed rulemaking, whichever is later, a behavior analysis certification from a Nationally-recognized certification board or the Pennsylvania Certification Board. If an individual does not have the required certification, the individual can be a BHT-ABA for 18 months after being hired by an IBHS agency as a BHT-ABA or for 2 years after the effective date of adoption of this proposed rulemaking, whichever is later, if the individual has a bachelor's degree in psychology, social work, nursing, counseling, education or related field or if the individual has an associate's degree or at least 60 credits towards a bachelor's degree with 12 credits in providing ABA and a minimum of 1 year of full-time experience in the provision of ABA. The Department will be engaging the Pennsylvania Certification Board to develop a State-specific certification in ABA for BHTs based upon the recommendations of stakeholders.

This proposed rulemaking also includes a staff position that allows a professional who meets all of the requirements for licensure as a behavior specialist under 49 Pa. Code § 18.524 (relating to criteria for licensure as behavior specialist) with the exception of the experience requirement to be employed as an ABSA. This will provide a path for an ABSA to gain the required hours of experience for licensure while providing ABA under the supervision of a qualified individual. This will increase the availability of ABA services while ensuring that ABA services are provided by qualified and appropriately supervised individuals. An individual who has a bachelor's degree in psychology, social work, counseling, education or related field and an undergraduate-level certification in behavior analysis or at least 12 credits in ABA and 6 months of experience in providing ABA can also be employed as an ABSA.

Supervision requirements have been included in this proposed rulemaking to ensure staff providing ABA services have the knowledge and skill to carry out the specific procedures and interventions that are identified in the ITP. Supervision includes direct observation of the provision of ABA to a child, youth or young adult during the implementation of the ITP goals. Supervision requirements are based upon staff qualifications, skills and job functions. Documentation of supervision is consistent with other IBHS supervision requirements and provides a mechanism to design the individual training plan for each staff.

This proposed rulemaking requires all staff providing ABA to have initial and ongoing training related to ABA with the number of hours of training varying based upon staff qualifications, credentials, experience and job function. Behavior specialist analysts who are licensed as behavior specialists will be required to complete at least

45 hours of training related to ABA that is approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to children, youth or young adults. ABA training completed prior to obtaining licensure as a behavior specialist may be counted towards the 45 hours of training related to ABA. In addition, behavior specialist analysts shall complete at least 16 hours of training annually that is approved by the Behavior Analyst Certification Board or the Department and related to the behavior specialist analyst's specific job functions. An ABSA who does not have a graduate or undergraduate certification in behavior analysis shall complete at least 20 hours of training related to ABA that is approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult and at least 20 hours of training annually that is approved by the Behavior Analyst Certification Board or the Department and related to the ABSA's specific job functions. Finally, a BHT-ABA who does not have an undergraduate certification in behavior analysis shall complete the initial training requirements for a BHT that provides individual services and the training requirements a BHT shall complete during the BHT's first 6 months of employment. In addition, a BHT-ABA who does not have an undergraduate certification in behavior analysis shall complete at least 20 hours of training related to ABA that is approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult and at least 20 hours of training annually that is approved by the Behavior Analyst Certification Board or the Department that is related to the BHT-ABA's specific job functions.

*EBT—§ 5240.93*

EBT is behavioral health therapy that uses scientifically established behavioral health interventions. This proposed rulemaking requires that an IBHS agency be licensed or certified from the entity that developed or owns the EBT that is being provided if required to provide the EBT. An IBHS agency can also use a model intervention that it has developed and that has been designated by the Department as a model intervention. This will provide IBHS agencies with the opportunity to expand the service array to meet the therapeutic needs of children, youth and young adults. Staff that provide EBT shall meet the qualifications and receive supervision as set forth in the EBT.

*Group services— §§ 5240.101 and 5240.103—5240.108*

This proposed rulemaking provides for group services for children, youth or young adults with mental, emotional and behavioral health needs that may benefit from a group intervention format that includes psychotherapy, structured therapeutic activities and community integration activities to address a child's, youth's or young adult's identified treatment needs. The services assist the child, youth or young adult to learn skills and strategies in a group format that will improve functioning in the home, school or community setting. Individual interventions may be provided to address therapeutic needs identified in the written order for group services. Group services are intended to replace summer therapeutic activities programs (STAP) and this proposed rulemaking incorporates the elements of STAP, although it expands the ability of IBHS agencies to provide group services. Group services can be provided for longer lengths of time than STAP and be provided in the school setting and at the IBHS agency site if approved in the service description. Stakeholders indicated that engaging in group activities may help the

child, youth or young adult transfer and maintain skills in an array of different settings. This input was the impetus for including agency sites as places where group services may be delivered.

This proposed rulemaking requires that in addition to an administrative and clinical director, an IBHS agency that provides group services shall have a mental health professional. A mental health professional is required to have the same qualifications as a mobile therapist that provides individual services. Staff of an IBHS agency that provides group services may also include mental health workers and BHTs. A mental health worker that provides group services shall have either a bachelor's degree in a recognized clinical discipline including social work, psychology, nursing, rehabilitation or activity therapies, or have a graduate degree in a clinical discipline. A BHT shall have the qualifications of a BHT who provides individual services. If staff provides specialized therapies such as music, dance and movement, play or occupational therapies, the staff person shall be Nationally certified in the specific therapy, a mental health professional with at least 12 graduate-level credit hours in the specialized therapy and at least 1 year of supervised experience in the use of the specialized therapy technique or a mental health professional supervised by a Nationally-credentialed activities therapist.

Training requirements are established for each staff to ensure qualified staff provide group services. Mental health professionals who do not have a current professional license will be required to complete at least 16 hours of Department-approved training annually related to the mental health professional's specific job functions, mental health workers will be required to complete at least 20 hours of Department-approved training annually related to the mental health worker's specific job functions and BHTs who provide group services will be required to complete the same annual training as BHTs who provide individual services.

A mental health professional can provide individual, group and family psychotherapy. A mental health professional can also design psychoeducational group activities, assess the strengths and therapeutic needs of a child, youth or young adult, and develop a child's, youth's or young adult's ITP. A mental health worker can assist the mental health professional with conducting group psychotherapy; facilitate psychoeducational group activities; assist a child, youth or young adult to achieve a goal by implementing the child's, youth's or young adult's ITP; support a child, youth or young adult with the development of appropriate behaviors and interpersonal relationships in the community; and help a child, youth or young adult develop coping skills to aid in the development of age appropriate interpersonal relationships with peers. A BHT can assist with the facilitation of psychoeducational group activities; provide instruction on how to manage and control emotional responses in a group setting; provide behavioral stabilization and interventions to children, youth and young adults that support the child, youth or young adult in community settings; and model problem solving skills.

As with all other IBHS addressed in this chapter, this proposed rulemaking requires a written order prior to the initiation of group services, a comprehensive face-to-face assessment after the initiation of services with the same elements required for individual services, and the development of a strength-based ITP to address the therapeutic needs identified in the written order and the assessment. The time frames for the completion of the assessment and ITP are different for group services than

for other services because group services may be provided for a specific period of time based upon the approved service description and the written order.

This proposed rulemaking includes additional requirements for group services that are provided in a school setting. These include that there be a written agreement with the authorized representative of the school that delineates the roles and responsibilities of the school staff and IBHS agency staff and assures a collaborative relationship between school staff and IBHS agency staff.

#### *Waivers—§ 5240.111*

This proposed rulemaking allows an IBHS agency to submit a written request to the Department for a waiver of a specific requirement of Chapter 5240. The Department may grant a waiver unconditionally or subject to conditions that shall be met and may revoke a waiver if conditions required by the waiver are not met. The Department will grant a waiver only in exceptional circumstances and if the waiver does not jeopardize the health and safety of the children, youths or young adults served by the IBHS agency; the waiver will not adversely affect the quality of services provided by the IBHS agency; the intent of the requirement to be waived will still be met; children, youth or young adults will benefit from the waiver of the requirement; and the waiver does not violate any Federal or State statute or other regulation.

#### *Affected Individuals and Organizations*

This proposed rulemaking affects children, youth and young adults with mental, emotional or behavioral health needs currently receiving BHRS and their families and caregivers and the agencies that provide these services. Approximately 228 agencies are enrolled in the MA Program and currently provide BHRS to approximately 60,000 children, youth and young adults. This proposed rulemaking will also affect providers that serve children, youth and young adults with a behavioral health diagnosis, including autism spectrum disorder, that are not currently enrolled in the MA Program.

The Department engaged in an active community participation process throughout the development of this proposed rulemaking to ensure that children, youth and young adults under 21 years of age that need IBHS and their families and the agencies that provide the services had the opportunity to provide input, express concerns and participate in the drafting process.

A total of 75 individuals were involved in a stakeholder workgroup that provided input on this proposed rulemaking, including providers of BHRS, advocates for individuals with autism spectrum disorder, physicians, family members of children receiving BHRS including ABA services, county administrators and representatives from provider associations, the Office of Mental Health and Substance Abuse Services Planning Council, the Pennsylvania Mental Health Consumers Association, the Pennsylvania Health Law Project, Disability Rights Pennsylvania and MA behavioral health managed care organizations. From May to September 2016, the Department participated in face-to-face meetings, telephone conference calls and webinars with stakeholders. The purpose of the workgroup meetings was for the Department to gather input and listen to concerns from interested parties regarding the development of a set of regulations for the licensure of agencies that will be providing IBHS.

Each of the major sections of the draft rulemaking were reviewed and discussed by members of the workgroup through a series of six telephone conference calls and

webinars and two face-to-face meetings. One of the initial recommendations from the stakeholder workgroup was to change the name of the service from BHRS to IBHS. Key sections of this proposed rulemaking were the focus of the discussion during each of the telephone calls. Areas discussed with the stakeholder workgroup included the array of services to be included in the regulations, staff qualifications and training requirements for each service, service planning, the coordination of care and requirements for provider eligibility. Workgroup members were provided with notes and drafts of the regulations after each call or webinar. A dedicated e-mail account was established for workgroup members to submit written comments between meetings. Workgroup members were requested to gather input and feedback from other interested parties during the drafting of this proposed rulemaking. In addition, information on the draft rulemaking was provided at meetings with organizations and committees, including the Rehabilitation Community Providers Association, including its Mental Health Committee and Children's Committee; committees sponsored by the County Commissioner's Association of Pennsylvania, including the County Administrator's Advisory Committee, the Mental Health Committee and the HealthChoices Committee; county Mental Health Administrators and Child and Adolescent Service System Program Coordinators; the Managed Care Subcommittee of the Medical Assistance Advisory Committee; and the Mental Health Planning Council. Numerous edits were made to the draft rulemaking based upon the comments received from workgroup members and other interested parties.

The stakeholder workgroup again met from January to March 2017 to provide input on Chapter 1155, the companion payment regulations. There were again face-to-face meetings, telephone conference calls and webinars with stakeholders and workgroup members who provided comments and feedback on Chapter 1155, the payment regulations, and additional comments and feedback on Chapter 5240, the licensing regulations. The draft rulemaking was revised after each meeting to reflect the input of workgroup members. Workgroup members were able to provide written comments between meetings using the e-mail account.

The Department appreciates the workgroup members' expertise, time and commitment to the draft rulemaking and the helpful comments which guided the drafting of this proposed rulemaking.

The Department intends to reconvene the stakeholder workgroup to review the comments received and to consider any edits to this proposed rulemaking based upon the analysis of the formal public comments, comments from the Independent Regulatory Review Commission (IRRC), and comments from the House Human Services Committee, the House Health Committee and the Senate Committee on Health and Human Services.

#### *Accomplishments and Benefits*

This proposed rulemaking benefits children, youth and young adults under 21 years of age with mental, emotional and behavioral health needs by promoting quality services by establishing a minimum standard for licensure of IBHS agencies, minimum requirements for IBHS agencies to enroll in the MA Program and conditions for the MA Program to pay for IBHS. Additionally, the supervision and training requirements included in this proposed rulemaking will contribute to the development of a qualified IBHS workforce to deliver treatment services, which will also help to improve clinical outcomes for children, youth and young adults receiving IBHS.

This proposed rulemaking will also improve the accessibility of behavioral health care for children, youth and young adults under 21 years of age by eliminating requirements that have been identified as barriers to accessing services by workgroup members such as convening an ISPT meeting prior to the delivery of services and completing a comprehensive evaluation prior to a referral for services. In addition, this proposed rulemaking promotes the use of additional evidence-based practices and ABA services, which may reduce the need for higher levels of care or out-of-home placements for children, youth and young adults.

*Fiscal Impact*

It is anticipated that the implementation of this proposed rulemaking may result in an initial increase in costs for IBHS agencies as a result of changes to staff requirements and qualifications, which will vary based upon the services provided by the agency and the current organizational structure of the agency. The exact fiscal impact is unknown because staffing requirements are similar to the current staffing patterns for agencies that provide BHRS with the exception of the addition of the requirement that the clinical director of an IBHS agency that provides ABA services shall have a graduate-level certification in behavior analysis and BHTs shall be certified or obtain certification within 18 months of being hired by an IBHS agency or within 2 years of the effective date of adoption of this proposed rulemaking, whichever is later. It is anticipated that the ability of an IBHS agency to provide an array of IBHS may offset these costs.

It is also anticipated that IBHS agencies' training costs will decrease as this proposed rulemaking clarifies that staff do not need to repeat initial or annual training when changing employment to a different IBHS agency. Additionally, college coursework on topics that staff shall receive training on, training required for licensure and training related to certification requirements may be substituted for the required trainings, which may decrease the training costs for some staff.

Costs to the Department, local government and individuals receiving IBHS are not anticipated.

*Paperwork Requirements*

This proposed rulemaking will result in increased paperwork because it requires IBHS agencies to develop additional policies and procedures, and includes a new requirement that IBHS agencies develop quality improvement plans, staff training plans and written agreements to coordinate care with other agencies. The elimination of the requirement for an ISPT meeting will decrease the paperwork required to document the meeting.

*Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. IBHS agencies that hold an outpatient psychiatric clinic, a psychiatric partial hospitalization program or family based mental health license and currently provide IBHS are required to comply with the final-form rulemaking as of its effective date and are required to obtain a license under Chapter 5240 upon expiration of their current license. IBHS agencies that are approved to provide ABA services as of the effective date of adoption of this proposed rulemaking are required to comply with the final-form rulemaking as of its effective date and are required to obtain a license under Chapter 5240 within 180 days of the effective date of Chapter 5240. IBHS agencies that do not currently hold an outpatient psychi-

atric clinic, a psychiatric partial hospitalization program or a family based mental health license or are not approved to provide ABA are required upon the effective date of the final-form rulemaking to obtain a license under Chapter 5240 if they are providing IBHS.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Tara Pride, Bureau of Policy, Planning and Program Development, Commonwealth Towers, 11th Floor, P.O. Box 2675, 303 Walnut Street, Harrisburg, PA 17105, RA-PWIBHS@pa.gov within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-546 when submitting comments. Individuals with a disability who require an auxiliary aid or service may submit comments by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 18, 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 Human Services Committee, the House Health Committee and the Senate Health and Human Services 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.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-546. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. HUMAN SERVICES  
PART III. MEDICAL ASSISTANCE MANUAL  
CHAPTER 1155. INTENSIVE BEHAVIORAL  
HEALTH SERVICES  
GENERAL PROVISIONS**

- Sec. 1155.1. Policy.
- 1155.2. Definitions.

**SCOPE OF BENEFITS**

- 1155.11. Scope of benefits.

**PROVIDER PARTICIPATION**

- 1155.21. Participation requirements.
- 1155.22. Ongoing responsibilities of providers.

**PAYMENT FOR INTENSIVE BEHAVIORAL  
HEALTH SERVICES**

- 1155.31. General payment policy.
- 1155.32. Payment conditions for individual services.
- 1155.33. Payment conditions for ABA.
- 1155.34. Payment conditions for EBT.
- 1155.35. Payment conditions for group services.
- 1155.36. Covered services.
- 1155.37. Limitations.

**UTILIZATION REVIEW**

1155.41. Scope of claims review procedures.

**ADMINISTRATIVE SANCTIONS**

1155.51. Provider misutilization.

**GENERAL PROVISIONS****§ 1155.1. Policy.**

(a) The MA Program provides payment for IBHS when the service is medically necessary and provided to eligible children, youth or young adults under 21 years of age with behavioral health diagnoses by licensed IBHS agencies enrolled in the MA Program as providers under this chapter.

(b) Payment for IBHS is subject to the provisions in this chapter, Chapter 1101 (relating to general provisions), the limitations in Chapter 1150 (relating to MA Program payment policies) and the MA Program fee schedule.

(c) This chapter does not apply to individual licensed practitioners or group arrangements of licensed practitioners that bill only for services provided by the licensed practitioners.

**§ 1155.2. Definitions.**

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

*ABA—Applied behavioral analysis*—The design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, which includes all of the following:

(i) The use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(ii) The attempt to address one or more behavior challenges or skill deficits using evidence-based principles and practices of learning and behavior.

(iii) The analysis of the relationship between a stimulus, consequence or other variable. The changes of stimuli, consequences or other variables may occur individually, as a combination or in relationship with each other. The change of stimuli, consequences or other variables may be external or internal to the person whose behavior is being analyzed.

*Caregiver*—An individual with responsibility for the care and supervision of a minor.

*Child*—A person under 14 years of age.

*Consequence*—A resulting directly measurable change of a child's, youth's or young adult's behavior produced by a change in a stimulus or stimuli.

*DSM—Diagnostic and Statistical Manual of Mental Disorders.*

*Department*—The Department of Human Services of the Commonwealth.

*EBT—Evidence-based therapy*—Behavioral health therapy that uses scientifically established behavioral health interventions and meets one of the following:

(i) Categorized as effective in the Substance Abuse and Mental Health Services Administration's National Registry of Evidence-based Programs and Practices.

(ii) Categorized as Model or Model Plus in the Blueprints for Healthy Youth Development registry.

(iii) Categorized as well-established by the American Psychological Association's Society of Clinical Child and Adolescent Psychology.

(iv) Rated as having positive effects by the Institute of Education Sciences What Works Clearinghouse.

(v) Designated as a model intervention by the Department.

*Group services*—Therapeutic interventions provided primarily in a group format through psychotherapy, structured activities and community integration activities that address a child's, youth's or young adult's identified treatment needs. When included in a child's, youth's or young adult's ITP, group services may include individual interventions.

*IBHS—Intensive behavioral health services*—An array of therapeutic interventions and supports provided to a child, youth or young adult in the home, school or other community setting.

*IBHS agency*—An entity that provides one or more IBHS.

*ICD*—International Classification of Diseases.

*ITP—Individual treatment plan*—A detailed written plan of treatment services specifically tailored to address each child's, youth's or young adult's therapeutic needs that contains the type, amount, frequency, setting and duration of services to be provided and the specific goals, objectives and interventions for each service.

*Individual services*—Intensive one-to-one therapeutic interventions and supports that are used to reduce and manage identified therapeutic needs, increase coping strategies and support skill development to promote positive behaviors with the goal of stabilizing, maintaining or maximizing functioning of a child, youth or young adult in the home, school or other community setting.

*MA*—Medical Assistance.

*Stimulus*—An event, circumstance or condition that can be changed or does change based upon the behavior specialist analyst's manipulation.

*Variables*—An observed or manipulable condition that can be changed or does change and a directly measurable change of a child's, youth's or young adult's behavior produced by the change.

*Young adult*—A person 18 years of age or older but under 21 years of age.

*Youth*—A person 14 years of age or older but under 18 years of age.

**SCOPE OF BENEFITS****§ 1155.11. Scope of benefits.**

Children, youth or young adults under 21 years of age with behavioral health diagnoses are eligible for the full range of covered IBHS.

**PROVIDER PARTICIPATION****§ 1155.21. Participation requirements.**

In addition to the participation requirements in Chapter 1101 (relating to general provisions), an IBHS agency shall meet all of the following requirements to participate in the MA Program:

(1) Have a current license as an IBHS agency issued by the Department.



(2) Enter into a written provider agreement with the Department.

(3) Be enrolled by the Department.

**§ 1155.22. Ongoing responsibilities of providers.**

(a) Ongoing responsibilities of IBHS agencies are in Chapters 1101 and 5240 (relating to general provisions; and intensive behavioral health services).

(b) Recordkeeping requirements for IBHS agencies are in §§ 1101.51(e), 5240.41 and 5240.42 (relating to ongoing responsibilities of providers; individual records; and agency records).

(c) A licensed IBHS agency shall have a current license for each branch location or satellite location.

(d) Each branch location or satellite location of a licensed IBHS agency shall be enrolled by the Department.

(e) An IBHS agency shall notify the Department, in writing, of a change in name, address or services provided prior to the effective date of the change.

**PAYMENT FOR INTENSIVE BEHAVIORAL HEALTH SERVICES**

**§ 1155.31. General payment policy.**

(a) Except as provided in subsection (b), payment is made to licensed IBHS agencies for medically necessary IBHS provided by qualified individuals under the supervision and direction of a clinical director that meets the qualifications in § 5240.12(b) or § 5240.81(b) (relating to staff qualifications), subject to the conditions and limitations in this chapter and Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies) and the MA Program fee schedule.

(b) Payment will be made to an IBHS agency that holds an outpatient psychiatric clinic, a psychiatric partial hospitalization program or a family based mental health license issued by the Department as of \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), and the license has not expired.

(c) Payment will not be made for a compensable IBHS if payment is available through a third party. Providers shall comply with § 1101.64 (relating to third-party medical resources (TPR)).

(d) Payment will not be made for services rendered at an IBHS agency's branch or satellite location if the branch or satellite location is not licensed and enrolled.

**§ 1155.32. Payment conditions for individual services.**

Payment will be made to a licensed IBHS agency for individual services if all of the following conditions are met:

(1) There is a written order for services based on a face-to-face interaction with the child, youth or young adult that meets all of the following:

(i) Written within 6 months prior to the initiation of IBHS.

(ii) Written by a licensed physician, licensed psychologist, certified registered nurse practitioner or other licensed professional whose scope of practice includes the diagnosis and treatment of behavioral health disorders.

(iii) Includes a behavioral health disorder diagnosis listed in the most recent edition of the DSM or ICD.

(iv) Orders one or more IBHS for the child, youth or young adult and includes all of the following:

(A) The clinical information to support the medical necessity of each service ordered.

(B) The maximum number of hours of each service each month.

(C) The settings where services may be provided.

(D) The measurable improvements in the identified therapeutic needs that indicate when services may be reduced, changed or terminated.

(2) A comprehensive face-to-face assessment has been completed by a behavior specialist or mobile therapist within 15 days of the initiation of individual services and prior to developing the ITP in accordance with § 5240.21 (relating to assessment), or a comprehensive face-to-face assessment has been reviewed and updated within the last 6 months or a comprehensive face-to-face assessment has been reviewed and updated because one of the following has occurred:

(i) A parent or caregiver of a child or youth requests an update.

(ii) A young adult or youth requests an update.

(iii) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.

(iv) The child, youth or young adult completes an ITP goal.

(v) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of services identified in the ITP.

(vi) The child, youth, young adult or the family experiences a crisis event.

(vii) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services determines an update is needed.

(3) The assessment and all updates have been signed by the IBHS agency staff person that completed the assessment and the supervisor of the staff person that completed the assessment.

(4) An ITP based upon the assessment and the written order for services has been developed within 30 days after the initiation of services in accordance with § 5240.22 (relating to individual treatment plan), or an ITP has been reviewed and updated within the last 6 months or an ITP has been reviewed and updated because one of the following has occurred:

(i) An ITP goal is completed.

(ii) No significant progress is made within 90 days from the initiation of services identified in the ITP.

(iii) A youth or young adult requests a change.

(iv) A parent or caregiver of a child or youth requests a change.

(v) The child, youth or young adult experiences a crisis event.

(vi) The ITP is no longer clinically appropriate for the child, youth or young adult.

(vii) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(5) The ITP and all updates have been reviewed and signed by the youth, young adult, or at least one parent or caregiver of the child or youth, the staff person who developed the ITP and the supervisor of the staff person who developed the ITP.

(6) For continued individual services, a child, youth or young adult shall have an order written in the last 6 months that complies with paragraph (1)(ii)—(iv).

(7) For individual services reinitiated after a child, youth or young adult is discharged, payment will be made for up to 90 days if reinitiation of services was requested within 60 days after discharge and there is a written order that complies with paragraph (1)(ii)—(iv).

**§ 1155.33. Payment conditions for ABA.**

Payment will be made to a licensed IBHS agency for ABA services if all of the following conditions are met:

(1) There is a written order for ABA services based on a face-to-face interaction with the child, youth or young adult that meets all of the following:

(i) Written within 12 months prior to the initiation of ABA.

(ii) Written by a licensed physician, licensed psychologist, certified registered nurse practitioner or other licensed professional whose scope of practice includes the diagnosis and treatment of behavioral health disorders.

(iii) Includes a behavioral health disorder diagnosis that is listed in the most recent edition of the DSM or ICD.

(iv) Orders ABA services for the child, youth or young adult and includes all of the following:

(A) The clinical information to support the medical necessity of each ABA service ordered.

(B) The maximum number of hours of each ABA service each month.

(C) The settings where ABA services may be provided.

(D) The measurable improvements in targeted behaviors or skill deficits that indicate when services may be reduced, changed or terminated.

(2) A comprehensive face-to-face assessment has been completed by a behavior specialist analyst prior to the development of the ITP in accordance with § 5240.85 (relating to assessment), or a comprehensive face-to-face assessment has been reviewed and updated within the last year or a comprehensive face-to-face assessment has been reviewed and updated because one of the following has occurred:

(i) A parent or caregiver of a child or youth requests an update.

(ii) A youth or young adult requests an update.

(iii) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.

(iv) The child, youth or young adult completes an ITP goal.

(v) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of the ABA services identified in the ITP.

(vi) The child, youth, young adult or the family experiences a crisis event.

(vii) The behavior specialist analyst, ABA clinical director, primary care physician, other treating clinician, case manager or other professional involved the child's, youth's or young adult's services determines an update is needed.

(3) The assessment and all updates have been signed by the behavior specialist analyst that completed the assessment and the ABA clinical director.

(4) An ITP based upon the assessment and the written order for ABA services has been developed within 30 days after the initiation of ABA services in accordance with § 5240.86 (relating to individual treatment plan), or an ITP has been reviewed and updated within the last 6 months or an ITP has been reviewed and updated because one of the following has occurred:

(i) An ITP goal is completed.

(ii) No significant progress has been made within 90 days from the initiation of ABA services identified in the ITP.

(iii) A youth or young adult requests a change.

(iv) A parent or caregiver of a child or youth requests a change.

(v) The child, youth or young adult experiences a crisis event.

(vi) The ITP is no longer clinically appropriate for the child, youth or young adult.

(vii) A behavior specialist analyst, ABA clinical director, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(5) The ITP and all updates have been reviewed and signed by the youth, young adult, or at least one parent or caregiver of the child or youth, the behavior specialist analyst who developed the ITP and the ABA clinical director.

(6) For continued ABA services, a child, youth or young adult shall have an order written in the last 12 months that complies with paragraph (1)(ii)—(iv).

(7) For ABA services reinitiated after a child, youth or young adult is discharged, payment will be made for up to 90 days if reinitiation of services was requested within 60 days after discharge and there is a written order that complies with paragraph (1)(ii)—(iv).

**§ 1155.34. Payment conditions for EBT.**

Payment will be made to a licensed IBHS agency for EBT services if all of the following conditions are met:

(1) There is a written order for EBT services that meets the requirements of § 1155.32(1) (relating to payment conditions for individual services).

(2) A comprehensive face-to-face assessment has been completed by a staff person with the qualifications required by the EBT within 15 days of the initiation of the service and prior to developing the ITP in accordance with § 5240.92 (relating to assessment and individual treatment plan), or a comprehensive face-to-face assessment has been reviewed and updated within the last 6 months or a comprehensive face-to-face assessment has been reviewed and updated because one of the following has occurred:

(i) A parent or caregiver of a child or youth requests an update.

(ii) A young adult or youth requests an update.

(iii) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.

(iv) The child, youth or young adult completes an ITP goal.

(v) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of services identified in the ITP.

(vi) The child, youth, young adult or the family experiences a crisis event.

(viii) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services determines an update is needed.

(3) The assessment and all updates have been signed by a staff person with the qualifications required by the EBT and the staff person's supervisor.

(4) An ITP based upon the assessment and the written order for services has been developed within 30 days of the initiation of services in accordance with § 5240.92, or an ITP has been reviewed and updated within the last 6 months or an ITP has been reviewed and updated because one of the following has occurred:

(i) An ITP goal is completed.

(ii) No significant progress is made within 90 days from the initiation of the EBT service identified in the ITP.

(iii) A youth or young adult requests a change.

(iv) A parent or caregiver of a child or youth requests a change.

(v) The child, youth or young adult experiences a crisis event.

(vi) The ITP is no longer clinically appropriate for the child, youth or young adult.

(viii) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(5) The ITP and all updates have been reviewed and signed by the youth, young adult, or at least one parent or caregiver of the child or youth, the staff person who developed the ITP and the supervisor of the staff person who developed the ITP.

(6) For continued EBT services, a child, youth or young adult shall have an order written in the last 6 months that complies with § 1155.32(1)(ii)—(iv).

(7) The IBHS agency has a current certification or licensure from the National certification organization or entity that developed or owns the EBT provided or the EBT has been designated by the Department as a model intervention.

(8) The IBHS agency delivers the services in accordance with the specific EBT.

(9) For EBT services reinitiated after a child, youth or young adult is discharged, payment will be made for up to 90 days if reinitiation of services was requested within 60 days after discharge and there is a written order that complies with § 1155.32(1)(ii)—(iv).

### § 1155.35. Payment conditions for group services.

Payment will be made to a licensed IBHS agency for group services if all of the following conditions are met:

(1) There is a written order for group services that meets the requirements of § 1155.32(1) (relating to payment conditions for individual services).

(2) A comprehensive face-to-face assessment has been completed by a mental health professional within 5 days of the initiation of group services and prior to developing the ITP in accordance with § 5240.105 (relating to assessment), or a comprehensive face-to-face assessment has been reviewed and updated within the last 6 months or a comprehensive face-to-face assessment has been reviewed and updated because one of the following has occurred:

(i) A parent or caregiver of a child or youth requests an update.

(ii) A young adult or youth requests an update.

(iii) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.

(iv) The child, youth or young adult completes an ITP goal.

(v) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of services identified in the ITP.

(vi) The child, youth, young adult or the family experiences a crisis event.

(vii) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services determines an update is needed.

(3) The assessment and all updates have been signed by the mental health professional that completed the assessment and the mental health professional's supervisor.

(4) An ITP based upon the assessment and written order for group services has been developed within 10 days after the initiation of services in accordance with § 5240.106 (relating to individual treatment plan), an ITP has been reviewed and updated within the last 6 months or an ITP has been reviewed and updated because one of the following has occurred:

(i) An ITP goal is completed.

(ii) No significant progress is made within 45 days from the initiation of group services identified in the ITP.

(iii) A youth or young adult requests a change.

(iv) A parent or caregiver of a child or youth requests a change.

(v) The child, youth or young adult experiences a crisis event.

(vi) The ITP is no longer clinically appropriate for the child, youth or young adult.

(vii) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(5) The ITP and all updates have been reviewed and signed by the youth, young adult, or at least one parent or caregiver of the child or youth, the mental health professional who developed the ITP and the IBHS clinical director.

(6) For continued group services, a child, youth or young adult shall have an order written in the last 6 months that complies with § 1155.32(1)(ii)—(iv).

(7) For group services reinitiated after a child, youth or young adult is discharged, payment will be made for up to 90 days if reinitiation of services was requested within 60 days after discharge and there is a written order that complies with § 1155.32(1)(ii)—(iv).

#### § 1155.36. Covered services.

The Department will pay for all of the following IBHS when the services are medically necessary:

- (1) Individual services, which include:
  - (i) Services provided by a behavior specialist.
  - (ii) Services provided by a mobile therapist.
  - (iii) Services provided by a behavioral health technician.
- (2) ABA services, which include:
  - (i) Services provided by a behavior specialist analyst.
  - (ii) Services provided by an assistant behavior specialist analyst.
  - (iii) Services provided by a behavioral health technician-ABA.
- (3) EBT.
- (4) Group services.
- (5) Services approved through the program exception process under § 1150.63 (relating to waivers).

#### § 1155.37. Limitations.

Payment is subject to all of the following limitations:

- (1) Services provided to a child, youth or young adult must be included in the agency's approved service description.
- (2) Services provided to a child, youth or young adult residing in a 24-hour residential facility will not be paid for unless the IBHS is ordered in accordance with § 1155.32(1) or § 1155.33(1) (relating to payment conditions for individual services; and payment conditions for ABA) and are provided within 60 days of discharge from the facility to assist in a child's, youth's or young adult's transition to the home or community setting, and the service does not duplicate services included in the facility's rate.

### UTILIZATION REVIEW

#### § 1155.41. Scope of claims review procedures.

Claims submitted for payment under the MA Program are subject to the utilization review procedures in Chapter 1101 (relating to general provisions).

### ADMINISTRATIVE SANCTIONS

#### § 1155.51. Provider misutilization.

If an IBHS agency is determined to have billed for services inconsistent with MA Program regulations, to have provided services outside the scope of customary standards of clinical practice or to have otherwise violated the standards in the provider agreement, the IBHS agency is subject to the sanctions in Chapter 1101 (relating to general provisions).

## PART VII. MENTAL HEALTH MANUAL

### Subpart D. NONRESIDENTIAL AGENCIES/FACILITIES/SERVICES

#### CHAPTER 5240. INTENSIVE BEHAVIORAL HEALTH SERVICES

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##### GENERAL PROVISIONS

#### § 5240.1. Scope.

(a) This chapter applies to all entities that provide IBHS, as defined in this chapter, to children, youth or

young adults under 21 years of age and provides the minimum requirements that shall be met for an agency to obtain a license to provide one or more IBHS.

(b) This chapter does not apply to individual licensed practitioners or group arrangements in which only licensed practitioners provide IBHS.

#### § 5240.2. Definitions.

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

*ABA—Applied behavioral analysis*—The design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, which includes all of the following:

(i) The use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(ii) The attempt to address one or more behavior challenges or skill deficits using evidence-based principles and practices of learning and behavior.

(iii) The analysis of the relationship between a stimulus, consequence or other variable. The changes of stimuli, consequences or other variables may occur individually, as a combination or in relationship with each other. The change of stimuli, consequences or other variables may be external or internal to the person whose behavior is being analyzed.

*ABSA—Assistant behavior specialist analyst.*

*ASD—Autism spectrum disorder*—A pervasive neurodevelopmental disorder present from early childhood which involves maladaptive or restrictive behaviors, impairments in communication, and impairments in social interactions and relationships as described in the diagnostic criteria in the most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders*.

*BCaBA—Board-certified assistant behavior analyst*—An undergraduate-level professional certified by the Behavior Analyst Certification Board to provide ABA services.

*BCAT—Board-certified autism technician*—A paraprofessional certified by the Behavioral Intervention Certification Council to provide ABA services.

*BCBA—Board-certified behavior analyst*—A graduate-level professional certified by the Behavior Analyst Certification Board to design and provide ABA services. BCBA refers to both master's (BCBA) and doctoral level credentials (BCBA-D).

*BHT—Behavioral health technician.*

*BHT-ABA—Behavioral health technician-applied behavioral analysis.*

*Caregiver*—An individual with responsibility for the care and supervision of a minor.

*Child*—A person under 14 years of age.

*Consequence*—A resulting directly measurable change of a child's, youth's or young adult's behavior produced by a change in a stimulus or stimuli.

*Department*—The Department of Human Services of the Commonwealth.

*EBT—Evidence-based therapy*—Behavioral health therapy that uses scientifically established behavioral health interventions and meets one of the following:

(i) Categorized as effective in the Substance Abuse and Mental Health Services Administration's National Registry of Evidence-based Programs and Practices.

(ii) Categorized as Model or Model Plus in the Blueprints for Healthy Youth Development registry.

(iii) Categorized as well-established by the American Psychological Association's Society of Clinical Child and Adolescent Psychology.

(iv) Rated as having positive effects by the Institute of Education Sciences What Works Clearinghouse.

(v) Designated as a model intervention by the Department.

*Formal support*—An agency, organization or person that provides assistance or resources to a child, youth or young adult within the context of an official role.

*Full-time equivalent*—37.5 hours per week of staff time.

*Group services*—Therapeutic interventions provided primarily in a group format through psychotherapy, structured activities and community integration activities that address a child's, youth's or young adult's identified treatment needs. When included in a child's, youth's or young adult's ITP, group services may include individual interventions.

*IBHS—Intensive behavioral health services*—An array of therapeutic interventions and supports provided to a child, youth or young adult in the home, school or other community setting.

*IBHS agency*—An entity that provides one or more IBHS.

*ITP—Individual treatment plan*—A detailed written plan of treatment services specifically tailored to address each child's, youth's or young adult's therapeutic needs that contains the type, amount, frequency, setting and duration of services to be provided and the specific goals, objectives and interventions for each service.

*Individual services*—Intensive one-to-one therapeutic interventions and supports that are used to reduce and manage identified therapeutic needs, increase coping strategies and support skill development to promote positive behaviors with the goal of stabilizing, maintaining or maximizing functioning of a child, youth or young adult in the home, school or other community setting.

*Manual restraint*—A physical hands-on technique that restricts the movement or function of a child, youth or young adult, or a portion of a child's, youth's or young adult's body. A manual restraint does not include the use of hands-on assistance when needed to enable a child, youth or young adult achieve a goal or objective identified in the ITP.

*Mental health direct service*—Working directly with a child, youth or young adult to provide a mental health service.

*Natural support*—An agency, organization or person that provides support to a child, youth or young adult in a personal or nonprofessional role.

*RBT—Registered behavior technician*—A paraprofessional certified by the Behavior Analyst Certification Board to implement an ITP that includes ABA services.

*Restrictive procedure*—A practice that limits or restricts a child's, youth's or young adult's freedom of movement, activity or function.

*Stimulus*—An event, circumstance or condition that can be changed or does change based upon the behavior specialist analyst's manipulation.

*Systems of care principles*—Guiding philosophies that form the essential elements of a coordinated network of community-based services and supports that is organized to meet the challenges of children, youth and young adults with serious mental health needs and their families that is family-driven and youth-guided and includes interagency collaboration, individualized strengths-based care, cultural and linguistic competence, community-based services and accountability.

*Trauma*—The result of an event, series of events or set of circumstances that is experienced by a child, youth or young adult as physically or emotionally harmful or threatening and that has lasting effects on the child's, youth's or young adult's functioning and physical, social, emotional or spiritual well-being.

*Trauma-informed approach*—Recognizes the widespread impact of trauma including the signs and symptoms of trauma and potential paths for recovery by integrating knowledge about trauma into policies, procedures and practices that avoids retraumatization.

*Variables*—An observed or manipulable condition that can be changed or does change and a directly measurable change of a child's, youth's or young adult's behavior produced by the change.

*Young adult*—A person 18 years of age or older but under 21 years of age.

*Youth*—A person 14 years of age or older but under 18 years of age.

#### § 5240.3. Provider eligibility.

(a) An IBHS agency shall obtain a license from the Department prior to beginning operations.

(b) An IBHS agency that holds an outpatient psychiatric clinic, a psychiatric partial hospitalization program or a family based mental health license issued by the Department as of \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), is required to comply with this chapter as of that date.

(c) An IBHS agency that holds an outpatient psychiatric clinic, a psychiatric partial hospitalization program or a family based mental health license issued by the Department as of \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), is required to obtain a license under this chapter when that license expires.

(d) An IBHS agency that is approved to provide ABA services shall be required to obtain a license under this chapter within 180 days of \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*).

#### § 5240.4. Organizational structure.

(a) An IBHS agency shall have an administrative director, clinical director and staff.

(b) The organizational structure of the IBHS agency must be specified in an organizational chart and the IBHS agency shall notify the Department within 10 days of a change in the organizational structure of the IBHS agency.

#### § 5240.5. Service description.

(a) As part of the initial licensing application, the IBHS agency shall submit to the Department for review

and approval a written description of services to be provided that must include all of the following:

(1) Identification and description of each service offered by the IBHS agency.

(2) Purpose of the service being offered by the IBHS agency, expected duration of the service and expected outcomes for children, youth or young adults.

(3) Identification of the target population served by each service, including age range and presenting issues, which may include specific diagnoses.

(4) The days and hours each service is available.

(5) Identification of the counties where the IBHS agency provides each service.

(6) Description of admission criteria.

(7) Description of discharge criteria.

(8) Description of any exclusionary criteria.

(9) Staffing ratios for each service offered by the IBHS agency.

(10) Maximum number of children, youth or young adults that may be assigned to a BHT or BHT-ABA, if a BHT or BHT-ABA will be providing services.

(11) Treatment modalities.

(12) Locations where the service are offered.

(b) Prior to the IBHS agency changing its services or if the information in the service description is otherwise no longer accurate, the IBHS agency shall submit an updated service description to the Department for review and approval.

#### § 5240.6. Restrictive procedures.

(a) A restrictive procedure shall only be used in an emergency situation to prevent self-injury or to prevent injury to others by a child, youth or young adult and after all of the following:

(1) Every attempt has been made to anticipate and de-escalate the behavior using methods of intervention that are less intrusive than a restrictive procedure.

(2) Less intrusive techniques and resources appropriate to the behavior have been tried but have failed.

(b) A manual restraint is the only restrictive procedure that may be used and may not:

(1) Apply pressure or weight on a child's, youth's or young adult's respiratory system.

(2) Use a prone position.

(c) The position of the manual restraint or the staff person applying a manual restraint shall be changed at least every 10 minutes during the application of the manual restraint.

(d) A staff person who is not applying the manual restraint procedure shall observe and document the physical and emotional condition of the child, youth or young adult at least every 10 minutes during the application of the manual restraint.

(e) A manual restraint shall be discontinued when the child, youth or young adult demonstrates the ability to regain self-control.

(f) An IBHS agency shall have policies and procedures for the use of manual restraints that include all of the following:

(1) Appropriate use of the manual restraint procedure, including all prohibitions on the use of a manual restraint.

(2) Required use of less intrusive techniques and resources appropriate to the behavior prior to the use of a manual restraint procedure.

(3) Immediate discontinuation of the manual restraint procedure when the child, youth or young adult demonstrates the ability to regain self-control.

(g) An IBHS agency shall require yearly training for each staff person who administers a manual restraint procedure that includes all of the following:

(1) De-escalation techniques and strategies.

(2) Proper use of the specific manual restraint procedure that is appropriate for the age and weight of the child, youth or young adult.

(3) Demonstrated experience in the proper use of the manual restraint procedure on other staff.

(4) A testing process to demonstrate the ability to properly apply the specific manual restraint procedure.

(h) An IBHS agency shall keep a record of each staff person's training in the use of manual restraint procedures.

(i) An IBHS agency shall document the use of any manual restraint procedure in the child's, youth's or young adult's individual record in accordance with § 5240.41(a)(11) (relating to individual records).

#### § 5240.7. Coordination of services.

(a) An IBHS agency shall have written agreements to coordinate services with other service providers, including all of the following:

(1) Psychiatric inpatient facilities.

(2) Partial hospitalization programs.

(3) Psychiatric outpatient clinics.

(4) Crisis intervention programs.

(5) Mental health and intellectual or developmental disability case management programs.

(b) An IBHS agency shall update the written agreements with other service providers at least every 5 years.

(c) An IBHS agency shall have a list of community resources that provide behavioral health services that is available upon request by a parent or caregiver of a child or youth, or a youth or young adult receiving services that includes all of the following:

(1) The name of the program or organization.

(2) Description of the services provided.

(3) Address and phone number of the program or organization.

(d) An IBHS agency shall update the community resource list annually.

(e) An IBHS agency shall have a written referral process for children, youth and young adults whose therapeutic needs cannot be served by the agency. The IBHS agency shall document in the records of the IBHS agency the referrals made for a child, youth or young adult the IBHS agency could not serve.

(f) An IBHS agency that provides group services is not required to comply with subsections (a) and (b).

## STAFFING

### § 5240.11. Staff requirements.

(a) An IBHS agency shall have an administrative director and a clinical director.

(b) The administrative director's responsibilities shall include all of the following:

(1) The overall daily management of the agency.

(2) Setting work schedules to meet the needs of the children, youth and young adults served and that accommodate their parents' or caregivers' schedules.

(3) Ensuring compliance with staff qualifications and training requirements.

(4) Monitoring the IBHS agency's compliance with this chapter.

(5) Developing and monitoring the quality improvement plan for the agency.

(c) The administrative director may also be the clinical director if the person meets the qualifications for both positions.

(d) When an entity operates more than one IBHS agency, the administrative director may be responsible for more than one IBHS agency that is licensed under this chapter.

(e) The administrative director shall dedicate a minimum of 7.5 hours each week for each IBHS agency that he directs.

(f) The clinical director's responsibilities shall include all of the following:

(1) Ensuring supervision is provided to all staff in accordance with this chapter.

(2) Providing 1 hour of supervision to all staff that supervise other staff at least two times a month.

(3) Maintaining clinical oversight of all IBHS provided.

(4) Ensuring staff that provide IBHS have access to supervisory staff during all hours that IBHS are provided, including evenings and weekends.

(5) Conducting and documenting monthly staff meetings.

(6) Completing and documenting a clinical record review for quality of the services provided and compliance with this chapter and documenting the outcomes of the review on a quarterly basis.

(7) Ensuring that training for IBHS agency staff is being provided as required by this chapter.

(g) An IBHS agency shall employ a sufficient number of qualified staff to comply with the administrative oversight, clinical supervision and monitoring requirements of this chapter.

(h) An IBHS agency shall employ a sufficient number of qualified staff to provide the maximum number of service hours identified in the written order and the ITP for each child, youth or young adult admitted to services.

### § 5240.12. Staff qualifications.

(a) An administrative director of an IBHS agency shall meet one of the following:

(1) The qualifications for a clinical director in subsection (b).

(2) Have a graduate degree in psychology, social work, counseling, education, human services, public administra-

tion, business administration or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation.

(3) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(b) A clinical director of an IBHS agency shall meet all of the following:

(1) Have a minimum of 1 year of full-time postgraduate experience in the provision of mental health direct service to children, youth or young adults.

(2) Be licensed in this Commonwealth as a psychiatrist, psychologist, professional counselor, marriage and family therapist, or clinical social worker, or be licensed in this Commonwealth as a certified registered nurse practitioner and have a mental health certification or be licensed in this Commonwealth as a social worker with a graduate degree that required a clinical or mental health direct service practicum.

(c) This section does not apply to ABA services.

#### § 5240.13. Staff training plan.

(a) An IBHS agency shall develop and implement a written plan that ensures initial and annual training requirements are met which includes all of the following:

(1) A written individual training plan that is:

(i) Updated annually based on the date of hire for each staff person.

(ii) Based upon the staff person's educational level, experience, current job functions and performance reviews.

(iii) Appropriate to the staff person's skill level.

(2) An overall plan to ensure that staff receive training in accordance with this chapter to provide IBHS in a manner that is consistent with the policies and procedures of the IBHS agency.

(3) An annual review and update of the IBHS agency training plan based on service outcomes and staff performance evaluations.

(b) An IBHS agency shall keep documentation of the completed initial and annual training requirements in each staff person's personnel file in accordance with § 5240.42(b)(2) (relating to agency records).

(c) An IBHS agency shall accept documentation of the completion of initial or annual training requirements from a college, university, National training organization, training entity accepted by a professional licensing organization or the Department.

(d) An IBHS agency may choose to not require a staff person to complete additional training if the staff person has completed the required initial or annual training while working for another IBHS agency.

(e) An IBHS agency shall keep records of all initial and annual trainings that it provides to staff that includes documentation of all of the following:

(1) The date, time and location of the training.

(2) The name of the person who conducted the training and the person's qualifications to conduct the specific training.

(3) The names of IBHS agency staff who participated in the training.

(4) The specific topics addressed at the training.

(5) A copy of any written materials distributed to participants.

(6) A copy of any written materials that were used during the training.

(7) Department approval of the training.

#### § 5240.14. Criminal history checks and child abuse certification.

(a) Criminal history checks and child abuse certification shall be completed in accordance with 23 Pa.C.S. §§ 6301—6386 (relating to Child Protective Services Law) and Chapter 3490 (relating to protective services).

(b) An IBHS agency shall have policies and procedures to ensure that staff having contact with children or youth comply with 23 Pa.C.S. §§ 6301—6386 and Chapter 3490, including mandatory reporter and training requirements.

#### SERVICE PLANNING AND DELIVERY

##### § 5240.21. Assessment.

(a) A comprehensive face-to-face assessment shall be completed by a behavior specialist or mobile therapist for each child, youth or young adult within 15 days of the initiation of IBHS and prior to developing the ITP.

(b) The assessment shall be completed in collaboration with the youth, young adult, or parent or caregiver of the child or youth, and the child as appropriate.

(c) The assessment shall be individualized and include all of the following:

(1) The strengths and needs across developmental and behavioral domains of the child, youth or young adult.

(2) The strengths and needs of the family system in relation to the child, youth or young adult.

(3) Existing and needed natural and formal supports.

(4) The specific services, skills, supports and resources the child, youth or young adult requires to address the child's, youth's or young adult's identified therapeutic needs.

(5) The specific supports and resources, if any, the parent or caregiver of the child, youth or young adult requires to assist in addressing the child's, youth's or young adult's identified therapeutic needs.

(6) Clinical information that includes all of the following:

(i) Treatment history.

(ii) Medical history.

(iii) Developmental history.

(iv) Family structure and history.

(v) Educational history.

(vi) Social history.

(vii) Trauma history.

(viii) Other relevant clinical information.



(7) The child's, youth's or young adult's level of developmental, cognitive, communicative, social and behavioral functioning across the home, school and other community settings.

(8) The cultural, language or communication needs and preferences of the child, youth or young adult and the parent or caregiver.

(d) The assessment shall include a summary of the treatment recommendations received from health care providers, school or other service providers involved with the child, youth or young adult.

(e) The assessment shall be reviewed and updated at least every 6 months and if one of the following occurs:

(1) A parent or caregiver of a child or youth requests an update.

(2) A young adult or youth requests an update.

(3) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.

(4) The child, youth or young adult completes an ITP goal.

(5) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of services identified in the ITP.

(6) The child, youth, young adult or the family experiences a crisis event.

(7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services determines an update is needed.

(f) The assessment and all updates shall be signed and dated by the IBHS agency staff person that completed the assessment and the supervisor of the staff person that completed the assessment.

(g) This section does not apply to ABA services.

(h) Subsection (a) does not apply to EBT or group services.

**§ 5240.22. Individual treatment plan.**

(a) A written ITP shall be developed within 30 days after the initiation of a service and be based on the assessment completed in accordance with § 5240.21 (relating to assessment).

(b) The ITP must include the recommendations from the licensed professional who completed the written order for the IBHS in accordance with § 1155.32(1) (relating to payment conditions for individual services).

(c) The ITP shall be strength-based with individualized goals and objectives to address the identified therapeutic needs for the child, youth or young adult to function at home, school or in the community.

(d) The ITP must include all of the following:

(1) Service type and the number of hours of each service.

(2) Whether and how parent or caregiver participation is needed to achieve the identified goals and objectives.

(3) Safety plan to prevent a crisis, a crisis intervention plan and a transition plan.

(4) Specific goals, objectives and interventions to address the identified therapeutic needs with definable and measurable outcomes.

(5) Type of staff providing the services.

(6) Time frames to complete each goal.

(7) Settings where services may be provided.

(8) Number of hours of service at each setting.

(e) The ITP shall be developed in collaboration with the youth, young adult, or at least one parent or caregiver of a child.

(f) The ITP shall be reviewed and updated at least every 6 months and if:

(1) An ITP goal is completed.

(2) No significant progress is made within 90 days from the initiation of the services identified in the ITP.

(3) A youth or young adult requests a change.

(4) A parent or caregiver of a child or youth requests a change.

(5) The child, youth or young adult experiences a crisis event.

(6) The ITP is no longer clinically appropriate for the child, youth or young adult.

(7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(g) An ITP update must include the elements in subsection (d) and all of the following:

(1) A description of progress or lack of progress toward the goals and objectives.

(2) A description of any new goals, objectives and interventions.

(3) A description of any changes made to the goals, objectives or interventions.

(4) A description of the new interventions to be used to reach previously identified goals and objectives.

(h) The ITP and all updates shall be reviewed, signed and dated by the youth, young adult, or at least one parent or caregiver of a child or youth, and the IBHS staff person who developed the ITP.

(i) The ITP and all updates shall be reviewed, signed and dated by the supervisor of the staff person who developed the ITP.

(j) This section does not apply to all of the following:

(1) ABA services.

(2) Group services.

**§ 5240.23. Service provision.**

(a) IBHS shall be provided in accordance with each child's, youth's or young adult's ITP.

(b) IBHS shall be delivered in community-based, clinically appropriate settings as identified in the written order and ITP.

(c) IBHS shall be provided in accordance with the IBHS agency's approved service description under § 5240.5 (relating to service description).

**DISCHARGE**

**§ 5240.31. Discharge.**

(a) An IBHS agency may discharge a child, youth or young adult when one of the following occurs:

(1) The child, youth or young adult has completed the goals and objectives in the ITP and no new goals or objectives have been identified.

(2) The child, youth or young adult is not progressing towards the identified goals as described in the ITP after 180 days from the initiation of the IBHS and other clinical services are in place to provide continuity of care.

(3) The child, youth or young adult requires a more restrictive service to meet the child's, youth's or young adult's needs.

(4) The parent or caregiver of a child or youth who provided consent to receive services requests to discontinue services.

(5) The youth or young adult requests to discontinue services.

(b) An IBHS agency shall provide all of the following information to the youth, young adult, or at least one parent or caregiver of the child upon discharge:

(1) If the child, youth or young adult has been referred to other services, contact information for each service.

(2) Contact information for the local crisis intervention service.

(c) An IBHS agency may continue to serve a child, youth or young adult after the child, youth or young adult is discharged for up to 90 days if the youth, young adult, or parent or caregiver of the child or youth requests reinitiation of services within 60 days after the child, youth or young adult has been discharged from services when:

(1) The condition of the child, youth or young adult has regressed and impacts the child's, youth's or young adult's ability to maintain functioning at home, school or in the community.

(2) The written order meets the requirements in § 1155.32(1)(ii)—(iv) or § 1155.33(1)(ii)—(iv) (relating to payment conditions for individual services; and payment conditions for ABA).

#### § 5240.32. Discharge summary.

(a) An IBHS agency shall complete a discharge summary for each child, youth or young adult that includes all of the following:

- (1) Summary of the service outcomes.
- (2) Reason for discharge.
- (3) Referral for services other than IBHS if needed.
- (4) Documentation of at least two telephone contacts within the first 30 days after discharge to monitor the status of maintaining treatment progress.

(b) An IBHS agency shall ensure that the discharge summary is:

- (1) Completed within 45 days after the date of discharge.
- (2) Reviewed and signed by the IBHS agency's clinical director.
- (3) Provided to the youth, young adult, or at least one parent or caregiver of the child.

#### RECORDS

#### § 5240.41. Individual records.

(a) An IBHS agency shall maintain a record for each child, youth or young adult served which includes all of the following:

(1) Identifying information.

(2) A written order for IBHS in accordance with § 1155.32(1) or § 1155.33(1) (relating to payment conditions for individual services; and payment conditions for ABA).

(3) An assessment in accordance with § 5240.21, § 5240.85, § 5240.92 or § 5240.105.

(4) Presenting problems.

(5) The ITP and any updates in accordance with § 5240.22, § 5240.86, § 5240.92 or § 5240.106.

(6) Documentation of any efforts to coordinate care with other services and community supports if needed.

(7) Documentation of each service provided that includes all of the following:

(i) Date and time services were provided, duration of services and setting where services were provided.

(ii) Identification of the service provided to address a goal in the ITP.

(iii) Description of the outcome of the services provided.

(iv) Signature of the staff person providing the service.

(8) If services are not provided in accordance with the ITP and written order, an explanation of the reason why services were not provided in accordance with the ITP and written order.

(9) Consent to treatment and consent to release information forms.

(10) Discharge summary in accordance with § 5240.32 (relating to discharge summary).

(11) Documentation of any use of a manual restraint procedure and a description of how the use of the manual restraint procedure was in accordance with § 5240.6 (relating to restrictive procedures) and used to prevent self-injury or to prevent injury to others by a child, youth or young adult, including all of the following:

(i) The specific behavior addressed.

(ii) The less intrusive methods of intervention used to address the behavior prior to initiating the manual restraint procedure used.

(iii) The specific manual restraint procedure used.

(iv) The name of the staff person who used the manual restraint procedure.

(v) The duration of the manual restraint procedure.

(vi) The name of the staff person who observed the child, youth or young adult during the application of the manual restraint procedure.

(vii) The child's, youth's or young adult's condition following the manual restraint procedure.

(viii) The date and time the manual restraint procedure was used.

(b) The record shall be maintained as follows:

(1) Legible.

(2) Signed and dated by the staff member writing in the record.

(3) Reviewed for quality at least every 6 months by the administrative director, clinical director or designated quality improvement staff. After initial review, subsequent reviews may be limited to new additions to the record since the prior review.

(c) The record shall be maintained for a minimum of 10 years after the last date of service.

**§ 5240.42. Agency records.**

(a) An IBHS agency shall maintain records that contain all of the following:

(1) Inspection reports, certifications or licenses issued by State and local agencies.

(2) A detailed agency service description in accordance with § 5240.5 (relating to service description).

(3) A written emergency plan that includes, at a minimum, a plan for natural disasters, inclement weather and medical emergencies.

(4) Human resources policies and procedures that address all of the following:

(i) Job descriptions for staff positions.

(ii) Staff work schedules and time sheets.

(iii) Criminal history checks, child abuse certifications and training on and compliance with the mandated reporter requirements in 23 Pa.C.S. §§ 6301—6386 (relating to Child Protective Services Law).

(5) Written agreements to coordinate services in accordance with § 5240.7 (relating to coordination of services).

(6) Daily schedules for group services if providing group services.

(7) Quality improvement plans in accordance with § 5240.61 (relating to quality improvement requirements).

(b) An IBHS agency shall maintain staff personnel records that include all of the following:

(1) Documentation of staff's credentials or qualifications.

(2) Documentation of completion of required training for all staff, including completion of continuing education credits required for professionally licensed staff to maintain licensure in accordance with the applicable professional regulations.

(3) All criminal history checks and child abuse certifications.

(4) The staff's individual training plan in accordance with § 5240.13 (relating to staff training plan).

**§ 5240.43. Record retention and disposal.**

An IBHS agency shall ensure that all records that contain protected health information, both written and electronic, are secured, maintained and disposed of in accordance with all applicable Federal and State privacy and confidentiality statutes and regulations.

**NONDISCRIMINATION**

**§ 5240.51. Nondiscrimination.**

An IBHS agency may not discriminate against staff or children, youth or young adults receiving services on the basis of race, color, creed, disability, religious affiliation, ancestry, gender, gender identity or expression, sexual orientation, national origin or age, and shall comply with all applicable Federal and State statutes and regulations.

**QUALITY IMPROVEMENT**

**§ 5240.61. Quality improvement requirements.**

(a) An IBHS agency shall establish and implement a written quality improvement plan that meets all of the following requirements:

(1) Provides for an annual review of the quality, timeliness and appropriateness of services that includes all of the following:

(i) Individual record reviews.

(ii) Review of individual and family satisfaction information.

(iii) Assessment of the outcomes of services delivered and if ITP goals have been completed.

(iv) An evaluation of compliance with the agency's service description and licensure requirements.

(2) Identifies the type of review and the methodology for the review that includes all of the following:

(i) Method for establishing sample size.

(ii) Frequency of review.

(iii) Staff's qualifications to perform the review.

(b) An IBHS agency shall prepare a report that includes all of the following:

(1) Documentation and analysis of the findings of the annual review required under subsection (a).

(2) Identification of the actions to address annual review findings.

(c) An IBHS agency shall make annual quality reports available to the public upon request.

(d) An IBHS agency shall provide written notification that a copy of the annual quality report may be requested by the youth, young adult, or parent or caregiver of a child, youth or young adult upon admission to services.

**INDIVIDUAL SERVICES**

**§ 5240.71. Staff qualifications.**

(a) Except as set forth in subsection (b), a behavior specialist who provides individual services shall meet one of the following:

(1) Be licensed in this Commonwealth as a behavior specialist.

(2) Have a current certification as a BCBA from the Behavior Analyst Certification Board or other graduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(3) Have a graduate degree in psychology, ABA, social work, education, counseling or related field that includes a clinical or mental health direct service practicum from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults.

(4) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(b) Behavior specialists who provide individual services to children diagnosed with ASD for the treatment of ASD shall meet the qualifications for a behavior specialist analyst in § 5240.81(c) (relating to staff qualifications).

(c) A mobile therapist who provides individual services shall meet one of the following:

(1) Be licensed in this Commonwealth as a psychologist, professional counselor, marriage and family therapist, or clinical social worker.

(2) Be licensed in this Commonwealth as a social worker with a graduate degree that required a clinical or mental health direct service practicum.

(3) Have a graduate degree in psychology, social work, education or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults.

(4) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(d) A BHT who provides individual services shall have or obtain within 18 months of being hired by an IBHS agency as a BHT or by \_\_\_\_\_ (*Editor's Note: The blank refers to 730 days after the effective date of adoption of this proposed rulemaking.*), whichever is later, a current RBT, BCAT or other behavior analysis certification that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute, or a current BHT certification from the Pennsylvania Certification Board. If the BHT does not have the required certification, the BHT can provide individual services for 18 months after being hired by an IBHS agency as a BHT or by \_\_\_\_\_ (*Editor's Note: The blank refers to 730 days after the effective date of adoption of this proposed rulemaking.*), whichever is later, if the BHT meets one of the following:

(1) Has a bachelor's degree in psychology, social work, counseling, sociology, education or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation.

(2) Has an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(3) Has an associate's degree or at least 60 credits towards a bachelor's degree and a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults.

(4) Has a Pennsylvania license as a registered nurse and a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults.

#### § 5240.72. Supervision.

(a) Supervision shall be provided by an IBHS supervisor to all staff that provide individual services. Supervision shall include all of the following:

(1) One hour of supervision of behavior specialists and mobile therapists two times a month.

(2) One individual face-to-face session a month for each IBHS staff person.

(3) Thirty minutes of direct observation of services being provided by each IBHS staff person every 3 months.

(4) Case reviews for each IBHS staff person each month that include all of the following:

(i) The interventions being implemented.

(ii) ITP implementation status.

(iii) Adjustments needed to the ITP goals.

(iv) Staff person's skill in implementing the ITP interventions.

(b) In addition to the requirements in subsection (a)(2)–(4), an IBHS supervisor shall provide a BHT with the following supervision:

(1) Six hours of onsite supervision during the provision of services to a child, youth or young adult prior to providing services independently.

(2) Onsite supervision during the provision of services to a child, youth or young adult at least quarterly for a minimum of 30 minutes.

(3) One hour of supervision each week if the BHT works at least 37.5 hours per week or 1 hour of supervision two times a month if the BHT works less than 37.5 hours a week.

(c) An IBHS supervisor shall meet one of the following:

(1) Be licensed in this Commonwealth as a psychologist, professional counselor, marriage and family therapist, or clinical social worker.

(2) Be licensed in this Commonwealth as a certified registered nurse practitioner and have a mental health certification.

(3) Be licensed in this Commonwealth as a social worker with a graduate degree that required a clinical or mental health direct service practicum.

(4) Have a graduate degree in psychology, ABA, social work, education or a related field that includes a clinical or mental health direct service practicum from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and a minimum of 1 year of full-time experience in providing mental health direct services to children, youth or young adults.

(5) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a minimum of 1 year of full-time experience providing mental health direct services to children, youth or young adults. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(d) An IBHS supervisor may supervise a maximum of nine full-time equivalent BHT staff.

(e) Group supervision may be provided to no more than nine mobile therapists, behavior specialists and BHTs in each session.

(f) Face-to face supervision may be delivered through secure, real-time, two-way audio and video transmission that meets technology and privacy standards required by

the Health Insurance Portability and Accountability Act of 1996 (Pub.L. No. 104-191, 110 Stat. 1936).

(g) An IBHS supervisor shall maintain documentation which includes all of the following of all supervision sessions as part of each staff's personnel file:

- (1) The date of the supervision session.
- (2) The location and modality of the session, such as in-person or through secure audio or video medium.
- (3) The format of the session, such as individual, group or onsite.
- (4) The start and end time of the supervision session.
- (5) A narrative summary of the points discussed during the session.
- (6) The dated signature of the supervisor and the staff person receiving supervision.
- (h) An IBHS supervisor shall be available to consult with staff during all hours that individual services are being provided, including evenings and weekends.

(i) The clinical director may provide supervision if the IBHS agency employs nine or less full-time equivalent staff that provide individual services and have no staff that meet the qualifications of an IBHS supervisor.

**§ 5240.73. Staff training requirements.**

(a) An IBHS agency that provides individual services shall ensure that all staff complete initial and annual training requirements.

(b) A behavior specialist who is licensed in this Commonwealth or who does not have a current professional license shall complete at least 16 hours of Department-approved training annually that is related to the behavior specialist's specific job functions and is in accordance with the behavior specialist's individual training plan as required under § 5240.13 (relating to staff training plan).

(c) A mobile therapist who is not licensed in this Commonwealth as a psychologist, professional counselor, marriage and family therapist, clinical social worker or social worker shall complete at least 16 hours of Department-approved training annually that is related to the mobile therapist's specific job functions and is in accordance with the mobile therapist's individual training plan as required under § 5240.13.

(d) A BHT shall complete at least 30 hours of Department-approved training before independently providing services to a child, youth or young adult that includes all of the following topics:

- (1) Sections 6301—6386 of 23 Pa.C.S. (relating to Child Protective Services Law) and mandated reporting requirements.
- (2) Crisis intervention skills, including risk management, de-escalation techniques and safety planning.
- (3) Behavior management skills and coaching.
- (4) Child and adolescent development.
- (5) Overview of serious emotional disturbance and other behavioral and psychosocial needs of the individuals with whom the BHT works.
- (6) Professional ethics, conduct and confidentiality.
- (7) First aid, universal precautions and safety.
- (8) Psychotropic medications, including common side effects.

(e) Within the first 6 months of employment as a BHT, the BHT shall complete at least 24 hours of Department-approved training that includes all of the following topics:

- (1) Documentation skills.
- (2) Systems of care principles.
- (3) Overview of functional behavioral assessment.
- (4) Ethnic, cultural and linguistic considerations of the community served.
- (5) Strategies and interventions to engage children, youth or young adults and parents or caregivers in services, including family systems theory.
- (6) Skills and techniques for working with families.
- (7) Overview of community resources and child and youth-serving systems and processes.
- (8) Cross-systems collaboration.
- (9) Communication and conflict resolution skills.
- (10) Basic individual education plan and special education information.
- (11) Safe use of restrictive procedures in accordance with § 5240.6 (relating to restrictive procedures).

(f) A BHT who has a current RBT, BCAT or other behavior analysis certification that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute may count hours of training required for certification towards the training requirements in subsections (d) and (e).

(g) A BHT who is certified as a BHT through the Pennsylvania Certification Board is deemed to have completed and is exempt from the training requirements in subsections (d) and (e).

(h) A BHT may substitute completed college coursework for any of the required training topics in subsection (d) or (e) by providing an official transcript and if needed other documentation to the IBHS agency that reflects that the coursework addressed a required training topic.

(i) A BHT shall complete at least 20 hours of Department-approved training annually that is related to the BHT's specific job functions and is in accordance with the BHT's individual training plan required under § 5240.13.

(j) A BHT who has a current RBT, BCAT or other behavior analysis certification that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute may count hours of continuing training required to maintain the BHT's certification towards the continuing training requirement in subsection (i).

**§ 5240.74. Individual services initiation requirements.**

(a) An IBHS agency shall provide individual services to a child, youth or young adult in accordance with a written order under § 1155.32(1) (relating to payment conditions for individual services).

(b) Prior to the initiation of individual services, the IBHS agency shall obtain written consent to receive the individual services identified in the written order from the youth, young adult, or parent or caregiver of a child or youth.

**§ 5240.75. Individual services provision.**

(a) A behavior specialist shall provide only the following services:

- (1) Assessment of behavioral needs.
- (2) Design and direction of the implementation of behavioral interventions in the ITP.
- (3) Identification of behavioral goals in measurable terms and selection of appropriate interventions for inclusion in the ITP.
- (4) Review, analysis and interpretation of data to determine any changes to goals and objectives included in the ITP.
- (5) Consultation to mobile therapists or BHTs on behavioral management protocols.
- (6) Review of clinical outcomes for the behavioral interventions being implemented in the treatment plan with the youth, young adult, or parent or caregiver of the child to determine effectiveness of the individual services on a monthly basis.

(b) A mobile therapist shall provide only the following services:

- (1) Individual therapy.
- (2) Family therapy.
- (3) Assessment of the strengths and therapeutic needs of the child, youth or young adult and family or caregiver.
- (4) ITP development.
- (5) Assistance with crisis stabilization.
- (6) Assistance with addressing problems the child, youth or young adult has encountered.

(c) A BHT shall provide only the following services as part of implementing the ITP:

- (1) Support of problem solving skill development.
- (2) Instruction on how to understand, direct, interpret, manage and control feelings and emotional responses to situations.
- (3) Assistance to the parent or caregiver to address the therapeutic needs of the child, youth or young adult.
- (4) Psychoeducational services related to mental health, including the development of improved decision making skills to manage behavior.
- (5) Assistance with the development of social skills and socially acceptable behaviors.
- (6) Instruction on stress reduction techniques.
- (7) Collection of data.
- (8) Behavioral stabilization and interventions to support services provided by a behavior specialist or mobile therapist.
- (9) Referrals to other necessary services and supports.

(d) A BHT may not provide interventions requiring skills, experience, credentials or licensure that the BHT does not possess.

(e) A BHT may not develop or revise the ITP goals, objectives or interventions.

**APPLIED BEHAVIORAL ANALYSIS**

**§ 5240.81. Staff qualifications.**

(a) An administrative director of an IBHS agency that provides ABA services shall have one of the following:

(1) A graduate degree in ABA, psychology, social work, counseling, education, public administration, business administration or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation.

(2) An equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(b) A clinical director of an IBHS agency that provides ABA services shall be licensed in this Commonwealth as a psychiatrist, psychologist, certified registered nurse practitioner, professional counselor, marriage and family therapist, clinical social worker, behavior specialist, social worker or as a professional who within the scope of the licensed professional's practice may provide or supervise the provision of ABA. If the clinical director is licensed as a certified registered nurse practitioner, the clinical director shall have a mental health certification. If the clinical director is licensed as a social worker, the clinical director shall have a graduate degree that required a clinical or mental health direct service practicum. A clinical director shall also have one of the following:

(1) A current certification as a BCBA from the Behavior Analyst Certification Board or other graduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(2) A graduate degree or graduate certificate in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and a minimum of 1 year of full-time experience in the provision of ABA, provided that the clinical director obtains a BCBA certification from the Behavior Analyst Certification Board or other graduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute within 3 years of the date the individual starts working as a clinical director for any IBHS agency.

(3) An equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a minimum of 1 year of full-time experience in the provision of ABA, provided that the clinical director obtains a BCBA certification from the Behavior Analyst Certification Board or other graduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute within 3 years of the date the individual starts working as a clinical director for any IBHS agency. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(c) A behavior specialist analyst who provides ABA services shall have a Pennsylvania license as a psychologist, professional counselor, marriage and family therapist, clinical social worker, social worker or behavior specialist and have one of the following:

(1) A current certification as a BCBA from the Behavior Analyst Certification Board or other graduate-level

certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(2) A current certification as a BCaBA from the Behavior Analyst Certification Board or other undergraduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(3) A current certification as a behavior specialist analyst with a competency in ABA from the Pennsylvania Certification Board.

(4) A minimum of 12 credits in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and 1 year of full-time experience in the provision of ABA.

(5) A minimum of 1 year of full-time experience in the provision of ABA under the supervision of a professional with a certification as a BCBA from the Behavior Analyst Certification Board or other graduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(d) An ABSA who provides ABA services shall meet one of the following:

(1) Have all of the qualifications for licensure as a behavior specialist under 49 Pa. Code § 18.524 (relating to criteria for licensure as behavior specialist) except the experience required under subsection (c).

(2) Have a bachelor's degree in psychology, social work, counseling, education or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and a current certification as a BCaBA from the Behavior Analyst Certification Board or other undergraduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute.

(3) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and a current certification as a BCaBA from the Behavior Analyst Certification Board or other undergraduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(4) Have a bachelor's degree in psychology, social work, counseling, education or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and at least 12 credits in ABA from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation and 6 months of experience in providing ABA.

(5) Have an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services and at least 12 credits in ABA from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of

Credential Evaluation Services and 6 months of experience in providing ABA. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(e) A BHT-ABA who provides ABA services shall have or obtain within 18 months of being hired by an IBHS agency as a BHT-ABA or by \_\_\_\_\_ (*Editor's Note: The blank refers to 730 days after the effective date of adoption of this proposed rulemaking.*), whichever is later, a current RBT, BCAT or other behavior analysis certification that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute or a current BHT certification with a competency in ABA from the Pennsylvania Certification Board. If the BHT-ABA does not have the required certification, the BHT-ABA can provide ABA services for 18 months after being hired by an IBHS agency as a BHT-ABA or by \_\_\_\_\_ (*Editor's Note: The blank refers to 730 days after the effective date of adoption of this proposed rulemaking.*), whichever is later, if the BHT-ABA meets one of the following:

(1) Has a bachelor's degree in psychology, sociology, social work, nursing, counseling, education or related field from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation.

(2) Has an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(3) Has an associate's degree or at least 60 credits towards a bachelor's degree with 12 credits in providing ABA and a minimum of 1 year of full-time experience in the provision of ABA.

#### § 5240.82. Supervision.

(a) The ABA clinical director shall provide supervision to all behavior specialist analysts that includes all of the following:

(1) One hour of supervision two times a month.

(2) One individual face-to-face session each month.

(3) Case reviews each month that include all of the following:

(i) The specific ABA interventions being implemented.

(ii) ITP implementation status.

(iii) Adjustments needed to the ITP goals.

(iv) Staff person's skills in implementing the interventions in the ITP that use ABA.

(b) A behavior specialist analyst shall provide supervision to all ABSA staff that include all of the following:

(1) One hour of supervision each week if the ABSA works at least 37.5 hours per week or 1 hour of supervision two times a month if the ABSA works less than 37.5 hours a week.

(2) One individual face-to-face session a month.

(3) Six hours of onsite supervision during the provision of ABA services to a child, youth or young adult prior to providing ABA services independently.

(4) Thirty minutes of direct observation of the provision of ABA services to a child, youth or young adult during the implementation of the ITP goals every 3 months.

(5) Case reviews each month that include all of the following:

- (i) The specific ABA interventions being implemented.
- (ii) ITP implementation status.
- (iii) Adjustments needed to the ITP goals.

(iv) Staff person's skills in implementing the interventions in the ITP that use ABA.

(c) A behavior specialist analyst or an ABSA who has a current BCaBA from the Behavior Analyst Certification Board or other undergraduate-level certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute shall provide supervision to all BHT-ABA staff that includes all of the following:

(1) One hour of supervision each week if the BHT-ABA works at least 37.5 hours per week or 1 hour of supervision two times a month if the BHT-ABA works less than 37.5 hour a week.

(2) One individual face-to-face session a month.

(3) Six hours of onsite supervision during the provision of ABA services to a child, youth or young adult prior to providing ABA services independently.

(4) One hour of direct observation of the provision of ABA services to a child, youth or young adult during the implementation of the ITP goals every 3 months.

(5) Case reviews each month that include all of the following:

- (i) The specific ABA interventions being implemented.
- (ii) ITP implementation status.
- (iii) Adjustments needed to the ITP goals.

(iv) Staff person's skills in implementing the interventions in the ITP that use ABA.

(d) The clinical director may provide supervision if an IBHS agency that provides ABA employs nine or less full-time equivalent ABSA and BHT-ABA staff.

(e) Group supervision may be provided to no more than nine behavior specialist analysts, ABSAs and BHT-ABAs in each session.

(f) A behavior specialist analyst or an ABSA who meets the qualification to provide supervision in subsection (c) may supervise a maximum of nine full-time equivalent BHT-ABA staff.

(g) A supervisor shall be available to consult with staff during all hours that ABA services are being provided, including evenings and weekends.

(h) Face-to face supervision may be delivered through secure, real-time, two-way audio and video transmission that meets technology and privacy standards required by the Health Insurance Portability and Accountability Act of 1996 (Pub.L. No. 104-191, 110 Stat. 1936).

(i) A supervisor shall maintain documentation which includes all of the following of all supervision sessions as part of each staff's personnel file:

(1) The date of the supervision session.

(2) The location and modality of the session, such as in-person or through a secure audio or video medium.

(3) The format of the session, such as individual, group or onsite.

(4) The start and end time of the supervision session.

(5) A narrative summary of the points discussed during the session.

(6) The dated signature of the supervisor and the staff person receiving supervision.

#### § 5240.83. Staff training requirements.

(a) An IBHS agency that provides ABA services shall ensure that all staff complete initial and annual training requirements.

(b) A behavior specialist analyst who is licensed in this Commonwealth as a behavior specialist shall complete all of the following:

(1) At least 45 hours of training related to ABA that is approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult. ABA training completed prior to obtaining licensure as a behavior specialist may be counted towards the 45 hours of training related to ABA.

(2) At least 16 hours of training annually that is approved by the Behavior Analyst Certification Board or the Department that is related to the behavior specialist analyst's specific job functions and is in accordance with the behavior specialist analyst's individual training plan as required under § 5240.13 (relating to staff training plan).

(c) An ABSA who does not have a certification as a BCBA or BCaBA from the Behavior Analyst Certification Board, a certification as a BCAT from the Behavioral Intervention Certification Council, or another graduate or undergraduate certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute shall complete all of the following:

(1) At least 20 hours of training related to ABA that is approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult.

(2) At least 20 hours of training annually that is approved by the Behavior Analyst Certification Board or the Department that is related to the ABSA's specific job functions and is in accordance with the ABSA's individual training plan as required under § 5240.13.

(d) A BHT-ABA who does not have a certification as a BCaBA or RBT from the Behavior Analyst Certification Board, a certification as a BCAT from the Behavioral Intervention Certification Council, BHT certification from the Pennsylvania Certification Board, or another undergraduate certification in behavior analysis that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute shall complete all of the following:

(1) Training in accordance with § 5240.73(d), (e) and (h) (relating to staff training requirements).

(2) At least 20 hours of training related to ABA that is approved by the Behavior Analyst Certification Board or the Department before independently providing ABA services to a child, youth or young adult.

(3) At least 20 hours of training annually that is approved by the Behavior Analyst Certification Board or the Department that is related to the BHT-ABA's specific



job functions and is in accordance with the individual training plan as required under § 5240.13.

**§ 5240.84. ABA initiation requirements.**

(a) An IBHS agency shall provide ABA services to a child, youth or young adult in accordance with a written order under § 1155.33(1) (relating to payment conditions for ABA).

(b) Prior to the initiation of ABA services, the IBHS agency shall obtain written consent to receive the ABA services identified in the written order from the youth, young adult, or parent or caregiver of a child or youth.

**§ 5240.85. Assessment.**

(a) A comprehensive face-to-face assessment shall be completed by a behavior specialist analyst for each child, youth or young adult prior to developing the ITP.

(b) The assessment shall be completed in collaboration with the youth, young adult, or parent or caregiver of the child or youth, and child as appropriate.

(c) The assessment shall be individualized and include all of the following:

(1) The strengths and needs across developmental and behavioral domains of the child, youth or young adult.

(2) The strengths and needs of the family system in relation to the child, youth or young adult.

(3) Existing and needed natural and formal supports.

(4) Clinical information that includes all of the following:

(i) Survey data gathered from a parent or caregiver.

(ii) Treatment history.

(iii) Medical history.

(iv) Developmental history.

(v) Family structure and history.

(vi) Educational history.

(vii) Social history.

(viii) Trauma history.

(ix) Adaptive skills assessment.

(x) Other relevant clinical information.

(5) Completion of standardized behavioral assessment tools as needed.

(6) Compilation of observational data to identify developmental, cognitive, communicative, behavioral and adaptive functioning across the home, school and other community settings.

(7) Identification and analysis of skill deficits or targeted behaviors, or both, in measurable terms to address needs.

(8) The cultural, language or communication needs and preferences of the child, youth or young adult and the parent or caregiver.

(d) The assessment shall include a summary of the treatment recommendations received from health care providers, school or other service providers involved with the child, youth or young adult.

(e) The assessment shall be reviewed and updated at least annually and when one of the following occurs:

(1) A parent or caregiver of a child or youth requests an update.

(2) A youth or young adult requests an update.

(3) A child or youth experiences a change in living situation that results in a change of the child's or youth's primary caregivers.

(4) The child, youth or young adult completes an ITP goal.

(5) The child, youth or young adult is not progressing towards the goals identified in the ITP within 90 days from the initiation of the ABA services identified in the ITP.

(6) The child, youth, young adult or the family experiences a crisis event.

(7) The behavior specialist analyst, ABA clinical director, primary care physician, other treating clinician, case manager or other professional involved the child's, youth's or young adult's services determines an update is needed.

(f) The assessment and all updates shall be signed and dated by the behavior specialist analyst that completed the assessment and the ABA clinical director.

**§ 5240.86. Individual treatment plan.**

(a) A written ITP shall be developed by the behavior specialist analyst within 30 days after the initiation of ABA services and be based on the assessment completed in accordance with § 5240.85 (relating to assessment).

(b) The ITP must include the recommendations from the licensed professional who completed the written order for ABA services in accordance with § 1155.33(1) (relating to payment conditions for ABA).

(c) The ITP must be strength-based with individualized goals and objectives to address the identified skill deficits or target behaviors, or both, for the child, youth or young adult to function at home, school or in the community.

(d) The ITP must include all of the following:

(1) Service type and number of hours for each service.

(2) Specific measurable long, intermediate and short-term goals and objectives to address socially significant behaviors or skill deficits, or both.

(3) Delineation of the frequency of baseline behaviors, the treatment planned to address behaviors or skill deficits, or both, and the frequency at which the child's, youth's or young adult's progress in achieving each goal is measured.

(4) Time frames to complete each goal.

(5) Whether and how parent or caregiver training, support and participation is needed to achieve the identified goals and objectives.

(6) ABA interventions that are tailored to achieving the child's, youth's or young adult's goals and objectives.

(7) Type of staff providing the services.

(8) Settings where services may be provided.

(9) Number of hours of service at each setting.

(e) The ITP shall be developed in collaboration with the youth, young adult, or at least one parent or caregiver of a child.

(f) The ITP shall be reviewed and updated at least every 6 months and if:

(1) An ITP goal is completed.

(2) No significant progress is made within 90 days from the initiation of ABA services identified in the ITP.

- (3) A youth or young adult requests a change.
- (4) A parent or caregiver of a child or youth requests a change.
- (5) The child, youth or young adult experiences a crisis event.
- (6) The ITP is no longer clinically appropriate for the child, youth or young adult.
- (7) A behavior specialist analyst, ABA clinical director, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.
- (g) An ITP update must include the elements in subsection (d) and all of the following:
  - (1) A description of progress or lack of progress toward the goals and objectives.
  - (2) A description of any new goals, objectives and interventions.
  - (3) A description of any changes made to goals, objectives or interventions.
  - (4) A description of any new interventions to be used to reach previously identified goals and objectives.
  - (h) The ITP and all updates shall be reviewed, signed and dated by the youth, young adult, or at least one parent or caregiver of a child or youth, and the behavior specialist analyst who developed the ITP.
    - (i) The ITP and all updates shall be reviewed, signed and dated by the ABA clinical director.

**§ 5240.87. ABA services provision.**

(a) A behavior specialist analyst utilizes behavioral interventions and environmental modifications to reduce or eliminate problem behaviors or skill deficits to achieve a positive change in the targeted behavior or skill deficit. A behavior specialist analyst shall provide only the following services:

- (1) Assessment of skill deficits and behavioral needs.
- (2) ITP goals and objectives development to address the identified skill deficits and targeted behaviors.
- (3) Selection and design of the appropriate behavioral interventions for the implementation of ABA services.
- (4) Review, analysis and interpretation of data to determine any changes to selected behavioral interventions that may be needed to achieve identified goals and objectives.
- (5) Supervision of staff providing ABA to the child, youth or young adult.
- (6) Implementation of the ITP to assist the child, youth or young adult in achieving the goals of the ITP.
- (b) An ABSA assists a behavior specialist and provides face-to-face behavioral stabilization and behavioral interventions. An ABSA shall provide only the following services:
  - (1) Assistance to the behavior specialist analyst with the development of goals and objectives to address the skill deficits and targeted behaviors and the selection of appropriate behavioral interventions.
  - (2) Data collection.
  - (3) Review, analysis and interpretation of data to determine any changes to selected behavioral interventions under the supervision of a behavior specialist analyst.

(4) Implementation of the ITP to assist the child, youth or young adult in achieving the goals of the ITP.

(5) Training for the BHT-ABA or family in the implementation of behavioral interventions.

(c) A BHT-ABA implements the ITP by providing face-to-face behavioral stabilization and support interventions, which includes only the following services:

- (1) Collection of data under the direction of a behavior specialist analyst.
- (2) Model interventions needed to assist the parent or caregiver to address the child's, youth's or young adult's goals and objectives specified in the ITP.
- (3) Instruction on how the child, youth or young adult can direct, manage and control targeted behaviors.
- (4) Assistance with the development of socially acceptable behaviors.
- (5) Problem solving skill development to address skill deficits.
- (6) Referrals to other necessary services and supports.
- (d) An ABSA and BHT-ABA may not provide interventions requiring skills, experience, credentials or licensure that the ABSA or BHT-ABA does not possess.

**EVIDENCE-BASED THERAPY**

**§ 5240.91. EBT initiation requirements.**

(a) An IBHS agency shall provide EBT to a child, youth or young adult in accordance with a written order under § 1155.34(1) (relating to payment conditions for EBT).

(b) Prior to the initiation of EBT service, the IBHS agency shall obtain written consent to receive the EBT services identified in the written order from the youth, young adult, or parent or caregiver of a child or youth.

**§ 5240.92. Assessment and individual treatment plan.**

(a) A comprehensive face-to-face assessment shall be completed by a staff person with the qualifications required by the EBT for each child, youth or young adult within 15 days of the initiation of the service in accordance with § 5240.21(b)—(d) and (f) (relating to assessment) and prior to developing the ITP.

(b) The assessment shall be reviewed and updated in accordance with § 5240.21(e) and (f).

(c) A written ITP shall be developed, reviewed and updated in accordance with § 5240.22 (relating to individual treatment plan).

**§ 5240.93. EBT requirements.**

(a) An IBHS agency shall have a certification or license from the National certification organization or entity that developed or owns the EBT if required to provide the EBT.

(b) An IBHS agency shall ensure that EBT is provided by staff that meet the qualifications and receive supervision as set forth in the EBT.

(c) An IBHS agency that is using an EBT shall have written policies and procedures to measure all of the following:

- (1) The adherence to the implementation of the specific EBT.
- (2) The outcomes of the EBT that incorporate review standards associated with the EBT.

(d) An IBHS agency using an EBT shall continuously monitor the fidelity to the EBT.

(e) An IBHS agency shall ensure that procedures related to and decisions about continuing services and discharge are made in accordance with the specific EBT.

(f) An IBHS agency that does not meet the standards of the EBT that is provided shall do all of the following:

(1) Have a corrective action plan that is approved by the National certification organization or the Department.

(2) Track the corrective action plan to ensure that the plan has been implemented.

(3) Complete the corrective action plan to meet the standards of the EBT within the time frame identified in the corrective action plan.

### GROUP SERVICES

#### § 5240.101. Staff requirements and qualifications.

(a) In addition to the staff required under § 5240.11 (relating to staff requirements), an IBHS agency that provides group services shall have a mental health professional.

(b) A mental health professional shall meet the qualifications for a mobile therapist in § 5240.71(c) (relating to staff qualifications).

(c) A mental health worker who provides group services shall have one of the following:

(1) A bachelor's degree in a recognized clinical discipline including social work, psychology, nursing, rehabilitation or activity therapy from a college or university accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation, or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or equivalency.

(2) A graduate degree in a recognized clinical discipline from a college or university accredited by an agency recognized by the United States Department of Education or Council for Higher Education Accreditation, or an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. or the National Association of Credential Evaluation Services. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or equivalency.

(d) A BHT who provides group services shall meet the qualifications in § 5240.71(d).

(e) An IBHS agency that provides group services which include specialized therapies such as music, dance and movement, play or occupational therapies shall use clinical staff to provide the specialized therapies that meet one of the following:

(1) Nationally certified in the specific therapy.

(2) Mental health professionals with at least 12 graduate-level credit hours in the specialized therapy and at least 1 year of supervised experience in the use of the specialized therapy technique.

(3) Mental health professionals supervised by a Nationally credentialed activities therapist.

#### § 5240.102. Supervision.

(a) Supervision shall be provided to all staff that provide group services and include all of the following:

(1) The clinical director shall provide 1 hour of face-to-face supervision to each mental health professional at least two times a month.

(2) A mental health professional shall provide 1 hour of supervision each week for each mental health worker that works at least 37.5 hours per week and 1 hour of supervision two times a month for each mental health worker that works less than 37.5 hours a week.

(3) A mental health professional shall provide 1 hour of supervision each week for each BHT that works at least 37.5 hours per week, 1 hour of supervision two times a month for each BHT that works less than 37.5 hours a week and 6 hours of onsite supervision during the provision of group services to a child, youth or young adult prior to the BHT providing services independently.

(4) One individual face-to-face session each month for each IBHS staff person that provides group services.

(5) Group supervision may be provided to no more than nine IBHS staff that provide group services in each session.

(6) Case reviews for each IBHS staff person each month that include all of the following:

(i) The interventions being implemented.

(ii) ITP implementation status.

(iii) Adjustments needed to ITP goals.

(iv) Staff person's skills in implementing the ITP interventions.

(b) A mental health professional may supervise a maximum of nine full-time equivalent IBHS staff providing group services.

(c) A mental health professional shall be available to consult with staff during all hours that group services are provided, including evenings and weekends.

(d) Face-to face supervision may be delivered through secure, real-time, two-way audio and video transmission that meets technology and privacy standards required by the Health Insurance Portability and Accountability Act of 1996 (Pub.L. No. 104-191, 110 Stat. 1936).

(e) A mental health professional shall maintain documentation which includes at least the following of all supervision sessions as part of each staff person's personnel file:

(1) The date of the supervision session.

(2) The location and modality of the session, such as in-person or through secure audio or video medium.

(3) The format of the session, such as individual, group or onsite.

(4) The start and end time of the supervision session.

(5) A narrative summary of the points discussed during the session.

(6) The dated signature of the supervisor and the staff person receiving the supervision.

#### § 5240.103. Staff training requirements.

(a) An IBHS agency that provides group services shall ensure that all staff complete initial and annual training requirements.

(b) A mental health professional that is not licensed in this Commonwealth as a psychologist, professional counselor, marriage and family therapist, clinical social worker or social worker shall complete at least 16 hours of Department-approved training annually that is related to the mental health professional's specific job functions and is in accordance with the mental health professional's individual training plan as required under § 5240.13 (relating to staff training plan).

(c) A mental health worker shall complete at least 20 hours of Department-approved training annually that is related to the mental health worker's specific job functions and is in accordance with the mental health worker's individual training plan as required under § 5240.13.

(d) A BHT shall complete training in accordance with § 5240.73(d)—(j) (relating to staff training requirements) and the individual training plan as required under § 5240.13.

**§ 5240.104. Group services initiation requirements.**

(a) An IBHS agency shall provide group services to a child, youth or young adult in accordance with a written order under § 1155.35(1) (relating to payment conditions for group services).

(b) Prior to the initiation of group services, the IBHS agency shall obtain written consent to receive the group services identified in the written order from the youth, young adult, or parent or caregiver of a child or youth.

**§ 5240.105. Assessment.**

(a) A comprehensive face-to-face assessment shall be completed by a mental health professional for each child, youth or young adult within 5 days of the initiation of group services in accordance with § 5240.21(b)—(d) and (f) (relating to assessment) and prior to developing the ITP.

(b) The assessment shall be reviewed and updated in accordance with § 5240.21(e) and (f).

**§ 5240.106. Individual treatment plan.**

(a) A written ITP shall be developed by the mental health professional within 10 days after the initiation of group services and be based on the assessment completed in accordance with § 5240.105 (relating to assessment).

(b) The ITP must include the recommendations from the licensed professional who completed the written order for group services in accordance with §§ 1155.32(1) and 1155.35(1) (relating to payment conditions for individual services; and payment conditions for group services).

(c) The ITP shall be strength-based with individualized goals and objectives to address the identified therapeutic needs for the child, youth or young adult to function at home, school or in the community.

(d) The ITP must include all of the following:

(1) Specific goals and objectives to address the identified therapeutic needs with definable and measurable outcomes.

(2) Whether and how parent or caregiver participation is needed to achieve the identified goals and objectives.

(3) Structured therapeutic activities, community integration activities and individual interventions to address identified therapeutic needs for the child, youth or young adult to function in the home, school or community.

(4) Type of staff providing the services.

(5) Time frames to complete each goal.

(6) Settings where group services may be provided.

(7) Number of hours that group services will be provided to the child, youth or young adult.

(e) The ITP shall be developed in collaboration with the youth, young adult, or at least one parent or caregiver of a child.

(f) The ITP shall be reviewed and updated at least every 6 months and if:

(1) An ITP goal is completed.

(2) No significant progress is made within 45 days from the initiation of the services identified in the ITP.

(3) A youth or young adult requests a change.

(4) A parent or caregiver of a child or youth requests a change.

(5) The child, youth or young adult experiences a crisis event.

(6) The ITP is no longer clinically appropriate for the child, youth or young adult.

(7) An IBHS agency staff person, primary care physician, other treating clinician, case manager or other professional involved in the child's, youth's or young adult's services recommends a change.

(g) An ITP update must include the elements in subsection (d) and all of the following:

(1) A description of progress or lack of progress towards the goals and objectives.

(2) A description of any new goals, objectives and interventions.

(3) A description of any changes made to the goals, objective or interventions.

(4) A description of new interventions to be used to reach previously identified goals and objectives.

(h) The ITP and all updates shall be reviewed, signed and dated by the youth, young adult, or at least one parent or caregiver of a child or youth, and the mental health professional who developed the ITP.

(i) The ITP and all updates shall be reviewed, signed and dated by the IBHS clinical director.

**§ 5240.107. Group services provision.**

(a) A mental health professional shall provide only the following services:

(1) Individual psychotherapy.

(2) Group psychotherapy.

(3) Family psychotherapy.

(4) Design of psychoeducational group activities.

(5) Assessment of the strengths and therapeutic needs of the child, youth or young adult.

(6) ITP development.

(b) A mental health worker shall provide only the following services:

(1) Assistance in conducting group psychotherapy.

(2) Facilitation of psychoeducational group activities.

(3) Implementation of the ITP to assist the child, youth or young adult achieve a goal.

(4) Support of the child, youth or young adult with the development of appropriate behaviors and interpersonal relationships in the community.

(5) Help for the child, youth or young adult to develop coping skills to aid in the development of age appropriate interpersonal relationships with peers.

(c) A BHT shall provide only the following services:

(1) Assistance with the facilitation of psychoeducational group activities.

(2) Instruction on how to manage and control emotional responses in group settings.

(3) Behavioral stabilization and interventions that support the child, youth or young adult in community settings.

(4) Problem solving skills modeling.

(d) Group services shall be structured to address the goals and objectives identified in each child's, youth's or young adult's ITP.

(e) Group services shall be provided in a school or other community setting and may be provided in an IBHS agency site if approved in the service description in accordance with § 5240.5(a)(12) (relating to service description).

(f) An IBHS agency that provides group services and ABA services shall also comply with §§ 5240.81—5240.87 (relating to applied behavioral analysis).

(g) An IBHS agency that provides group services and EBT shall comply with §§ 5240.91—5240.93 (relating to EBT initiation requirements; assessment and individual treatment plan; and EBT requirements).

**§ 5240.108. Requirements for group services in school settings.**

A licensed IBHS agency that provides group services and identified a school as a location where services will be provided in its approved service description shall meet all of the following requirements:

(1) Have a written agreement with the authorized representative for each school location in which it provides group services that includes all of the following:

(i) Identification of the IBHS agency's and the school's lead contacts and their contact information.

(ii) Delineation of roles and responsibilities of the school staff and the IBHS agency staff.

(iii) Assurances of the collaborative relationship between school staff and IBHS agency staff.

(iv) A requirement for quarterly meetings between IBHS staff and school administration to review performance, collaboration issues and the written agreement.

(v) Crisis management protocols.

(vi) Procedures for school staff to refer students for group services.

(vii) Identification of the space and equipment allocated for use by IBHS agency staff.

(viii) Process for revising or updating the written agreement.

(2) IBHS agency staff and the school staff involved with the child, youth or young adult receiving group services shall meet on a quarterly basis to discuss the student's behavioral health services and progress related to school performance.

(i) A youth, young adult, or parent or caregiver of the child or youth shall be invited to participate in the quarterly meeting.

(ii) Other professionals as requested by a youth, young adult, or parent or caregiver of the child or youth shall be invited to participate in the quarterly meeting.

(3) An IBHS agency shall document the outcome of the quarterly meeting and include all of the following:

(i) Attendance.

(ii) Date of meeting.

(iii) Summary of the discussion.

(iv) Recommendations for any change in group service participation if discussed.

(v) Reason a meeting was not convened as required.

(4) An IBHS agency providing group services shall keep the child's, youth's or young adult's records in accordance with § 5240.41 (relating to individual records).

(5) An ITP for group services provided in school settings shall be developed in accordance with § 5240.106 (relating to individual treatment plan) and include all of the following:

(i) Continuity of services when school is not in session.

(ii) Interventions that specifically address the child's, youth's or young adult's functioning in school.

(iii) Input from the teachers and guidance counselor directly involved with the child, youth or young adult receiving group services.

(6) An IBHS agency that provides group services and ABA services and provides the services in school settings shall comply with §§ 5240.81—5240.87 (relating to applied behavioral analysis).

(7) An IBHS agency that provides group services and EBT and provides the services in school settings shall comply with §§ 5240.91—5240.93 (relating to EBT initiation requirements; assessment and individual treatment plan; and EBT requirements).

**WAIVERS**

**§ 5240.111. Waivers.**

(a) An IBHS agency may submit a written request to the Department for a waiver of a specific requirement in this chapter.

(b) The Department may grant a waiver unconditionally or subject to conditions that shall be met. The Department may revoke a waiver if conditions required by the waiver are not met.

(c) A waiver request will be granted only in exceptional circumstances and if all of the following are met:

(1) The waiver does not jeopardize the health and safety of the children, youths or young adults served by the IBHS agency.

(2) The waiver will not adversely affect the quality of services provided by the IBHS agency.

(3) The intent of the requirement to be waived will still be met.

(4) Children, youth or young adults will benefit from the waiver of the requirement.

(5) The waiver does not violate any Federal or State statute or other regulation.

[Pa.B. Doc. No. 18-1222. Filed for public inspection August 3, 2018, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CHS. 63 AND 64 ]

[ L-2018-3001391 ]

### Competitive Classification of Telecommunication Retail Services; Advanced Notice of Proposed Rulemaking

Public Meeting held  
July 12, 2018

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

*Rulemaking to Comply with the Competitive Classification of Telecommunication Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 63 and Chapter 64; L-2018-3001391*

#### Advanced Notice of Proposed Rulemaking Order

*By the Commission:*

The Public Utility Code (Code) gives the Commission broad authority to “supervise and regulate all public utilities doing business within this Commonwealth” as well as the power to “make such regulations, not inconsistent with law, as may be necessary or proper in the exercise of its powers or for the performance of its duties.” 66 Pa.C.S. § 501(b). Historically, the Commission has promulgated Regulations to respond to changes in law, technology and the economy in order to meet the essential needs of the public and the utilities we regulate. Today we are initiating a rulemaking to respond to changes in competitive market conditions in the telecommunications industry and, in particular, to address whether the increases in competition and competitive alternatives warrant the elimination of certain Regulations on a permanent industry-wide basis for competitive wire centers.

#### I. INTRODUCTION

On March 4, 2015, the Commission partially granted a petition filed by Verizon Pennsylvania LLC and Verizon North LLC<sup>1</sup> (Petition) to reclassify certain wire centers as competitive and waive certain regulations. Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Order entered March 4, 2015) (Reclassification Order).<sup>2</sup> As part of our Reclassification Order, the Commission also granted for Verizon’s competitive wire

<sup>1</sup> Individually “Verizon PA” and “Verizon North”; collectively “Verizon.”

<sup>2</sup> See also the Tentative Implementation Opinion and Order at Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Order entered June 1, 2015) (Tentative Implementation Order) and the Final Implementation Opinion and Order at Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Order entered September 11, 2015) (Final Implementation Order).

centers a five-year waiver of certain of the Commission’s Chapter 63 and Chapter 64 Regulations, pending a rulemaking to determine the status of these Regulations in competitive and noncompetitive wire centers on a permanent and industry-wide basis. To that end, this Advance Notice is being issued primarily to solicit public input regarding the status of the Commission’s Chapter 63 and 64 Regulations, including whether to make permanent the waivers granted in the Reclassification Order to any wire center in Pennsylvania that is currently classified as competitive or becomes classified as competitive in the future under applicable law, whether to rescind or amend any Chapter 63 and 64 Regulations for non-competitive wire centers in Pennsylvania, and whether to create a separate chapter in our Regulations to address service provided in competitive wire centers.

The Reclassification Order addressed a number of complex regulatory issues of first impression. This Advance Notice will enable us to gather further input from the industry, consumer groups, and advocates before drafting the proposed revisions. Moreover, the Advance Notice will give us the opportunity to resolve any issues of implementation that remain and will lead to a clear, cohesive, thorough, and analytically sound proposed rulemaking order.

#### II. HISTORY OF THE PROCEEDING

These proceedings began as a result of Verizon’s Joint Petition for competitive classification of all retail services in certain geographic areas pursuant to Section 3016(a) of the Code, 66 Pa.C.S. § 3016(a), and for an eleven-year waiver of parts of Chapter 63 and all of Chapter 64 of our Regulations in Title 52 of the *Pennsylvania Code* (Regulations), Regulations that would be concomitant with a competitive designation of basic local exchange service in those wire center areas. Finally, Verizon requested that the Commission grant any other waivers and/or approval of alternative regulation to achieve the result requested in its Petition.

The Petition was filed on October 6, 2014, pursuant to 66 Pa.C.S. § 3016(a)(2), 66 Pa.C.S. § 501, and 52 Pa. Code § 5.43, and specifically sought a Commission determination that basic local exchange service in 194 wire centers in or adjacent to Verizon’s Philadelphia, Erie, Scranton/Wilkes-Barre, Harrisburg, Pittsburgh, Allentown, and York service territories was competitive.

Section 3016(a) of the Code permits the Commission, after a review of all relevant evidence presented, to determine a “protected service” is competitive where an incumbent local exchange carrier (ILEC) has demonstrated the availability of like or substitute services or other business activities provided or offered by alternative service providers. On March 4, 2015, the Commission issued its Reclassification Order, which, inter alia, concluded that 153 of the 194 wire centers included in the Petition met the statutory criteria for a competitive determination and were so reclassified. Reclassification Order at 63-64. The Reclassification Order also concluded that forty-one of the wire centers did not meet the statutory test for a competitive classification, and the request was denied as to those wire centers.

We found that the evidence in that case established that consumers have numerous competitive choices offered by cable and wireless providers that are like or substitute services for Verizon’s basic local exchange service. Accordingly, we concluded that, regardless of any

technological or economic differences that may exist between basic local exchange service and the competing cable and wireless voice services, consumers considered these competing services adequate replacements for basic local exchange service. *Id.*

Our analysis on availability of competing services was conducted on a per-wire center basis and required widespread availability of both cable telephony and wireless voice service in each wire center determined to be competitive. The record evidence showed that in each wire center determined to be competitive, at least 97 percent or more of the households had access to cable, while wireless voice service is also ubiquitously available throughout each wire center. *Id.*

The Reclassification Order also granted, in part, waivers of certain of the Commission's Chapter 63 and Chapter 64 Regulations, 52 Pa. Code §§ 63.1, et seq., 52 Pa. Code §§ 64.1, et seq., in competitive wire centers.<sup>3</sup> The waivers were conditioned upon the collection of data and a contemplated, future rulemaking proceeding to address the status of our Chapter 63 and 64 Regulations on a permanent and industry-wide basis, consistent with the discussion contained in the Opinion and Order. See Reclassification Order at 127 (Ordering Paragraph 17). This Advanced Notice is the initiation of that rulemaking proceeding. The purpose of the conditional waivers was to afford us time to collect data, for a period of two years, to aid in our assessment of the market conditions present in the aftermath of the competitive reclassification, particularly in the areas of affordability and quality of service. See Reclassification Order at 56, 76, 104. The Commission granted a waiver period of five years. Reclassification Order at 76, 103.

The Reclassification Order, while granting the Petition in part, confirmed Verizon's statutory duty to provide "adequate, efficient, safe, and reasonable service and facilities" as well as service that is "reasonably continuous and without unreasonable interruptions or delay" under 66 Pa.C.S. § 1501 in the entirety of its service territory. Reclassification Order at 7 (Ordering Paragraph 5). Under that same Code provision, and regardless of the competitive classification of any wire center, Verizon retained the carrier of last resort (COLR) obligation throughout its service territory. *Id.* (Ordering Paragraph 6).

No party sought reconsideration of any aspect of the Reclassification Order, and no party appealed the Order. Based on the foregoing, the unchanged directives of the Reclassification Order became the final and the binding action of this Commission. In the Reclassification Order, we provided a more detailed history of the proceeding, recitation of the record, and legal analysis supporting our conclusion on the threshold issue whether the protected or retail noncompetitive service Verizon provides was competitive under the standards set forth in Section 3016(a) of the Code. Reclassification Order at 9—13.

On June 1, 2015, we issued a Tentative Implementation Order, under authority of Sections 501 and 703(g) of the Code, 66 Pa.C.S. §§ 501 and 703(g), to clarify certain issues necessary to facilitate implementation of the Reclassification Order and to achieve a more efficient transition of basic service to a competitive service in the relevant areas. The clarification of certain matters in the Reclassification Order pertained to the following matters: (1) the application of Verizon's Product Guide; (2)

Verizon's COLR obligations; (3) the application of reporting requirements under 52 Pa. Code § 64.201; and (4) the waiver of Chapter 64's Subchapters E, F and H concerning suspension, termination, and restoration of service rules in competitive wire centers, 52 Pa. Code §§ 64.61—111, 64.121—123, and 64.181-182.

On May 20, 2015, we issued a Secretarial Letter titled "VERIZON COMPETITIVE CLASSIFICATION DATA COLLECTION REQUEST FOR COMMENTS AND REPLY COMMENTS." The purpose of the Secretarial Letter was to identify a detailed list of the data to be collected and submitted to help assess the market conditions in competitive wire centers and elicit comments and reply comments on the specific data, form, and reporting schedules for inclusion.

As noted in the Tentative Implementation Order:

The Reclassification Order addressed a number of complex regulatory issues of first impression for this Commission and the telecommunications industry in Pennsylvania as a whole. Chapter 30 of the Code is clear that the primary impact of the competitive status is that: (1) Verizon may price the service at its discretion; and (2) Verizon may maintain a price list for a competitive service rather than maintaining a Commission-approved tariff. In the absence of a tariff, Verizon's "Product Guide" will be the governing document to memorialize the terms and conditions of stand-alone basic local telephone service in competitive wire centers.

\* \* \*

Because of the compressed timeframe established pursuant to the provisions of Section 3016(a)(1) of the Code, 66 Pa.C.S. § 3016(a)(1), in which the Commission was mandated to issue an Order within 150 days of the Petition, upon further review, we believe it is necessary to issue a Tentative Implementation Opinion and Order clarifying certain issues related to the reclassification. Clarification in the following areas is necessary to facilitate implementation of the Reclassification Order and to achieve a more efficient transition of basic service to a competitive service in the relevant areas.

Tentative Implementation Order at 3-4.

Our Final Implementation Order was issued on September 11, 2015, and addressed the clarifications raised in the Tentative Implementation Order. The Commission clarified: (1) that a Product Guide is not "legal authority" and does not have the same force and effect of law as a tariff; (2) that Verizon must continue to maintain COLR obligations; (3) that the waivers and clarifications in the Tentative Implementation Order concerning the revision of the Companies' suspension, termination, and restoration of service rules were adopted as the final Commission action.

Also, on September 11, 2015, we issued an Order implementing Ordering Paragraphs 15 and 16 of the March 4, 2015 Reclassification Order and our May 20, 2015 Secretarial Letter. Order Implementing Paragraphs 15 and 16. This Order established the specific data, form, and reporting schedules required by Ordering Paragraphs 15 and 16 and this Commission's obligations under the Code.<sup>4</sup> The data collection required here provided for the appropriate implementation and evaluation of the market-based regulatory goals of the Reclassification Order, and intended to: (1) help assess the market in

<sup>3</sup> The waivers were granted to Verizon as well as to Competitive Local Exchange Carriers (CLECs) operating in the 153 wire centers determined to be competitive. Reclassification Order at 124 (Ordering Paragraph 4).

<sup>4</sup> See 66 Pa.C.S. §§ 3015(f) and 3019(b)(2) and (3); see also 66 Pa.C.S. § 1501.

competitive areas, including the impact of our decision on affordability of basic service and quality of service in those areas and (2) provide guidance for this rulemaking. In other words, the data collection was intended to assist the Commission in making a determination as to the status of the waived Regulations in the competitive wire centers going forward. September 11, 2015 Order at 5.

### III. REGULATORY IMPACT OF A COMPETITIVE DETERMINATION

According to Chapter 30, the primary impact of a competitive determination is that: (1) Verizon may price the service at its discretion; and (2) Verizon may maintain a price list of a competitive service rather than maintaining a Commission-approved tariff.<sup>5</sup> However, a finding that the market is competitive is not equivalent to nor does it require a complete deregulation of the service.<sup>6</sup>

The Commission has retained authority under the Code over certain aspects of landline telecommunications services determined to be competitive, including retaining jurisdiction over quality of service standards that address the safety, adequacy, reliability, and privacy of telecommunications services and the ordering, installation, suspension, termination, and restoration of any telecommunication service.<sup>7</sup> According to Chapter 30, our jurisdiction is only limited to the extent that competitive services' rates may not be regulated by the Commission,<sup>8</sup> and the Commission may not require tariffs for competitive services. However, the Commission may require that a price list for competitive services be maintained at the Commission,<sup>9</sup> an outcome similar to the principle of detariffing, which is the elimination of the requirement to file and maintain tariffs, including not only the rates for service set by the regulatory authority but also the terms and conditions of service approved by the regulatory authority.<sup>10</sup>

#### A. Reclassification Order Waivers

In its Petition, Verizon requested waiver, until December 31, 2025, of the following Subchapters of Chapter 63 of the Commission's Regulations: Subchapter B (Services and Facilities); Subchapter C (Accounts and Records); Subchapter E (Quality of Service); Subchapter F (Extended Area Service); and Subchapter G (Public Coin Services). Verizon also requested an eleven-year waiver for the entirety of Chapter 64 of the Commission's Regulations.

We concluded that many of the monopoly-era Regulations in Chapters 63 and 64 that do not apply to Verizon's competitors no longer make sense in a competitive marketplace and that sufficient competition existed in certain wire centers subject to the Petition to substantially reduce our regulation. Reclassification Order at 75.

Accordingly, we waived specific Regulations for a period of five years, pending data collection and completion of a

<sup>5</sup> See 66 Pa.C.S. §§ 3016(d) and (e).

<sup>6</sup> "Deregulation" is the pervasive elimination of all regulation, including both price and service regulation.

<sup>7</sup> See 66 Pa.C.S. § 3019(b)(2); see also 66 Pa.C.S. § 1501.

<sup>8</sup> 66 Pa.C.S. § 3016(e)(1) ("Subject to the requirements of subsection (d)(1) [establishing cost of service as the price floor], a local exchange telecommunications company may price competitive services at the company's discretion.")

<sup>9</sup> 66 Pa.C.S. § 3016(d)(4) ("The commission may require a local exchange telecommunications company to maintain price lists with the commission applicable to its competitive services. Price changes that are filed in a company's tariff for competitive services will go into effect on a one-day notice.")

<sup>10</sup> Tariffs are defined under 66 Pa.C.S. § 102 as including not only rates and rate schedules but also "rules, regulations and practices" of the utility. Moreover, the Commission's Regulation at 52 Pa. Code § 53.25 specifies that a telephone utility's tariff shall set forth "all rules and regulations" which apply generally to all classes of services. Therefore, we interpret the Section 3016(d)(2) language specifying that the Commission may not require tariffs for competitive services as applying to not only rates but also terms and conditions of service. In the event rates, services, or other conditions are detariffed, consumer protections are invoked under the Consumer Protection Act, 73 P.S. §§ 201-1 to 9.

rulemaking to address the status of these chapters for noncompetitive and competitive services on a permanent and industry-wide basis. In the Reclassification Order, we specifically addressed the enumerated Regulations set forth in Subchapters B, C, E, F, and G. See Reclassification Order at 79. All remaining portions of Chapter 63 remained in full force in the wire centers determined to be competitive in this proceeding, including Subchapter K. Competitive Safeguards, Subchapter L. Universal Service, and Subchapter M. Changing Local Service Providers.

We shall now review the conditional waivers made in the Reclassification Order and open these dispositions for comment with respect to their implementation on a permanent industry-wide basis. Reclassification Order at 77—103.

#### 1. Select Subchapters of Chapter 63

##### *Subchapter B (Services and Facilities)*

52 Pa. Code §§ 63.12—63.24

We specifically waived the following Subchapter B Regulations: Section 63.12 (Minimizing interference and inductive effects); Section 63.16 (Traffic measurements); Section 63.17 ([Reserved]); Section 63.18 (Multiparty line subscribers); Section 63.19 (Interoffice lines); Section 63.21 (Directories); Section 63.23 (Construction and maintenance safety standards); and 63.24 (Service interruptions). Reclassification Order at 79—81.

We concluded that this Subchapter includes provisions that are outdated, such as Section 63.23, which requires compliance with National Electrical Safety Code standards from 1981. Our waiver of Section 63.23 was conditioned upon the requirement that Verizon construct and maintain its public utility equipment, facilities, and wire or cable crossings in accordance with the safety standards as set forth in the most up-to-date version of the National Electrical Safety Code.<sup>11</sup> Because this Regulation addressed safety and reliability, the goal of this provision continued to be relevant in the current market.

Subchapter B also includes provisions relating to services that no longer exist, as a practical matter, including multiparty lines and provisions relating to traffic measurements and record keeping that are largely manual in nature and predate the use of computers. Reclassification Order at 79-80. Moreover, regarding directories, the Commission has since granted relief to both Verizon and CenturyLink to end saturation delivery of paper copies of residential white pages, business white pages, and business yellow pages directories—except for those customers who are likely to use the directories or who specifically request them.<sup>12</sup>

With respect to the Section 63.24 provision requiring bill credits for service outages, we found in the Reclassification Order that for those wire centers we determined to be competitive, a dissatisfied customer could obtain service from other providers if Verizon's service quality to the customer was unacceptable. Moreover, Verizon's applicable Product Guide addressed this issue by also providing credits for service interruptions.

We retained 52 Pa. Code § 63.13 (Periodic inspections), and 52 Pa. Code § 63.14 (Emergency equipment and personnel), because we concluded that these Regulations

<sup>11</sup> We have authority to condition a waiver of our Regulations pursuant to Sections 501, and 1501 of the Code.

<sup>12</sup> Joint Petition and Notice of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, Verizon Pennsylvania LLC and Verizon North LLC and Dex Media, Inc. to Reduce Distribution of Print Telephone Directories and Transition to Digital Publication or, Alternatively, for Relief of 52 Pa. Code § 64.191(g), Docket No. P-2017-2610359 (Order entered August 31, 2017).



were not outdated and remained relevant in a competitive world. We also retained 52 Pa. Code § 63.15 (Complaint procedures), and 52 Pa. Code § 63.22 (Service records), finding that they remained relevant to the Commission-approved complaint process that was retained in competitive wire centers.

*Subchapter C (Accounts and Records)*  
52 Pa. Code §§ 63.31—63.37

Given that most of the Regulations in Subchapter C are applicable under rate base/rate of return regulation, we specifically waived Section 63.31 (Classification of public utilities); Section 63.32 (System of accounts); Section 63.33 (Integrity of service accounts to be preserved); Section 63.34 (Reclassification of telephone plant to original cost); and Section 65.35 (Preservation of records).

However, we retained Section 63.36 (Filing of annual financial reports) since determining that a wire center is competitive did not change the statutory reporting mandates in Section 3015(e) of Chapter 30, which requires LECs to file an annual financial report with the Commission.

We retained § 63.37 to ensure the accuracy of the cost allocation process related to the funding obligations of jurisdictional local exchange carriers pursuant to the Universal Telecommunications and Print Media Access Act, 35 P.S. §§ 6701.1—6701.4, (UMPTA). UMPTA provides for the Pennsylvania Telecommunications Relay Service and the Telecommunications Devices for the Deaf Program which address equivalent access to telecommunications services for the deaf, hard of hearing, speech-impaired, and others with disabilities. UMPTA also provides for the Print Media Access System Program which is a reading service for persons with certain vision and physical disabilities.

*Subchapter E (Telephone Quality of Service Standards)*  
52 Pa. Code §§ 63.51—63.65

Subchapter E contains the provisions related to quality of service, i.e., the performance standards for trouble reports, service installations, operator calls, dial tone connection, completion of correctly dialed calls, as well as a safety program for its employees. We specifically waived the following Subchapter E regulations: Section 63.51 (Purpose); Section 63.52 (Exceptions); Section 63.53 (General provisions); Section 63.54 (Record retention); Section 63.56(a)—(e) (Measurements); Section 63.58 (Installation of service); Section 63.59 (Operator-handled calls);<sup>13</sup> Section 63.60 (Automatic Dialing Announcing Devices (ADAD)); Section 63.61 (Local dial service); Section 63.62 (Direct distance dial service); Section 63.63 (Transmission requirements and standards); Section 63.64 (Metering inspections and tests); and Section 63.65 (Safety).

As we did for bill credits for outages, we found that the market was sufficiently competitive that a customer could obtain service from other providers if Verizon's service quality was unacceptable. These customers also retain the option to complain to the Commission about poor service since waiving the regulations of Subchapter E did not, in any way, modify Verizon's statutory obligation under the Code to provide "adequate, efficient, safe, and reasonable service" to customers in competitive wire centers or impact the Commission's ability to adjudicate a customer complaint alleging poor service quality. Verizon remains

statutorily required to provide reasonable service in competitive areas. Notwithstanding any regulatory waivers, our Section 1501 statutory jurisdiction and authority remain a regulatory back-stop on quality of service.

In addition, we found no reason to continue our enforcement of Section 63.65 as this provision was enforceable by other agencies in charge of such standards. Again, the Commission retained its jurisdiction and authority under Section 1501 of the Code to address an allegation that a violation of Federal Communications Commission and/or Occupational Safety and Health Administration workplace safety regulations also violate Section 1501. Reclassification Order at 85—87.

With respect to a Section 63.58 (Installation of service), we determined that information on the timing of service installations should be readily available to customers in some form other than a regulation. This will help manage reasonable customer expectations on the subject. Thus, we granted a waiver of Section 63.58 conditioned upon the requirement that Verizon include in its Product Guide applicable to competitive services its rules regarding service installations. *Id.*

In order to maintain certain consumer protections related to service outages during this transition to an unprotected competitive service, we chose to retain the following Regulations: Section 63.55 (Surveillance levels); Section 63.56(f) and (g) (Measurements); and Section 63.57 (Trouble reports). We found these Regulations necessary to assist the Commission in ensuring continued compliance with Section 1501 of the Code and to manage reasonable customer expectations regarding service outages even in a competitive market. *Id.*

Section 63.57(b) language provides sufficient flexibility responding to outage calls that are non-emergency in nature, since Section 63.57(b) expressly permits a utility and its customer to "agree to another arrangement." That flexibility made sense in a competitive environment, particularly for those customers who have wireless service and may prefer to schedule a repair appointment at a more convenient time than within twenty-four hours of reporting the trouble. *Id.*

*Subchapter F (Extended Area Service)*  
52 Pa. Code §§ 63.71—63.77

*Subchapter G (Public Coin Service)*  
52 Pa. Code §§ 63.91—63.98

We waived the following Subchapter F Regulations regarding Extended Area Service: Section 63.71 (Definitions); Section 63.72 (Traffic usage studies); Section 63.72a (InterLATA traffic studies); Section 63.73 (Optional calling plans); Section 63.74 (EAS polls); Section 63.75 (Subscriber polls); Section 63.76 (EAS complaints); and Section 63.77 (Evaluation criteria). We also waived the following Subchapter G Regulations regarding Public Coin Service: Section 63.91 (Purpose); Section 63.92 (Definitions); Section 63.93 (Conditions of service); Section 63.94 (Coin telephone requirements); Section 63.95 (Sufficiency of public telephone service); Section 63.96 (Service requirements for coin telephones); Section 63.97 ([Reserved]); and Section 63.98 (Compliance).

We found the Regulations of Subchapters F and G to be outdated and serving no purpose in today's regulatory environment. Our extended area service Regulations were no longer enforced by the Commission, having been rendered useless in part, by their success, which led to the more expansive local calling, and by the competition

<sup>13</sup> Pursuant to a prior ruling, we note that we have already granted a waiver for Verizon PA for Section 63.59(b)(2) related to customer calls to the business office. That waiver is in place until a rulemaking is undertaken. See Pa. Public Utility Commission, Law Bureau Prosecutory Staff v. Verizon Pennsylvania, Inc., Docket No. M-2008-2077881 (Order entered October 12, 2012) at 32—35, Ordering ¶ 4 (Quality of Service Order).

that has evolved in the telecommunications market through state and federal statutory changes. Reclassification Order at 89-90.

Similarly, the competitive telecommunications market eliminated the need for payphone service in Pennsylvania and throughout the nation. Verizon noted that it no longer provided payphone services in Pennsylvania and that payphones also had been rendered obsolete, particularly due to the proliferation of wireless services across the Commonwealth. *Id.* at 90.

## 2. Chapter 64

Verizon requested a waiver of the entire Chapter 64 of our Regulations, 52 Pa. Code §§ 64.1—64.213, addressing Standards and Billing Practices for Residential Telephone Service. Reclassification Order at 90—103. Chapter 64 contains Regulations pertaining to telephone utility interactions with customers, including billing and payment, credit and deposit, suspension, termination, and restoration of service, and complaint handling among other items. The consumer protections of Chapter 64 were necessary in a monopoly market, but the importance of some of these Regulations had diminished in areas where the competitive market provided sufficient incentive for a company to meet reasonable customer expectations. And again, in waiving certain Chapter 64 Regulations we did not abandon our oversight of billing and collections practices because utilities were still required to abide by Section 1501 of the Code to provide reasonable service. Additionally, we are not precluded from hearing a customer complaint on certain billing-related issues not involving price.

We concluded that some protections may be necessary even in a competitive market. Therefore, we granted, in part, and denied, in part, Verizon's request to waive our Chapter 64 Regulations in those wire centers determined to be competitive.<sup>14</sup>

### *Subchapter A (Preliminary Provisions)* 52 Pa. Code §§ 64.1 And 64.2

Section 64.1 is the statement of purpose and policy regarding Chapter 64. Section 64.2 contains definitions. We concluded that most of Section 64.1 remained relevant even in a competitive wire center, so we waived the first sentence but retained the rest of the statement of policy.<sup>15</sup> Section 64.2 was retained to the extent certain provisions elsewhere were retained and that retention implicated the definitions contained in Section 64.2.

### *Subchapter B (Payment and Billing Standards)* 52 Pa. Code §§ 64.11—64.24

Subchapter B governs payment and billing. Specifically, we waived the following Subchapter B Regulations as no longer needed in a competitive environment: Section 64.11 (Method of payment); Section 64.12 (Due date for payment); Section 64.13 (Billing frequency); Section 64.14 (Billing information); Section 64.15 (Advance payments); Section 64.16 (Accrual of late payment charges); Section 64.17 (Partial payments for current bills); Section 64.18 (Application of partial payments between past and current bills); Section 64.19 (Rebilling); Section 64.20 (Transfer of accounts); Section 64.21 ([Reserved]); and Section 64.22 (Billing service for interexchange carriers). In granting the waiver, we noted that Verizon's Product Guide, Section 1 Original Sheets 5 and 6, applicable to

basic local exchange services in competitive wire centers addressed several of Subchapter B payment-related issues, including method of payment and late payment charges.

We also recognized that Subchapter B included some important consumer protections related to slamming and cramming that remained relevant in a competitive market. Therefore, we retained Section 64.23 (cramming/slamming) obligations.

At the same time, Section 64.24, which addresses preservation of basic local exchange service upon the termination of a bundled package, contained an important consumer protection that remained relevant in a competitive market where there has been a proliferation of bundled service packages. Accordingly, we denied Verizon's waiver request for this specific Regulation.

### *Subchapter C (Credit and Deposit Standards Policy)* 52 Pa. Code §§ 64.31—64.41

Subchapter C governs credit and deposit standards. Specifically, we waived the entirety of Subchapter C Regulations: Section 64.31 (LEC credit and deposit policies); Section 64.32 (Credit standards); Section 64.33 (Payment of outstanding balance); Section 64.34 (Written procedures); Section 64.35 (Deposit requirements for existing customers); Section 64.36 (Method of making deposit); Section 64.37 (Refund of deposits); Section 64.38 (Application of deposit to bills); Section 64.39 (Periodic review); Section 64.40 (Refund statement); and Section 64.41 (Interest).

We recognized that there was value in ensuring that interested customers had access to relevant information about their services, including Verizon's credit and deposit standards. We believed that making this information readily available would help to manage reasonable customer expectations. We took notice of Verizon's Product Guide, which applies to competitive services and specifies that Verizon will use a credit check to determine creditworthiness. To the extent that the Product Guide did not address Verizon's policies and procedures for service to applicants who are not deemed creditworthy, we concluded this information should be added to the Product Guide. We granted a waiver of this Subchapter conditionally upon the requirement that Verizon provide information in its Product Guide concerning the consequences if an applicant for service is not deemed to be creditworthy.

### *Subchapter D (Interruption and Discontinuation of Service)* 52 Pa. Code §§ 64.51—64.53

Subchapter D governs temporary service interruptions and discontinuation of service. Specifically, we waived the following Subchapter D Regulations: Section 64.52 (Refunds for service interruptions) and Section 64.53 (Discontinuance of service). We recognized that Verizon's Product Guide, Section 1 Original Sheet 6, applicable to basic local exchange services in competitive wire centers in both Verizon service territories in Pennsylvania, addressed refunds for service interruptions and customer-initiated discontinuation of service.

We concluded that Section 64.51, which allows a utility to interrupt service to a customer under emergency conditions and for critical maintenance purposes, should be retained. The Regulation requires utilities to give notice to customers (if possible) and to keep the interruption as short as possible. Even under competitive conditions, local exchange companies must have the ability to

<sup>14</sup> The complete list of our Chapter 64 Regulations for which we granted Verizon a temporary waiver was attached in Appendix E to the Reclassification Order.

<sup>15</sup> The sentence waived was the following: "The purpose of this chapter is to establish and enforce uniform, fair and equitable residential telephone service standards governing account payment and billing, credit and deposit practices, suspension, termination and customer complaint procedures."

interrupt service to perform essential maintenance or repair work, and should make sure that work is done quickly and safely.

*Subchapter E (Suspension of Service)*  
52 Pa. Code §§ 64.61—64.111

Subchapter E governs grounds for suspension of service and notice procedures prior to suspension of service, including Section 64.61 (Authorized suspension of service); Section 64.62 (Days suspension or termination of service are prohibited); Section 64.63 (Unauthorized suspension of service); Section 64.71 (General notice provisions); Section 64.72 (Suspension notice information); Section 64.73 (Notice when dispute pending); Section 64.74 (Procedures upon customer contact before suspension); Section 64.75 (Exception for suspension based on occurrences harmful to person or property); Section 64.81 (Limited notice upon noncompliance with report or order); Section 64.101 (General provision); Section 64.102 (Postponement of suspension pending receipt of certificate); Section 64.103 (Medical certification); Section 64.104 (Length of postponement); Section 64.105 (Restoration of service); Section 64.106 (Duty of customer to pay bills); Section 64.107 (Suspension upon expiration of medical certification); Section 64.108 (Right of LEC to petition the Commission); Section 64.109 (Suspension prior to expiration of medical certification); and Section 64.111 (Third-party notification).

The Commission waived the following Subchapter E Regulations pertaining to grounds for suspension of service and certain notice procedures: Section 64.61 (Authorized suspension of service); Section 64.63 (Unauthorized suspension of service), except for subsection (10) relating to medical certificates; Section 64.72 (Suspension notice information); Section 64.73 (Notice when dispute pending); Section 64.74 (Procedures upon customer contact before suspension); and Section 64.81 (Limited notice upon noncompliance with report or order).

We noted that grounds for suspension and termination of service were addressed in Verizon's Product Guide applicable to competitive services in both service territories in Pennsylvania at Section 1, Original Sheets 4 and 4.1, while termination of service was addressed in Section 29 of the Product Guide.

We retained application of the following Subchapter E Regulations, which we believed remained relevant and should apply in a competitive environment: Section 64.62 (Days suspension or termination of service is prohibited); Section 64.63(10) relating to medical certificates; Section 64.71 (General notice provisions); Section 64.75 (Exception for suspension based on occurrences harmful to persons or property); and the emergency provisions at Sections 64.101—64.111, given the potential impacts of suspension of service on customers with serious medical conditions.

*Subchapter F (Termination of Service)*  
52 Pa. Code §§ 64.121—64.123

Subchapter F governs grounds for termination of service and the termination process, including Section 64.121 (Authorized termination of service); Section 64.122 (Unauthorized termination of service when dispute pending); and Section 64.123 (Termination notice).

We waived all provisions in Subchapter F. We concluded that these provisions were no longer necessary in a competitive telecommunications market. However, we did note that Verizon's grounds for suspension and termination of service were addressed in its Product Guide.

*Subchapter G (Disputes; Informal and Formal Complaints)*  
52 Pa. Code §§ 64.131—64.171

Subchapter G governs disputes and the informal and formal complaint procedures. We declined to waive Subchapter G and recognized that customers have a right to file either an informal complaint or a formal complaint with the Commission about their service.<sup>16</sup> We reasoned that maintaining these regulations would ensure that a process remained in place to handle complaints.

*Subchapter H (Restoration of Service)*  
52 Pa. Code §§ 64.181 and 64.182

Subchapter H governs restoration of service, including Section 64.181 (Restoration of service after suspension) and Section 64.182 (Restoration of service after termination).

We waived all provisions in Subchapter H. We concluded that these provisions were no longer necessary in a competitive telecommunications market. We also noted that Verizon's grounds for suspension and termination of service and procedure for restoration were addressed in its Product Guide.

*Subchapter I (Public Information; Record Maintenance)*  
52 Pa. Code §§ 64.191 and 64.192

Subchapter I contains two provisions: Section 64.191 (Public information) and Section 64.192 (Record maintenance). We waived Subsections 64.191(f) and (g)<sup>17</sup> and Section 64.192 as no longer necessary in a competitive environment. However, we retained Subsections 64.191(a)—(d) as these regulatory provisions govern applications for service and specify what the LEC must disclose to a potential customer about its available services. We believed these subparts remained relevant in a competitive environment and was similar to the requirement of fair marketing, which we also required of electric generation suppliers and natural gas suppliers.<sup>18</sup>

*Subchapter J (Annual Reporting Requirements)*  
52 Pa. Code §§ 64.201 And 64.202

Subchapter J contains two provisions: Section 64.201 (Reporting requirements) and Section 64.202 (Petition for waiver). We waived parts of Section 64.201 as no longer necessary in a competitive environment but believed that the parts of this Regulation requiring the reporting of certain information related to basic local exchange service remained relevant and should continue to apply in competitive wire centers. Therefore, in competitive wire centers we continued to require Verizon to comply with Section 64.201(a) and the following Section 64.201(b) provisions: (b)(2)(i), (b)(4)(i), (b)(5), (b)(6), (b)(7), (b)(8)(i), (b)(9)(i), and (b)(10)(i). However, all remaining Section 64.201(b) provisions were waived.

Given that we retained some Chapter 64 Regulations, we also retained Section 64.202 as a means to seek waiver due to hardship.

<sup>16</sup> See 66 Pa.C.S. § 308.1 (The Commission shall promulgate regulations by which a consumer may make informal complaints). See also 66 Pa.C.S. § 701 ([A]ny person, corporation, or municipal corporation having an interest in the subject matter, or any public utility concerned, may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the Commission.).

<sup>17</sup> The Commission had previously granted Verizon a waiver of Section 64.191(e) pertaining to toll presubscription based on the same competitive market realities of increasing competition that were the basis for the Petition. Joint Petition of Verizon Pennsylvania, Inc. and Verizon North, Inc. for a Waiver of the Commission's Order Dated May 9, 1997, et al., Docket Nos. 1-00940034 and P-00072348 (Tentative Order entered September 24, 2008, made Final Order effective October 6, 2008, by Secretarial Letter dated January 22, 2009).

<sup>18</sup> See, e.g., 52 Pa. Code §§ 54.43(1) and 62.114(1).

*Subchapter K (General Provisions)*  
52 Pa. Code §§ 64.211—64.213

Subchapter K contains three provisions: Section 64.211 (Availability of normal Commission procedures); Section 64.212 (Applications for modification or exception); and Section 64.213 (Repealers). We waived the general provision section allowing customers to pursue other Commission procedures in cases not described in Chapter 64. However, we denied waiver of Sections 64.212 and 64.213 because certain Chapter 64 provisions are retained. Section 64.212, governing waiver requests, and Section 64.213, governing the effect of tariff provisions that are inconsistent, potentially remained useful.

*B. Implementation Order Clarifications*

As indicated previously, we issued Implementation Orders, in both Tentative and Final forms to clarify certain issues related to the reclassification and implementation of our Reclassification Order. Our Tentative Implementation Order addressed the following matters: (1) the application of Verizon's Product Guide; (2) Verizon's COLR obligations; (3) the application of reporting requirements in Section 64.201 of our Regulations, 52 Pa. Code § 64.201; and (4) the waiver of Chapter 64's Subchapters E, F and H concerning suspension, termination and restoration of service rules in competitive wire centers, 52 Pa. Code §§ 64.61—111, 64.121—123, and 64.181-182. Through our Final Implementation Order, we analyzed the comments filed and addressed the clarifications raised in the Tentative Implementation Order.

*Legal Status of Product Guide*

We held that the Product Guide did not have the force and effect of law as did a tariff. Final Implementation Order at 12; See, e.g., Reclassification Order at 64. We reasoned that the Product Guide could not take precedence over the Code or the retained Regulations in competitive wire centers. We then clarified the Tentative Implementation Order to provide that the final legal authorities to govern informal and formal complaints for customers located in competitive wire centers were as follows:

- (1) Whether Verizon's conduct is reasonable under Section 1501 of the Code, 66 Pa.C.S. § 1501;
- (2) The Regulations retained by the Reclassification Order; and
- (3) What is reasonable based on the facts presented in a case in accordance with Section 1501 of the Code, which may include consulting the Product Guide for any guidance that it may offer on whether Verizon's conduct is reasonable.

Final Implementation Order at 13. We clarified that, regardless whether a Regulation or applicable provision of the Product Guide applied, a utility's conduct in a consumer complaint case would always be subject to review for compliance with Section 1501 of the Code. *Id.*

*Advance Filing Requirement for the Product Guide*

In the Final Implementation Order, we required Verizon to file a copy of its Product Guide applicable to basic local exchange service, including all future changes, with Commission Staff and directed Verizon to provide such copies on or before their effective date. We concluded that the Product Guide should be treated consistent with, if not less burdensome than, our statutorily-authorized treatment of price lists for basic local exchange service. With respect to potential conflicts with Verizon's statutorily-based COLR obligation, the Product Guide

governs in competitive wire centers only when it does not conflict with the Code or with Commission Regulations retained in competitive wire centers. If there was a conflict, the Code or Regulations controlled.

*Carrier of Last Resort Obligations*

Designating certain wire centers as competitive did not affect Verizon's COLR obligation. We determined that the statutorily-based COLR obligation remains and cannot be contractually removed or abandoned. Tentative Implementation Order at 7-8.

*Section 64.201 Reporting*

In adjusting reporting requirements, we waived some Section 64.201 residential account data reporting requirements in competitive wire centers but retained others in those wire centers based on the belief that we would keep in place certain of the Section 64.201 reporting requirements that could assist us with assessing the impact of the reclassification on stand-alone basic local telephone service rates in competitive wire centers. Tentative Implementation Order at 8.

In the Final Implementation Order, we modified our proposal in the Tentative Implementation Order and limited our waiver of the reporting requirements in 52 Pa. Code § 64.201 to the 153 wire centers that were determined to be competitive classification. Final Implementation Order at 26—28. In our Tentative Implementation Order, we also proposed that certain information be reported in light of the Commission's waiver. The Commission proposed that each Verizon Company continue to report all information required under Section 64.201 except for the information set forth under Section 64.201 (b)(2)(ii)—(iv), (b)(4)(ii)—(iv), (b)(5), and (b)(8)—(11). Tentative Implementation Order at 8.

In the wire centers determined to be competitive, we held that the reporting of information beyond basic service under the retained subparts of Section 64.201(b) would not gather the information necessary to evaluate the affordability of basic service as prescribed in Ordering Paragraph No. 15 of the Reclassification Order.

While the scope of that case did not permit us to extend a waiver of the reporting requirements to other wire centers, we invite comment on the issue in this docket.

*Suspension/Termination/Restoration of Service Rules in Competitive Wire Centers*

For competitive wire centers, we determined in our Reclassification Order that Subchapters F and H of Chapter 64 governing termination and restoration of service as well as parts of Subchapter E governing suspension of service, including Section 64.72 governing suspension notice information, would be waived. However, Section 64.71 was not waived, and this Regulation requires Verizon to provide seven days' advanced written notice to the customer prior to suspending service.<sup>19</sup> The Commission also did not waive Section 64.75 (Exception for suspension based on occurrences harmful to person or property)<sup>20</sup> and Section 64.62 (Days suspension or termi-

<sup>19</sup> Section 64.71 requires a LEC to provide seven days' advanced written notice to the customer prior to suspending service unless the grounds for the suspension is failure to comply with the material terms of a payment agreement for toll or non-basic telephone service, or both. If this exception applies, the LEC must comply with Section 64.81 (relating to limited notice upon noncompliance with report or order). However, the Commission in the Reclassification Order waived Section 64.81 in competitive wire centers. In furtherance of the Commission's intent, we clarify that the retention of Section 64.71 is limited to the first sentence only: "The LEC shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension regardless of the grounds upon which suspension is sought."

<sup>20</sup> Under Section 64.75 of the Commission's Regulations, which was also retained in competitive wire centers, no written notice is required if the suspension and/or termination of service is based on a safety issue.

nation of service are prohibited). Tentative Implementation Order at 9-10.

Rather than a two-tier notification process (a notice prior to suspension and a notice prior to termination), we intended to create a one-tier notification process:

Upon further review, we find that it is necessary to provide guidance on the implementation of the one-tier notification process in competitive wire centers. First, Verizon is required to provide at least thirty days' advanced notice to the Commission, in writing, prior to implementing the one-tier advanced written notice process applicable to suspension/termination of service in competitive wire centers. As part of this advanced notice to the Commission, Verizon must provide the relevant details regarding how it intends to implement the one-tier notification process, including the date that the one-tier notification process is to take effect and a copy of the written notice to be provided to customers. Until such a filing is made and is effective, Verizon shall follow the existing two-tier suspension/termination process in competitive wire centers.

Additionally, we clarify the following in connection with the customer notice requirements for the one-tier notice process available in competitive wire centers:

(1) The advanced written notice must advise the customer that once service has been suspended for at least five days, service may be terminated without any additional notice being provided. We add this requirement as a condition to waiving Subchapter F and parts of Subchapter E in Chapter 64 for competitive wire centers.

(2) The advanced written notice must include, at a minimum, the reason for the proposed suspension/termination, the amount the customer must pay to avoid suspension/termination (if applicable), the earliest date that service will be affected, and information where the customer can contact Verizon about the matter to discuss avoiding suspension/termination. The advanced written notice also must include language that is the same or substantially similar to the language appearing in the medical emergency notice in Appendix A of the Commission's Chapter 64 Regulations. The Commission adds these requirements as a condition to waiving Section 64.72 and Sections 64.121—64.123 of its Regulations.

To resolve any ambiguity that may arise, we make the following additional clarifications regarding the one-tier notice process available in competitive wire centers:

(1) When a LEC suspends service for nonpayment prior to the expiration of a medical certificate, Section 64.109 requires the LEC to follow the suspension notice procedures at Sections 64.71—74 of the Commission's Regulations. Because Sections 64.72 through 63.74 [sic] have been waived in competitive wire centers, the Commission clarifies that when suspending service under Section 64.109 in competitive wire centers, Verizon must comply with Section 64.71 and the requirements established in a final Order resulting from this Tentative Order.

(2) Prior to Verizon suspending stand-alone basic local telephone service in a competitive wire center in accordance with Section 64.24(c) of the Commission's

Regulations, bundled bill customers are to receive the same notice as stand-alone basic local exchange customers.

Final Implementation Order at 30-31.

We invite comments whether a similar process could work for all suspension/termination notifications.

#### IV. ADDITIONAL WAIVERS OF CHAPTERS 53, 63 AND 64 REGULATIONS

In addition to the waivers granted within the context of Verizon Reclassification Petition, the Commission has granted various waivers to several carriers over the years, including for certain provisions of Chapter 53 of our Regulations. Many of these carriers sought permanent waivers. Although permanent waivers were not granted, the Commission suggested rule changes could be made, eventually. Indeed, in several instances, these waivers were granted until such time as the Commission examined Chapters 63 and 64 and amended its rules.

Carriers that now enjoy these waivers are invited to propose amendment or removal of specific regulations. These carriers may make their cases for permanent rule changes in their comments at this docket.

#### V. COMMENTS

The Commission issues this Advanced Notice of Proposed Rulemaking primarily to seek input on what the Commission's Chapter 63 and Chapter 64 Regulations should look like, going forward, which should help the Commission in preparing proposed revised Regulations applicable to competitive and noncompetitive wire centers.

The obvious regulatory impact of reclassification is that we now have competitive wire centers as well as wire centers that remain noncompetitive, and certain regulations may no longer be necessary in a competitive market. Therefore, we seek comments on any waiver of a Chapter 63 or 64 Regulation currently granted, including whether the waivers should be made permanent via the rulemaking process in any wire center in Pennsylvania for which basic local exchange service has been determined to be competitive pursuant to Section 3016(a) of the Code or is so determined under applicable law.

In addition, the Commission has retained, and will continue to retain, existing regulations that remain pertinent to and necessary for noncompetitive wire centers. However, some of these Regulations may be outdated or obsolete. Therefore, we invite comments whether any of our Chapter 63 and 64 Regulations not waived and that continue to be applicable in noncompetitive wire centers should be amended or rescinded.

One possible approach to addressing these competitive and noncompetitive wire centers is for the Commission to create a separate chapter to address local exchange telephone service for competitive versus noncompetitive wire centers. Under this approach, existing chapters could be retained to reflect retail service in noncompetitive wire centers, except, again, for any Regulations we have found or may find to be outdated or obsolete as part of this rulemaking. We adopted a similar approach in our implementation of our Chapter 14 Regulations. See, e.g., 52 Pa. Code § 56.1 (Statement of purpose and policy). The Commission invites comment supporting this approach.

We also invite interested parties to propose for consideration any reasonable alternative Regulations or regula-

tory structure/scheme for competitive and noncompetitive wire centers other than those proposed in this Advance Notice.

We note that the Commission is seeking comments on this matter from all telecommunication utilities that may be subject to these subchapters and any other interested parties, particularly in light of any current or recent proceedings, including those that addressed waivers outside the context of the Verizon Petition proceeding.

Finally, we invite interested parties to offer proposed language for our consideration in drafting any revised or new regulatory provisions.

#### VI. CONCLUSION

Following careful review and consideration of the comments received in response to this Advance Notice, the Commission intends to issue a formal Notice of Proposed Rulemaking with proposed revised Regulations.

This is an Advanced Notice of Proposed Rulemaking Order and is in addition to the normal rulemaking procedures for publication and comment established under the Commonwealth Documents Law, 45 P.S. §§ 1201, et seq. Accordingly, pursuant to Sections 501, 504, 505, 506, 1301, and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 505, 506, 1301, and 1501, and the Commonwealth Documents Law, 45 P.S. §§ 1201, et seq., and the Regulations promulgated thereunder; *Therefore,*

#### *It Is Ordered That:*

1. An Advanced Notice of Proposed Rulemaking is hereby instituted at this docket to consider revisions of the Regulations primarily appearing in 52 Pa. Code Chapters 63 and 64, relating to telephone service and standards and billing practices for residential telephone service.

2. The Secretary shall duly certify this Advance Notice and deposit it with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

3. Written comments referencing Docket No. L-2018-3001391 be submitted within 60 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265, while written reply comments referencing Docket No. L-2018-3001391 be submitted within 90 days of publication in the *Pennsylvania Bulletin*. Comments and reply comments may also be filed electronically through the Commission's e-File System.

4. This Order proposing to revise the Regulations appearing in Title 52 of the *Pennsylvania Code* Chapters 63 and 64 (relating to Telephone Service and Standards and Billing Practices for Residential Telephone Service), be served on all jurisdictional incumbent local exchange carriers and competitive local exchange carriers, the public advocates, and all parties to the proceeding captioned Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304.

5. A copy of this Advance Notice shall be posted on the Commission's website.

6. The contact persons for this matter are Melissa Derr, Bureau of Technical Utility Services, (717) 783-6171, mderr@pa.gov; and Terrence Buda, Law Bureau, (717) 783-3459, tbuda@pa.gov.

ROSEMARY CHIAVETTA,  
*Secretary*

Public Meeting held  
July 12, 2018

*Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services In Certain Geographic Areas And For A Waiver Of Regulations for Competitive Services; 3001391-LAW; Doc. No. P-2014-2446303; Doc. No. P-2014-2446304*

*Rulemaking to Comply with Competitive Classification of Telecommunications Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations, 52 Pa. Code Chapters 63 and 64; Doc. No. L-2018-3001391*

#### Statement of Chairperson Gladys M. Brown

On March 4, 2015, the Commission entered an Opinion and Order reclassifying 153 of Verizon's 194 wire centers as competitive pursuant to Section 3016(a) of the Public Utility Code, 66 Pa.C.S. § 3016(a). That decision, which I dissented from, also granted a five-year waiver of certain of the Commission's Chapters 63 and 64 regulations in the 153 wire centers classified as competitive, pending a rulemaking to address the status of the regulations applicable to noncompetitive and competitive wire centers.

This rulemaking proceeding will consider the regulations applicable to competitive and non-competitive wire centers. The regulations adopted for non-competitive wire centers are distinct from the regulations applicable to wire centers classified as competitive under Section 3016(a). For the record, I would like to clarify it is my view that the Commission cannot develop rules for competitive wire centers and apply them to non-competitive wire centers without the prior reclassification determination required for non-competitive wire centers under Section 3016(a).

GLADYS M. BROWN,  
*Chairperson*

Public Meeting held  
July 12, 2018

*Rulemaking to Comply with the Competitive Classification of Telecommunications Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 63 and 64; 3001391-LAW; Doc. No. L-2018-3001391*

#### Statement of Vice Chairperson Andrew G. Place

This Advanced Notice of Proposed Rulemaking (ANOPR) proceeding is largely rooted at the Commission's 2015 landmark Verizon Reclassification Order<sup>21</sup> where the Commission classified the basic local exchange services in 153 wire centers of Verizon Pennsylvania LLC and Verizon North LLC (collectively Verizon), as competitive under the statutory requirements of Section 3016(a) of the Public Utility Code, 66 Pa.C.S. § 3016(a). The potential expansion and applicability for the waivers of our regulations that are contemplated in the ANOPR can and will have impacts in matters where the Commission exercises regulatory oversight such as the quality and reliability of service and consumer protection. I note that in the context of its Verizon Reclassification decisions the Commission directed the collection and evaluation of certain data:

The data required here will provide for the appropriate implementation and evaluation of the market-based regulatory goals of the [Verizon] Reclassifica-

<sup>21</sup> Joint Petition of Verizon Pennsylvania LLC And Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304, Order entered March 4, 2015 (Verizon Reclassification Order); see also Final Implementation Opinion and Order, and Order (Data Collection and Reporting Order), Docket Nos. P-2014-2446303 and P-2014-2446304, both entered September 11, 2015.

tion Order. Specifically, the data collection is intended to: (1) help assess the market in competitive areas, including the impact of our decision on affordability of basic service and quality of service in those areas, and (2) provide guidance for the rulemaking discussed in the [Verizon] Reclassification Order.

Data Collection and Reporting Order, Docket Nos. P-2014-2446303 and P-2014-2446304, entered September 11, 2015, at 1.

It is my sincere hope that consistent with all the applicable Commission Orders in the Verizon Reclassification proceeding, the interested parties will properly utilize the data submitted by Verizon in conjunction with their respective comments on the contemplated extension and permanent application of the waivers at issue for the Verizon wire centers. Furthermore, similar data that has been elicited in other proceedings, inclusive of follow-up reports, should also be utilized for the same purpose.<sup>22</sup>

I would also like to invite comments on this ANOPR explaining how other states have recently chosen to modernize their respective regulations governing the provision of retail telecommunications services, with special emphasis on regulations that deal with reliability and quality of service, and consumer protections.

Finally, I note that the competitive classification of protected basic local exchange services that are provided by incumbent local exchange carrier telephone companies with carrier of last resort obligations is subject to the statutory requirements of Section 3016(a), including appropriate findings of sufficiently competitive markets and the presence of substitute telecommunications services. This can materially affect the process and the future applicability of certain regulation waivers that were the subject of the Verizon Reclassification Order.

ANDREW G. PLACE,  
*Vice Chairperson*  
 Public Meeting held  
 July 12, 2018

*Rulemaking to Comply with the Competitive Classification of Telecommunications Retail Services Under 66 Pa.C.S. § 3016(a); General Review of Regulations 52 Pa. Code, Chapter 63 and Chapter 64; 3001391-LAW; Doc. No. L-2018-3001391*

**Statement of Commissioner John F. Coleman, Jr.**

In February 2015, the Commission reclassified stand-alone basic local telephone service as competitive in parts of the Verizon service territories in Pennsylvania.<sup>23</sup> As

part of that decision, the Commission also granted Verizon a 5-year waiver of certain of our Chapter 63 and Chapter 64 regulations in competitive wire centers.<sup>24</sup> The waiver was granted, pending a rulemaking to address the status of these regulations in both competitive and non-competitive wire centers on both a permanent and industry-wide basis.

To initiate the rulemaking, I support issuing an Advanced Notice of Proposed Rulemaking or ANOPR to solicit input from interested parties. This ANOPR, combined with certain data to be collected,<sup>25</sup> should help the Commission in preparing revised regulations and in making an informed and well-reasoned decision here.

The ANOPR seeks input in four main areas regarding our Chapter 63 and 64 regulations: (i) whether to make the previously-granted waivers permanent in any wire center currently classified as competitive or that may be classified as competitive in the future; (ii) whether there are any obsolete or outdated regulations in noncompetitive wire centers that should be modified or eliminated, (iii) whether to create separate chapters in our regulations for competitive versus noncompetitive wire centers; and (iv) whether there are any reasonable alternative regulations or regulatory structure/scheme, other than what is being proposed here, that the Commission should consider.

I view this rulemaking as a continuation of our efforts to modernize how we regulate telecommunications in Pennsylvania. The telecommunications marketplace continues to be a dynamic and fast changing segment of the economy. The communications options for consumers have expanded beyond traditional voice-only service offered by incumbent carriers. With the proliferation of service bundles and the rise of alternative wireline providers and wireless providers offering competing products and services, consumers have a wide array of choices to meet their communications needs. The initiation of this rulemaking is an important step towards ensuring that our regulations keep pace with these market realities.

JOHN F. COLEMAN, Jr.,  
*Commissioner*

[Pa.B. Doc. No. 18-1223. Filed for public inspection August 3, 2018, 9:00 a.m.]

<sup>22</sup> Petition of Communications Workers of America for a Public, On-the-Record Commission Investigation of the Safety, Adequacy, and Reasonableness of Service Provided by Verizon Pennsylvania LLC, Docket No. P-2015-2509336, Certificate of Satisfaction and Withdrawal of Complaint, June 2, 2017.

<sup>23</sup> Verizon Pennsylvania LLC and Verizon North LLC (collectively Verizon) filed a petition requesting a competitive classification in 194 of their wire centers in Pennsylvania. The Commission granted the request for 153 of the wire centers. The Commission's decision changed how basic service is regulated in competitive areas in two main ways. First, Verizon no longer is required to maintain a tariff at the Commission containing the rates, terms and conditions of basic service offered in competitive areas. Second, the price that Verizon charges for basic service in competitive areas no longer is subject to Commission approval.

<sup>24</sup> The waiver also applies to competitive local exchange carriers operating in the 153 competitive wire centers.

<sup>25</sup> To help assess the impact of our reclassification decision, the Commission required Verizon to report certain data, including data on quality of service. See Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303 and P-2014-2446304 (Order entered September 11, 2015).

