

PENNSYLVANIA BULLETIN

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

No. 526, September 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.

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2018-06]

Pennsylvania Commission on LGBTQ Affairs

August 6, 2018

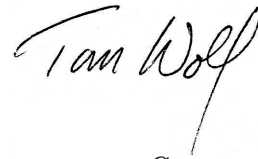
Whereas, Lesbian, gay, bisexual, transgender and queer/questioning (“LGBTQ”) Pennsylvanians make unique, diverse and valuable contributions to the culture, society and economy of Pennsylvania, which have a beneficial impact on life in the Commonwealth and beyond; and

Whereas, the Commonwealth is committed to providing equality and opportunity for all its citizens and increasing access for LGBTQ persons to civic, economic, and educational opportunities in Pennsylvania; and

Whereas, we acknowledge the myriad contributions of LGBTQ Pennsylvanians, while also recognizing challenges still faced by many LGBTQ Pennsylvanians; and

Whereas, it will benefit the Commonwealth to define and address the unique contributions, needs and concerns of LGBTQ persons and communities, in order to improve the lives of all Pennsylvanians.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish, in the Office of the Governor, the Pennsylvania Commission on LGBTQ Affairs as the Commonwealth's advocate agency for its LGBTQ citizens as hereinafter set forth.



Governor

Fiscal Note: GOV-2018-06. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter FFF. PENNSYLVANIA COMMISSION ON LGBTQ AFFAIRS

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6.706.	Reports.
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6.708.	Effective date.

§ 6.701. Functions.

The Pennsylvania Commission on LGBTQ Affairs:

(1) Advises the Governor on policies, procedures, legislation and regulations that impact LGBTQ individuals and communities.

(2) Develops, reviews and recommends to the Governor policies in the areas of health and human services, housing, education, employment, business formation and other relevant areas which impact LGBTQ individuals and communities.

(3) Provides appropriate assistance and advice to the Department of General Services and the Department of Community and Economic Development, and works with the Bureau of Workforce Planning, Development, and Equal Employment Opportunity, within the Office of Human Resources and Management, in the Governor's Office of Administration, to strengthen the enforcement of the Commonwealth's anti-discriminatory hiring, retention and promotion policies

(4) Serves as a liaison to Federal, State and local agencies to ensure that programs affecting LGBTQ individuals and communities are effectively utilized and promoted.

(5) Serves as a resource for community groups and provide forums for developing strategies and programs that will expand and enhance the civic, social, educational, cultural and economic status of LGBTQ individuals and communities.

(6) Identifies programs, scholarships, mentoring programs, sources of funding or other resources for the benefit and advancement of LGBTQ individuals and communities.

(7) Promotes the cultural arts of LGBTQ communities throughout this Commonwealth.

(8) Communicates activities and initiatives of State government that impact or otherwise may affect LGBTQ communities in this Commonwealth.

§ 6.702. Composition.

(a) The Pennsylvania Commission on LGBTQ Affairs (Commission) shall consist of no more than 40 members, to be appointed by the Governor, who are representatives of this Commonwealth's LGBTQ communities or others who have an interest in the success of the LGBTQ communities and provide value to the work of the Commission.

(b) The Governor shall designate one Commission member to serve as Chairperson. The Governor shall designate one Commission member to serve as first Vice-Chairperson and another Commission member to serve as second Vice-Chairperson. The Chairperson and all Vice-Chairpersons shall serve at the pleasure of the Governor.

(c) The Governor shall appoint an Executive Director of the Commission, who shall serve at the pleasure of the Governor. The Executive Director will report to the Secretary of the Office of Intergovernmental Affairs.

§ 6.703. Terms of membership.

(a) Members will be appointed for terms of 2 years and serve until their respective successors are appointed. A member may be reappointed for one or more additional terms. All members shall serve at the pleasure of the Governor and adhere to policy setting forth Commissioner responsibilities and expectations as may be promulgated from time to time by the Executive Director and the Pennsylvania Commission on LGBTQ Affairs (Commission) Chairperson.

(b) Should a vacancy occur on the Commission, the Governor shall appoint a successor. The successor shall be appointed to fulfill the remainder of the term. A successor so appointed may thereafter be reappointed for one or more additional terms.

(c) A member who is absent from two consecutive meetings of the Commission, without sufficient excuse, shall forfeit membership on the Commission.

§ 6.704. Compensation.

Members of the Pennsylvania Commission on LGBTQ Affairs will not receive compensation for their service, except that members may be reimbursed for travel expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

§ 6.705. Relationship with other agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Pennsylvania Commission on LGBTQ Affairs (Commission) to carry out its functions effectively. Independent agencies, State-affiliated entities and State-related institutions also are strongly encouraged to work with the Commission to support its mission.

§ 6.706. Reports.

The Pennsylvania Commission on LGBTQ Affairs shall submit an annual report to the Governor or the Governor's designee and the Secretary of the Office of Intergovernmental Affairs, and other reports as it deems necessary, on issues affecting LGBTQ communities in this Commonwealth.

§ 6.707. Procedures.

(a) The Pennsylvania Commission on LGBTQ Affairs (Commission) is authorized to establish subcommittees, rules and procedures for the effective implementation of its functions, consistent with this subchapter, which subcommittees may include advisory nonmembers, if approved by the Commission Chairperson and the Executive Director.

(b) The Commission will establish a State Government Subcommittee (Subcommittee) for the purpose of supporting the mission of the Commission in Commonwealth agencies. This Subcommittee will be chaired by the Executive Director and, as appropriate, co-chaired by a member of the Governor's Cabinet, and will work with the Secretary of Intergovernmental Affairs to support the mission of the Commission and accomplish the work of the Commission in the executive agencies. The Subcommittee will be comprised of members of the Governor's Cabinet or their respective designees, and other individuals deemed necessary to accomplish the work of the Subcommittee.

(c) A majority of the Commissioners serving at any time shall constitute a quorum.

§ 6.708. Effective date.

This subchapter takes effect immediately and shall continue in effect unless revised or modified by the Governor.

[Pa.B. Doc. No. 18-1341. Filed for public inspection August 31, 2018, 9:00 a.m.]

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Proposed Sentence Risk Assessment Instrument for 204 Pa. Code Chapter 305; Responses to Public Comments; Request for Proposals

Act 2010-95, effective October 27, 2010, directed the Pennsylvania Commission on Sentencing to “. . .adopt a sentence risk assessment instrument for the sentencing court to use to help determine the appropriate sentence within the limits established by law for defendants who plead guilty or nolo contendere to, or were found guilty of felonies and misdemeanors.” Following years of research and development, the Commission approved for public comment two initial versions of an instrument:

- On April 11, 2015, the Commission published in the *Pennsylvania Bulletin* (45 Pa.B. 1751) a preliminary Sentence Risk Assessment Instrument and held three public hearings;
- On April 8, 2017, the Commission published in the *Pennsylvania Bulletin* (47 Pa.B. 1999) a proposed Sentence Risk Assessment Instrument and held five public hearings.

Earlier this year, following additional review and analysis, the Commission approved for public comment a revised instrument and on April 28, 2018 published this proposed Sentence Risk Assessment Instrument in the *Pennsylvania Bulletin* (48 Pa.B. 2367). In accordance with 42 Pa.C.S. § 2155, the Commission held the following public hearings to afford an opportunity for individuals and organizations to testify:

- Allegheny County Courthouse (Pittsburgh), Monday, June 4, 2018
- Juanita Kidd Stout Center for Criminal Justice (Philadelphia), Wednesday, June 6, 2018
- Pennsylvania Judicial Center (Harrisburg), Wednesday, June 13, 2018

The Commission received testimony and written comments from more than 30 individuals and organizations related to this most recent proposal. Copies of all documents received are posted on the Commission’s website (<http://pasentencing.us>). During the June 14, 2018 quarterly meeting, the Commission approved a motion to postpone adoption of the proposed Sentence Risk Assessment Instrument and to direct staff to do the following:

- (1) prepare and publish a summary of the issues raised during the public hearings and responses to those issues;
- (2) publish the findings of the Urban Institute’s external review of the proposed Sentence Risk Assessment Instrument upon receipt;
- (3) solicit proposals from the public for a Sentence Risk Assessment Instrument as described in 42 Pa.C.S. § 2154.7; and
- (4) schedule a minimum of three public hearings in December 2018 to receive proposals and to review comments on any revisions to the Commission’s proposal.

Consistent with this decision, the Commission herein provides information on each of these directives.

(1) *Response to Public Comments*

A summary of the issues raised during the public hearings and responses to those issues are provided in Annex A.

(2) *External Review*

In December 2016, the Commission contacted the Bureau of Justice Assistance/Urban Institute Risk Assessment Clearinghouse to initiate discussions of an external review of the Sentence Risk Assessment Instrument under development by the Commission. At that time, consistent with the Commission’s current proposal, the Commission described the project as follows: “. . .we have developed a second generation instrument, and seek to limit its use to identifying those cases where a more comprehensive and individualized RNR (Risk-Needs-Responsivity) report be prepared for consideration by the court; the information contained in the report would be used to address treatment and intensity rather than disposition and duration of the sentence.”

Following the publication of the Commission’s proposed Sentence Risk Assessment Instrument in 2017 and subsequent public hearings, the Commission delayed action on the external review. This allowed staff to make substantial changes to the instrument as directed by the Commission in response to public comment. In April 2018, following publication of a revised proposal, staff provided the Urban Institute with a complete set of files related to construction of the instrument (e.g., data, syntax, etc.) to begin the external review.

The Commission anticipates receipt of the external review no later than the next regularly scheduled meeting of the Commission (September 6, 2018). The external review of the proposed Sentence Risk Assessment Instrument will be published in the *Pennsylvania Bulletin* (anticipated publication date: October 6, 2018) following the September Commission meeting.

(3) *Request for Proposals*

The Commission is soliciting proposals from all interested persons or organizations for a Sentence Risk Assessment Instrument to be considered as an alternative to the Commission’s proposed instrument. The Commission requests all proposals be submitted in writing and received by November 30, 2018. Details related to the requirements of the solicitation are provided in Annex B.

(4) *Public Hearings*

The Commission will hold a minimum of three public hearings in December 2018 to review and receive comments on all proposals received, as well as to review and receive comments on any staff revisions to the April 28, 2018 proposal. The Commission will attempt to schedule hearings in various geographic locations and in various classes of counties during the weeks of December 3 and December 10. In accordance with 42 Pa.C.S. § 2155, the Commission will publish the dates and locations of the public hearings as well as any revisions to the Commission’s proposal in the *Pennsylvania Bulletin* (anticipated publication date: November 3, 2018). The public hearings will be held no earlier than 30 days and no later than 60 days after publication to afford an opportunity for individuals and organizations to testify.

PRESIDENT JUDGE SHEILA A. WOODS-SKIPPER,
Chair

Annex A

Responses to Public Comments

Act 2010-95, effective October 27, 2010, directed the Pennsylvania Commission on Sentencing to adopt a Sentence Risk Assessment Instrument for the sentencing court to use to help determine the appropriate sentence within the limits established by law for defendants who plead guilty or nolo contendere to, or were found guilty of felonies and misdemeanors.

Following the publication of the most recent proposed Sentence Risk Assessment Instrument on April 28, 2018 (48 Pa.B. 2367), the Commission held three public hearings to afford an opportunity for individuals and organizations to testify and to submit written comments. Copies of all documents received are posted on the Commission's website (<http://pasentencing.us>).

During the June 14, 2018 quarterly meeting, the Commission approved a motion to postpone adoption of the proposed Sentence Risk Assessment Instrument and directed staff to prepare and publish a summary of the issues raised during the public hearings and responses to those issues. This summary is provided below, with the issues organized into four categories based on the provisions of the legislation: (1) adopting a sentence risk assessment instrument to help determine the appropriate sentence and evaluate relative risk; (2) incorporating the instrument into sentencing guidelines; (3) using the instrument to determine whether a more thorough assessment is necessary; and (4) using the instrument to determine appropriate candidates for alternative sentencing.

(1) *Risk Assessment Instrument (general rule)*

42 Pa.C.S. § 2154.7

(a) *General rule.*—The commission shall adopt a Sentence Risk Assessment Instrument for the sentencing court to use to help determine the appropriate sentence within the limits established by law for defendants who plead guilty or nolo contendere to or who were found guilty of felonies and misdemeanors. The risk assessment instrument may be used as an aide in evaluating the relative risk that an offender will reoffend and be a threat to public safety.

(e) *Definition.*—As used in this section, the term “risk assessment instrument” means an empirically based worksheet which uses factors that are relevant in predicting recidivism.

Comment

This general rule authorizes three actions by the Commission: (1) a requirement that the Commission adopt a risk assessment instrument, defined as an empirically based worksheet which uses factors that are relevant in predicting recidivism; (2) a requirement that the instrument be constructed to help determine the appropriate sentence within the limits established by law; and (3) a provision that permits the instrument to be used as an aide in evaluating the relative risk that an offender will reoffend and be a threat to public safety.

(a) *Requirement to adopt an instrument*1. *Construction of an empirically based worksheet (development)*a. *Comments received*

Concerns were raised about the selection of a 2nd generation instrument (static risk factors) instead of 3rd

or 4th generation instruments which also would have considered dynamic and protective factors, offender needs and responsivity. Specific to the proposed instrument, several who testified criticized the differences in the base rates of recidivism for Black and White offenders and questioned the selection of cut points in determining high and low risk based on false positive/false negative ratios. Due to the evolving research in this area, the Commission was encouraged to proceed with caution and to continue to investigate racial bias.

b. *Staff response*

The text of Act 2010-95 which directs the Commission to adopt a ‘risk’ assessment instrument, and the legislative history of the initial drafts of the bill in which ‘needs’ was removed, informed the Commission’s decision to adopt a 2nd generation instrument. The Commission sought to automate the instrument, relying factors available electronically at the time of sentencing, and to then incorporate it into the existing JNET-based SGS Web sentencing guidelines application. The Commission used data from the Administrative Office of Pennsylvania Courts (AOPC) and SGS Web due to reliability, accuracy and availability in all counties at the time of sentencing. Because of this approach, counties avoided the costs associated with licensing fees for a proprietary product and with a requirement to prepare a 3rd or 4th generation assessment in every case.

Regarding disproportionality, the risk assessment development data reveal differences in base rates of recidivism by race group, a typical finding in the risk and recidivism literature. Additional information on the construction and racial impact analysis of the proposed scales is posted on the Commission’s website. Staff will continue to investigate disproportionality, including analysis of other recidivism measures.

Regarding cut points for determining high and low risk, the Commission abandoned the false positive/false negative ratio approach following Phase I of the project (preliminary analysis) in favor of the current standard deviation approach. The Commission determined that any decision regarding appropriate or acceptable false positive/false negative ratios involves a trade-off between over-predicting recidivism and under-predicting recidivism and may not address ‘relative risk’ of reoffending. The Commission instead relied on a statistical model to determine the risk of a ‘typical offender’ (68% of offenders defined by one standard deviation from the mean risk score), and then to identify those below and above this group as low risk and high risk. Equally important in its development and coupled with this approach were the following: (1) the creation of the Sentence Risk Assessment Summary to provide detailed information on all risk factors, recidivism rates, and risk categories for each scale; and (2) the decision to recommend additional individual information rather than a specific disposition for certain low risk and high risk offenders.

2. *Data*a. *Comments received*

Concerns were raised about the age of the data set (2004–2006 sentences), the quality of the data (e.g., tainted due to policing practices, racial bias ‘baked into the system’), the historical disproportionate use of punishment reflected in practices (e.g., mandatory minimum sentences, three-strikes), and the failure to exclude stale prior records (i.e., dated prior convictions). Other more specific comments related to risk factors and outcome measures are addressed separately in this document.

b. *Staff response*

Creating a data set is a resource-intensive and time-consuming process involving the matching of data across multiple agencies. The task is magnified when dealing with a very large statewide sample. The Commission continues to work with other criminal justice agencies to enhance practices and to improve the quality of the data, while also working with academic research partners to investigate advanced methods to address data quality issues.

The risk scales used for the proposal were generated to analyze the risk of all offenders using a sample of over 131,000 offenders sentenced in Pennsylvania between 2004–2006. These older data sets are required for a study of recidivism involving long prison sentences imposed for more serious offenses. The original sample included 135,000 offenders sentenced during this period, but 4,000 offenders were removed because they had not yet been paroled from the DOC or were less than three years post-release (tracking period). This represented a loss of 4% of the DOC sample in 2004 and a loss of 6% of the DOC sample in 2006. Loss of 10% of a sample (or subsample) creates a substantial validity problem when data are missing ‘not at random.’ Using a 2008 sample would result in a loss of 9% of the DOC sample, while using a 2009 sample would result in a loss of 15% of the DOC sample. A more recent data set will be constructed for any re-validation of the instrument to ensure the continued accuracy with current offenders.

3. *Risk factors relevant in predicting recidivism*

a. *Comments received*

Concerns were raised about the use of ‘tainted’ criminal justice data, the inclusion of demographic factors such as age and gender (equal protection), the failure to consider dynamic factors, and the inclusion of ZIP code and factors that serve as proxies for race and poverty. Other concerns related to criminal justice factors include the use of juvenile adjudications and the failure to exclude stale records, especially for individuals with long post-conviction periods of law-abiding behavior. Several who testified noted positive changes from previous versions of the instrument, including the use of conviction in place of arrest as a risk factor.

b. *Staff response*

The first steps taken by the Commission as part of the risk assessment project were reviews of factors used in risk assessment instruments (Interim Report I, 2011) and factors that predict recidivism (Interim Report III, 2011). The purpose was to identify static factors that were automated, reliable and accurate, and readily available statewide at the time of sentencing. Only factors that were statistically significant were considered in the development of each scale. Two factors were statistically significant and were controlled for but were not assigned points in the scale: race and size of county. ZIP code was never used as a risk factor. Dynamic factors such as employment, education and marital status were not included because, even if significant, were not automated nor readily and reliably available in all counties. The use of juvenile adjudications is limited to consideration of whether an offender has a juvenile adjudication in the prior record score of the sentencing guidelines. This is included because it is statistically significant, and because it is limited to an express finding of an adjudication for a felony or certain M1 offenses that occurred on or after the offender’s 14th birthday. The Commission is

investigating policies to address stale records, and if incorporated into the sentencing guidelines, could be considered in the future.

4. *Recidivism outcome measures*

a. *Comments received*

Concerns were raised about the use of arrest instead of conviction as the outcome measure of recidivism, and of including technical parole violations. Concerns were also raised about the definition of recidivism including any offense, suggesting instead that risk should be linked to dangerousness, and therefore risk should not equal arrest for any offense. Several speakers referenced the Philadelphia Reentry Coalition recidivism data, both because of a lower recidivism rate than identified by the Commission and different racial impacts.

b. *Staff response*

Recidivism definitions vary by instrument, agency, and policy. Consistent with the legislation, the Commission has developed an instrument “which uses factors that are relevant in predicting recidivism,” that the instrument “help determine the appropriate sentence within the limits established by law,” and that the instrument may be used to evaluate “the relative risk that an offender will reoffend and be a threat to public safety.”

Arrest is the most common outcome measure used in the prediction of recidivism. Use of arrest as an outcome measure may over-estimate reoffending, while use of convictions may under-estimate reoffending. Technical violations that result in re-commitment to prison may be for behavior other than reoffending, although detention and recommitment is limited by statute (see 61 Pa.C.S. § 6138, relating to Violation of terms of parole). Technical violations are at times used in lieu of arrest and prosecution for a new offense, and at times an offender is charged with both a new offense and a technical violation. In determining recidivism, the use of convictions and the exclusion of technical violations resulting in recommitment raise a common methodological issue: how to measure follow up periods when interrupted by periods of confinement.

Risk of any offense, both high risk and low risk, is an important consideration in determining an appropriate sentence and addressing other provisions of the legislation. The recidivism rates reported in the Philadelphia Reentry Coalition report are based on Pennsylvania arrest data, not re-conviction, using a one-year follow-up period, and limited to those released from jail or prison with self-reported return to Philadelphia. As correctly noted in the Coalition report, comparing different recidivism definitions is not “apples to apples.” To address the legitimate concerns raised, Commission staff will re-analyze the data, dropping technical violations and using as a recidivism outcome measure re-arrest within three years that results in a conviction.

While dangerousness is an important outcome measure, the term is not included or defined in Act 2010-95. The Commission developed a separate scale for ‘offense against a person’ to address dangerousness and threat to public safety which is described in greater detail later in this document.

5. *Validity/Reliability*

a. *Comments received*

Concerns were raised about the accuracy rates of the scales, which ranged from 60% to 80%, often characterized as not much better than a flip of a coin. Other issues

raised included validation and independent review of the instrument, user training and certification to assure inter-rater reliability and fidelity, an auditing and tracking of the instrument, with the ability to ‘turn it off’ if it is not doing what it is intended to do.

b. *Staff response*

The Commission developed a module within SGS Web, the Commission’s JNET-based sentencing application, to automate the actuarial risk assessment instrument. The risk assessment scales contained in the instrument provide measures of likelihood of recidivism. The risk scales are not perfect predictors, and are not determinative of future outcomes, but instead are intended to complement the court’s exercise of professional judgement to provide a more accurate assessment of an individual’s relative risk. Accuracy rates between 60% and 75% are within acceptable boundaries described in the risk and recidivism literature. Since the instrument is automated and the risk summary is generated upon completion of the guideline sentence form via SGS Web, inter-rater reliability and fidelity are not factors, and no separate training or certification for preparation of the risk assessment summary is required beyond that required for preparation of the guideline sentence forms.

However, training and certification, as well as inter-rater reliability and fidelity, are important considerations for the use of 3rd and 4th generation assessments. These county-specific safeguards are the focus of the Evidence-Based Practice initiative of the County Chief Adult Probation and Parole Officers Association of Pennsylvania, and for which state and federal funding is available to counties. All information generated by SGS Web is captured in the database, and monthly exports of data are analyzed to monitor compliance and provide a basis for evaluation. Currently a third-party review is underway by the Urban Institute, and the findings will be published when received.

6. *Other*

a. *Comments received*

Concerns were raised about the timing of the release of the racial impact analysis, about the advertising and dissemination of information about the mandate and the public hearings, and the limited number of individuals and organizations notified.

b. *Staff response*

Development of the instrument has been underway since 2010, and the Commission has carefully documented the process and provided extensive information on all research and policy decisions. All documents have been posted on the Commission’s website. Throughout this period, the Commission has worked with four pilot counties (Philadelphia, Allegheny, Westmoreland, Blair) to solicit feedback and test proposals, and has conducted or participated in scores of presentation and outreach efforts with judges, attorneys, probation officers, and other practitioners.

The Commission holds four public meetings each year, with detailed minutes of each meeting posted, and has held 11 public hearings specifically concerning the risk assessment instrument. Consistent with statute (42 Pa.C.S. § 2155), the Commission has published notices of all meetings, public hearings and proposals in the *Pennsylvania Bulletin*, on its website, and in a general circulation newspaper in the city in which it is meeting and has afforded an opportunity to testify to any interested person or organization. At a minimum, the Commission provides

the following organizations, listed in the statute, with direct notice of all hearings and copies of all proposals: Pennsylvania District Attorneys Association; Chief of Police Associations; Fraternal Order of Police; Public Defenders Association; Law School faculty members; Pennsylvania Board of Probation and Parole; Pennsylvania Department of Corrections; Pennsylvania Bar Association; Pennsylvania Wardens Association; Pennsylvania Association of Probation, Parole and Corrections; and Pennsylvania Conference of State Trial Judges.

The report on the racial impact analysis was released as soon as it was completed, and in advance of the June 2018 public hearings and quarterly meeting. Sophisticated analysis regarding racial impact and an external review (validation) could not be undertaken until risk scales were finalized. The Commission finalized scales in March 2018.

(b) Use of instrument to help to determine the appropriate sentence

1. Within the limits established by law

a. *Comments received*

Concerns were raised that the Commission erred on the side of over-incarceration in determining risk categories and cut points, that the instrument equates risk with punishment, and that courts will use the high-risk label to increase punishment and impose longer sentences. Several individuals suggested that even if the Commission created the instrument to identify cases for which additional information should be considered, the labeling of offenders will lead to misuse and increased punishment. Some suggested that limiting the availability of risk information to the parties (i.e., sentencing judge, prosecutor, defense) and considering the Sentence Risk Assessment Summary a confidential document may diminish the labeling concerns. Others suggested limiting the use of the instrument to identify low risk offenders that may be recommended to mitigation and/or diversion.

b. *Staff response*

As noted previously, the Commission abandoned the false positive/false negative ratio approach in favor of the current standard deviation approach in order to better address ‘relative risk’ of reoffending. This approach was coupled with two other choices by the Commission: (1) the creation of the Sentence Risk Assessment Summary to provide detailed information on all risk factors, recidivism rates, and risk categories for each scale; and (2) the decision to recommend additional individual information rather than a specific disposition for certain low risk and high risk offenders.

For those offenders who are identified as low risk or high risk by the proposed instrument, the Commission recommends, but does not require, that the court seek additional information in the form of a pre-sentence investigation (PSI) report containing risk and needs information and/or a 3rd or 4th generation risk assessment. The risk assessment does not recommend a sentence to be imposed, but rather serves as a tool that identifies individuals with profiles that are higher or lower than average. Since these individuals are not typical offenders with respect to their risk of recidivism, the court will likely benefit from seeking additional information prior to imposing sentence. This approach builds on the work of the National Center for State Courts (NCSC), through its Center for Sentencing Initiatives, of recommending managing and reducing the risk of recidivism by ensuring that the intensity of supervision and treatment services is proportionate to the offender’s

level of risk, and that the conditions of supervision address the offender's criminogenic needs. It is for this reason that the Commission has provided an example of a Risk-Needs-Responsivity Presentence Investigation Report (RNR PSI) based on best practices in other jurisdictions.

While the text of the proposal states that the risk score or category is not intended to be used as an aggravating or mitigating factor, this language could be more explicit, and the Commission could consider whether mitigation may be appropriate and whether the risk information should remain confidential.

(c) Authorization to use the instrument to evaluate relative risk

1. Offender will re-offend and be a threat to public safety

a. *Comments received*

Concerns were raised by some that the instrument should focus on violent offending, while others suggested that the Commission should remove the "crime against a person" scale altogether.

b. *Staff response*

The legislation requiring the Commission to adopt a risk assessment instrument also specifically authorizes the use of the instrument to "evaluate the relative risk that an offender will reoffend and be a threat to public safety." To address the threat to public safety, the Commission established a separate scale for "offense against a person." The outcome measure for recidivism in this scale is an offense involving a crime of violence (42 Pa.C.S. § 9714), a personal injury crime under the Crime Victims Act (18 P.S. § 11.103), a sexual offense requiring registration (42 Pa.C.S. § 9799.14), or an offense defined as a danger to persons (18 Pa.C.S. Article B). Although "threat to public safety" is not defined in the statute, a common definition of "safety" is the welfare and protection of the general public (Black's Law Dictionary); "public welfare" is defined as a society's well-being in matters of health, safety, order, morality, economics, and politics (Black's Law Dictionary).

(2) *Sentencing Guidelines*

42 Pa.C.S. § 2154.7(b)

Sentencing guidelines.—The risk assessment instrument may be incorporated into the sentencing guidelines under section 2154 (relating to adoption of guidelines for sentencing).

42 Pa.C.S. § 2154(a)

In adopting guidelines, the Commission shall recommend confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and the community, and the rehabilitative needs of the offender. The guidelines shall also address the following. . .

(3) Criminal behavior, by specifying a range of sentences of increased severity for defendants who pose a substantial risk to public safety, including those who possessed or used a deadly weapon during the commission of the current conviction offense.

42 Pa.C.S. § 2153(a)(14)

The Commission, pursuant to rules and regulations, shall have the power to: . . .

Establish a program to systematically monitor compliance with the guidelines, with the risk assessment instrument. . . by:

(i) promulgating forms which document the application of sentencing, resentencing and parole guidelines, mandatory sentencing laws, risk assessment instrument, . . .

(ii) requiring the timely completion and electronic submission of such forms to the Commission.

Comment

This provision permits the instrument to be incorporated into the sentencing guidelines. Reference to section 2154 addresses the consideration of risk assessment when adopting recommendations for confinement consistent with protection of the public, gravity of the offense, and the rehabilitative needs of the offender. This section also requires the Commission to specify a range of increased severity for defendants who pose a substantial risk to public safety. Reference to section 2153, which are the general powers and duties of the commission and are related to adoption of guidelines and the risk assessment instrument, requires the promulgating of forms which document the application of the instrument, and timely completion and electronic submission of the forms to the Commission.

(a) May incorporate instrument into sentencing guidelines (policy considerations)

1. Recommend confinement consistent with protection of public safety, gravity of offense, rehabilitation needs of offender

a. *Comments received*

Concerns were raised that, notwithstanding the authorization provided in the legislation, risk should not be part of the sentencing process as it: applies group characteristics to individual offenders; may be used to increase sentences; and may contribute to further racial disproportionality. Several individuals suggested that the Commission expressly prohibit use of risk assessment as an aggravating or mitigating factor, while others suggested using low risk to mitigate sentences and to select alternatives. Support was expressed for permitting an offender to waive completion of a risk assessment, and for the confidentiality of the risk assessment information.

b. *Staff response*

A combination of 1st and 2nd generation instruments (i.e., professional judgement informed by actuarial data) has been found to perform better than the use of either alone. Disproportionality rates are a concerning part of the criminal justice system. Properly validated risk assessments have not been found to increase racial disparity within the system, however they may reflect disparities present. Through the use of additional assessments and the gathering of more individualized information, courts are better informed of the needs associated with the particular risk level, and better able to balance the competing purposes of public safety, offense seriousness, and offender rehabilitation.

2. Specify increased severity for defendants who pose a risk to public safety

a. *Comments received*

As noted previously, concerns were raised about the use of risk in the sentencing process, and the equating of risk with harm and linking it to punishment. Some suggested that a risk assessment should only focus on violent

offenders and defining threats to public safety as threats of violence, with outcome measures limited to new convictions for violent offenses.

b. *Staff response*

Threat to public safety is an important consideration in the sentencing guidelines and is demonstrated through the linking of sentence recommendations to the seriousness of the conviction as well as the offender's criminal history and criminal behavior. In addition to the authorization provided in the risk assessment legislation, an offender's risk to public safety and likelihood of committing a future offense is required to be considered by the court at sentencing (see: 42 Pa.C.S. §§ 9714(a)(2); 9721(b); 9722; 9725).

The Commission developed a separate risk assessment scale for predicting risk of recidivism for a crime against a person. As compared to general recidivism, recidivism for a crime against a person is rare. Under the proposal, only information on low risk of an offense against a person would be presented. The reason for this limited use of information relates to the accuracy rates: low risk designations had a high rate of accuracy (94% accurate), while high risk designations had a low rate of accuracy (18% accurate). While the scale was effective at identifying offenders who committed crimes against persons, it also identified many more offenders who did not (false positives), and the concerns raised about the potential harm of mislabeling these offenders led the Commission to limit the use of the crime against a person scale to recommendations for low risk offenders.

(b) May incorporate instrument into sentencing guidelines (technical/implementation considerations)

1. Requirements to document the application of risk assessment instrument

a. *Comments received*

Concerns were raised about resource requirements, the processing of cases, and the technology associated with the application if incorporated into the sentencing guidelines and the local sentencing process. Resource concerns included increased workload for courts and/or need to change existing practices, unfunded mandate to prepare and consider additional information at sentencing, and unnecessary burden on the system. Process concerns included interfering in local practices, limitations on judicial discretion, use of group characteristics to drive individual sentences, and the reliance on computers to replace human decisions. Technology concerns included system programming, ownership of computer code, troubleshooting of problems and errors, disclosure of information, and the tracking/auditing of the system.

b. *Staff response*

The Commission's JNET-based SGS Web application has been available to county users since 2002, with the preparation of guidelines and the electronic reporting of sentences via SGS Web required as of July 1, 2005. Deploying the risk assessment instrument as an automated module of SGS Web adds no additional work to counties using SGS Web as recommended. Counties that fail to prepare guidelines using SGS Web prior to sentencing will be required to change procedures in order to generate a Sentence Risk Assessment Summary prior to sentencing. The risk assessment instrument is automated, but uses SGS Web to compile information obtained from the sentencing guidelines and from AOPC to generate the offender-specific scales. All existing application development/support and data management protocols

governing operation of SGS Web apply to the risk assessment module and are maintained by the Commission in cooperation with JNET and the AOPC.

2. Require timely completion and electronic submission

a. *Comments received*

As noted above, concerns were raised about the timing/processing of cases.

b. *Staff response*

In 2016, over 142,000 sentences were reported to the Commission via SGS Web. This represented more than 96,000 criminal incidents, 87,000 judicial proceedings, and nearly 74,000 unique offenders. SGS Web has been a reliable guideline preparation and reporting system for more than 15 years, and the risk assessment module is able to leverage the existing technology and information to provide an automated Sentence Risk Assessment Summary upon completion of the pre-sentence guideline forms. However, this automated module requires county users to prepare the guideline forms using SGS Web prior to sentencing. This procedure was adopted by the Commission as part of the 6th Edition Sentencing Guidelines (2005). In a number of counties, guidelines are determined informally prior to sentencing, and then entered into SGS Web following sentencing along with the sentencing details. Commission staff is available to work with counties to improve processes to take full advantage of features of SGS Web, so as to generate guideline forms and the Sentence Risk Assessment Summary prior to sentencing using existing county resources.

(3) *Presentence Investigation Report*

42 Pa.C.S. § 2154.7(c)

Presentence investigation report.—Subject to the provisions of the Pennsylvania Rules of Criminal Procedure, the sentencing court may use the risk assessment instrument to determine whether a more thorough assessment is necessary and to order a presentence investigation report.

Pa.R.Crim.P. Rule 702 (Aids in Imposing Sentence)

(A) *Pre-sentence Investigation Report*

(1) The sentencing judge may, in the judge's discretion, order a pre-sentence investigation report in any case.

(2) The sentencing judge shall place on the record the reasons for dispensing with the pre-sentence investigation report if the judge fails to order a pre-sentence report in any of the following instances:

(a) When incarceration for one year or more is a possible disposition under the applicable sentence statutes;

(b) When the defendant is less than 21 years old at the time of the conviction or entry of a plea of guilty; or

(c) When defendant is a first offender in that he or she has not heretofore been sentenced as an adult.

(3) The pre-sentence investigation report shall include information regarding the circumstances of the offense and the character of the defendant sufficient to assist the judge in determining a sentence.

(4) The pre-sentence investigation report shall also include a victim impact statement as provided by law.

(B) *Psychiatric or Psychological Examination.* After a finding of guilt and before the imposition of sentence, after notice to counsel for both parties, the sentencing judge may, as provided by law, order the defendant to

undergo a psychiatric or psychological examination. For this purpose the defendant may be remanded to any available clinic, hospital, institution, or state correctional diagnostic and classification center for a period not exceeding 60 days.

Comment

This provision permits the instrument to be used to determine whether a more thorough assessment is necessary and to order a pre-sentence investigation (PSI) report. Provisions related to the ordering of a PSI report and other aids in imposing sentences are governed by the Pennsylvania Rules of Criminal Procedure. Similar and related provisions enacted in statute have been suspended by Pa.R.Crim.P. Rule 1101(6) as being inconsistent with Chapter 7 of the Rules of Criminal Procedure.

(a) Additional information

1. May be used to determine whether a more thorough assessment is required

a. *Comments received*

Similar to the policy considerations of incorporating risk into the sentencing guidelines, concerns were raised about the impact of preparing additional presentence investigation reports or requiring additional assessments on local resource (unfunded mandate) and in the processing of cases. In addition to the specific issues raised earlier, the focus of concerns related to the capacity of probation departments to conduct 3rd and 4th generation assessment for the targeted high and low risk cases, the certification of probation staff to conduct such assessments, the local validation of such instruments, and the resources required.

b. *Staff response*

As noted previously, training and certification, interrater reliability and fidelity, are important considerations for the use of 3rd and 4th generation assessments. These county-specific safeguards are the focus of the Evidence-Based Practice (EBP) initiative of the County Chief Adult Probation and Parole Officers Association of Pennsylvania, and for which state and federal grant funding is available to counties. In addition to these efforts, the current Justice Reinvestment Initiative (JRI-II) has recommended the expanded use of risk, needs and responsiveness to inform sentencing decisions and to improve the efficacy of sentencing decisions, especially related to duration and intensity of community supervision. This recommendation, along with increased funding to counties to support these services, is included in legislation currently being considered by the General Assembly (see: SB1070, SB1071, SB1072).

The proposed instrument is viewed as a screening tool to prioritize those cases (high risk and low risk) where additional information may have the greatest impact in terms of public safety and resource utilization. This is consistent with the work of the NCSC Center for Sentencing Initiatives and their support of the use of risk and needs at sentencing to ensure that the intensity of supervision and treatment services is proportionate to the offender's level of risk, and that the conditions of supervision address the offender's criminogenic needs.

2. May order a PSI

a. *Comments received*

Concerns were raised about the Commission's recommendation that courts order presentence investigation reports in high and low risk cases. Some echoed earlier concerns and indicated that judges do not need assistance

in determining when to order a PSI, that the recommendation interferes with judicial discretion, and criticized the Commission for not providing data on the use of PSI reports. Others reiterated that it was an unfunded mandate in that it would increase the workload of the courts.

b. *Staff response*

The Commission has long worked to improve the number and quality of PSI reports to better inform sentencing decisions. During the past decade, two work groups emerged and two products were deployed: in 2006 the JNET Office created a PSI Work Group and later that year launched the JNET Statewide Presentence Investigation Index; in 2007 the AOPC established the PSI Work Group and later that year made the Pre-Sentence Summary Reports available through CPCMS. Both efforts were intended to improve accessibility to offender information, and to make relevant information more readily available at the time of sentencing. However, orders of PSI reports vary dramatically across counties, from a low of 2% to a high of 100%. In 2016, based on information reported to the Commission, 13,990 PSI reports were ordered statewide; this represented 22% of all judicial proceedings reported to the Commission.

Experiences from other jurisdictions and in at least one Pennsylvania county has found that using risk and needs information to inform sentencing decisions improve outcomes and caseload management. In discussing the 'risk principle' and the need to match the level of supervision and services to an offender's level of risk of reoffending, the NCSC's Center for Sentencing Initiatives notes: "more intensive interventions should be reserved for higher risk offenders while lower risk offenders should normally receive minimal or no intervention. Whereas intensive interventions may decrease recidivism risk among high risk offenders, research has shown that the use of numerous or intensive interventions with low risk offenders can actually increase their likelihood of recidivism."

As with volume, the quality of PSI reports varies substantially from county to county, and few PSI reports include detailed and individualized risk-needs-responsivity (RNR) information on the offender or contain specific recommendations for interventions to address criminogenic needs. Decisions regarding disposition or duration or intensity may be driven by retributive factors or by the sentencing guidelines or by negotiated pleas, but careful consideration of assessed risk and needs prior to sentencing, or attention to dosage or domains to target, is the exception.

The sentencing guidelines provide the court with broad discretion through a range of sentencing options, both in terms of disposition and duration. The proposed risk assessment instrument is intended to serve as a screening tool, recommending preparation and review of additional RNR information for high risk and low risk cases prior to sentencing. The RNR information may be useful in selecting an option that best addresses criminogenic needs from the recommended range and/or determining the duration or intensity of services, and may include the use of alternative sentencing.

Under the Commission's proposal, based on all sentences reported to the Commission in 2016, a RNR PSI report would have been recommended in 1,861 cases (Phase 1, high risk and low risk offenders); a total of 2,435 PSI reports were ordered statewide in 2016. While efforts are underway through the EBP Initiative and JRI-II to increase capacity and funding for a greater use of RNR, certain counties are better positioned than others

to re-target existing resources. Conducting 3rd and 4th generation assessment earlier in the process and modifying existing PSI reports to incorporate RNR information in high and low risk cases may provide an opportunity to test the value of enhanced information at sentencing.

(4) *Alternative Sentencing*

42 Pa.C.S. § 2154.7(d)

Alternative sentencing.—Subject to the eligibility requirements of each program, the risk assessment instrument may be an aide to help determine appropriate candidates for alternative sentencing, including the recidivism risk reduction incentive, State and county intermediate punishment programs and State motivational boot camps.

61 Pa.C.S. Chapter 45 (relating to Recidivism Risk Reduction Incentive Program)

61 Pa.C.S. § 4503 (definition of eligible offender)

61 Pa.C.S. § 4505(b) (waiver of eligibility requirements)

61 Pa.C.S. Chapter 41 (relating to State Intermediate Punishment)

61 Pa.C.S. § 4103 (definition of eligible offender)

61 Pa.C.S. § 4104(a)(1.1) (waiver of eligibility requirements)

42 Pa.C.S. Chapter 98 (relating to County Intermediate Punishment)

42 Pa.C.S. § 9802 (definition of eligible offender)

42 Pa.C.S. § 9804(b) (waiver of eligibility requirements)

61 Pa.C.S. Chapter 39 (relating to State Motivational Boot Camp)

61 Pa.C.S. § 3903 (definition of eligible inmates)

61 Pa.C.S. § 3904 (waiver of eligibility requirements)

204 Pa. Code 303.12 (relating to Guideline sentence recommendations: sentencing programs)

204 Pa. Code 303.12(a) (County intermediate punishment)

204 Pa. Code 303.12(b) (State motivational boot camp)

204 Pa. Code 303.12(c) (State intermediate punishment)

Comment

This provision permits the instrument to be used as an aide to help determine appropriate candidates for alternative sentencing, including RRRI, SIP, CIP and BC. Program eligibility includes consideration of both the statutory eligibility and the eligibility under the sentencing guidelines. Additionally, for each of the programs, the prosecuting attorney is authorized to waive eligibility requirements.

(a) May be used to determine appropriate candidates for alternative sentencing

1. Subject to eligibility requirement: definition of eligible offender

a. *Comments received*

No specific comments received.

b. *Staff response*

While the definition of “eligible offender” for each of the alternative sentencing programs is provided in statute, in each case the prosecutor has the authority to waive the eligibility requirements. As a result, both the sentencing guidelines and the exercise of discretion by the prosecutor can be used to promote broader consideration of these

sentencing alternatives. Providing the court with additional information at sentencing, particularly information linked to needs and responsivity, may further promote the consideration of these programs. In many cases (Level 3 and Level 4 of the sentencing guidelines), the standard range of the guidelines permits and encourages consideration of these programs as options at sentencing. However, consideration could be given to identification of low risk or of needs identified through a 3rd or 4th generation assessment as a mitigating circumstance.

2. Programs: RRRI, SIP, CIP, BC

a. *Comments received*

No specific comments received

b. *Staff response*

The Commission is required to conduct bi-annual evaluations of the RRRI & SIP, and previously conducted evaluations of CIP and BC. In all cases, the Commission found under-utilization of these programs. Financial incentives, in the form of funding of treatment (RIP/D&A), increased utilization. Outcome studies of CIP and SIP have consistently found lower recidivism rates for offenders who successfully complete clinically prescribed treatment. The Justice Reinvestment Initiative (JRI-II) has proposed substantial changes to these statutes to ease access and improve targeting. JRI-II also promotes the linking of duration and intensity of probation and non-confinement sentences with risk, needs and responsivity. Evaluations of the programs described below are posted on the Commission’s website.

Recidivism Risk Reduction Incentive Program (RRRI) (61 Pa.C.S. Chapter 45)

Intent. This chapter is intended to encourage eligible offenders committed to the custody of the department to participate in and successfully complete evidence-based programs under this chapter that reduce the likelihood of recidivism and improve public safety.

State Intermediate Punishment Program (SIP) (61 Pa.C.S. Chapter 41)

The program shall be designed to address the individually assessed drug and alcohol abuse and addiction needs of a participant and shall address other issues essential to the participant’s successful reintegration into the community, including, but not limited to, education and employment issues.

County Intermediate Punishment Program (CIP) (42 Pa.C.S. Chapter 98)

Purpose. County intermediate punishment programs shall be developed, implemented and operated for the following purposes:

(1) To protect society and promote efficiency and economy in the delivery of correctional services.

(2) To promote accountability of offenders to their local community.

(3) To fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the court.

(4) To provide opportunities for offenders who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.

Motivational Boot Camp (BC) (61 Pa.C.S. Chapter 39)

Motivational boot camp. A program in which eligible inmates participate for a period of six months in a

humane program which shall provide for rigorous physical activity, intensive regimentation and discipline, work on public projects, substance abuse treatment services licensed by the Department of Health, continuing education, vocational training, prerelease counseling and community corrections aftercare.

Annex B

Request for Proposals

Act 2010-95, effective October 27, 2010, directed the Pennsylvania Commission on Sentencing to adopt a Sentence Risk Assessment Instrument for the sentencing court to use to help determine the appropriate sentence within the limits established by law for defendants who plead guilty or nolo contendere to, or were found guilty of felonies and misdemeanors. The Commission has developed, published, and received public comment on three versions of a proposed Sentence Risk Assessment Instrument. As the Commission continues to refine its proposal, the Commission will consider other proposals from the public.

The Commission is soliciting proposals from all interested persons or organizations for a Sentence Risk Assessment Instrument for adoption by the Commission in fulfillment of the requirements of Act 2010-95 (42 Pa.C.S. § 2154.7). Proposals shall describe: the methodology proposed for development and validation of the instrument; the factors, scales and outcome measures used in the instrument; the procedures for employing the instrument; and the recommended use of the instrument. Proposals shall address all requirements described in 42 Pa.C.S. § 2154.7 (relating to adoption of a risk assessment instrument):

(a) *General rule.*—The commission shall adopt a Sentence Risk Assessment Instrument for the sentencing court to use to help determine the appropriate sentence within the limits established by law for defendants who plead guilty or nolo contendere to or who were found guilty of felonies and misdemeanors. The risk assessment

instrument may be used as an aide in evaluating the relative risk that an offender will reoffend and be a threat to public safety.

(b) *Sentencing guidelines.*—The risk assessment instrument may be incorporated into the sentencing guidelines under section 2154 (relating to adoption of guidelines for sentencing).

(c) *Presentence investigation report.*—Subject to the provisions of the Pennsylvania Rules of Criminal Procedure, the sentencing court may use the risk assessment instrument to determine whether a more thorough assessment is necessary and to order a presentence investigation report.

(d) *Alternative sentencing.*—Subject to the eligibility requirements of each program, the risk assessment instrument may be an aide to help determine appropriate candidates for alternative sentencing, including the recidivism risk reduction incentive, State and county intermediate punishment programs and State motivational boot camps.

(e) *Definition.*—As used in this section, the term “risk assessment instrument” means an empirically based worksheet which uses factors that are relevant in predicting recidivism.

All proposals should be submitted in writing to:

Pennsylvania Commission on Sentencing
Attn.: Sentence Risk Assessment Instrument Proposals
P.O. Box 1200
State College, PA 16804-1200
fax: 814.863.2129
e-mail: mhb105@psu.edu

All proposals should be received no later than November 30, 2018. E-mail is the preferred method for submitting proposals.

[Pa.B. Doc. No. 18-1342. Filed for public inspection August 31, 2018, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

CHESTER COUNTY

Fee Bill for the Office of the Register of Wills; Administrative Order No. 1-2018; Doc. No. 1518-9999

Order

And Now, this 17th day of August, 2018, upon consideration of the Register of Wills request to amend its Fee Schedule and pursuant to the provisions of 42 P.S. 21022.1, it is hereby Ordered and Decreed that the Fee Schedule of the Register of Wills of Chester County, Pennsylvania, is amended to establish a filing fee of \$25.00 for the filing of an Affidavit of Death pursuant to 20 Pa.C.S. § 925.

By the Court

JACQUELINE C. CODY,
President Judge

[Pa.B. Doc. No. 18-1343. Filed for public inspection August 31, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CHESTER COUNTY

Fee Bill for the Office of the Register of Wills; Administrative Order No. 2-2018; Doc. No. 1518-9999

Order

And Now, this 17th day of August, 2018, upon consideration of the Register of Wills request to amend its Fee Schedule and pursuant to the provisions of 42 P.S. 21022.1, it is hereby Ordered and Decreed that the Fee Schedule of the Register of Wills of Chester County, Pennsylvania, is amended to establish a filing fee of \$25.00 for the filing of an Affidavit for a Small Estate pursuant to 20 Pa.C.S. § 3101(d).

By the Court

JACQUELINE C. CODY,
President Judge

[Pa.B. Doc. No. 18-1344. Filed for public inspection August 31, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 13th day of August, 2018, Dauphin County Local Rules of Judicial Administration 4007 and 4008 are amended as follows:

Rule 4007. Request for Transcripts.

(A) All requests for transcripts shall be set forth on the standardized Request for Transcript form available in all

filing offices (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) and at www.dauphincounty.org/government/courts/self_help_center/index.php.

(B)(1) The Request for Transcript of a court proceeding shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations).

(2) The requesting party (attorney or self-represented party) shall immediately provide copies of the Request for Transcript to:

- (a) The presiding judge;
- (b) The court reporter;
- (c) The Court Administrator's Office;
- (d) Opposing counsel or the opposing party if self-represented.

(C) A request for daily, expedited, or same-day transcripts shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) at least ten (10) days before the scheduled proceeding. Copies of the written request shall be provided as required in paragraph (B)(2) above. In the event of an emergency, a party may request by oral motion a daily, expedited, or same-day transcript. This request will be accommodated upon approval of the trial judge and the chief court reporter. **If an oral motion for a daily, expedited, or same-day transcript is granted, a Request for Transcript form must be filed the next business day.**

(D) Upon filing a Request for Transcript:

(1) The court reporter shall immediately determine the number of copies being ordered by contacting all counsel and/or self-represented parties and provide this information to the Court Administrator's Office.

(2) The requesting party (attorney or self-represented party) and any other part(ies) (attorney or self-represented party) other than the Commonwealth, a County or Court office or a subdivision thereof shall make a non-refundable deposit in the amount of 95% of the estimated cost of the transcript. The deposit shall be paid by cash, money order, certified check, or law firm check made payable to the County of Dauphin and delivered to the Court Administrator's Office within seven (7) calendar days from the date the parties are notified.

(3) The court reporter shall prepare the transcript upon direction of the Court Administrator's Office.

(4) The court reporter shall notify [**all ordering parties and**] the Court Administrator's Office upon completion of the transcript.

(5) The court reporter shall deliver the original transcript to the appropriate filing office and distribute copies to the ordering parties upon payment of the balance owed.

Rule 4008. Transcript Costs Payable by a Requesting Party Other than the Commonwealth or a Subdivision Thereof.

[(A) *Costs:*

(1) *Electronic Format Costs:*

(a) **The costs payable by a requesting party, other than the Commonwealth, a County or Court office**

or a subdivision thereof, for a transcript in an electronic format shall be as follows:

(1) Rough, unedited draft, \$1.00 per page.

(2) Secure electronic feed which instantaneously delivers the translated unedited notes from the court reporter in the courtroom proceeding to an electronic device via Wi-Fi to the parties, \$1.00 per page.

(3) Ordinary transcript, \$2.50 per page;

(4) Expedited transcript, \$3.50 per page;

(5) Daily transcript, \$4.50 per page;

(6) Same day delivery, \$6.50 per page;

(2) *Complex Trial Surcharge:*

A surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for the court reporter to significantly expand their dictionary, when permitted by the judge, \$1.00 per page.

(3) *Paper Cost Surcharge:*

When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.]

(A) *Costs:*

(1) The costs payable by a requesting party, other than the Commonwealth, a County or Court office or a subdivision thereof, for the preparation and filing of the original transcript shall be as follows:

(a) Ordinary transcript, \$2.50 per page for electronic format with a \$0.25 per sheet surcharge for paper copy filed in the filing office;

(b) Expedited transcript, \$3.50 per page for electronic format with a \$0.25 per sheet surcharge for paper copy filed in the filing office;

(c) Daily transcript, \$4.50 per page for electronic format with a \$0.25 per sheet surcharge for paper copy filed in the filing office;

(d) Same day delivery, \$6.50 per page with a \$0.25 per sheet surcharge for paper copy filed in the filing office;

(2) Secure electronic feed which instantaneously delivers the translated unedited notes from the court reporter in the courtroom proceeding to an electronic device via Wi-Fi to the parties, \$1.00 per page.

(3) A surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for the court reporter to significantly expand their dictionary, when permitted by the judge, \$1.00 per page.

(4) If any party also requests a copy of the transcript, the cost for copies is as follows:

(a) Ordinary Transcript—\$0.50 per page for electronic format with \$0.25 per sheet surcharge for paper copy when ordered;

(b) Expedited Transcript—\$0.75 per page for electronic format with \$0.25 per sheet surcharge for paper copy when ordered;

(c) Daily Transcript—\$1.00 per page for electronic format; with \$0.25 per sheet surcharge for paper copy when ordered;

(d) Same Day Transcript—\$1.25 per page for electronic format with \$0.25 per sheet surcharge for paper copy when ordered;

(B) *Economic Hardship—Petition to Waive Costs:*

(1) A Petition to Waive all or a Portion of the Transcript Costs shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) along with the following:

(a) Request for Transcript; and

(b) [**Poverty**] Affidavit.

(2) Copies of the forms listed above shall be provided to:

[(a) **The presiding judge;**

(b) **The court reporter;]**

[(c)] (a) The Court Administrator's Office;

[(d)] (b) Opposing counsel or the opposing party if self-represented.

Forms are available in the Self Help Center and posted at www.dauphincounty.org/government/courts/self_help_center/index.php.

(C) *Allocation of Costs among Several Ordering Parties:*

[When more than one party orders the transcript, the transcript cost plus \$0.75 per page paper format and/or \$0.50 per page electronic copy shall be divided equally among the ordering parties.]

When more than one party is to receive a copy of a transcript, or is required to file the transcript, the cost of the original transcript filed in the filing office shall be divided equally among the parties, taking into account any reduced-fee or waived fee transcripts. Each party receiving a copy of the transcript is subject to the copy rate found in Rule 4008(A)(4).

(D) *Copies of Transcripts Previously Filed in the Filing Office:*

[A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be made by letter or email to the Court Administrator's Office and provided according to the following fee schedule:

(1) \$0.75 per page paper format;

(2) \$0.50 per page electronic copy.]

A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be made by letter or email to the Court Administrator's Office and provided at \$0.50 per page for electronic format with a \$0.25 per sheet surcharge for a paper copy when ordered.

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

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 18-1345. Filed for public inspection August 31, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated July 18, 2018, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 17, 2018 for Compliance Group 3.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Branche, Benjamin Thunder
Lawrenceville, NJ

Brock, Cameron Ross
Boca Raton, FL

Byrd, Vernon Randolph, Jr.
New Brunswick, NJ

Calcaterra, Regina Marie
New York, NY

Causey, Sara Elizabeth
Dallas, TX

Connelly, Thomas Patrick, Jr.
Woodbury, NJ

DeSantis, William J.
Cherry Hill, NJ

Fine, Adam Dimitri
Quincy, MA

Freeburg, David Andrew
Kirtland, OH

Friedman, Benjamin S.
Marlton, NJ

Healey, William Henry
Colts Neck, NJ

Johnson, Jared A.
Charlotte, NC

Jones, Kristen
Howell, NJ

Joy, Michael Paul
Denver, CO

Kitain, Barry Howard
Sewell, NJ

Koshy, Ann Elizabeth
Bowie, MD

La Barca, Anjella Mary
Scarsdale, NY

Peshkin, Daniel J.
Camden, NJ

Rockefeller, Nicholas
Los Angeles, CA

Warren, Bruce K., Jr.
Sewell, NJ

Wolff, Nancy E.
New York, NY

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 18-1346. Filed for public inspection August 31, 2018, 9:00 a.m.]

RULES AND REGULATIONS

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 151]

Local Earned Income Tax

The Department of Community and Economic Development (Department), under the authority of Chapter 5 of The Local Tax Enabling Act (act) (53 P.S. §§ 6924.501—6924.517), adopts Chapter 151 (relating to local earned income tax) to read as set forth in Annex A.

Purpose

The purpose of Chapter 151 is to interpret and make specific the provisions in Chapter 5 of the act. Chapter 5 of the act provides for the consolidated collection of local earned income taxes. Chapter 5 of the act provides that the Department shall address the following areas by regulations:

- The filing of adjusted declarations of estimated net profits.
- The criteria under which the tax officer may waive the quarterly return and payment of income tax.
- The procedures for mandatory and voluntary mediation.
- The establishment of new county tax collection committees when political subdivisions have withdrawn from an established tax collection committee.
- The establishment of tax officer qualifications and requirements, including continuing education.
- The creation of standardized forms, reports, notices, returns and schedules in consultation with the Department of Revenue.

The proposed rulemaking was published at 46 Pa.B. 4179 (July 30, 2016). The public comment period closed on August 29, 2016. Public comments were received from three commentators. The Independent Regulatory Review Commission (IRRC) also provided comments. IRRC's sixth and seventh comments to the proposed rulemaking encompassed those of the public to the proposed rulemaking and thus responses to all comments are included in the responses to IRRC's comments as follows.

Comments

Comments were received from IRRC, the Pennsylvania State Association of Boroughs (PSAB), the Pennsylvania Institute of Certified Public Accountants (PICPA) and the Pennsylvania State Association of Township Supervisors. A comment was also received outside the comment period from Keystone Collections Group. All comments, including the late comment, are addressed as follows.

Comment # 1: § 151.1. Definitions—Clarity

Out-of-State employer

“Out-of-State employer” was defined in the proposed rulemaking as “an employer that does not have a place of business in this Commonwealth.” IRRC asked if the

regulations need to also address an out-of-State employer that does have a place of business in this Commonwealth? Do the definition and regulation adequately address residents in this Commonwealth who work for an out-of-State employer at a place of business outside of this Commonwealth? IRRC asked the Department to review this definition and explain how the regulation adequately covers all possible employment circumstances.

Response # 1:

The Department revised the definition of “out-of-State employer” to make clear that an employer is not an out-of-State employer if the employer has a place of business in this Commonwealth even if the employer's primary business operations occur out of State. Additionally, the Department revised § 151.12 (relating to voluntary withholding for resident employees employed outside of a tax collection district) to make the following clear that: 1) an out-of-State employer (an employer that does not have a place of business in this Commonwealth) does not need to withhold earned income tax for residents in this Commonwealth working at the employer's out-of-State place of business; and 2) an employer having a place of business in this Commonwealth and employing one or more persons (other than domestic servants) shall withhold the greater of an employee's resident tax or the employee's nonresident tax.

Comment # 2: Proposed § 151.5. Publication of a Policy and Procedure Manual—Clarity

This section discusses material that will be placed on the Department's web site. IRRC suggested including the web site address so that the reader can easily locate the documents.

Response # 2:

The Department agrees that a link to the Department's web site would be easier for readers and has added a link. This section is renumbered in this final-form rulemaking as § 151.6.

Comment # 3: § 151.11. Registration of employers—Clarity

Subsection (a)

This subsection references and reflects section 512(1) of the act (53 P.S. § 6924.512(1)). IRRC noted the act includes a time limit of “. . . within 15 days after becoming an employer. . . .” The regulation should include the 15-day time limit.

Subsection (b)

The second sentence of this subsection states “On or after January 1, 2012. . . .” IRRC questioned whether the date of January 1, 2012, is still needed. The Department should review this subsection and consider deleting this date.

Response # 3:

The Department agrees with this comment. The 15-day time limit has been added to subsection (a). Additionally, the Department agrees that the January 1, 2012, date is no longer needed and deleted it.

Comment # 4: § 151.21. Mandatory education for tax officers—Clarity

Subsections (a) and (b) require the person to “achieve a passing grade” on the respective certification exams. The

regulation is not clear on what constitutes a passing grade. IRRC recommended including in the regulation the specific grade required to pass the certification exams in both subsections.

Response # 4:

The Department agrees that a passing grade should be specified and revised § 151.21(a) and (b) (relating to mandatory education for tax officers) to indicate that a passing grade of 70% or higher is required on the certification exams.

Comment # 5: § 151.22. Minimum number of persons required to receive mandatory education and meet the qualifications and requirements for tax officers—Clarity

Minimum number of persons

This section requires a tax officer to designate at least one person for every five counties to satisfy the mandatory education requirements. Can the tax officer designate itself so that the minimum would be one or is the tax officer required to designate a second person?

Example

The beginning of this section requires the tax officer to designate at least one person for every five counties to satisfy certain education requirements whereas the example requires at least 4 employees. Could there be a circumstance when the tax officer itself and three employees could satisfy this requirement in the example? IRRC recommended reviewing the example to be sure it accurately reflects the stated requirement.

Response # 5:

A tax officer can designate itself so that the minimum number of persons needed to be designated for mandatory education requirements would be one person which could be the tax officer. This section has been revised to clarify this. This section has also been revised to clarify that, if the tax officer is an entity rather than a natural person, the tax officer shall appoint one natural person employed by the tax officer for every five counties served by the tax officer. The natural person so appointed would be required to satisfy the mandatory education requirements on behalf of the appointing tax officer. There could be a circumstance when the tax officer itself and three employees could satisfy the requirement in the example. The Department agrees that the example could cause confusion and has deleted the example from this section.

Comment # 6: § 151.23. Duties of a tax collection committee in selecting a tax officer.—Consistency with statute; Need; Economic impact—Clarity

Paragraph (1)(i)

Section 508(f)(1) of the act (53 P.S. § 6924.508(f)(1)) states “The Department shall, by regulation, establish the qualifications and requirements a tax officer must meet prior to being appointed and must meet for continuing appointment.” (Emphasis added.) IRRC recommended deleting paragraph (1)(i) because it relies on the Department’s Policy and Procedure Manual to set qualifications for tax officers. To be consistent with the act, the Department should establish the qualifications and requirements a tax officer shall meet in the regulation.

Paragraph (1)(ii)

There are two concerns with paragraph (1)(ii). First, paragraph (1)(ii) requires a written statement prepared by an “accountant professional.” PICPA commented that

“accountant professional” should be replaced by “Certified Public Accountant or Public Accountant.” IRRC agreed.

Second, PICPA believes that “exists as a solvent entity” is inconsistent with the act and the American Institute of Certified Public Accountants Code of Professional Conduct. IRRC recommended that the Department review this phrase in consultation with PICPA to establish an acceptable standard.

Paragraph (1)(iii)

This subparagraph requires a Statement on Standards for Attestation Engagements (SSAE) 16 audit “or other fiscal control audit.” It is not clear what would meet the alternative of the “other fiscal control audit.” IRRC recommended deleting this phrase or, if needed, replacing it with a clear alternative standard.

Reappointment of a tax officer

PSAB commented that paragraph (2), requiring at least five references, and paragraph (3), requiring an onsite visit, are not needed if the same tax officer is being reappointed by the tax collection committee. PSAB recommends bifurcating the appointing and reappointing requirements. The Department should consider amending the requirements in the circumstance that the tax committee reappoints the same tax officer.

Response # 6:

Paragraph (1)(i): The Department agrees that the tax officer qualifications are to be set by regulation. The Department deleted the reference to the Department’s Policy and Procedure Manual from this section Qualifications for tax officers are in paragraph (1)(i)—(viii).

Paragraph (1)(ii): The Department spoke with representatives from PICPA and discussed the prohibition against a public accountant attesting as to the solvency of an entity. After this discussion and independent research, the Department agrees that a public accountant is ethically prohibited under the AICPA Code of Professional Conduct from attesting to solvency. The Department removed this requirement. After further discussion, the Department and a PICPA representative reached the conclusion that, although there was a substitution for the attestation (“an agreed upon procedures engagement letter”), the substitute would not add much, if anything, more than a site visit combined with a fiscal audit (both of which are required by the regulation when choosing a tax officer). Because a substitution would increase costs without providing a benefit, the Department has chosen to delete the attestation requirement. Although the Department agrees with IRRC and PICPA that the reference in paragraph (1)(ii) to “accountant professional” should be replaced by the phrase “Certified Public Accountant or Public Accountant,” the Department deleted paragraph (1)(ii) so this comment is addressed by the removal.

Paragraph (1)(iii): The Department added the parenthetical language to add flexibility in the event that there is a new industry auditing standard or more than one standard is widely used and accepted. The Department did confirm with a PICPA representative that the SSAE 16 audit is the current industry standard. In response to this comment and in an effort to preserve flexibility, the Department revised the language to be “or other fiscal control audit meeting or exceeding SSAE 16 audit standards and approved by the Department in writing.”

Reappointment of a tax officer: The Department considered bifurcating the appointing and reappointing requirements for tax officers and considered amending the

requirements in the circumstance that the tax committee reappoints the same tax officer. However, the Department chose not to bifurcate the appointing and reappointing requirements. The Department believes that site visits and references are necessary, even for reappointment, given the elimination of solvency verification of the tax officer. Site visits, in particular, are an important means of verifying the existence of continuing operations of the tax officer. Additionally, as the membership of a tax collection committee changes, the Department believes that site visits and references are valuable tools for the new members of the tax collection committee who may be unfamiliar with the tax officer seeking reappointment. Similarly, references are important for reappointment to ensure that the tax officer seeking reappointment is still recommended to continue in the position.

Comment # 7: § 151.41. Rules for mediation—Statutory authority, Legislative intent; Reasonableness

\$500 filing fee for mediation

Under paragraph (1)(iv), the Department proposed to charge a \$500 filing fee for mediation. The \$500 filing fee is also mentioned in paragraph (3)(i). PSAB “adamantly opposes” the fee and questions the statutory authority for the fee. The Pennsylvania State Association of Township Supervisors also expressed concerns with the fee.

Section 505(k)(2)(viii) of the act (53 P.S. § 6924.505(k)(2)(viii)) provides that “Costs incurred by the department for mandatory mediation under this section shall be equitably assessed by the department against the parties to the mediation.” While the act provides a mechanism for the Department to recover costs incurred, the Department has not established how a flat fee would meet the act. Additionally, the Department has not established how a flat fee meets the statutory requirement to equitably assess its costs against the parties to the mediation. IRRC recommended deleting the \$500 flat fee from paragraphs (1)(iv) and (3)(i). The Department should also explain in the preamble to the final-form rulemaking how it will otherwise equitably assess the costs against the parties.

Timeline

Section 505(2)(iii) of the act states, in part, that the “mediation efforts shall be completed no later than 30 days following the notice that the dispute has met the threshold requirement. . . unless the time period is extended by mutual agreement of the parties to the mediation.” (Emphasis added.) Paragraphs (4) and (5) establish a timeline to complete the mediation “within 20 days but no later than 30 days following the Department’s determination” and rely on a mediator appointed by the Office of General Counsel. IRRC had three concerns.

First, the act provides the ability to extend the time period by mutual agreement, but this is not included in paragraphs (4) and (5). IRRC recommended adding the option to extend the time period to paragraphs (4) and (5).

Second, the Department provides written notice of its determination to all parties under paragraph (3)(iii), which by statute begins the 30-day period. However, paragraphs (4) and (5) differ from the act by stating “no later than 30 days following the Department’s determination.” To be consistent with the act, paragraphs (4) and (5) should state no longer than 30 days following the Department’s written notice provided in paragraph (3)(iii).

Third, the Department should explain how the regulation will accomplish the statutory requirement to com-

plete the mediation in 30 days, unless the time period is extended by mutual agreement.

Response # 7:

\$500 filing fee for mediation

In response to these comments, the Department deleted the \$500 filing fee. In its place, the Department will assess a fee for the costs it incurs in reviewing the notice of mediation and the written statements filed in response to the notice. The Department will equitably apportion the costs among the affected parties by assessing an affected party only for the costs incurred by the Department when reviewing that particular affected party’s notice and written statements. If two or more affected parties file a joint statement or notice, the costs incurred by the Department will be equally divided among those jointly-filing affected parties. The Department will notify each party of its assessed amount. The parties would be responsible for paying the assessed fee within 30 days of notification of the fee from the Department. The fee would be nonappealable. This section has been revised to reflect this change.

Timeline

The Department agrees that paragraphs (4) and (5) should be revised to add the option of extending the time period. The regulation has been revised accordingly.

The Department also agrees that to be consistent with the act, paragraph (4) should state “no longer than 30 days following the Department’s written notice provided in paragraph (3)(iii)” rather than “no longer than 30 days following the Department’s determination.” This section has been revised accordingly.

The Department disagrees that voluntary mediation must be completed no later than 30 days following the Department’s written notice provided in paragraph (3)(iii). Section 505(k)(2)(iii) of the act states, in part, that the “mediation efforts shall be completed no later than 30 days following the notice that the dispute has met the threshold requirement. . . unless the time period is extended by mutual agreement of the parties to the mediation.” Disputes requiring mandatory mediation are those meeting the threshold requirement while disputes falling short of that threshold may be subject to voluntary mediation as set forth in section 505(k)(1) of the act. Only those disputes meeting the threshold for mandatory mediation are subject to the 30-day timeline. However, recognizing the legislative intent for a speedy mediation process, the Department has retained the 30-day timeline for disputes subject to voluntary mediation but has the 30 days starting from the point the parties agree to voluntary mediation rather than from the Department’s written notice provided in paragraph (3)(iii). If the 30-day timeline started upon notification by the Department that the dispute did not meet the threshold, up to 5 days of those 30 days could be used by the parties, not for the mediation process itself, but for deciding whether to mediate. To preserve the full 30 days for the mediation process, the Department believes the timeline should begin when the parties agree to mediate. The Department did consult with the Office of General Counsel Dispute Resolution Program Office and it agreed with the Department’s proposed approach noting that the mediation timeline is tight even with this approach.

The Department recognizes that the statutorily-mandated 30-day timeline for completion of the mediation is an aggressive timeframe. Given this timeframe, the Department revised this section to require the Depart-

ment to turn disputes subject to mandatory mediation over to the Pennsylvania Office of General Counsel Dispute Resolution Coordinator on the same day the Department provides written notice rather than within 5 days of the notification. This revision results in the full 30-day period being used for the mediation process. Additionally, the mediator will seek the parties' mutual agreement to extend the time period for mediation if the mediator and the Department believe that such extension may be necessary. However, in adherence with the statutory timeline, the mediator will complete the mandatory mediation within 30 days of the Department's written notice provided in paragraph (3)(iii) unless the parties agree to extend the time. If a settlement is not reached within the 30-day period and the parties have not agreed to an extension, the mediation will be considered to be complete and unsuccessful.

For disputes subject to voluntary mediation, the parties have 30 days beginning from the time the parties agreed to mediate. Although 30 days is aggressive, it correlates with the timeframe established by the General Assembly for mandatory mediation and incentivizes the parties to resolve the dispute quickly. However, the parties may mutually agree to extend the 30-day deadline and parties who have agreed to voluntarily mediate are likely to agree to an extension if necessary.

The Department chose to mediate disputes through the Pennsylvania Office of General Counsel Dispute Resolution Program (Program) because the Program, established in June 2002, has a proven track record of efficiently resolving disputes resulting in savings of time and costs. A variety of agencies have utilized the Program successfully. The Program's success stories are detailed at <http://www.ogc.pa.gov/Services%20to%20Agencies/Mediation/Pages/SuccessStories.aspx>.

Comment # 8: § 151.61. Withdrawal and establishment of a new tax collection committee—Clarity

The second sentence of subsection (d) discusses election of the chairperson, vice chairperson and secretary, and also discusses duly appointed voting delegates. The section is not clear regarding whether the secretary is a duly appointed voting delegate. The Department should amend this subsection to clarify whether the secretary is a voting delegate or not.

Response # 8:

The Department agrees that this section is not clear and revised it to permit but not require the secretary to serve as a voting delegate. In adopting this approach, the Department consulted with tax collection servicers and found that some tax collection committees had their secretaries serve as voting delegates while others did not. To provide flexibility to the tax collection committees, the Department settled on this approach.

Comment # 9: Miscellaneous—Clarity

Section 151.41(3) (relating to rules for mediation) refers to "the threshold conditions for mandatory mediation." IRRRC recommended adding a cross-reference in paragraph (3) to paragraph (1)(iii) to clarify the threshold conditions to be met.

Section 151.51 (relating to rules for mediation) consists of a single paragraph, but includes the phrase "unless otherwise specified in this section." IRRRC recommended deleting this phrase.

Response # 9:

The Department agrees with these comments and added a cross-reference in § 151.41(3) to § 151.41(1)(iii) to clarify the threshold conditions to be met and has deleted "unless otherwise specified in this section" from § 151.51.

Comment # 10: § 151.23(5). Contract termination

Keystone Collection Group suggested deleting § 151.23(5) (relating to Duties of a tax collection committee in selecting a tax officer) for the following reasons: 1) it is contrary to general contract law; 2) it nullifies the terms of fair negotiation because many tax collection services costs, rates and commissions are calculated upon a term of years; 3) many professional services, including bonding and insurance, are tied to the length of the tax collection service contract and are based on a multiyear guaranteed contract term; and 4) the commission rate offered by tax collectors is usually closely tied to the length of the contract.

Response # 10:

The Department agrees with this comment and deleted § 151.23(5). The Department believes that § 151.23(4) sufficiently protects the public by requiring termination of the contract, after a 30-day cure period, if the tax officer fails to meet the requirements of § 151.23.

Overview

The Department made certain changes to the filing dates in §§ 151.2 and 151.3 (relating to procedures for filing adjusted declarations of estimated net profits; and procedures for filing taxable income not subject to withholding) to reflect changes made to the filing dates of section 502(c)(2)(i) and (ii) and (3) of the act (53 P.S. § 6924.502(c)(2)(ii) and (iii) and (3)) by the act of November 4, 2016 (P.L. 1154, No 150) (Act 150). Similarly, final-form § 151.4 (relating to filing of estimated tax by taxpayers whose major source of gross income is from farming) is added in this final-form rulemaking to reflect the addition of this provision in section 502(d) of the act under Act 150. Also, a change in the filing deadline was made in § 151.3 to reflect the same change made to section 512(a)(5) of the act under Act 150.

With respect to § 151.23(2), the Department also revised the language regarding references to permit tax officers to provide the tax collection committee with a list of references for the tax officer although the tax collection committee is still tasked with independently verifying the references. The Department made this revision because applicants for positions are generally permitted to provide their own list of references. Additionally, this approach is more efficient than the tax collection committee attempting to determine on its own who should serve as a reference for the tax officer. Because the tax collection committee must independently verify the references, the integrity of the references (although the references are provided by the tax officer) is not materially comprised.

With respect to § 151.26 (relating to bond amount for tax officers), the Department deleted the reference to the Department's Policy and Procedure Manual. The Department wants it to be clear that the requirements for the bond amount for tax officers is set by regulation and not set by the Department's Policy and Procedure Manual. The Department believes that this revision is similar to the change requested by IRRRC in comment # 6.

With respect to §§ 151.11 and 151.13 (relating to registration of employers; and elective filing and remit-

tance by multiwork location employers), the Department corrected citation references. In § 151.61(b)(1) and (2) (relating to withdrawal and establishment of a new tax collection committee), the Department added “as” to correct an inadvertent omission. In § 151.61(d), the Department deleted “his” and added “chief executive” to keep the gender neutrality of the subsection.

With respect to § 151.61(g), the Department added “30” after September to clarify the date by which a new tax collection committee shall establish an appeals board under section 505(j) of the act.

Section 151.1 (relating to definitions) sets forth definitions for words used in Chapter 151.

Section 151.2 sets forth the procedures and deadlines for taxpayers to file adjusted declarations of estimated net profits.

Section 151.3 sets forth the procedures and deadlines for taxpayers to file returns for taxable income not subject to withholding.

Final-form § 151.4 sets forth the procedures and deadlines for taxpayers whose major source of gross income is from farming to file a declaration of estimated tax.

Final-form § 151.5 (proposed § 151.4) (relating to refunds) addresses the refunding of tax overpayments.

Final-form § 151.6 (proposed § 151.5) (relating to publication of a Policy and Procedure Manual) requires the Department to develop and annually update a Policy and Procedure Manual to be posted on the Department’s web site. The Department’s web site includes a library of standardized forms, reports, notices, returns and schedules developed in consultation with the Department of Revenue.

Section 151.11 outlines which employers shall withhold taxes and file returns for their employees and specifies that employers shall require new employees to complete a Local Earned Income Taxpayer Residency Certification form. It also requires employers to keep the Local Earned Income Taxpayer Residency Certification form on file and identifies who has access to this information.

Section 151.12 indicates that out-of-State employers are not required to withhold income taxes for employees residing in this Commonwealth but employed outside this Commonwealth. It also provides for voluntary withholding.

Section 151.13 deals with the elective filing and remittance of taxes withheld by multiwork location employers. Under this section, an employer with more than one place of business in more than one tax collection district may elect to file one single combined return for all of its employees at all of its work locations in this Commonwealth.

Section 151.21 establishes the mandatory education requirement for initial certification and continuing certification of tax officers.

Section 151.22 (relating to minimum number of persons required to receive mandatory education and meet the qualifications and requirements for tax officers) establishes the minimum number of persons required to receive mandatory education and meet the qualifications and requirements for tax officers.

Section 151.23 delineates the requirements a tax officer shall meet and establishes that it is a duty of a tax collection committee to verify that the proposed tax officer meets those requirements.

Section 151.24 (relating to duties of an appointed tax officer) lists the duties of an appointed tax officer.

Section 151.25 (relating to point of contact for a tax collection committee) establishes that each tax collection committee shall provide a point of contact to the Department.

Section 151.26 addresses the bond amount for tax officers.

Section 151.41 explains the mediation process under the act.

Section 151.51 addresses the method of procurement for goods and services needed by tax collection committees.

Section 151.61 sets forth the timing and procedures to follow if a political subdivision desires to withdraw from governance by a specific tax collection committee.

Fiscal Impact

Commonwealth

The Department has incurred additional administrative costs in the implementation and operation of the act. However, these costs have been absorbed into the normal operating budget. The Department does not anticipate additional costs as a result of implementation of this final-form rulemaking.

Political subdivisions and the public

A report from the Legislative Budget and Finance Committee dated October 2016 estimates that revenue collections have increased by about \$173 million annually since 2012, the first full year of implementation of Chapter 5 of the act. This report, “The Impact of Act 32 on the Collection of Local Earned Income Taxes,” notes that implementation has simplified and increased the amount of earned income taxes collected. Municipalities, school districts and taxpayers have benefitted from the increased revenue generated by the enhanced collection efficiencies. The report recommends that the Department continue with its efforts to promulgate this final-form rulemaking because the regulations address certain areas of concerns noted in the report, namely auditing of tax officers, bonding requirements, and development of a policy and procedures manual by the Department.

Paperwork

New Statewide forms have been created to replace the forms created by each tax collector. These new forms are not more burdensome than the previous forms. Due to the uniformity and standardization of the forms, the paperwork burden has been reduced.

Effective Date

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

Sunset Date

A sunset date is not applicable as act under which Chapter 151 is authorized does not specify a sunset date.

Contact Person

For an explanation of this final-form rulemaking, contact Sean Sanderson, Local Government Policy Manager, Department of Community and Economic Development, Governor’s Center for Local Government Services, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 20, 2016, the Department submitted a copy of the notice of proposed rulemaking, published at 46 Pa.B. 4179, to IRRC and the Chairpersons of the House Commerce Committee and Senate Committee on Community, Economic and Recreational Development 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 and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on July 18, 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 July 19, 2018, and approved this final-form rulemaking.

Findings

The Department finds that:

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

(2) The regulation is necessary and appropriate for the implementation of Chapter 5 of the act.

Order

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

(a) The regulations of the Department, 12 Pa. Code, are amended by adding §§ 151.1—151.6, 151.11—151.13, 151.21—151.26, 151.41, 151.51 and 151.61 to read as set forth in Annex A.

(Editor's Note: Final-form § 151.4 was not included in the proposed rulemaking. Proposed §§ 151.4 and 151.5 are renumbered as §§ 151.5 and 151.6, respectively, in this final-form rulemaking.)

(b) The Department shall submit this order, Annex A and the Regulatory Analysis Form to IRRC, the House Commerce Committee, the Senate Community, Economic and Recreational Development Committee, the Office of Attorney General and the Office of General Counsel as required by law.

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

DENNIS M. DAVIN,
Secretary

(Editor's Note: See 48 Pa.B. 4752 (August 4, 2018) for IRRC's approval order.)

Fiscal Note: Fiscal Note 4-97 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT****PART V. COMMUNITY AFFAIRS AND DEVELOPMENT****Subpart D. LOCAL EARNED INCOME TAX**

**Chap.
151.**

LOCAL EARNED INCOME TAX**CHAPTER 151. LOCAL EARNED INCOME TAX****GENERAL PROVISIONS**

- 151.1. Definitions.
- 151.2. Procedures for filing adjusted declarations of estimated net profits.
- 151.3. Procedures for filing taxable income not subject to withholding.
- 151.4. Filing of estimated tax by taxpayers whose major source of gross income is from farming.
- 151.5. Refunds.
- 151.6. Publication of a Policy and Procedure Manual.

WITHHOLDING

- 151.11. Registration of employers.
- 151.12. Voluntary withholding for resident employees employed outside of a tax collection district.
- 151.13. Elective filing and remittance by multiwork location employers.

TAX OFFICER

- 151.21. Mandatory education for tax officers.
- 151.22. Minimum number of persons required to receive mandatory education and meet the qualifications and requirements for tax officers.
- 151.23. Duties of a tax collection committee in selecting a tax officer.
- 151.24. Duties of an appointed tax officer.
- 151.25. Point of contact for a tax collection committee.
- 151.26. Bond amount for tax officers.

MEDIATION

- 151.41. Rules for mediation.

PROCUREMENT

- 151.51. Procurement of goods and services—general rule.

WITHDRAWAL AND ESTABLISHMENT OF A NEW TAX COLLECTION COMMITTEE

- 151.61. Withdrawal and establishment of a new tax collection committee.

GENERAL PROVISIONS**§ 151.1. Definitions.**

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

Act—The Local Tax Enabling Act (53 P.S. §§ 6924.101—6924.901).

Out-of-State employer—An employer that does not have a place of business in this Commonwealth. An employer is not an out-of-State employer if the employer has a place of business in this Commonwealth even if the employer's primary business operations occur out of State.

§ 151.2. Procedures for filing adjusted declarations of estimated net profits.

Under section 502(c)(2)(iv) of the act (53 P.S. § 6924.502(c)(2)(iv)), every taxpayer who has filed the declaration of taxpayer's estimated net profits required under section 502(c) of the act and who anticipates additional net profits not previously declared or has overestimated anticipated net profits shall file, on or before April 15 of the current year, July 15 of the current year, October 15 of the current year or January 15 of the succeeding year, whichever date next follows the date on which the taxpayer first anticipates the change in antici-

pated net profits, an adjusted declaration of estimated net profits and pay to the resident tax officer on or before the quarterly payment dates that remain after the filing of the adjusted declaration, beginning with the quarterly payment date in which the adjusted declaration is filed, equal installments of the tax due as reported on the adjusted declaration of estimated net profits.

§ 151.3. Procedures for filing taxable income not subject to withholding.

Under section 502(c)(3) of the act (53 P.S. § 6924.502(c)(3)), every taxpayer who receives other taxable income not subject to withholding under section 512(3) of the act (53 P.S. § 6924.512(3)) shall make and file with the resident tax officer a quarterly return on or before April 15 of the current year, July 15 of the current year, October 15 of the current year and January 15 of the succeeding year setting forth the aggregate amount of actual or estimated taxable income not subject to withholding attributable to the taxpayer during the 3-month periods ending March 31 of the current year, June 30 of the current year, September 30 of the current year and December 31 of the current year, respectively, and subject to income tax, together with the source, nature, anticipated frequency and location of the taxable income. Every taxpayer filing a return shall, at the time of filing the return, pay to the resident tax officer the amount of income tax due or estimated to be due. The tax officer may waive the requirement to file a quarterly return and payment of income tax when the taxable income is received on less than a quarterly frequency or is anticipated to be an aggregate amount of less than \$12,000 annually.

§ 151.4. Filing of estimated tax by taxpayers whose major source of gross income is from farming.

Under section 502(d) of the act (53 P.S. § 6924.502(d)), a declaration of estimated tax of an individual having an estimated gross income from farming for the taxable year which is at least 2/3 of the individual's total estimated gross income for the taxable year may be filed at any time on or before January 15 of the succeeding year, but if the individual files a final return and pays the entire tax by March 1, the return may be considered as the individual's declaration due on or before January 15.

§ 151.5. Refunds.

A tax officer shall refund overpayment of taxes to the taxpayer in accordance with 53 Pa.C.S. §§ 8421—8438 (relating to Local Taxpayers Bill of Rights Act).

§ 151.6. Publication of a Policy and Procedure Manual.

The Department will develop and post on its web site a Policy and Procedure Manual. The Department will update the Policy and Procedure Manual on an annual basis. The Department's web site includes a library of standardized forms, reports, notices, returns and schedules developed in consultation with the Department of Revenue to be utilized by the local governments and the regulated community. The Department's previously-referenced web site is available at <http://dced.pa.gov/local-government/local-income-tax-information>.

WITHHOLDING

§ 151.11. Registration of employers.

(a) Under section 512(a)(1) of the act (53 P.S. § 6924.512(a)(1)), if an employer has a place of business within a tax collection district and employs one or more persons, other than domestic servants, for compensation,

the employer shall register with the tax officer for that tax collection district within 15 days after becoming an employer.

(b) An employer shall collect and maintain the information as required under section 512 of the act. An employer shall require each new employee to complete a Local Earned Income Taxpayer Residency Certification form as provided by the Department to help identify the political subdivision where an employee is domiciled and employed. Additionally, an employer shall require each current employee who establishes a new address or domicile to complete the Local Earned Income Taxpayer Residency Certification form. The employer shall retain residency information provided by the employee and, upon request, provide this information to the tax officer to reconcile, correct or otherwise confirm the political subdivision information for the employee.

§ 151.12. Voluntary withholding for resident employees employed outside of a tax collection district.

Under section 512 of the act (53 P.S. § 6924.512), an out-of-State employer who employs a resident of this Commonwealth at a work location outside of this Commonwealth is not required to withhold the local earned income tax. An out-of-State employer may voluntarily agree with the employee to withhold and remit the tax along with the appropriate forms to the tax officer of the tax collection district in which the employee resides. Every employer having a place of business within a tax collection district and employing one or more persons, other than domestic servants, shall withhold the greater of the employee's resident tax or the employee's nonresident tax.

§ 151.13. Elective filing and remittance by multi-work location employers.

Under section 512(a)(5) of the act (53 P.S. § 6924.512(a)(5)), an employer with more than one place of business in more than one tax collection district may elect to remit the tax withheld from all of its employees in all of its work locations in this Commonwealth for the preceding month and file, on or before the last day of the month succeeding the month for which the return under section 512(a)(4) of the act is due, one single combined monthly return as follows:

(1) To be eligible to file combined returns and make combined payments, the employer shall file:

(i) A notice of its intention to file combined returns and make combined payments with the tax officer for each place of employment at least 1 month prior to filing its first combined return or making its first combined payment.

(ii) Its combined return and remit its combined payment electronically on a monthly, rather than quarterly, basis.

(2) An employer with payroll operations located within one tax collection district shall file the combined return and remittance of earned income taxes withheld to the tax officer in that tax collection district. An employer with payroll operations located within more than one tax collection district shall file the combined return and remittance of earned income taxes withheld to the tax officer of any tax collection district in which any of the employer's payroll operations are located. If the tax officer declines in writing to receive the combined filing, the employer may choose to file a combined return with

any tax officer in a tax collection district where the employer maintains a place of business employing one or more employees.

(3) An eligible employer's election to file combined returns and make combined payments does not alter an employee's workplace for purposes of nonresident tax liability.

(4) An employer may not select a tax officer to receive combined tax returns and remittances more frequently than on a tax year basis. The selection of a tax officer shall be made at the time of filing the tax return.

(5) If an employer outsources payroll functions to a payroll processing company, the employer's place of business that forwards payroll data to the company is deemed the employer's payroll operations location. The location of the payroll processing company is not the employer's payroll operations location.

TAX OFFICER

§ 151.21. Mandatory education for tax officers.

(a) *Initial certification.* Persons and entities seeking appointment as tax officers shall take and achieve a passing grade of 70% or above on the initial certification exam given by or on behalf of the Department.

(b) *Continuing certification.* Persons and entities seeking to maintain appointments as tax officers shall take and achieve a passing grade of 70% or above on the annual continuing certification exam given by or on behalf of the Department.

§ 151.22. Minimum number of persons required to receive mandatory education and meet the qualifications and requirements for tax officers.

A tax officer or a person or entity seeking appointment as a tax officer shall designate at least one person for every five counties for which the tax officer has been named a tax officer to satisfy the mandatory education requirements under section 508(e) of the act (53 P.S. § 6924.508(e)) and meet the qualifications and requirements for tax officers under this chapter. A tax officer may designate itself to satisfy this requirement. If the tax officer is an entity rather than a natural person, the tax officer shall appoint one natural person employed by the tax officer for every five counties served by the tax officer.

§ 151.23. Duties of a tax collection committee in selecting a tax officer.

Before appointing or reappointing a tax officer for any tax collection district, a tax collection committee shall:

(1) Verify that the proposed tax officer meets the following requirements:

(i) Has undergone a SSAE 16 audit (or other fiscal control audit meeting or exceeding SSAE 16 audit standards and approved by the Department in writing) at least once in the last 2 years.

(ii) Has certified with the tax collection committee that it does not use a third party to process employer or individual taxpayer tax returns.

(iii) Has demonstrated timely earned income tax distributions if the tax officer already serves as a tax officer for another tax collection committee.

(iv) Has disclosed in writing any claim, including, but not limited to, litigation filed in either state or Federal court, brought by a municipality, school district, tax

collection committee or other tax officer against the tax officer or its insurer regarding the collection or distribution of earned income taxes.

(v) Meets the requirements of §§ 151.21 and 151.22 (relating to mandatory education for tax officers; and minimum number of persons required to receive mandatory education and meet the qualifications and requirements for tax officers).

(vi) Has not been convicted of a felony involving fraud, extortion or dishonesty in any jurisdiction.

(vii) Has not engaged in conduct which significantly adversely reflects on the proposed tax officer's credibility, honesty or integrity.

(viii) Is able to attain the bond required under section 509(d) of the act (53 P.S. § 6924.509(d)).

(2) Receive a minimum of five positive references for the tax officer. The references shall be contacted independently by the tax collection committee and may be provided by the tax officer.

(3) Conduct at least one onsite visit to the office of the tax officer prior to selecting the tax officer. A minimum of three tax collection committee delegates shall attend the onsite visit.

(4) Include in the agreement between the tax collection committee and the tax officer a termination clause that allows the tax collection committee to terminate the agreement if the tax officer fails to meet the requirements of this section. The termination clause must provide that the tax collection committee shall terminate the agreement no later than 30 days after it provides written notice to the tax officer that the tax officer has failed to comply with the requirements of this section and the tax officer has failed to cure the noncompliance within the 30-day notice period.

§ 151.24. Duties of an appointed tax officer.

A tax officer shall notify the Department and all the tax collection committees for which it collects taxes if it fails to continually meet the requirements of §§ 151.21—151.23 (relating to mandatory education for tax officers; minimum number of persons required to receive mandatory education and meet the qualifications and requirements for tax officers; and duties of a tax collection committee in selecting a tax officer). Failure of the tax officer to comply with this section may result in the tax officer losing its certification.

§ 151.25. Point of contact for a tax collection committee.

Each tax collection committee shall identify to the Department a point of contact who is available during normal business hours. The point of contact does not need to be a delegate of the tax collection committee. Each tax collection committee shall provide the point of contact's phone number, e-mail address and physical address. The tax collection committee shall notify the Department if the point of contact changes.

§ 151.26. Bond amount for tax officers.

(a) Section 509(d) of the act (53 P.S. § 6924.509(d)) requires that tax collection committee shall fix the amount of the bond in an amount equal to the maximum amount of taxes that may be held in the possession of the tax officer at any given time or an amount sufficient, in combination with fiscal controls, insurance, and other risk

management and loss prevention measures used by the tax collection district, to secure the financial responsibility of the tax officer.

(b) When a tax collection committee agrees to a bond amount less than the maximum amount of taxes that may be held in the possession of the tax officer at any given time, the tax collection committee shall do so by resolution. The tax collection committee shall expressly indicate in the resolution the reasons why it has agreed to a lesser bond amount.

MEDIATION

§ 151.41. Rules for mediation.

The following practices and procedures for mediation apply.

(1) One or more affected political subdivisions shall give written notice to the tax collection committee and the Department of the desire to submit the disputed matter to mediation by the Department. Thereafter, the political subdivision, tax collection committee and tax officer shall mediate in accordance with this section.

(i) Only a political subdivision may initiate a mediation request.

(ii) A political subdivision shall send the notice by regular mail.

(iii) The notice must include a statement indicating whether or not the dispute is subject to mandatory mediation. If a dispute involves a 10% or greater deviation from taxes received in the previous tax year, the parties are subject to mandatory mediation. If a dispute involves less than the 10% threshold, the parties may agree to undergo voluntary mediation in accordance with this section.

(2) Upon receipt of the notice, the Department will provide a copy of the notice to the tax officer. Within 20 days of the submission of the notice, the political subdivision, tax collection committee and tax officer shall each submit a written statement, not exceeding five pages, to the Department and the affected parties stating their positions as to the disputed and undisputed facts and issues in the case and whether prior settlement negotiations have occurred. The Department may decline to consider any information within a statement filed after the 20-day deadline.

(3) Within 30 days of the Department's receipt of the notice, the Department will determine whether the dispute meets the threshold conditions for mandatory mediation set forth in paragraph (1)(iii).

(i) If the issue being mediated is the same for more than one political subdivision, the political subdivisions shall combine their notices into one notice, which may not exceed five pages.

(ii) The Department's determination is final and not subject to appeal.

(iii) The Department will provide written notice of its determination to all affected parties within 5 days of its determination. The Department may provide the notice by e-mail, if available.

(iv) The Department will assess a fee to cover costs incurred by the Department in reviewing the mediation notice submitted by the political subdivision and the responses thereto. The Department will equitably apportion the costs among the affected parties by assessing each affected party only for the costs incurred by the

Department when reviewing that particular affected party's notice and written statements. If two or more affected parties file a joint statement or notice, the costs incurred by the Department for reviewing the joint filing will be equally divided among those jointly-filing affected parties. The Department will notify the parties in writing of the fee assessment. The fee is not refundable and not subject to appeal. The parties shall pay their assessed portion of the fee by check within 30 days of notification of assessment by the Department.

(4) If the Department determines that the dispute requires mandatory mediation, the Department will refer the matter to the Pennsylvania Office of General Counsel Dispute Resolution Coordinator simultaneously with the written notice provided under paragraph (3)(iii). The coordinator will appoint an Office of General Counsel mediator to mediate the dispute. The selection of the mediator is final and not subject to appeal. The mediator will seek the parties' mutual agreement to extend the time period for mediation if the mediator and the Department believe that the extension may be necessary. The mediator will complete the mediation no later than 30 days following the Department's written notice provided in paragraph (3)(iii) unless the time period is extended by the mutual agreement of the parties to the mediation. Except as otherwise provided in this section, the mediation will be conducted under the rules in the Office of General Counsel Mediation Handbook. If the mediator incurs costs or imposes other mediation fees upon the parties, the costs or fees, or both, will be equitably assessed. The assessment is final and not subject to appeal.

(i) The parties shall participate in the mediation in good faith. The parties shall have an official authorized to settle the matter on their behalf available at the mediation. The mediator may require a party that fails to participate in good faith to pay all the costs of the mediation.

(ii) The mediator may request that Department personnel be present for all or a portion of the mediation.

(5) If the Department determines that the dispute involves voluntary mediation, all parties involved in the mediation, including the Department, may agree to mediate the issue through the Pennsylvania Office of General Counsel Dispute Resolution Program. The agreement to voluntarily mediate shall be made within 5 days of the Department's written notice provided in paragraph (3)(iii). Upon agreement by the parties to voluntary mediation, the Department will immediately refer the matter to the Office of General Counsel Dispute Resolution Coordinator. The coordinator will appoint a mediator to mediate the matter. The selection of the mediator is final and not subject to appeal. The mediator will seek the parties' mutual agreement to extend the time period for mediation if the mediator and the Department believe that the extension may be necessary. The mediator will complete the mediation no later than 30 days following the agreement by the parties to mediate the issue unless the time period is extended by the mutual agreement of the parties to the mediation. Except as otherwise provided in this section, the mediation will be conducted under the rules in the Office of General Counsel Mediation Handbook. If the mediator incurs costs or imposes other mediation fees upon the affected parties, the costs or fees, or both, will be equitably assessed. The cost assessment is final and not subject to appeal.

(i) The parties shall participate in the mediation in good faith. The parties shall have an official authorized to

settle the matter on their behalf available at the mediation. The mediator may require a party that fails to participate in good faith to pay all the costs of the mediation.

(ii) The mediator may request that Department personnel be present for all or a portion of the mediation.

(6) Mediation sessions are closed to the public and are not subject to the requirements of 65 Pa.C.S. Chapter 7 (relating to Sunshine Act).

(7) Offers or settlements made in a mediation session, excluding the final written settlement agreement, are not admissible as evidence in subsequent judicial or administrative proceedings in accordance with 42 Pa.C.S. § 5949 (relating to confidential mediation communications and documents).

(8) If a settlement is reached during the mediation, the Department will prepare a written settlement agreement and obtain all necessary signatures within 30 days of the agreement of the parties to settle the issue. The settlement agreement is binding upon the parties to the agreement. The settlement agreement is subject to the Right-to-Know Law (65 P.S. §§ 67.101—67.3104). The agreement is admissible as evidence in subsequent judicial or administrative proceedings in accordance with the Pennsylvania Rules of Court, the Pennsylvania Rules of Evidence and 42 Pa.C.S. § 5949.

(9) If the mediation does not result in a written agreement signed by the parties as provided in paragraph (8), the mediation is deemed unsuccessful unless all parties and the Department agree in writing to extend the mediation. The mediator may determine that the mediation is unsuccessful and terminate the mediation if the parties have not executed a settlement agreement by the ending date of the extension or of any further extension agreed upon by the affected parties and the mediator.

PROCUREMENT

§ 151.51. Procurement of goods and services—general rule.

Tax collection committees shall procure goods and services in accordance with section 1802 of The County Code (16 P.S. § 1802) through competitive sealed bids. References in section 1802 of The County Code to county officials shall be deemed to refer to a designated procurement officer of the tax collection committee.

WITHDRAWAL AND ESTABLISHMENT OF A NEW TAX COLLECTION COMMITTEE

§ 151.61. Withdrawal and establishment of a new tax collection committee.

(a) *Resolution to withdraw.* Under section 505(m) of the act (53 P.S. § 6924.505(m)), a political subdivision governed by a tax collection committee established under section 505(m) of the act may, within the 90-day period ending November 15, 2013, and November 15 every fourth year thereafter, adopt and file with the Department and the tax collection committee a resolution evidencing its desire to withdraw from governance by the tax collection committee as of January 1 of the second succeeding calendar year. If a majority of the governing bodies of the political subdivisions adopt resolutions evidencing a desire to withdraw, a new tax collection committee shall be established in accordance with the following:

(1) The establishment of a new tax collection committee may not alter the geographic boundaries or the political subdivisions of the tax collection district.

(2) The old tax collection committee shall stay in effect through December 31 of the first succeeding calendar year after the November 15 date to adopt resolutions evidencing a desire to withdraw.

(3) The new tax collection committee shall become effective as of January 1 of the second succeeding calendar year after the November 15 date to adopt resolutions evidencing a desire to withdraw.

(4) Other than the timing requirements as provided for in this section, the new tax collection committee shall have all the obligations, duties and powers and be subject to the quorum and voting rights provisions provided for in Chapter 5 of the act (53 P.S. §§ 6924.501—6924.517) and this chapter.

(b) *Delegates.*

(1) The governing body of each political subdivision within the tax collection district that imposed an income tax prior to July 1 of the same year the November 15 date to adopt resolutions evidencing a desire to withdraw occurs shall appoint one voting delegate and one or more alternates to represent the political subdivision on the new tax collection committee by September 15 of the succeeding calendar year after the November 15 date to adopt resolutions evidencing a desire to withdraw. The governing body of each political subdivision that after June 30 of the same year as the November 15 date to adopt resolutions evidencing a desire to withdraw occurs imposes an income tax for the first time shall appoint one voting delegate and one or more alternates to represent the political subdivision on the tax collection committee. A voting delegate or alternate shall serve at the pleasure of the governing body of the political subdivision.

(2) The governing body of each political subdivision within the tax collection district that prior to July 1 of the same year as the November 15 date to adopt resolutions evidencing a desire to withdraw occurs does not impose an income tax may appoint one nonvoting delegate and one or more alternates to represent the political subdivision on the tax collection committee. If after June 30 of the same year as the November 15 date to adopt resolutions evidencing a desire to withdraw occurs the political subdivision imposes an income tax, the nonvoting delegate shall become a voting delegate to represent the political subdivision on the tax collection committee.

(c) *First meeting.* The first meeting of the tax collection committee in the tax collection district shall be on or before May 15 of the year subsequent to the November 15 date to adopt resolutions evidencing a desire to withdraw. The chair of the county commissioners or the chief executive of the county in which the tax collection district is primarily located or the chair's designee shall schedule the first meeting of the tax collection committee and provide, at least 21 days before the meeting, public notice, as required under 65 Pa.C.S. § 703 (relating to definitions), and notice by first class mail by March 15 of the year subsequent to the November 15 date to adopt resolutions evidencing a desire to withdraw to the Department and to the governing body of each political subdivision located in the tax collection district.

(d) *Establishment of tax collection committee.* The chair of the county commissioners or the chair's designee or the chief executive of the county or the chief executive's

designee shall convene the first meeting of the tax collection committee, conduct the meeting and record all votes until a chairperson, vice chairperson and secretary are elected by the tax collection committee. The voting delegates of the tax collection committee shall elect a chairperson and a vice chairperson, each of whom shall be duly appointed voting delegates, and a secretary who may be a duly appointed voting delegate. If the secretary is a duly appointed voting delegate, this shall be noted on the record at all meetings. The chairperson shall schedule meetings, set the agenda, conduct meetings, record votes and perform other duties as determined by the tax collection committee. The secretary shall maintain the minutes and records of the tax collection committee and provide notices to each delegate and alternate appointed to the tax collection committee.

(e) *Bylaws.* Before July 16 of the year subsequent to the November 15 date to adopt resolutions evidencing a desire to withdraw, the delegates of the new tax collection committee shall adopt bylaws to govern the tax collection committee and notify the Department within 30 days of adoption. The Department will provide sample bylaws to the tax collection committee. The tax collection committee shall provide written notice to each delegate and alternate delegate informing each delegate and alternate delegate that the adoption or amendment of bylaws will be considered at a meeting. The written notice must include copies of the proposed bylaws or amendments. The bylaws for each tax collection committee must include:

- (1) Rules of procedure, quorum requirements, voting rights and provisions for managing the affairs of the tax collection committee.
- (2) A list of officers, their terms and powers, and a process for their election.
- (3) Meetings, including special meetings.
- (4) The process for adopting and amending bylaws.
- (5) The procedure for the addition of new political subdivisions to the tax collection committee.

(f) *Election of officers.* Upon the election of any new officers, the tax collection committee shall notify the Department within 30 days and shall provide the Department with the name and address of each officer.

(g) *Appeals board.* By September 30 of the year subsequent to the November 15 date to adopt resolutions evidencing a desire to withdraw, the new tax collection committee shall establish an appeals board under section 505(j) of the act and this chapter.

[Pa.B. Doc. No. 18-1347. Filed for public inspection August 31, 2018, 9:00 a.m.]

Title 58—RECREATION
FISH AND BOAT COMMISSION
[58 PA. CODE CH. 53]
Commission Property

The Fish and Boat Commission (Commission) amends Chapter 53 (relating to Commission property) to read as set forth in Annex A. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The amendments to § 53.11 (relating to Off-highway vehicles, snowmobiles and mobility devices) are published under the statutory authority of section 741 of the code (relating to control of property).

D. Purpose and Background

This final-form rulemaking is designed to simplify and improve the Commission's property regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

E. Summary of Changes

Section 53.11(c) currently allows persons who are exempt from the fishing license requirement under section 2709(b) of the code (relating to exemptions from license requirements) and persons who are deprived of the use of a leg or both legs in a manner that significantly limits mobility to apply for a permit to use an off-road motorized vehicle on Commission property for the purpose of gaining access to fishing or boating opportunities. A recent review of this section and the Commission's application disclosed that both are in need of updating so that they meet current requirements of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101—12213) and United States Department of Justice regulations implementing the requirements of the ADA. In addition, to give the Commission more flexibility in adapting to future changes in the law, the Commission proposes deleting certain language from § 53.11 and relying on the application form and the conditions in the permit. The Commission also proposes housekeeping changes to subsection (a).

The Commission amends § 53.11 to read as set forth set forth in Annex A.

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will not have adverse fiscal impacts on the Commonwealth or its political subdivisions. This final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Involvement

Notice of proposed rulemaking was published at 48 Pa.B. 2655 (May 5, 2018). The Commission did not receive public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

- (1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and no public comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 53, are amended by amending § 53.11 in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-280 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.11. Off-highway vehicles, snowmobiles and mobility devices.

(a) *General rule.* Except as provided in subsection (c), the use of off-road motorized vehicles is prohibited on Commission-owned or -controlled property. As used in this subsection, “off-road motorized vehicle” means a motorized vehicle specifically designed for this use. The term includes trail bikes, Tote Gotes, all-terrain vehicles, air cushioned vehicles, track vehicles and hydrofoils. The term does not include a vehicle licensed or registered for on-road use, such as a 4 by 4 sport utility vehicle, and the like.

(b) *Snowmobiles.* It is unlawful to operate a snowmobile on Commission-owned or -controlled property except in areas designated for use by the Executive Director and so posted. The Commission will maintain a list of areas when use is permitted. In those areas where use of snowmobiles is permitted, the following conditions apply:

(1) Snowmobiles may be loaded or unloaded in Commission parking areas unless otherwise posted.

(2) Snowmobiles may be operated in parking areas only for the purpose of direct access and egress to other areas where operation is permitted. Parking areas may not be used for general snowmobile operation.

(3) The operation of snowmobiles on Commission-owned and -controlled property is at the sole risk of the operator. The Commission assumes no responsibility for the operations and makes no representations as to the suitability of trails or areas for their use.

(4) The operation of snowmobiles on frozen lakes, ponds, rivers and streams is prohibited.

(c) *Persons with disabilities.*

(1) *Motorized wheelchairs.* A person whose disability requires him to use a motorized wheelchair or similar device powered by an electric motor may use the device on Commission property. The Commission does not represent that Commission properties except those specifically marked and designated for access by persons with disabilities are suitable for this use.

(2) *Other power-driven mobility devices.* The Executive Director or a designee may permit persons who have a disability for which they need to use other power-driven mobility devices to use them on Commission property for the purpose of gaining access to fishing or boating opportunities under all of the following conditions:

(i) The person applies in writing for permission on the form provided by the Commission and sends the application to the Director, Bureau of Law Enforcement, Pennsylvania Fish and Boat Commission, Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000.

(ii) The person who has received permission under subparagraph (i) complies with the written conditions of the permit.

(iii) For purposes of this paragraph, “other power-driven mobility devices” means any mobility device, other than a wheelchair, powered by battery, fuel or other engine that is used by persons with a mobility disability for the purpose of locomotion. The term includes golf carts and electronic personal assistance mobility devices such as a Segway or any mobility device designed to operate in areas without defined pedestrian routes, regardless of whether it is designed primarily for use by persons with a mobility disability.

[Pa.B. Doc. No. 18-1348. Filed for public inspection August 31, 2018, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission’s web site at www.fish.state.pa.us.

C. Statutory Authority

The amendments to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. Purpose and Background

This final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

E. Summary of Changes

In 2011 and 2012, the Commission applied two black bass angling regulation changes to the Susquehanna River from Sunbury downriver to York Haven (middle Susquehanna River), the Susquehanna River from York Haven downriver to Holtwood Dam (lower Susquehanna River) and the Juniata River from Port Royal downriver to the mouth (lower Juniata River). In 2011, the Commission removed these river sections from the Big Bass Program and a year-round catch-and-immediate release regulation was enacted. In 2012, the Commission adjusted this regulation to include a closed season for black bass from May 1 to the opening day of bass season in mid-June, with a catch and immediate release regulation remaining for the rest of the year. Bass tournaments were limited to catch-measure-immediate release only, with no weigh-in tournaments allowed.

The regulations implemented during 2011 and 2012 to protect Smallmouth Bass residing in the middle and lower Susquehanna River and the lower Juniata River were not intended to be permanent. Additionally, the Commission has received a number of complaints since these regulations went into effect stating that anglers are violating the closed season and the regulation is largely unenforceable. Further, recent changes in population characteristics of Smallmouth Bass in the middle Susquehanna River, lower Susquehanna River and lower Juniata River warrant a review of the current regulations to determine whether they are continuing to serve their intended role as part of managing this fishery.

The Commission uses an adaptive management approach to remove and reinstitute, if necessary, closed season regulations currently applied to these river reaches. By establishing a set of population recovery benchmarks, Commission staff developed guidance on when to remove current closed season regulations as well as when to reinstitute them should conditions change negatively in the future. A secondary benefit of this approach is public transparency as benchmark values for different metrics will be disseminated and annual evaluations will allow for up-to-date comparisons against benchmarks. This approach may streamline and expedite future regulatory action.

Commission staff developed a series of metrics to assess changes to the Smallmouth Bass population that could warrant removal as well as the application of closed season regulations based upon population characteristics. These data and literature-derived values set benchmarks for amending existing regulations as well as provide guidance for reinstitution should conditions change negatively in the future. These benchmarks are scientifically based using available data and literature and are set at a standard to reflect the world-class fishery for which these waters are renowned. The application of the benchmarks will be similar to adaptive management strategies utilized by the Atlantic States Marine Fisheries Commission and the Great Lakes Fishery Commission. These metrics focus on a combination of measures of relative abundance and size composition of the population.

Commission staff recommend a review period of at least 5 years be used for evaluation based on the inherent variability in the factors controlling the population, variability in data collection and longevity of Smallmouth Bass. For these same reasons, staff propose that benchmarks must be met for minimum time periods (for example, 3 of 5 years) rather than for definitive time periods (for example, consecutive years) given natural variability in healthy fish populations. Additionally, staff suggest that benchmarks be achieved for two of the three metrics for each reach for a five-survey evaluation period.

Review of the most contemporary survey data revealed that all three of the subject reaches met the recovery benchmarks to allow removal of closed season regulations beginning in the 2017 season. Staff will continue to survey population characteristics moving forward to guide future regulatory actions should population characteristics change.

Based on the foregoing, the Commission proposes that the closed bass (Smallmouth Bass and Largemouth Bass) season be removed from May 1 to mid-June (with dates described by the usual formula) and no tournaments be permitted during this period. Catch and release restrictions will continue to be applied to those portions of the Susquehanna River and Juniata River currently included under this miscellaneous special regulation (Figure 1). Bass tournaments occurring outside of the mid-April to mid-June period will continue to be restricted to catch-measure-immediate release only as will all bass angling. Some of the public comments received upon publication of the proposed rulemaking expressed concerns regarding anglers fishing over spawning bass. The Commission adds the following language to § 65.24 in this final-form rulemaking: "It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section."

The Commission amends § 65.24 to read as set forth in Annex A.

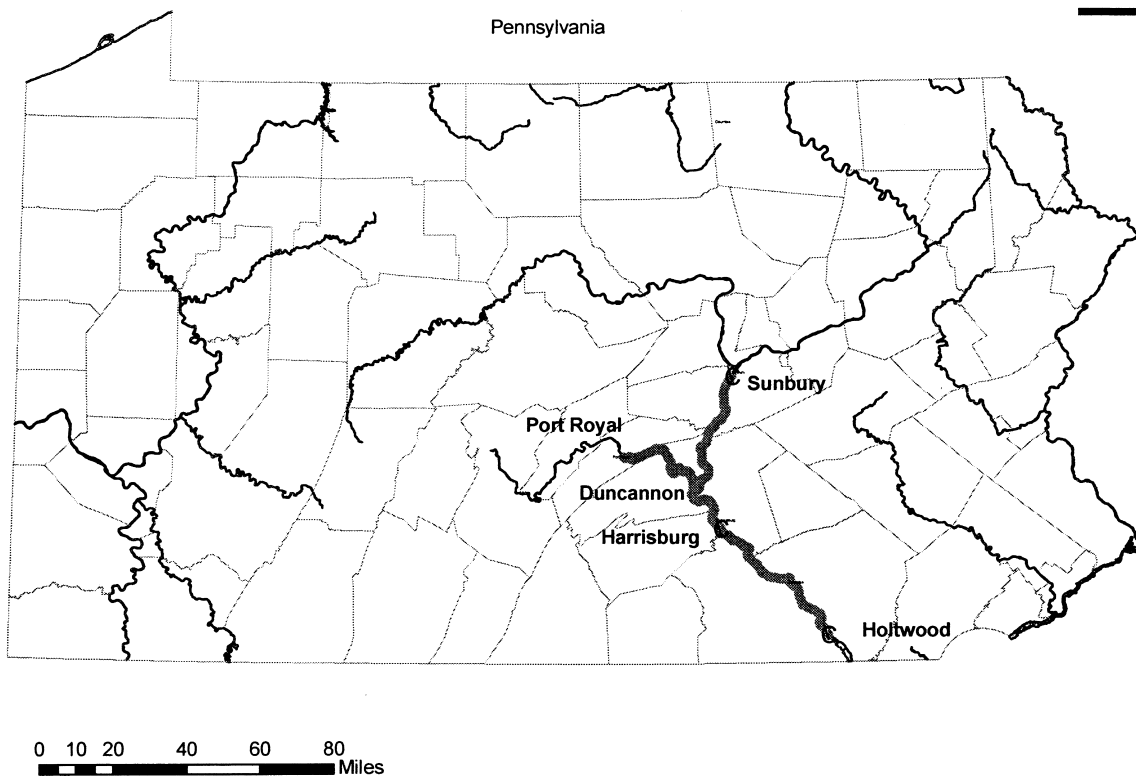


Figure 1. Location on the lower Susquehanna River and lower Juniata River where a closed bass season with no tournaments permitted will be removed. Year-round black bass catch and immediate release regulations will continue to apply to these locations. No tournaments will be permitted during the mid-April to mid-June closed season consistent with other waters in this Commonwealth. Catch-measure-immediate release tournaments will be permitted at other times of year.

Commission staff also recommend that in the future the lower Susquehanna River reach be treated independently while the middle Susquehanna River and lower Juniata River reaches be treated jointly for removal or application of closed season regulations. Unrestricted movement of fish between the two systems would complicate treatment of each exclusively. The joint treatment of those reaches would defer to the most conservative option for either reach based upon their data relative to benchmarks.

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This final-form rulemaking will not have adverse fiscal impacts on the Commonwealth or its political subdivisions. This final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Notice of proposed rulemaking was published at 47 Pa.B. 1469 (March 11, 2017), with a 60-day public comment period. The Commission held three public infor-

mational sessions on April 17, 2017, in Harrisburg, April 18, 2017, in Columbia, and April 19, 2017, in Selinsgrove. During these sessions, the Commission solicited public input using comment cards that asked the public to address two issues, namely opinions about the adaptive management approach for black bass regulations moving forward and opinions regarding the proposed rulemaking.

The Commission received a total of 179 public comments—27 were received prior to the formal comment period, 149 were received during and 3 were received after the comment period ended. Of the 179 comments, 67 commentators supported the proposed amendments, 90 opposed them and 22 provided comments that could not be categorized as either supporting or opposing the proposed amendments. Copies of the public comments were provided to the Commissioners. Some of the comments also expressed concerns regarding anglers fishing over spawning bass. The Commission added the following language to § 65.24 in this final-form rulemaking: “It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.”

Findings

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the public comments that were received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-274 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam, including all tributaries to a point 1/2 mile upstream from the confluence	<p>Bass (Smallmouth and Largemouth)—No harvest year-round—catch and immediate release only.</p> <p>From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No Bass tournaments.</p> <p>Remainder of the year—Catch-measure-immediate release tournaments only.</p> <p>It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.</p>
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth, including all tributaries to a point 1/2 mile upstream from the confluence	<p>Bass (Smallmouth and Largemouth)—No harvest year-round—catch and immediate release only.</p> <p>From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No Bass tournaments.</p> <p>Remainder of the year—Catch-measure-immediate release tournaments only.</p> <p>It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.</p>
* * * * *		

[Pa.B. Doc. No. 18-1349. Filed for public inspection August 31, 2018, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 99a AND 111]

Boating; Capacity Plates; Special Regulations Counties

The Fish and Boat Commission (Commission) adds Chapter 99a (relating to capacity plates) and amends Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

Chapter 99a is adopted under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The amendments to §§ 111.3 and 111.16 (relating to Armstrong County; and Clarion County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

This final-form rulemaking is designed to simplify and improve the Commission's boating regulations. The specific purpose of the amendments is described in more detail under the summary of changes. On December 7, 2017, the Commission's Boating Advisory Board considered the proposed amendments and recommended that the Commission approve the publication of the proposed rulemaking.

E. *Summary of Changes*

(1) Prior to January 1, 2013, the Commission issued capacity plates for certain boats that were operated or offered for sale in this Commonwealth. During an audit of the Commission's Recreational Boating Safety Program in 2011, the United States Coast Guard identified this practice as a violation of Federal regulation and directed the Commission to stop issuing the plates. In response to this direction, the Commission rescinded Chapter 99. At the time, this decision was thought to be the best way to handle the issue. However, it has since been determined that the best change would have been to rescind only those sections dealing with the Commission's issuance of capacity plates and not to rescind other sections that extended the Federal standard to Commonwealth waters. Commission staff examined what other states have done regarding capacity plates and recommend that certain sections of the former regulations be reinstated.

The Commission therefore adds Chapter 99a to read as set forth in the proposed rulemaking published at 48 Pa.B. 2654 (May 5, 2018).

(2) Keystone Lake is a 1,000-acre impoundment in Armstrong County that provides water to the Keystone Generation Station, Chief Keystone Power, LLC. The

property is leased to the Commission for fishery and aquatic resource management, and recreational fishing and boating purposes. Under a prior agreement, a horsepower restriction for motorboats was set at 10 horsepower. The Commission adopted this restriction in § 111.3(b).

In March 2017, the lease agreement for this property was renewed. As part of that renewal, Chief Keystone Power requested that the 10 horsepower restriction be raised to 20 horsepower. The Commission therefore amends § 111.3 to read as set forth in the proposed rulemaking.

(3) At the September 2017 Commission meeting, Jeffrey Pfister approached the Commission on behalf of several landowners adjacent to Redbank Creek, Clarion County. The landowners are concerned about boating safety because the creek traditionally had been locally treated as a slow, no wake (SNW) zone without an official designation.

In recent years, the amount of boating traffic entering Redbank Creek from Pool 9 on the Allegheny River has increased substantially. This traffic goes above SNW even where the creek narrows to less than 200 feet across, creating a safety hazard. The landowners petitioned the Commission for Redbank Creek to be designated as a SNW zone.

The Commission's Bureau of Law Enforcement staff from the Northwest Region were tasked with exploring the issue and to offer an opinion. Upon investigation, they determined that the creek does narrow and the entrance from the river quickly becomes congested with boats. The presence of an old railroad bridge also adds to the congestion as boats have to traverse under and between the bridge abutments to navigate safely.

Allegheny Land Trust (Trust), the owner of the bridge that is now part of a rail to trails, is concerned about erosion damage to the shore line and the bridge itself due to the excessive wake in a confined area. If the proposed amendment is adopted, the Trust has agreed to allow signage to be posted on the bridge structure for the SNW zone.

The Commission therefore amends § 111.16 to read as set forth in the proposed rulemaking.

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. This final-form rulemaking will not impose new costs on the private sector or the general public.

H. *Public Involvement*

Notice of proposed rulemaking was published at 48 Pa.B. 2654. This Commission did not receive any comments regarding proposed Chapter 99a and the proposed amendments to § 111.16. Regarding the proposed amendment to § 111.3, the Commission received six public comments, all supporting the proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the public comments that were received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code, are amended by adding §§ 99a.1—99a.4 and amending §§ 111.3 and 111.16 to read as set forth at 48 Pa.B. 2654.

(b) The Executive Director will submit this order and 48 Pa.B. 2654 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 48 Pa.B. 2654 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-279 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 18-1350. Filed for public inspection August 31, 2018, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF STATE

[4 PA. CODE CHS. 161, 163 AND 167]

Regulations Implementing the Revised Uniform Law on Notarial Acts

The Department of State (Department) proposes to amend §§ 161.1 and 163.1 (relating to schedule of fees; and applicability of general rules), add § 161.2 (relating to notary public fee schedule), rescind § 165.1 (relating to lesser offenses incompatible with the duties of a notary public—statement of policy) and add Chapter 167 (relating to notaries public) to read as set forth in Annex A. This proposed rulemaking implements 57 Pa.C.S. Chapter 3 (relating to Revised Uniform Law on Notarial Acts) (act).

Statutory Authority

Proposed § 161.2 and Chapter 167 are authorized under section 327(a) of the act (relating to regulations), which authorizes the Department to promulgate regulations to implement the act, and section 329.1(a) of the act (relating to fees of notaries public), which states that the fees of notaries public shall be fixed by the Department by regulation. The amendments to §§ 161.1 and 163.1 are authorized under section 506 of The Administrative Code of 1929 (71 P.S. § 186), which states that the heads of administrative departments are empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, the conduct of their employees and clerks, the distribution and performance of their business, and the custody, use and preservation of the records, books, documents, and property pertaining thereto. Furthermore, section 802(b) of The Administrative Code of 1929 (71 P.S. § 272(b)) grants the Department the power and the duty “to furnish to any person, upon request and the payment of such charges as may be required and fixed by law, certificates of matters of public record in the department, or certified copies of public papers or documents on file therein.” Concurrently, the Department is authorized under section 3 of The Administrative Code of 1929 (71 P.S. § 282) to adopt rules and regulations pertaining to its powers and duties under The Administrative Code of 1929.

Effective Date

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

Background and Need for Amendments

The act of October 9, 2013 (P.L. 609, No. 73) (Act 73) adopted the act which, when it became fully effective on October 26, 2017, completely replaced the former Notary Public Law and Uniform Acknowledgment Act with modern language and best practices.

Under section 5 of Act 73, immediately effective on October 9, 2013, was the Department’s authority to promulgate regulations to implement the act, the Department’s authority to approve basic and continuing notary education courses, and the Department’s authority to fix the fees of notaries public by regulation. The Department also needed to have an examination in place for first-time applicants and those applicants with expired commissions, as required under the act. A contract for development, administration and maintenance of the exam was awarded in June 2016, with a requirement that the

notary public examination be available in summer 2017. The Department issued a call for new notary education courses on September 13, 2016, and began the process of reviewing and approving notary education which is act-compliant. The Department published notice at 47 Pa.B. 2518 (April 29, 2017) that it had approved notary education courses and that the remainder of the act would take effect on October 26, 2017, 180 days after publication of the notice.

At the same time, the Department deemed it necessary to adopt comprehensive regulations to implement the act. Under Executive Order 1996-1, the Department sought comments and suggestions on a draft rulemaking released for public comment on December 16, 2014. Written comments were received from 21 commentators. The Department reviewed those comments and made revisions to the draft rulemaking.

Description of Proposed Amendments

Overview

The Department’s Bureau of Commissions, Elections and Legislation (Bureau) is responsible for the appointing and commissioning of notaries public. This proposed rulemaking amends existing regulations regarding Bureau and notary fees. Proposed Chapter 167 includes ten subchapters pertaining to notary public qualifications, practice and procedure, and discipline complement, and further clarifies the requirements of the act. There are approximately 86,000 commissioned notaries in this Commonwealth who will be affected by the act and this proposed rulemaking. This proposed rulemaking parallels the statute—they do not broaden the scope of the act, instead reflect current practices and mandate currently-optional best practices. When appropriate, the Department incorporated into this proposed rulemaking the details and explanations provided by the Uniform Law Commission’s comments to the act text, dated November 15, 2010. This proposed rulemaking serves to preserve the uniformity of the Revised Uniform Law on Notarial Acts (and its predecessor the Uniform Law on Notarial Acts) as enacted by 19 states to date.

Fees

The Department is proposing to amend the existing regulation on schedule of fees regarding commissions. The authority for proposing to amend Chapter 161 (relating to fees) is varied and is explained under Statutory Authority.

The proposed amendments to Chapter 161 delete Bureau bond fees which are no longer collected under 16 Pa.C.S. §§ 1121—1133 (relating to County Officer and Employee Fiscal Security Act), but were previously authorized by section 809 of The Administrative Code of 1929 (71 P.S. § 279). Section 809 of The Administrative Code of 1929 requires the Department to file bonds of county officers in addition to issuing commissions to those county elected officials. Section 1131(b)(3) of 16 Pa.C.S. (relating to custody and filing of required security documents) mandates that, after filing a copy of the recorded fiscal security documents with the Department, no tax, fee or other charge shall be imposed as a result of the issuance of the commissions to elected county officials. Since the enactment of 16 Pa.C.S. §§ 1121—1133, the Department has not charged the enumerated fees for the issuance of commissions specified under § 161.1 and is proposing to delete these fees, as part of the overhaul of Subpart C (relating to commissions and notaries public).

The proposed amendments to Chapter 161 also codify existing Bureau policies for duplicate commissions, blank bonds, copying and authentication of documents or matters of public record. New fees are proposed for lists of notaries public, data requests and preapproval of notary public education courses. List and data requests are frequently made by companies seeking to contact notaries for commercial purposes. The generation of these lists involves Bureau and information technology staff time to generate. The fee for preapproval of notary public courses is based on the estimated Bureau and legal staff time to review and approve the 3-hour education courses.

The fees that may be charged by notaries public are fixed by the Department and in proposed § 161.2. A fee for “witnessing or attesting a signature” (a new notarial act per the act) is proposed, while “taking depositions, per page” is proposed to be deleted. The act does not contain “taking depositions” as a distinct notarial act, but it does include “certifying or attesting a copy or deposition” as a notarial act. As notarial officers authorized to administer oaths or affirmation, notaries public may continue to take depositions and charge for administering the oath and latter certifying or attesting the deposition. Nothing in these regulations or the act precludes a notary from charging for his services in taking depositions.

The remaining existing maximum permissible fees which may be charged by notaries public are included in proposed § 161.2. Three commentators, all companies or associations representing approximately 40,300 notaries, requested that notary fees be doubled from \$5 to \$10. The Department declines to raise the fees that notaries may charge at this time. The Department acknowledges that notary fees were set at \$2 in 1984 and were last raised to \$5 on May 28, 2005. The Department also acknowledges that the act will impose additional costs on some notaries—an examination cost for first-time notary applicants and continuing education costs for those notaries who were “grandfathered in” by the Pennsylvania Supreme Court ruling in *Tritt v. Cortés*, 578 Pa. 317 (2004) and not obligated to comply with the education requirement imposed by 2002 amendments to the former Notary Public Law. Notary operating expenses, such as the option for professional liability insurance (errors and omissions), have also increased over the past 10 years.

Clearly, notaries perform valuable services preventing fraud and forgery and providing confidence that a signature is authentic and was made voluntarily. However, the Consumer Price Index does not justify a doubling of fees at this time. Raising notary fees to \$10 would make notary fees in this Commonwealth higher than those of surrounding states. According to the National Association of Secretaries of State as of April 2016, the states surrounding this Commonwealth (Delaware, Maryland, New Jersey, New York, Ohio, West Virginia and Washington, DC) cap fees at levels between \$2 and \$5 per notarial act for most transactions. Eight states (California, Colorado, Florida, Michigan, New Hampshire, Oregon, South Dakota and Washington) permit fees up to \$10 for at least some notarial acts. Six states (Alaska, Iowa, Kansas, Louisiana, Massachusetts and Tennessee) do not have a specific cap on permissible fees. Other states specify various caps ranging from 50¢ to \$10. Finally, while there are organized notary associations coordinating the request to raise fees, there is not an organized group representing the users of notary services to request lower or unchanged fees.

Lastly, proposed § 161.2 also codifies several longstanding but unwritten policies as to receipts and display of fees by notaries public.

§ 163.1. *Applicability of general rules*

The name of Bureau is proposed to be corrected to make it clear that the provisions of the general rules of administrative practice and procedure apply to the activities of the Department pertaining to commissions and notaries public.

Chapter 165. Notaries public

§ 165.1. *Lesser offenses incompatible with the duties of a notary public—statement of policy*

The statement of policy in § 165.1 is proposed to be rescinded. The text is included in proposed § 167.111 (relating to offenses involving fraud, dishonesty or deceit).

Subchapter A. General provisions

The scope of Chapter 167 is stated in § 167.1 (relating to scope) and terms used in Chapter 167 are defined in § 167.2 (relating to definitions). The definition of “address” is specified to include street and number because a post office box is not a sufficient address for Department records.

Subchapter B. Qualifications for appointment and commission

This proposed subchapter clarifies the eligibility for appointment and commission as a notary public stated in section 321 of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit) in proposed §§ 167.11—167.13 (relating to eligibility for appointment and commission—applicants not residing in this Commonwealth; eligibility for appointment and commission—applicants holding state and Federal office; and eligibility for appointment and commission—deemed resignation). The existing procedures for appointment and commission remain the same under the act, with the addition of the examination, and are in proposed §§ 167.14—167.18. Proposed § 167.15 (relating to notary public examination) sets forth details on the examination required under section 322(a) of the act (relating to examination, basic education and continuing education) for first-time applicants and those notaries who previously held a commission but whose commission has since expired. This section establishes the rules for passing scores and retaking the examination, which will be administered by the Department’s examination vendor PearsonVUE. Computer-based testing will be available widely throughout this Commonwealth. PearsonVUE has made available 80 testing sites across this Commonwealth in 44 counties.

Subchapter C. Official stamp, stamping device and embosser

Proposed § 167.21 (relating to official stamp) sets forth the requirements for the appearance of the former notary seal, now known as the official stamp under the act. The section adds the notary commission identification number to the stamp, which will enable the public to distinguish between notaries when there is a common name and large county (for example, John Smith, Philadelphia County). This section also sets forth a visual example of the required stamp and a transitional provision permitting a notary public who holds a current commission to continue to use the notary’s existing seal until the expiration of the notary’s current commission.

Proposed § 167.22 (relating to stamping device) sets forth the requirements for use, security and reporting of loss of the stamping device used to make the official stamp. Existing policy on embosser is continued in proposed § 167.23 (relating to embosser).

Subchapter D. Journal

Sections 167.31—167.36 implement the requirements in section 319 of the act (relating to journal) for the notary journal (formerly called a register). Proposed § 167.31 (relating to identification of notary public in journal) requires the attribution of the notary in each journal. Proposed § 167.32 (relating to journal entries) clarifies section 319(c) of the act. The definition of “personal financial or identification information” is modeled after the definition of “personal information” in section 2 of the Breach of Personal Information Notification Act (73 P.S. § 2302). Proposed § 167.32 also sets forth a transitional provision permitting a notary public who holds a current commission to continue to use the notary’s existing or current journal until the expiration of the notary’s current commission.

Proposed §§ 167.33 and 167.34 (relating to form and content of journal maintained on a tangible medium; and form and content of an electronic notarial journal) specify the form and content of journals maintained on a tangible medium (typically paper) or electronically, respectively. Proposed § 167.35 (relating to custody and control of journal; notification of lost or stolen journal) details the process a notary shall follow in reporting the loss or theft of a journal. Proposed § 167.36 (relating to inspection and certified copies of journal; response to subpoenas and investigative requests) codifies existing policy as to requests for a copy of a notary’s journal.

Subchapter E. Standards of practice

This proposed subchapter sets forth the standards of practice for notaries public, most of which have been the best practices recommended by the Department for years. Proposed § 167.41 (relating to name of notary public) details the format of the name under which a notary public may be commissioned. Name change and other notification procedures are also the same and included in proposed §§ 167.42 and 167.43 (relating to notification of change in information; and change of name). Proposed § 167.44 (relating to authority of notary public to perform notarial act) states the authority of the notary to perform acts only inside this Commonwealth, unless authorized by another jurisdiction to perform notarial act. Proposed § 167.45 (relating to conflict of interest) further explains the prohibition in section 304(b) of the act (relating to authority to perform notarial act) that a notary public may not perform a notarial act with respect to a record in which the notary public or the notary’s spouse has a direct or pecuniary interest. Proposed § 167.46 (relating to duty of candor) codifies a duty of candor to the Department.

Proposed § 167.47 (relating to personal appearance) clarifies that personal appearance before the notary public, as required under section 306 of the act (relating to personal appearance required), requires physical presence before the notary public and does not include what is often referred to as “remote notarization” or “distance notarization.” Proposed §§ 167.48 and 167.49 (relating to identification of individual appearing before notary public—personal knowledge; and identification of individual appearing before notary public—satisfactory evidence) address the concepts of “personal knowledge” and “satisfactory evidence.” Both are terms from former law, but section 307(b) of the act (relating to identification of individual) applies a more stringent standard as to the documents that may be used by a notary for “satisfactory evidence” of identity of an individual appearing before a notary. The proposed regulations describe what specific documentation may be used.

Proposed § 167.50 (relating to language and use of interpreter) describes the permissible use of an interpreter and dealing with documents in other languages. Proposed § 167.51 (relating to refusal to perform notarial acts) clarifies the general authority to refuse to perform notarial acts provided in section 308(b) of the act (relating to authority to refuse to perform notarial act) to make clear that notaries may not refuse to perform notarial acts on a discriminatory basis. Proposed § 167.52 (relating to notarizing documents which contain blank spaces) continues the best practice prohibition on notarizing documents which contain blank spaces. Proposed § 167.53 (relating to employer-employee relationship) clarifies the employer-employee relationship contemplated in sections 319(h) and 329.1(d) of the act in relation to a notary commission and notary services provided in the context of an employment relationship.

Subchapter F. Notarial acts

This proposed subchapter details the requirements for performing each of the six notarial acts defined by the act (acknowledgements, oaths and affirmations, verifications on oath or affirmation, witnessing or attestation of signatures, certified or attested copies and depositions, and protests of negotiable instruments). Proposed § 167.65 (relating to certified or attested copies and depositions) is based on the Uniform Law Commission’s comments in the act regarding certified copies. It also states the Department’s policy on issuing authentications, which is to prefer to certify copies of documents officially certified by the custodian of the archive when available, as these certifications are official evidence of the state of the public archive or collection, and they may be better evidence of the original record than a copy certified by a notary public. Proposed § 167.66 (relating to protests of negotiable instruments) is based on 13 Pa.C.S § 3505(b) (relating to evidence of dishonor).

Subchapter G. Notarial certificates

While section 316 of the act (relating to short form certificates) sets forth the language for short form certificates, proposed § 167.71 (relating to certificate of notarial act) further clarifies rules pertaining to certificates.

Subchapter H. Use of electronic notarization

Proposed §§ 167.81 and 167.82 (relating to notification regarding use of electronic notarization; and electronic notarization requirements) retain the current process for obtaining authorization as an “electronic notary” or “e-notary” prior to performing notarial acts with respect to electronic records.

Subchapter I. Notary public education

This proposed subchapter sets forth the procedures the Department will use in the approving notary education courses of study required under section 322(b) and (c) of the act for notaries. This is essentially a codification of the approval process used under former law. All education providers shall obtain approval, evidenced by a certificate of approval, from the Department for each course offered prior to offering the class to notaries public. This subchapter also provides for providers to issue certificates of education to attendees and to maintain a list of attendees for 5 years. This subchapter also includes provisions governing situations in which a course is cancelled or delayed, a provider’s certificate of approval is terminated, or a provider cancels its certificate of approval.

Subchapter J. Prohibited acts and sanctions

Proposed § 167.111 and proposed § 167.112 (relating to rebuttable presumption against appointment) clarify

which crimes or offenses are considered to involve fraud, dishonesty or deceit under section 323 of the act (relating to sanctions). This construct is patterned after the statement of policy in § 165.1. An individual who has been convicted of, pled guilty or nolo contendere, has been found not guilty due to insanity, found guilty but mentally ill or accepted Accelerated Rehabilitative Disposition for any felony offense or any misdemeanor offense involving fraud, dishonesty or deceit may rebut the presumption of ineligibility for appointment by providing evidence of rehabilitation. Evidence could include references, participation in civic, charitable and religious organizations, and the absence of further convictions.

Proposed § 167.113 (relating to reporting of crimes, disciplinary action and other matters) requires that notaries who are convicted of crimes, disciplined by another notary commissioning authority, found guilty of unauthorized practice of law, or have been found guilty or admitted liability in any criminal, civil or administrative proceeding shall notify the Department within 30 days of the conclusion of that event. Because the Department is authorized to discipline notaries for these actions, it is imperative that the Department receive these reports in a timely manner and not only when notaries renew their commissions every 4 years.

Proposed § 167.114 (relating to conduct providing the basis for disciplinary action) specifies actions which may provide the basis for disciplinary action of a notary commission. This list is meant to be provide examples and not to be exhaustive. Proposed § 167.115 (relating to factors considered in disciplinary action) incorporates existing practice as to the factors the Department considers when determining whether to deny an application or take disciplinary action against a notary public. Proposed § 167.116 (relating to unauthorized practice of law) states the factors that the Department will rely upon in a determination that a notary public has engaged in the unauthorized practice of law. Proposed § 167.117 (relating to advertising) sets forth the definition of “prominently” pertaining to advertising as used in section 325(d) of the act (relating to prohibited acts).

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will have some adverse fiscal impact on the Department and the Bureau. The Bureau will incur additional costs in implementing this proposed rulemaking, largely for enhancements and changes to the notary public database, staff and legal time in writing the regulations and altering all forms, materials and the web site. The Bureau will need to communicate the statutory and regulatory changes to notaries public, other notarial officers and notary education providers. Additionally, due to the statutory changes, the 17 formerly-approved notary education providers are required to overhaul their notary education courses, develop and submit new curricula, each of which must be approved by the Department prior to being offered to notaries. Twelve new act-compliant basic education courses have been approved to date. To comply with the examination required under the act, the Department had to establish a psychometrically sound and legally defensible notary public examination. However, the actual process of appointing and commissioning notaries public changes little under the act.

This proposed rulemaking will have little adverse fiscal impact on the Commonwealth or its political subdivisions. There will not be additional paperwork requirements upon the Commonwealth or the counties, because the actual process of appointing and commissioning notaries public changes little under the act. County recorders of

deeds offices remain instrumental in recording the bond, oath and commission of each notary, while the prothonotary’s office remains the site where each notary registers an official signature.

This proposed rulemaking will have minimal adverse fiscal impact on currently-commissioned notaries public, most of whom already comply with education requirements. Since July 1, 2003, Pennsylvania notaries have been required under law to complete 3 hours of education with each 4-year appointment. Those who had active commissions on July 1, 2003, were subsequently exempted from the education by a court decision. Those notaries who are currently “grandfathered” and excluded from notary education make up about 20%—30% of the current notary population. Since the remainder of the act went into effect on October 26, 2017, all notaries are required to complete 3 hours of notary education every 4 years, at an estimated cost of \$39—\$99 per course. The new examination requirement imposed by the act will predominantly affect the approximately 6,700 persons that are newly commissioned as notaries public each year. The cost of the exam, which is set by PearsonVUE, the professional testing organization under contract with the Department to develop and administer the test, will be \$65. The transitional provisions regarding procurement of the official stamp and the notary journal will not require a currently-commissioned notary to procure a new stamping device or journal until his next commission.

Sunset Date

The Secretary of the Commonwealth and the Department monitor the regulations of the Bureau on a continuing basis. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 22, 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 Senate State Government Committee and the House State Government 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.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Martha H. Brown, Assistant Counsel, Department of State, Office of Chief Counsel, 401 North Street, Room 306, Harrisburg, PA 17120 within 60 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16-59 (Revised Uniform Law on Notarial Acts) when submitting comments.

ROBERT TORRES,
Acting Secretary

Fiscal Note: 16-59. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART VIII. BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION

Subpart C. COMMISSIONS AND NOTARIES PUBLIC

CHAPTER 161. FEES

§ 161.1. Schedule of fees.

[The Bureau of Commissions fee schedule shall conform with the following table:

<i>Description</i>	<i>Fees (in dollars)</i>
COMMISSIONS	
Commissioner of Deeds	\$25
Notary Public Commission	\$25
Railroad Police or Institutional Police Commission	\$5
Notice of Election of Sheriff (called Sheriff's Writ)	\$5
Treasures Commission	\$5
District Justices	\$3
Register of Wills Bond	\$2
Recorder of Deeds Bond	\$2
CERTIFICATES	
Great Seal Certificate	\$10
Certificate requiring Secretary's Seal	\$7
MISCELLANEOUS	
Writs including Great Seal	\$5
Filing Bond for any Public Office	\$2
Filing Recognizance for any Public Office	\$2
Photocopies	\$1
Department of State may charge equivalent fees for any service not specified.	
NOTARY PUBLIC FEE SCHEDULE	
Executing affidavits (no matter how many signatures)	\$5
Executing acknowledgments	\$5
In executing acknowledgments each additional name	\$2
Executing certificates (per certified copy)	\$5
Administering oaths (per individual taking an oath)	\$5
Taking depositions, per page	\$3
Executing verifications	\$5
Executing protests, per page	\$3]

(a) The fees of the Bureau of Commissions, Elections and Legislation (Bureau) relating to commissions and notaries public, including fees for the public acts and transactions of the Secretary of the Commonwealth and the Department of State administered through the Bureau, are as follows:

Description

COMMISSIONS

Duplicate copy of commission \$15

Duplicate copy of blank bond \$3

CERTIFICATES

For certifying copies of any public papers or documents on file with the Bureau, the copy fee (if the Bureau furnished the copy), plus \$15

For certifying matters of public record with the Bureau (including no record), the copy fee (if the Bureau furnished the copy), plus \$15

MISCELLANEOUS

Photocopies (per page) \$1

Master list of notaries public \$50

Master list of notaries public approved to electronically notarize \$50

Other notary public-related lists and data requests \$25

Approval of notary public education course.. \$700

Approval of revised lesson plan or re-approval of notary public education course..... \$200

(b) The Bureau may charge equivalent fees for any service not specified.

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

§ 161.2. Notary public fee schedule.

(a) The fees of notaries public as fixed by the Department of State under section 329.1 of the act (relating to fees of notaries public) for the notarial acts authorized under 57 Pa.C.S. Chapter 3 (relating to Revised Uniform Law on Notarial Acts) (act) are:

- Taking acknowledgment..... \$5
Taking acknowledgment (each additional name) \$2
Administering oath or affirmation (per individual taking oath or affirmation) \$5
Taking verification on oath or affirmation (no matter how many signatures)..... \$5
Witnessing or attesting a signature (per signature) . \$5
Certifying or attesting a copy or deposition (per certified copy)..... \$5
Noting a protest of a negotiable instrument (per page)..... \$3

(b) A notary public shall provide an itemized receipt for all fees charged by the notary.

(c) A notary public may not charge any fee under subsection (a) for notarizing the supporting affidavit required in an Emergency Absentee Ballot or the affidavit of a person needing assistance to vote an absentee ballot.

(d) A notary public may not charge a fee under subsection (a) when other applicable law dictates that no fee may be charged. For example, see 51 Pa.C.S. § 9101 (relating to acknowledgments and administering oaths without charge).

(e) A notary public shall display or provide fees in accordance with section 329.1(c)(3) of the act. For purposes of display of fees, a place of business is the notary public's business office, residence or any other location where the notary public performs a notarial act.

CHAPTER 163. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

§ 163.1. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), are applicable to the activities of and proceedings before the [Commission Bureau] Department of State relating to commissions and notaries public.

CHAPTER 165. [NOTARIES PUBLIC] (Reserved)

§ 165.1. [Lesser offenses incompatible with the duties of a notary public—statement of policy.] (Reserved).

[(a) The Secretary of the Commonwealth reviews applications for appointment to the office of notary public under section 5 of The Notary Public Law (Act) (57 P.S. § 151). Section 5(b)(1) of the act requires that the applicant may not have been convicted of or pled guilty or nolo contendere to a felony or a lesser offense incompatible with the duties of a notary public during the 5-year period preceding the date of the application.

(b) Misdemeanor crimes involving a lack of honesty or elements of falsehood and fraud (crimen

falsi) are considered incompatible with the duties of a notary public, regardless of the jurisdiction in which crimes were committed.

(c) Under Pennsylvania law, misdemeanors include, but are not limited to, the following:

(1) Forgery and fraudulent practices which includes bad checks, insurance fraud and identity theft. See 18 Pa.C.S. Chapter 41 (relating to forgery and fraudulent practices).

(2) Theft which includes receiving stolen property and retail theft. See 18 Pa.C.S. Chapter 39 (relating to theft and related offenses).

(3) Criminal conspiracy if the underlying crime is incompatible. See 18 Pa.C.S. § 903 (relating to criminal conspiracy).

(4) Bribery. See 18 Pa.C.S. § 4701 (relating to bribery in official and political matters).

(5) Perjury or falsification in official matter which includes false swearing, unsworn falsification to authorities and tampering with evidence. See 18 Pa.C.S. Chapter 49, Subchapter A (relating to perjury and falsification in official matters).

(6) Obstructing governmental operations. See 18 Pa.C.S. Chapter 51, Subchapter A (relating to definition of offenses generally).

(d) The Secretary will consider all similar crimes committed in the courts of the United States or any other state, territory, possession or country to be incompatible with the duties of a notary public.]

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

CHAPTER 167. NOTARIES PUBLIC

- Subchap. A. GENERAL PROVISIONS
B. QUALIFICATIONS FOR APPOINTMENT AND COMMISSION
C. OFFICIAL STAMP, STAMPING DEVICE AND EMBOSSE
D. JOURNAL
E. STANDARDS OF PRACTICE
F. NOTARIAL ACTS
G. NOTARIAL CERTIFICATES
H. USE OF ELECTRONIC NOTARIZATION
I. NOTARY PUBLIC EDUCATION
J. PROHIBITED ACTS AND SANCTIONS

Subchapter A. GENERAL PROVISIONS

- Sec. 167.1. Scope.
167.2. Definitions.

§ 167.1. Scope.

This chapter implements the act. This chapter governs the qualification, commissioning, notarial acts, conduct and discipline of notaries public in this Commonwealth.

§ 167.2. Definitions.

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

Act—57 Pa.C.S. Chapter 3 (relating to Revised Uniform Law on Notarial Acts).

Address—The term includes office and home, and must include street and number.

Applicant—An individual who seeks appointment or reappointment to the office of notary public.

Appoint or Appointment—The naming of an individual to the office of notary public after determination that the individual has complied with section 321(a) and (b) of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit) and Subchapter B (relating to qualifications for appointment and commission).

Appointee—An individual who has been appointed or reappointed to the office of notary public but who has not yet recorded the bond, oath of office and commission in compliance with section 321(d.2)(1) or (2) of the act.

Bureau—The Bureau of Commissions, Elections and Legislation of the Department or any successor bureau of the Department.

Department—The Department of State of the Commonwealth.

Examination—The examination described in § 167.15 (relating to notary public examination).

Reappoint or reappointment—The naming of an individual who previously held a commission as a notary public to the office of notary public after determination that the individual has complied with section 321(a) and (b) of the act and Subchapter B. The term includes “renewal of appointment.”

Spouse—An individual holding a marriage license issued or recognized under 23 Pa.C.S. §§ 1301—1310 (relating to marriage license) who is married to a notary public.

Tangible—Perceptible by touch when used in conjunction with “record,” “medium” or “symbol.”

Subchapter B. QUALIFICATIONS FOR APPOINTMENT AND COMMISSION

Sec.	
167.11.	Eligibility for appointment and commission—applicants not residing in this Commonwealth.
167.12.	Eligibility for appointment and commission—applicants holding state and Federal office.
167.13.	Eligibility for appointment and commission—deemed resignation.
167.14.	Application for appointment.
167.15.	Notary public examination.
167.16.	Appointment and issuance of commission.
167.17.	Appointment if bond, oath and commission not recorded within 45 days.
167.18.	Reappointment.

§ 167.11. Eligibility for appointment and commission—applicants not residing in this Commonwealth.

(a) If an applicant is not a resident of this Commonwealth, the applicant shall have a place of employment or practice in this Commonwealth.

(b) Employment or practice in this Commonwealth shall be on an ongoing basis.

(c) The Bureau may request that employment or practice in this Commonwealth be evidenced by written confirmation from the employer that a notary public commission is required for employment or practice.

§ 167.12. Eligibility for appointment and commission—applicants holding state and Federal office.

The disqualifications of section 1 of the act of May 15, 1874 (P.L. 186, No. 120) apply to individuals who are elected or appointed to any office under the legislative, executive or judiciary departments of the United States government. Individuals who are employed by the legislative, executive or judiciary departments of the United

States government, but who are neither elected nor appointed to office, are eligible for appointment and commission as a notary public.

§ 167.13. Eligibility for appointment and commission—deemed resignation.

If a notary public neither resides nor works in this Commonwealth, that notary public will be deemed to have resigned from the office of notary public as of the date the residency ceases or employment within this Commonwealth terminates. A notary public who resigns that notary public's commission in accordance with this section shall notify the Department in writing or electronically within 30 calendar days of the effective date of the resignation.

§ 167.14. Application for appointment.

(a) The first-time applicant shall submit evidence of successful completion of a basic education course with the application for appointment.

(b) The applicant for renewal of appointment shall submit evidence of successful completion of a continuing education course with the application for reappointment.

(c) Applications for appointment shall be typed or legibly written.

(d) The applicant's signature on the application must match the applicant's name as provided on the application. The applicant shall use a legible handwritten signature which can be attributed to the applicant by anyone examining or authenticating the signature. If an applicant's preferred signature is not legible, so that the name on the application cannot be discerned from the signature alone, the applicant shall also legibly print his name immediately adjacent to his preferred signature. For the purposes of this subsection, a signature is legible if the letters are distinct and easily readable and the notary public's full name may be determined by looking at the signature.

§ 167.15. Notary public examination.

(a) Under section 322(a) of the act (relating to examination, basic education and continuing education), an applicant for a commission as a notary public who does not hold a current commission in this Commonwealth shall pass an examination as a condition of appointment. An applicant who does not hold a current commission as a notary public includes an applicant who never held a commission as a notary public and an applicant who previously held a commission as a notary public but whose commission has since expired.

(b) The written examination prescribed by the Department to determine the fitness of an applicant to exercise the functions of the office of notary public is a proctored examination administered by the Department or an agent of the Department. The examination will be administered by a professional testing organization under contract with the Department at times, places and costs established by the professional testing organization, but in no case prior to submission of and approval by the Department of an application for appointment.

(c) Examination results will be valid for a period of 1 year from the date of the examination.

(d) An applicant shall attain a scaled score of 75 to pass the examination.

(e) An applicant may retake the examination within a 6-month period as many times as necessary to pass. The

maximum frequency with which the examination may be repeated is one time per 24-hour period.

(f) More information about the examination is available on the Department's web site at [www.dos.pa.gov/Other Services/Notaries](http://www.dos.pa.gov/Other_Services/Notaries).

§ 167.16. Appointment and issuance of commission.

(a) Upon determination that an applicant has complied with all requirements of the act and this chapter, the Department will appoint or reappoint the applicant to the office of notary public and issue a commission certificate.

(b) The Department will send the commission certificate to the recorder of deeds of the county where the appointee maintains an office.

(c) The Department will send the appointee notice that:

(1) The commission certificate has been issued and sent to the proper recorder of deeds.

(2) The appointee shall obtain a bond without delay.

(3) The appointee shall appear within 45 calendar days of the date of appointment to take the oath of office before the recorder of deeds in the proper county and record the bond, oath and commission in the office of the recorder of deeds.

(4) The appointee shall register his official signature in the proper county and office within 45 calendar days of the date of appointment in accordance with section 321(d.1) of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit).

(d) Before taking the oath of office or registering an official signature, an appointee shall present satisfactory evidence of the appointee's identity as set forth in section 307(b) of the act (relating to identification of individual).

(e) After administering the oath of office, the recorder of deeds shall deliver the commission certificate to the notary public.

§ 167.17. Appointment if bond, oath and commission not recorded within 45 days.

(a) The commission of a notary public who fails to record the bond, oath and commission or register his official signature within 45 calendar days of appointment will be null and void.

(b) An appointee who fails to record the bond, oath and commission within 45 calendar days of appointment may apply for appointment or reappointment as set forth in subsection (c).

(c) The appointee shall do all of the following:

(1) Submit a new application for appointment or reappointment.

(2) Submit another application fee.

(3) Submit evidence of completion of education in compliance with § 167.14(a) or (b) (relating to application for appointment). The certificate of education must be valid at the time of application.

(4) Comply with § 167.15 (relating to notary public examination). Examination results must be valid at the time of application.

§ 167.18. Reappointment.

Applications for reappointment to the office of notary public must be filed at least 60 calendar days prior to the expiration of the commission under which the notary public is acting.

Subchapter C. OFFICIAL STAMP, STAMPING DEVICE AND EMBOSSE

- Sec. 167.21. Official stamp.
- 167.22. Stamping device.
- 167.23. Embosser.

§ 167.21. Official stamp.

(a) The official stamp of a notary public must show all of the following clearly in the following order:

(1) The words "Commonwealth of Pennsylvania—Notary Seal."

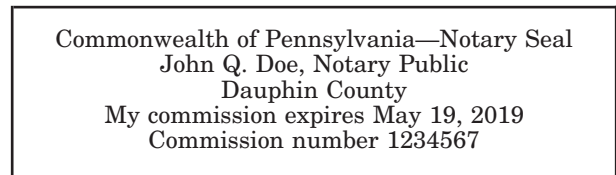
(2) The name as it appears on the commission of the notary public and the words "Notary Public."

(3) The name of the county in which the notary public maintains an office.

(4) The date the notary public's current commission expires.

(5) The seven-digit commission identification number assigned by the Department.

Example of stamp:



(b) Words or terms on the official stamp may not be abbreviated, except for name suffixes as specified in § 167.41(d) (relating to name of notary public).

(c) The official stamp must be stamped or affixed to the notarial certificate near the notary public's signature or attached to or logically associated with an electronic record containing the notary public's signature.

(d) A notary public may not place an imprint of the notary public's official stamp over any signature in a record to be notarized or over any writing in a notarial certificate.

(e) A notary public may not alter or deface the official stamp.

(f) A notary public may not use the notary public's official stamp for any purpose other than to perform a notarial act.

(g) A notary public may not permit any other person to use the notary public's official stamp for any purpose.

(h) A notary public may not use any other notary public's official stamp instead of the notary public's own official stamp to perform a notarial act.

(i) A notary public who holds a commission on _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), may continue to use his official stamp until the expiration

of that commission, which may occur after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.).

§ 167.22. Stamping device.

(a) A stamping device, as used in sections 302 and 318 of the act (relating to definitions; and stamping device), does not include a noninking embosser or crimper.

(b) A stamping device must be capable of affixing or logically associating the official stamp so that the record to which the official stamp is affixed or associated may be copied, filmed, scanned or otherwise legibly reproduced.

(c) The stamping device is the exclusive property of the notary public. The notary public shall maintain custody and control of the stamping device at all times during the duration of the notary public's commission. When not in use, the stamping device must be kept in a secure location and accessible only to the notary public. A secure location includes in the notary public's sole possession or in a locked location to which only the notary public has access.

(d) Notification of loss or theft of stamping device under section 318(b) of the act shall be made in writing or electronically to the Department within 10 calendar days after the date the notary public or personal representative or guardian discovers that the stamping device was lost or stolen. The notification must include all of the following:

(1) A statement of whether the stamping device is lost or stolen.

(2) An explanation of how the stamping device became lost or stolen.

(3) The date the notary public discovered that the stamping device was lost or stolen.

(4) A statement that the notary public does not possess the stamping device and does not know who possesses it or where it is located.

(5) A statement that if the notary public subsequently reacquires possession of the stamping device, the notary public shall file a written statement with the Department within 10 calendar days after the date the notary public reacquires possession of the lost or stolen stamping device.

(e) If a notary public subsequently reacquires possession of a lost or stolen stamping device, the notary public shall file with the Department a written statement of explanation of how the stamping device was recovered within 10 calendar days after the date the notary public reacquires possession of the stamping device.

(f) An individual whose notary public commission has been suspended or revoked shall deliver the stamping device to the Department within 10 calendar days after notice of the suspension or revocation from the Department.

§ 167.23. Embosser.

(a) A notary public may use an embossed or crimped image in the performance of a notarial act and only in conjunction with the use of an official stamp.

(b) A notary public may not place the embossing or crimping over any signature or printed material in a record to be notarized or over any signature or printed material in a notarial certificate.

Subchapter D. JOURNAL

Sec.	
167.31.	Identification of notary public in journal.
167.32.	Journal entries.
167.33.	Form and content of journal maintained on a tangible medium.
167.34.	Form and content of an electronic notarial journal.
167.35.	Custody and control of journal; notification of lost or stolen journal.
167.36.	Inspection and certified copies of journal; response to subpoenas and investigative requests.

§ 167.31. Identification of notary public in journal.

(a) Each journal of a notary public, whether maintained on a tangible medium or in an electronic format, must contain all of the following information in any order:

(1) The name of the notary public as it appears on the commission.

(2) The notary public's commission number.

(3) The notary public's commission expiration date.

(4) The notary public's office address of record with the Department.

(5) A statement that, in the event of the death of the notary public, the journal shall be delivered or mailed to the office of the recorder of deeds in the county where the notary public last maintained an office.

(6) The meaning of any not commonly abbreviated word or symbol used in recording a notarial act in the notarial journal.

(7) The signature of the notary public.

(b) If a notary public's name, commission expiration date or address changes before the notary public ceases to use the notarial journal, the notary public shall add the new information after the old information and the date which the information changed.

§ 167.32. Journal entries.

(a) *Separate entries.* Each notarial act must be indicated as a separate entry in the journal.

(b) *Optional entries.* In addition to the entries required under section 319(c) of the act (relating to journal), a journal may contain the signature of the individual for whom the notarial act is performed and any additional information about a specific transaction that might assist the notary public to recall the transaction.

(c) *Prohibited entries.* A journal may not contain any personal financial or identification information about the notary public's clients, such as complete Social Security numbers, complete drivers' license numbers or complete account numbers. Terminal numbers for these types of numbers, including the last four digits of a Social Security number, may be used to clarify which individual or account was involved.

(d) *Fees.* Each notarial fee charged should correspond to the notarial act performed. If a fee is waived or not charged, the notary public shall indicate this fact in the journal entry using notations such as "n/c," "0" (zero) or "—" (dash). Clerical and administrative fees, if charged, shall be separately itemized in the journal.

(e) *Address.* For purpose of journal entries, address means the city and state only.

(f) *Personal financial or identification information.* For the purpose of subsection (c), "personal financial or identification information" means:

(1) An individual's first name or first initial and last name in combination with and linked to any one or more of the following data elements when the data elements are not encrypted or redacted:

- (i) Social Security number.
- (ii) Driver's license number or a State identification card number issued instead of a driver's license.
- (iii) Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account.

(2) The term does not include publicly available information that is lawfully made available to the general public from Federal, State or local government records.

(g) *Transitional provision.* A notary public who holds a commission on _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), may continue to use the notary public's journal until the expiration of that commission, which may occur after _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*).

§ 167.33. Form and content of journal maintained on a tangible medium.

(a) A journal maintained on paper or on any other tangible medium may be in any form that meets the physical requirements in this section and the entry requirements in section 319(c) of the act (relating to journal).

(b) The cover and pages inside the cover must be bound together by any binding method that is designed to prevent the insertion, removal or substitution of the cover or a page. This includes glue, staples, grommets or another binding, but does not include the use of tape, paperclips or binder clips.

(c) Each page must be consecutively numbered from the beginning to the end of the journal. If a journal provides two pages on which to record the required information about the same notarial act, both pages may be numbered with the same number or each page may be numbered with a different number. A page number must be preprinted.

(d) Each line, or entry if the journal is designed with numbered entry blocks, must be consecutively numbered from the beginning to the end of the page. If a line extends across two pages, the line must be numbered with the same number on both pages. A line or entry number must be preprinted.

§ 167.34. Form and content of an electronic notarial journal.

(a) A journal maintained in electronic format may be in any form that meets the requirements in this section and the entry requirements in section 319(c) of the act (relating to journal).

(b) A journal maintained in electronic format must be designed to prevent the insertion, removal or substitution of an entry.

(c) A journal maintained in electronic format must be securely stored and recoverable in the event of a hardware or software malfunction.

(d) Entries from the notarial journal must be available upon request by the Department in a PDF format.

(e) If a signature of a signer is in an electronic notarial journal, the signature must be:

- (1) Attached to or logically associated with the electronic journal.
- (2) Linked to the data in a manner so that any subsequent alterations to the electronic notarial journal entry are detectable and may invalidate the electronic notarial journal entry.

(f) A journal maintained in electronic format which is delivered to the office of the recorder of deeds in compliance with section 319(e) of the act must be delivered in a format prescribed by the receiving recorder of deeds.

§ 167.35. Custody and control of journal; notification of lost or stolen journal.

(a) The notary public shall maintain custody and control of the journal at all times during the duration of the notary public's commission. When not in use, the journal must be kept in a secure location and accessible only to the notary public. A secure location includes in the notary public's sole possession or in a locked location to which only the notary public has access.

(b) Notification of loss or theft of journal under section 319(d) of the act (relating to journal) must be made in writing or electronically within 10 calendar days after the date the notary public or personal representative or guardian discovers the loss or theft of a journal. For the purpose of this section, the term "loss" includes journals that are misplaced, destroyed or otherwise made unavailable. The notification must include all of the following:

- (1) A statement of whether the journal is lost or stolen.
- (2) An explanation of how the journal became lost or stolen.
- (3) The date the notary public discovered that the journal was lost or stolen.
- (4) A statement that the notary public does not possess the journal and does not know who possesses it or where it is located.

(5) A statement that if the notary public subsequently reacquires possession of the journal, the notary public shall file a written statement with the Department within 10 calendar days after the date the notary public reacquires possession of the lost or stolen journal.

(c) If a notary public subsequently reacquires possession of a lost or stolen journal, the notary public shall file with the Department a written statement of explanation of how the journal was recovered within 10 calendar days after the date the notary public reacquires possession of the journal.

§ 167.36. Inspection and certified copies of journal; response to subpoenas and investigative requests.

(a) *Inspection.* The notary public shall permit inspection of the journal to any person requesting to view the journal.

(b) *Certified copies.* A request for certified copies of the journal made in accordance with section 319(g.1) of the act (relating to journal) must be reasonable in scope and specify the particular entry or time period sought. A request may, but is not required to be, in writing. The notary public shall provide the certified copy within 10 calendar days of receipt of the request. If the scope of the request is not clear, the notary public may offer to have

the requester inspect the journal at the notary public's office to identify the specific pages or dates that the requester is seeking.

(c) *Subpoenas and investigative requests.* A request for inspection or certified copies of a journal made through an investigative request by law enforcement or by the Department or in a subpoena in the course of criminal or civil litigation shall be complied with in the manner specified in the request or subpoena.

Subchapter E. STANDARDS OF PRACTICE

Sec.	
167.41.	Name of notary public.
167.42.	Notification of change in information.
167.43.	Change of name.
167.44.	Authority of notary public to perform notarial act.
167.45.	Conflict of interest.
167.46.	Duty of candor.
167.47.	Personal appearance.
167.48.	Identification of individual appearing before notary public—personal knowledge.
167.49.	Identification of individual appearing before notary public—satisfactory evidence.
167.50.	Language and use of interpreter.
167.51.	Refusal to perform notarial acts.
167.52.	Notarizing documents which contain blank spaces.
167.53.	Employer-employee relationship.

§ 167.41. Name of notary public.

(a) Whenever the act and this chapter refer to the name of a notary public, the reference is to the legal name of the notary public as it appears on the notary public's current commission and oath of office.

(b) For the purposes of this chapter, the legal name on the notary public commission and oath of office must be proven by satisfactory evidence in accordance with section 307(b) of the act (relating to identification of individual). Unless proven otherwise, the name of a notary public consists of any one of the following:

(1) A first personal name (first name), additional name or initial (middle name or initial), and surname (family or last name).

(2) A first name and last name, omitting the middle name or middle initial.

(3) A first initial, middle name and last name.

(c) Neither initials alone nor nicknames will be accepted on the application or as part of the signature required on a notarial act.

(d) The name of a notary public may include suffixes such as Junior, Senior, II, III, IV or any abbreviations thereof. The name of a notary public may not include prefixes, suffixes or titles such as "Doctor," "Reverend," "Esquire" or any abbreviations thereof.

§ 167.42. Notification of change in information.

(a) A notary public shall notify the Department within 30 calendar days of any change in the information on file with the Department, including the notary public's:

(1) Legal name.

(2) Office address (includes place of employment or practice in this Commonwealth, if not a resident of this Commonwealth).

(3) Home address.

(4) Name of electronic notarization vendor.

(5) Voluntary resignation.

(b) The notice may be made in writing or electronically and must state the effective date of the change.

(c) Notice of a change in legal name on file with the Department must be on a form prescribed by the Department and accompanied by evidence of the name change (such as a marriage certificate, court order or divorce decree).

(d) Notice of a change in legal name on file with the Department shall also be made to the recorder of deeds of the county in which the notary public maintains an office.

§ 167.43. Change of name.

(a) When the legal name of a notary public is changed, the notary public may continue to perform official acts in the name in which he was commissioned until the expiration of his term.

(b) The Department will mark the public records relating to the notary public name change. Application for reappointment of the notary public shall be made in the new name.

§ 167.44. Authority of notary public to perform notarial act.

(a) A notary public may perform the notarial acts authorized by the act in any county in this Commonwealth.

(b) Notaries public may not perform the notarial acts authorized by the act outside the geographical borders of this Commonwealth or in other states or jurisdictions, unless authorized by the other state or jurisdiction to perform the acts.

§ 167.45. Conflict of interest.

(a) In accordance with section 304(b) of the act (relating to authority to perform notarial act), a direct or pecuniary interest includes an interest in the transaction or record that results in actual or potential gain or advantage, financial or otherwise, other than receiving a regular salary, hourly wage or notarial fees. Regular salary or wage includes bonuses, provided the bonus is not related to or contingent upon the completion of a notarial act.

(b) A notary public may not perform a notarial act with respect to a record that the notary public is signing. A notary public may perform a notarial act with respect to a record that the notary public's spouse is signing, only if the notary public and the notary public's spouse have no direct or pecuniary interest in the record.

§ 167.46. Duty of candor.

A notary public or an applicant for appointment and commission as a notary public has a duty of candor to the Department in all matters relating to the appointment and commission of the notary public and the performance of notarial acts, including an application for appointment or reappointment, and any request for information made by the Department.

§ 167.47. Personal appearance.

(a) To appear personally before a notary public under section 306 of the act (relating to personal appearance required) is to be physically present before the notary public when the notarial act is executed.

(b) The notary public shall be able to observe and interact with the individual making the statement or executing the signature.

(c) The notary public and the individual for whom a notarial act is being performed shall be able to see, hear, communicate with and give identification documents to

each other without the use of electronic devices such as telephones, computers, video cameras or facsimile machines.

(d) Personal appearance does not include all of the following:

(1) Appearance by video technology even if the video is live or synchronous.

(2) Appearance by audio technology.

§ 167.48. Identification of individual appearing before notary public—personal knowledge.

When a notary public has personal knowledge of the identity of an individual, satisfactory evidence is not required.

§ 167.49. Identification of individual appearing before notary public—satisfactory evidence.

(a) *General.*

(1) For the purposes of section 307(b)(1)(i) of the act (relating to identification of individual), a notary public may rely upon any of the following:

(i) A passport or passport card issued by the United States Department of State which is current and unexpired.

(ii) A passport issued by a foreign government, which is current and unexpired, provided it uses letters, characters and a language that are read, written and understood by the notary public.

(iii) A driver's license or nondriver identification card issued by a state of the United States, which is current and unexpired.

(iv) A driver's license or nondriver identification card issued by a state or territory of Canada or Mexico, which is current and unexpired, provided it uses letters, characters and a language that are read, written and understood by the notary public.

(2) For the purposes of section 307(b)(1)(ii) of the act, other forms of government identification must be current, contain the signature or photograph of the individual to be identified, and must be satisfactory to the notary public. When there is a date of issuance on the other form of government identification specified in paragraph (3), it must be a date prior to the notarial act.

(3) For the purposes of section 307(b)(1)(ii) of the act, other forms of government identification may include any of the following:

(i) An identification card issued by any branch of the United States armed forces.

(ii) An inmate identification card issued by the Department of Corrections for an inmate who is currently in the custody of the Department of Corrections.

(iii) An identification card issued by the United States Department of Homeland Security.

(iv) A Social Security card.

(v) A Medicare card.

(vi) A State or State-related university identification card.

(b) *Credible witness.*

(1) The identity of the individual appearing before the notary public may be established by the affidavit of a

single credible witness personally known to the notary public and who personally knows the document signer.

(2) A credible witness may not have a direct or pecuniary interest with respect to the record being notarized.

(3) The credible witness shall make a verification on oath or affirmation that the following is true:

(i) The individual appearing before the notary public is the person named in the document.

(ii) The credible witness personally knows the individual appearing before the notary public through dealings sufficient to provide the credible witness with reasonable certainty that the individual has the identity claimed.

§ 167.50. Language and use of interpreter.

(a) A notary public shall be able to communicate directly with the individual for whom a notarial act is being performed in a language they both understand or indirectly through an interpreter who is physically present with the signer and notary public at the time of the notarization and communicates directly with the individual and the notary public in a language the interpreter understands.

(b) The certificate of notarial act must be worded and completed using the English language. The certificate may be simultaneously worded and completed in another language that is read, written and understood by the notary public and must be immediately adjacent to the English-language certificate, but the English-language certificate will prevail in the event of any conflict between the translations.

(c) A notary public may perform a notarial act on a document that is a translation of a document that is in a language that the notary public does not understand only if the person performing the translation signs a verification on oath or affirmation stating that the translation is accurate and complete. The notarized translation and verification must be attached to the document and must comply with the act and this chapter regarding certificate of notarial act.

§ 167.51. Refusal to perform notarial acts.

A notary public may not refuse to provide notarial services on the basis of a customer's race, color, National origin, religion, sexual orientation, sex or gender (including pregnancy), gender identity or expression, disability or marital status.

§ 167.52. Notarizing documents which contain blank spaces.

(a) A notary public may not perform a notarial act with respect to a record which is designed to provide information within blank spaces, when either of the following circumstances exist:

(1) The missing information has not been entered into a blank space.

(2) The signature of an individual signing the record is not present, unless the individual is signing in the presence of the notary public.

(b) For the purpose of subsection (a)(1), missing information does not include:

(1) An empty space with "N/A" or a line drawn through it.

(2) Additional signature lines designated for additional signers, if it is clear that the notarial act does not apply to the blank signature lines.

(c) A notary public performing a notarial act on nomination petitions or nomination papers with remaining empty lines for signatures shall mark a line through those blank spaces for signatures, or an "X" across the blank spaces for signatures, to prevent the later addition of signatures after the notarization.

§ 167.53. Employer-employee relationship.

Notwithstanding that an individual who holds a notary commission is responsible for exercising the duties and responsibilities of the notary commission, an employer, under an agreement with an employee who is, or seeks to become, a notary public, may pay for the education, testing, application or bond and the cost of the official stamp or other supplies required in connection with the appointment, commission or performance of the duties of the notary public. The agreement may also provide for the remission of fees collected by the notary public to the employer, for the increased compensation of the notary public for the amount of notary public fees collected and for reimbursement of the costs of obtaining a commission should the employee or employer terminate the employment.

Subchapter F. NOTARIAL ACTS

Sec.

167.61.	Acknowledgments.
167.62.	Oaths and affirmations.
167.63.	Verifications on oath or affirmation.
167.64.	Witnessing or attestation of signatures.
167.65.	Certified or attested copies and depositions.
167.66.	Protests of negotiable instruments.

§ 167.61. Acknowledgments.

(a) The individual making the acknowledgment shall appear personally before the notary public.

(b) The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual making the acknowledgment.

(c) A record may be signed in the notary public's presence or a record may be signed prior to the acknowledgment. A record may not be signed subsequent to an acknowledgment.

(d) If the record is signed prior to appearance before the notary public, the individual making the acknowledgment shall acknowledge that the signature on the record is his own voluntary act.

(e) The notary public shall compare the signature on the record to the signature of the individual on the identification presented.

§ 167.62. Oaths and affirmations.

(a) The individual taking the oath or affirmation shall appear personally before the notary public.

(b) The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual taking the oath or affirmation.

(c) An oath or affirmation may be verbal or in writing. If in writing, the oath or affirmation shall be signed in the presence of the notary public.

(d) In administering an oath or affirmation, the notary public shall require the individual taking the oath or affirmation to voluntarily swear or affirm that the state-

ments contained in the oath or affirmation are true or that the individual will perform an act or duty faithfully and truthfully.

§ 167.63. Verifications on oath or affirmation.

(a) The individual making the verification on oath or affirmation shall appear personally before the notary public.

(b) The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual making the verification on oath or affirmation.

(c) A record containing a statement that is being verified on oath or affirmation shall be signed in the notary public's presence. A record containing a statement that is being verified may not be signed subsequent to the verification on oath or affirmation.

(d) The notary public shall compare the signature on the statement verified to the signature of the individual on the identification presented.

(e) In taking a verification on oath or affirmation, the notary public shall administer an oath or affirmation to the individual making the statement and require that the individual voluntarily swear or affirm that the statements contained in the record are true.

§ 167.64. Witnessing or attestation of signatures.

(a) The individual signing the record shall appear personally before the notary public.

(b) The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual signing the record.

(c) A record containing a signature that is being witnessed or attested shall be signed in the notary public's presence. A record containing a signature that is being witnessed or attested may not be signed subsequent to the witnessing or attestation of the signature.

(d) The notary public shall compare the signature on the record signed to the signature of the individual on the identification presented.

(e) The notarial act of witnessing or attesting a signature differs from an acknowledgment in that the party relying on the record may know for certain that the record was signed on the same date that the notary public affixed the official stamp and signature to the document.

(f) The act of witnessing or attesting a signature differs from a verification on oath or affirmation in that the signer is merely signing the record, not swearing or affirming that the contents of the record are true.

§ 167.65. Certified or attested copies and depositions.

(a) The notary public shall be presented with the record, which may be in the possession of the requester, or in the case when there is an official repository of records, in the care and possession of the notary public who may be the custodian of the official archive or collection.

(b) For paper records, the notary public shall compare the original document to a copy made by the requester or by the notary public to determine that the copy is a complete and accurate transcription or reproduction of the original record.

(c) For electronic records, the notary public shall compare the original record to a copy made by the requester or by the notary public to determine that the copy is a complete and accurate transcription or reproduction of the original record.

(d) The notary public shall examine the record for alteration or tampering and to ensure that the original record itself is not a copy.

(e) In issuing a certified or attested copy, the notary public does not guarantee the authenticity of the original document, its contents or its effects.

(f) Records for which a notary public may not issue a certified copy include all of the following:

- (1) Vital records (birth and death certificates).
- (2) United States Naturalization Certificates.

(3) Any government-issued record that on its face states “do not copy,” “illegal to copy” or words of similar meaning.

(4) Any record that is prohibited by law to copy or certify.

(g) Subject to subsections (f)(4) and (h), records for which a notary public may issue a certified copy include all of the following:

- (1) Public records.
- (2) Passports.
- (3) Drivers’ licenses.
- (4) Transcripts.
- (5) Diplomas.
- (6) Contracts.
- (7) Leases.
- (8) Bills of sale.
- (9) Medical records, consents or waivers.
- (10) Powers of attorney.

(h) For purpose of this section, a public record is defined as any record that is filed in or issued by a domestic or international Federal, state or local government agency. If the record is intended to be sent overseas and will require an apostille or certification from the United States Department of State or from the Department, the record must be certified by the office where the original or official copy of the record is maintained or by the public official who issued the record. Examples include deeds, marriage records, court orders and corporate documents filed with a state office or state repository as the official record.

§ 167.66. Protests of negotiable instruments.

(a) A protest is a certificate of dishonor made by a United States consul or vice consul or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must:

- (1) Identify the negotiable instrument.
- (2) Certify either that presentment has been made or, if not made, the reason why it was not made.
- (3) State that the instrument has been dishonored by nonacceptance or nonpayment.

(b) The protest may also certify that notice of dishonor has been given to some or all parties.

(c) The individual requesting the protest shall appear personally before the notary public and be identified in the protest as the holder of the dishonored negotiable instrument.

(d) The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual requesting the protest.

Subchapter G. NOTARIAL CERTIFICATES

Sec.
167.71. Certificate of notarial act.

§ 167.71. Certificate of notarial act.

(a) “Commonwealth of Pennsylvania” may be used instead of “State of Pennsylvania” on certificates of notarial acts.

(b) For a certificate to be sufficient, it must contain the information required under section 315(c) of the act (relating to certificate of notarial act). A certificate may contain other information as may be required to satisfy any legal requirements, ethical or legal concerns, or the business needs of the parties to the transaction.

(c) For purposes of attaching a notarial certificate to a tangible record, “securely attached” means stapled, grommeted or otherwise bound to the tangible record. The term “securely attached” does not include the use of tape, paperclips or binder clips.

(d) When signing a paper certificate, the notary public shall use a legible, recognizable handwritten signature, which can be attributed to the notary public performing the notarial act by anyone examining or authenticating the signature. If a notary public’s preferred signature is not legible and recognizable, the notary public must also legibly print his name immediately adjacent to his preferred signature. For the purposes of this subsection, a signature is legible and recognizable if the letters are distinct and easily readable and the notary public’s full name may be clearly discerned by looking at the signature.

Subchapter H. USE OF ELECTRONIC NOTARIZATION

Sec.
167.81. Notification regarding use of electronic notarization.
167.82. Electronic notarization requirements.

§ 167.81. Notification regarding use of electronic notarization.

(a) A notary public who wishes to perform notarial acts with respect to electronic records shall hold a current and unrestricted commission.

(b) A notary public who wishes to perform notarial acts with respect to electronic records shall be authorized by the Department to act as an “electronic notary public” or “e-notary” prior to performing notarial acts with respect to electronic records.

(c) To obtain authorization as an “electronic notary public” or “e-notary,” a notary public shall submit the following information to the Department in a manner prescribed by the Department:

- (1) Name of notary public.
- (2) Commission number.
- (3) Office address.
- (4) E-mail address.

- (5) Name of electronic notarization solution provider.
- (6) Contact information for solution provider.
- (7) Web site for solution provider.

§ 167.82. Electronic notarization requirements.

(a) A notary public performing notarial acts with respect to electronic records shall use an electronic notarization solution approved by the Department. Before performing any electronic notarization, the notary public shall take reasonable steps to ensure that the solution used is valid and has not expired, been revoked or been terminated by the solution provider.

(b) All requirements of a notarial act performed with respect to a tangible record apply to an electronic record, including the personal appearance and identification of the individual appearing before the notary public, completion of a notarial certificate, use of an official stamp and recording of the notarial act in the journal.

Subchapter I. NOTARY PUBLIC EDUCATION

Sec.	
167.91.	Definitions.
167.92.	Provider certificate of approval.
167.93.	Lesson plan.
167.94.	Deficient application or lesson plan.
167.95.	Notification of changes of provider information.
167.96.	Lesson plan revisions.
167.97.	Certificate of education.
167.98.	List of attendees.
167.99.	Representatives of the Department attending approved course of study.
167.100.	Duty to respond to a written request from the Department.
167.101.	Cancellation or delay of scheduled approved course of study.
167.102.	List of approved notary public education courses.
167.103.	Termination of certificate of approval.
167.104.	Cancellation of certificate of approval.

§ 167.91. Definitions.

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

Certificate of approval—A certificate issued by the Department under § 167.92 (relating to provider certificate of approval) signifying that the provider named therein offers an education program curriculum preapproved by the Department and has complied with the requirements of this subchapter. The certificate of approval does not imply endorsement of any other products or services offered by the provider.

Certificate of education—A certificate issued by a provider under § 167.97 (relating to certificate of education) signifying that the person named therein has successfully completed the approved education program provided by the provider.

Course of study—Basic or continuing education, offered by live classroom instruction, correspondence course or interactive distance education means, such as online through the Internet or other network technologies.

Notary public applicant—A person who is required to attend a course of study to qualify for a commission as a notary public.

Pennsylvania business registration number—The number assigned by the Department's Bureau of Corporations and Charitable Organizations to a business entity or fictitious name registrant that is authorized to conduct business in this Commonwealth.

Provider—An individual or business entity that offers, supplies or provides an approved notary public education course of study.

§ 167.92. Provider certificate of approval.

(a) Before offering any course of study under section 322(b) or (c) of the act (relating to examination, basic education and continuing education), a provider shall obtain a certificate of approval from the Department for each course of study offered.

(b) To apply for a certificate of approval, a provider shall submit to the Department a completed Notary Public Education Provider Application or Amendment form on a form prescribed by the Department, an active Pennsylvania business registration number, the fee required under the Department and a lesson plan satisfying the requirements of § 167.93 (relating to lesson plan).

(c) The Department will issue either a certificate of approval, in accordance with subsection (d), or a deficiency notice, in accordance with § 167.94 (relating to deficient application or lesson plan), within 90 calendar days of receipt of an application and lesson plan.

(d) Upon approval of an application and lesson plan, the Department will send a certificate of approval to the provider by first class mail to the address listed on the Notary Public Education Provider Application or Amendment form.

(e) The certificate of approval will include all of the following:

- (1) The name of the provider.
- (2) The name of the approved course of study and whether it is basic education or continuing education.
- (3) The date the course of study was approved by the Department.

(f) A provider may not alter or substitute the lesson plan reviewed and approved by the Department, unless the revisions are approved by the Department in accordance with § 167.96 (relating to lesson plan revisions).

(g) A provider is responsible for all employees, agents, instructors, contractors and subcontractors providing or involved in providing an approved course of study on behalf of the provider and the acts of the employees, agents, instructors, contractors and subcontractors will be deemed the acts of the provider.

(h) The certificate of approval will expire 3 years from the date of issuance. A provider may reapply for reapproval of a notary public course of study up to 90 calendar days before the expiration of the certificate of approval.

(i) A certificate of approval is nontransferable and may not be conveyed to another provider or applied to another course of study.

§ 167.93. Lesson plan.

(a) A lesson plan must meet all of the following requirements:

(1) The lesson plan must be based on the laws, regulations, procedures and ethics of the Commonwealth concerning the functions and duties of a notary public.

(2) The lesson plan must contain a table of contents. The pages of the lesson plan must be consecutively numbered.

(3) The lesson plan must provide sufficient detail to enable the Department to evaluate the specific information to be presented and to determine the accuracy of the information to be presented.

(4) The lesson plan must contain the procedures to establish the identity of a person physically attending a classroom course of study or virtually attending a course of study through interactive means to whom proof of completion may be issued in accordance with § 167.97 (relating to certificate of education).

(5) The lesson plan must contain the procedures to ensure that the information contained in the certificate of education under § 167.97 cannot be viewed by any person other than the approved vendor issuing the certificate, an employee, agent, instructor, contractor or subcontractor of the approved vendor issuing the certificate, or the notary public applicant or notary public named in the certificate.

(6) The lesson plan must contain the procedures to ensure that a person physically attending a classroom course of study or virtually attending a course of study through interactive means is present for the required time.

(7) The lesson plan must include a schedule of the time allotted for all of the following:

- (i) Break periods, if any.
- (ii) Each major subject area.
- (iii) Each audio-visual aid to be used, if any.
- (iv) Each student participation activity, if any.
- (v) Completion, correction and discussion of any practice tests used and the method of correction to be used, if any.
- (vi) If any movie or video is used for instruction, the lesson plan must include a brief synopsis of the information presented therein. The synopsis must detail the specific information presented by the movie or video. In addition, the provider shall include the movie or video in the materials presented to the Department for review.
- (b) Copies of any handout materials, workbooks, visuals aids, description of student participation exercises and practice tests used during the course of study must be submitted for approval with the lesson plan.
- (c) If the course provides for an evaluation by the students, time to complete the evaluation may not be included as part of the course of study.
- (d) All materials submitted to the Department under this section become the property of the Department and may be returned to the provider at the sole discretion of the Department.

§ 167.94. Deficient application or lesson plan.

(a) If the Department determines that a Notary Public Education Provider Application or Amendment form is incomplete, or that a lesson plan does not satisfy the requirements of section 322 of the act (relating to examination, basic education and continuing education) or this chapter, the Department will issue a deficiency notice containing an itemized description of the deficiencies identified. The deficiency notice will be sent by first class mail to the provider's address listed on the Notary Public Education Provider Application or Amendment form or communicated in a manner agreed to by the Department and the provider.

(b) A provider has 60 calendar days from the date on which the deficiency notice was sent or communicated by the Department to submit documentation to the Department curing the deficiencies identified in the deficiency notice.

(c) The Department may issue more than one deficiency notice to a provider regarding the same Notary Public Education Provider Application or Amendment form and lesson plan at any time during the review process.

(d) The Department may disapprove a Notary Public Education Provider Application or Amendment form if the deficiencies are not cured in accordance with subsection (b).

(e) The disapproval of a provider's application or amendment is subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with 2 Pa.C.S. Chapter 5, Subchapter A and Chapter 7, Subchapter A (relating to practice and procedure of Commonwealth agencies; and judicial review of Commonwealth agency action).

§ 167.95. Notification of changes of provider information.

Within 30 calendar days of any changes in the information in the most recent application approved by the Department, a provider shall submit to the Department a Notary Public Education Provider Application or Amendment form identifying the changes. A provider may confirm receipt by the Department by phone or e-mail.

§ 167.96. Lesson plan revisions.

(a) A provider shall revise an approved lesson plan as necessary to ensure that the information provided in an approved course of study reflects a new law, regulation, court decision or administrative action.

(b) Proposed revisions to the contents or methods of instruction detailed in an approved lesson plan must be approved by the Department prior to implementing the proposed revisions in an approved course of study.

(c) To apply for a certificate of approval for a revised lesson plan, a provider shall submit a completed Notary Public Education Provider Application or Amendment form, the fee required by the Department, and a revised lesson plan in accordance with § 167.92 (relating to provider certificate of approval).

(d) Sections 167.92—167.94 apply to a revised lesson plan.

(e) Upon approval of a revised lesson plan, the Department will issue a certificate of approval in accordance with § 167.92.

(f) A provider shall follow the lesson plan corresponding to the most current certificate of approval.

§ 167.97. Certificate of education.

(a) A provider shall issue a certificate of education to a notary public applicant upon completion of an approved course of study.

(b) The certificate of education shall be issued by the provider to a notary public applicant only after the person has successfully completed the approved course of study.

(c) The certificate of education must consist of a certificate signed by a provider or an employee, agent, instructor, contractor or subcontractor of a provider, which contains all of the following information:

(1) The name of the education provider as it appears on the certificate of approval issued by the Department for the approved course of study.

(2) The name of the approved course of study and whether it is basic education or continuing education.

(3) The name of the notary public applicant who completed the approved course of study.

(4) The date the notary public applicant completed the approved course of study.

(5) The statement that the certificate of education is valid for a period of 6 months from the date of issuance.

(d) A provider shall submit revisions to the contents or appearance of the certificate of education to the Department for approval at least 30 calendar days prior to issuing the revised certificate to a notary public.

§ 167.98. List of attendees.

(a) A provider shall maintain a list of persons who attend each session of an approved course of study, whether they physically attend a classroom course of study or virtually attend a course of study offered through interactive means.

(b) The list of attendees must be maintained for 5 years from the date of issuance of the certificates of education corresponding to that session.

(c) The list of attendees must include all of the following:

(1) The name of the provider as listed in the certificate of approval for the approved course of study.

(2) The name of the instructor or instructors who taught the approved course of study.

(3) The date, time and location of the approved course of study.

(4) The names of all the attendees in alphabetical order by the last name of the attendee.

(d) A provider may not collect the Social Security numbers of any attendees.

(e) Upon request, a provider shall submit a list of attendees in the data format specified by the Department.

§ 167.99. Representatives of the Department attending approved course of study.

A provider shall permit representatives of the Department to attend any approved course of study, without prior notice and at no charge, for the purpose of observation, monitoring, auditing and investigating the instruction given.

§ 167.100. Duty to respond to a written request from the Department.

A provider shall respond in writing within 30 calendar days of receiving a written request for information from the Department. A written request may be sent to the mailing address, facsimile number or e-mail address listed on the most current Notary Public Education Provider Application or Amendment form.

§ 167.101. Cancellation or delay of scheduled approved course of study.

(a) Before charging any fees to a notary public applicant for an approved course of study, a provider shall disclose the refund policy of the provider.

(b) A provider shall refund all fees within 30 calendar days of a scheduled course date to any notary public applicant who registered to attend an approved course of study if one of the following occurs:

(1) An instructor fails to appear at the scheduled time, date or place of the approved course of study.

(2) An approved course of study is delayed in starting more than 15 minutes after the scheduled time, a notary public applicant immediately informs the provider of his request for a refund, and the notary public applicant leaves the approved course of study before its start.

(3) The provider does not hold a current certificate of approval for the course of study.

§ 167.102. List of approved notary public education courses.

(a) The Department will make a list of approved education courses available on the Department's web site. The approved course list will include all of the following information:

(1) Name of the approved course and whether it is approved for basic or continuing education.

(2) Name and contact information for the provider, including mailing address, telephone number, e-mail address and web site address.

(b) The Department will update the list of approved courses to add, delete or amend provider information that is filed in accordance with § 167.95 (relating to notification of changes of provider information) and add or delete courses that are approved or terminated in accordance with this subchapter.

§ 167.103. Termination of certificate of approval.

(a) The Department may terminate a certificate of approval upon any of the following grounds:

(1) Violation of any of the provisions of the act or this chapter.

(2) Misrepresentation of the laws of the Commonwealth concerning the duties and functions of a notary public.

(3) Deviation from the lesson plan for a course of study approved by the Department.

(4) Failure to respond to a request for information from the Department.

(5) Representations by the provider that any other product, goods or services provided by the provider are endorsed or recommended by the Department.

(6) Failure to prepare course attendees to pass the notary public examination so that an adequate pass rate is not maintained.

(b) Termination of a certificate of approval is subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with 2 Pa.C.S. Chapter 5, Subchapter A and Chapter 7, Subchapter A (relating to practice and procedure of Commonwealth agencies; and judicial review of Commonwealth agency action).

§ 167.104. Cancellation of certificate of approval.

(a) A provider may cancel its certificate of approval by submitting a written notice of cancellation to the Department. Unless otherwise stated in the notice of cancellation, the effective date of the cancellation of the certificate of approval is 30 calendar days after receipt of the notice of cancellation. The provider may confirm receipt by the Department by phone or e-mail.

(b) Within 30 calendar days of the effective date of a cancellation of a certificate of approval, a provider shall refund all fees to individuals who paid to take an

approved course from a provider, if the course is scheduled after the effective date of the cancellation.

Subchapter J. PROHIBITED ACTS AND SANCTIONS

Sec.

- 167.111. Offenses involving fraud, dishonesty or deceit.
- 167.112. Rebuttable presumption against appointment.
- 167.113. Reporting of crimes, disciplinary action and other matters.
- 167.114. Conduct providing the basis for disciplinary action.
- 167.115. Factors considered in disciplinary action.
- 167.116. Unauthorized practice of law.
- 167.117. Advertising.

§ 167.111. Offenses involving fraud, dishonesty or deceit.

(a) Conviction of, or acceptance of Accelerated Rehabilitative Disposition in resolution of, offenses involving a lack of honesty or elements of falsehood and fraud (crimen falsi) will be considered to be evidence of a lack of honesty, integrity, competence or reliability to act as a notary public, regardless of the jurisdiction in which the crimes were committed.

(b) Under Commonwealth law, offenses involving fraud, dishonesty or deceit include the following:

(1) Theft and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 39, Subchapter B (relating to definition of offenses).

(2) Forgery and fraudulent practices, which includes all offenses defined in 18 Pa.C.S. Chapter 41 (relating to forgery and fraudulent practices).

(3) Bribery and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 47 (relating to bribery and corrupt influence).

(4) Perjury or falsification in official matters and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 49, Subchapter A (relating to perjury and falsification in official matters).

(5) Obstructing governmental operations and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 51, Subchapter A (relating to definition of offenses generally).

(6) Abuse of office and related offenses, which includes all offenses defined in 18 Pa.C.S. Chapter 53 (relating to abuse of office).

(7) Criminal attempt if the underlying crime involves fraud, dishonesty or deceit. See 18 Pa.C.S. § 901 (relating to criminal attempt).

(8) Criminal solicitation if the underlying crime involves fraud, dishonesty or deceit. See 18 Pa.C.S. § 902 (relating to criminal solicitation).

(9) Criminal conspiracy if the underlying crime involves fraud, dishonesty or deceit. See 18 Pa.C.S. § 903 (relating to criminal conspiracy).

(c) The Department will consider all convictions or comparable dispositions obtained in the courts of the United States, the Commonwealth or any other state, territory, possession or country involving fraud, dishonesty or deceit.

§ 167.112. Rebuttable presumption against appointment.

(a) Any person who has been convicted of or accepted Accelerated Rehabilitative Disposition (ARD) for any felony offense or any misdemeanor offense involving fraud, dishonesty or deceit as set forth in § 167.111

(relating to offenses involving fraud, dishonesty or deceit) within 5 years preceding the date of application for appointment is presumed ineligible for appointment as a notary public.

(b) The presumption of ineligibility for appointment may be rebutted in extraordinary circumstances by a showing of clear and convincing evidence of the applicant's full rehabilitation. It is the intent of this provision that overcoming this presumption will occur only infrequently and in truly exceptional circumstances.

(c) There is no presumption of ineligibility for conviction of or acceptance of ARD for a felony or an offense involving fraud, dishonesty or deceit more than 5 years preceding the date of application for appointment, but the conviction and related facts may be considered in determining whether the applicant has the requisite honesty, integrity, competence or reliability to act as a notary public.

(d) The 5-year period will be measured from the date of the conviction or acceptance into ARD, rather than the date of the act which constituted the offense.

(e) For the purposes of this subchapter, "conviction" and "convicted of" include a conviction after a bench or jury trial, a guilty plea, a plea of nolo contendere or a finding of not guilty due to insanity or of guilty but mentally ill. Acceptance of ARD is also included, regardless of whether the court considers it a conviction or a form of judgment without verdict.

§ 167.113. Reporting of crimes, disciplinary action and other matters.

(a) A notary public shall notify the Department of a conviction of or acceptance of Accelerated Rehabilitative Disposition in resolution of a felony or a misdemeanor offense involving fraud, dishonesty or deceit within 30 calendar days of the disposition or on the next application for appointment and commission, whichever is sooner.

(b) A notary public shall notify the Department of disciplinary action in the nature of a final order taken against the notary public's commission by the commissioning authority of another state, territory or country within 30 calendar days of receiving notice of the disciplinary action or on the next application for appointment and commission, whichever is sooner.

(c) A notary public shall notify the Department of a finding against, or admission of liability by, the notary public in any criminal, civil or administrative proceeding within 30 calendar days of conclusion of the legal proceeding or on the next application for appointment and commission, whichever is sooner.

(d) A notary public shall notify the Department of a finding by the Pennsylvania Bar Association or the courts of the Commonwealth or the bar or courts of any other state or nation finding that the notary public has engaged in the unauthorized practice of law within 30 calendar days of conclusion of the proceeding or on the next application for appointment and commission, whichever is sooner.

§ 167.114. Conduct providing the basis for disciplinary action.

(a) In addition to the acts and omissions specified in section 323(a) of the act (relating to sanctions), the following acts or omissions demonstrate that an individual lacks the honesty, integrity, competence or reliability to act as a notary public:

- (1) Notarizing his own signature or statement.

(2) Notarizing a spouse's signature or statement, when the notary public or the spouse has a direct or pecuniary interest in the record.

(3) Notarizing records in blank.

(4) Postdating or predating notarial acts.

(5) Altering a document after it has been notarized.

(6) Issuing to the order of a State agency or the Commonwealth a personal check without sufficient funds on deposit.

(7) Performing a notarial act within this Commonwealth when the person was not commissioned as a notary public or was otherwise not authorized to perform a notarial act.

(8) Performing a notarial act in another state under the authority of the notary public's Pennsylvania commission.

(9) Making a representation that the notary public has powers, qualifications, rights or privileges that the notary public does not have.

(10) Use of the term "notario," "notario publico," "notario publica" or any non-English equivalent term in a manner which misrepresents the authority of the notary public.

(11) Engaging in the unauthorized practice of any regulated profession, including law.

(12) Endorsing or promoting a product, service, contest or other offering by using the notary public's title or official stamp.

(13) Failure to require the physical presence of an individual making a statement in or executing a signature on a record.

(14) Failure to have personal knowledge or satisfactory evidence of the identity of an individual appearing before the notary public.

(15) Executing a notarial certificate that contains a statement known to the notary public to be false.

(16) Using the notary public's official stamp for a purpose other than to perform a notarial act.

(17) Using another notary public's stamping device or embosser to perform a notarial act.

(18) Relating to commercial protests as defined in 13 Pa.C.S. § 3505(b) (relating to evidence of dishonor), failure to identify the negotiable instrument, certify either that presentment has been made or, if not made, the reason why it was not made, and certify that the instrument has been dishonored by nonacceptance or nonpayment, or any combination of the above.

(19) Issuance of a certificate of dishonor of a negotiable instrument, also known as a protest of commercial paper as defined in 13 Pa.C.S. § 3505(b), that was owned or held for collection by a financial institution, trust company or investment company when the notary public was a party to the commercial paper in an individual capacity.

(20) Issuance of a certificate of dishonor of a negotiable instrument, also known as a protest of commercial paper as defined in 13 Pa.C.S. § 3505(b), of a noncommercial or other record that does not fit the definition of negotiable instrument as defined in 13 Pa.C.S. § 3104 (relating to negotiable instrument).

(21) Issuance of a certificate of dishonor of a negotiable instrument, also known as a protest of commercial paper as defined in 13 Pa.C.S. § 3505(b), in a manner not in accordance with 13 Pa.C.S. § 3505.

(22) Submission of the following types of records to the Department or Secretary of the Commonwealth in reply to correspondence from the Department or other government agency or initiating proceedings through the following record types:

(i) Conditional Acceptance, or a similar record purporting to "conditionally accept" presentment of an official record, and demanding proof of a list of claims to fully accept the official record.

(ii) Affidavit in Support of Conditional Acceptance, or a similar record purporting to attest to the facts of a record and signed by the same notary public who is attesting.

(iii) Notice of Dishonor, or a similar record purporting to give notice that a Conditional Acceptance has not been accepted by the government agency to which it was sent and thereby was dishonored.

(iv) Accepted for Value, or similar stamp or certificate purporting to accept for a disclosed or undisclosed value an official record sent to the notary public by the Department, the Secretary of the Commonwealth or other governmental agency. The certificate claims to establish an amount of money payable or accrued to the signor of the certificate.

(v) Notice of Protest, or a similar record purporting to be a Protest of Commercial Paper that has been dishonored, when the Commercial Paper is not, in fact, a negotiable instrument under 13 Pa.C.S. Division 3 (relating to negotiable instruments) and subject to the laws stated therein regarding dishonor and protest.

(vi) Other records attempting to apply 13 Pa.C.S. Division 3 to non-negotiable instruments or other records not included in the scope of Division 3.

(vii) Other record types purporting to follow the Uniform Commercial Code and not related to a filing under 13 Pa.C.S. Division 9 (relating to secured transactions).

§ 167.115. Factors considered in disciplinary action.

When determining whether to deny an application or take disciplinary action against a notary public, the Department may consider a variety of factors including the following:

(1) Nature, number and severity of any acts, offenses, official misconduct or crimes under consideration.

(2) Evidence pertaining to the honesty, credibility, truthfulness and integrity of the applicant or notary public.

(3) Actual or potential monetary or other harm to the general public, group, individual or client.

(4) History of complaints received by the Department.

(5) Prior disciplinary record or warning from the Department.

(6) Evidence in mitigation.

(7) Evidence in aggravation.

(8) Occupational, vocational or professional license disciplinary record.

(9) Evidence of rehabilitation, such as reference letters and proof of class attendance.

- (10) Criminal record
- (11) Reports from law enforcement agencies.
- (12) Willfulness.
- (13) Negligence.

§ 167.116. Unauthorized practice of law.

(a) In determining whether a notary public has assisted a person in drafting legal records, gave legal advice or is otherwise practicing law in violation of section 325 of the act (relating to prohibited acts), the Department will take into consideration the factors in Pennsylvania Bar Association Unauthorized Practice of Law (UPL) Committee Formal Opinion 2006-01 or any successor document to that opinion.

(b) Among the acts that constitute the practice of law are the preparation, drafting or selection or determination of the kind of any legal document, or giving advice in relation to any legal documents or matters.

(c) A person who represents himself in a legal matter will not be considered to have engaged in the unauthorized practice of law.

§ 167.117. Advertising.

For the purpose of the statements required under section 325(d) of the act (relating to prohibited acts), the term “prominently” in section 325(d)(ii) of the act means that the entire statement “I am not an attorney” must be in at least 10-point type and the term “prominently” in section 325(d)(iii) of the act means that the entire statement “I am not an attorney” must be displayed in an area open and accessible to the public at the place of performance of the notarial act.

[Pa.B. Doc. No. 18-1351. Filed for public inspection August 31, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 71 AND 79]

Fishing; Reptiles and Amphibians

The Fish and Boat Commission (Commission) proposes to amend Chapters 71 and 79 (relating to propagation and introduction of fish into Commonwealth waters; and reptiles and amphibians) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2019.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendments to § 71.7 (relating to triploid grass carp) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendments to §§ 79.5, 79.6

and 79.7 (relating to snapping turtle permits; venomous snake permits; and organized reptile and amphibian hunt permits) are published under the statutory authority of 2904 of the code (relating to permits for protection and management of particular fish).

D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

The Commission adopted regulations in § 71.7 pertaining to the possession and introduction of triploid grass carp (white amur). To provide for proper protection and management of these fish and other fish in the waters of this Commonwealth. Section 71.7 provides that permits shall be required for possessing triploid grass carp, introducing them into Commonwealth waters and importing or transporting them into this Commonwealth. A pondowner, landowner or other person who wishes to possess triploid grass carp and introduce them into a pond or waters located on property owned, leased or otherwise controlled by the person shall, before placing triploid grass carp in the waters, obtain from the Commission a triploid grass carp possession/introduction permit. A person who wishes to import triploid grass carp into this Commonwealth shall obtain from the Commission a triploid grass carp importation/transportation permit.

This Triploid Grass Carp Program (Program) was initiated by the Commission in January 1994. Two types of permits with associated fees were established. A triploid grass carp possession/introduction permit was \$20. A triploid grass carp importation/transportation permit was \$50. In 2012, the fee structure was reassessed and increased to offset inflation and increasing program costs. A triploid grass carp possession/introduction permit was increased to \$75. A triploid grass carp importation/transportation permit was increased to \$75.

The Aquatic Resource Section within the Commission’s Bureau of Fisheries, Division of Environmental Services, administers the Program. Administering the Program requires staff to review permit applications, maintain a database, process and approve the permits. Reviewing the applications requires a technical review, some field views and clerical support.

The Commission currently issues approximately 350 triploid grass carp permits per year. Staff proposes to increase the permit fees to offset increasing Program costs using the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) tool that is based on annual inflation rates since the fee structure was last updated in January 2012. The proposed permit fee changes adjusted with CPI inflation rate values since January 2012 for the triploid grass carp possession/introduction permit is proposed to be \$85 and the triploid grass carp importation/transportation permit is proposed to be \$85.

Similarly, several amphibian and reptile permits have increasing program cost demands, and a similar increase in the fee structure approach to offset inflation and increasing program costs are proposed (for example, using the CPI inflation tool).

In January 2008, Chapter 79 was overhauled, reorganized and updated. A permit was developed for individuals interested in the commercial collection and sale of

snapping turtles in § 79.5. The snapping turtle permit fee was established at \$50 for residents of this Commonwealth and \$100 for nonresidents. Under § 79.6, the venomous snake permit was updated to allow permit holders to hunt for both the copperhead and timber rattlesnake. The fee for the venomous snake permit was increased from \$5 to \$25 for residents of this Commonwealth, and \$50 for nonresidents in January 2008. This Program has grown significantly. The past 2 years have experienced a record number of permits issued since the Program began in 1984. In 2017, 1,437 venomous snake permits were issued. For groups or organizations that want to conduct competitive organized hunts for reptiles and amphibians, an organized reptile and amphibian hunt permit may be obtained under § 79.7. There are currently only six permits issued per year, which mainly focus on the timber rattlesnake, where competitions for the largest and heaviest male snakes occur. One “turtle derby” organized hunt is also permitted annually. The organized reptile and amphibian hunt permit was updated in January 2008 from \$25 to \$100.

The Commission’s Bureau of Law Enforcement (Bureau) issues the snapping turtle and venomous snake permits. Bureau staff review incoming applications and issue permits, answer questions from hunters about the application process and hunting regulations, and process permits and payments. A significant amount of time is spent on law enforcement details and permit compliance for the Venomous Snake Permit Program. The Natural Diversity Section of the Division of Environmental Services receives, reviews and databases hunter reports, and develops end-of-year summary reports for the programs. Natural Diversity Section staff also administer the Reptile and Amphibian Organized Hunt Program (review permit applications, issue permits and attend hunts for permit compliance purposes).

The Commission proposes to increase the permit fees for these three permit programs to offset increasing program costs using the CPI tool that is based on annual inflation rates since the fee structure was last updated in January 2008. The following table summarizes the last fees update and newly proposed fees for January 2019:

<i>Chapter 79 Permit</i>	<i>2008</i>	<i>2019 (proposed)</i>
Snapping Turtle Permit—Resident	\$50	\$60
Snapping Turtle Permit—Nonresident	\$100	\$120
Venomous Snake—Resident	\$25	\$30
Venomous Snake—Nonresident	\$50	\$60
Organized Reptile and Amphibian Hunt	\$100	\$120

The Commission proposes to amend §§ 71.7, 79.5, 79.6 and 79.7 to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments to § 71.7 will increase the triploid grass carp permit fee from \$75 to \$85. The proposed amendments to § 79.5 will increase the snapping turtle permit from \$50 to \$60 for residents of this Commonwealth and from \$100 to \$120 for nonresidents. The proposed amendment to § 79.6 will increase the

venomous snake permit from \$25 to \$30 for residents of this Commonwealth and from \$50 to \$60 for nonresidents. The proposed amendment to § 79.7 will increase the organized reptile and amphibian hunt permit fee from \$100 to \$120.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-287. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 71. PROPAGATION AND INTRODUCTION OF FISH INTO COMMONWEALTH WATERS

§ 71.7. Triploid grass carp.

* * * * *

(c) *Permit required.*

(1) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that permits shall be required for possessing triploid grass carp (white amur) or introducing them into Commonwealth waters and for importing or transporting triploid grass carp into this Commonwealth to provide for proper protection and management of these fish and other fish in the waters of this Commonwealth. A pondowner, landowner or other person who wishes to possess triploid grass carp and introduce them into a pond or waters located on property owned, leased or otherwise controlled by the person shall, before placing triploid grass carp in the waters, obtain from the Commission a triploid grass carp possession/introduction permit for a fee of [\$75] **\$85**. A person who wishes to import triploid grass carp into this Commonwealth shall, before doing so, obtain from the Commission a triploid grass carp importation/transportation permit for a fee of [\$75] **\$85**. Permits shall be applied for on forms supplied by the Commission. Applications for permits may be obtained from the Triploid Grass Carp Manager, Bureau of Fisheries, 595 East Rolling Ridge Drive, Bellefonte, Pennsylvania 16823. Permits will not be issued until after January 1, 1994.

* * * * *

CHAPTER 79. REPTILES AND AMPHIBIANS

§ 79.5. Snapping turtle permits.

(a) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the common snapping turtle (Chelydra serpentina) that persons who hunt, take, catch or kill this species for the purpose of sale, barter or trade have an annual permit for the activity. Application for a permit must be made on a form prescribed by the Commission and must be accompanied by the appropriate fee. Permits may be obtained by applying to the Natural Diversity Section Chief, Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, Pennsylvania 16823. The fee for residents is [\$50] \$60 per year; the fee for nonresidents is [\$100] \$120 per year. The denial of a permit under this section is appealable in the manner provided by Chapter 51, Subchapter E (relating to permit procedures).

* * * * *

§ 79.6. Venomous snake permits.

(a) Application. The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the timber rattlesnake (Crotalus horridus) and copperhead (Agkistrodon contortrix) that persons who hunt, take, catch or kill these species have a permit for the activity. Application for a permit must be made on a form prescribed by the Commission and accompanied by the appropriate fee. Permits may be obtained by applying to the Natural Diversity Section Chief, Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, Pennsylvania 16823. The fee for residents is [\$25] \$30 per year; the fee for nonresidents is [\$50] \$60 per year. The denial of a permit under this section is appealable in the manner provided by Chapter 51, Subchapter E (relating to permit procedures).

* * * * *

§ 79.7. Organized reptile and amphibian hunt permits.

(a) Application. The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of reptiles and amphibians in this Commonwealth that organized reptile and amphibian hunts be conducted under permits issued under this section. The sponsor of an organized reptile and amphibian hunt shall apply for a permit by no earlier than January 1 and no later than March 1 of the year for which the hunt is proposed. Application for a permit must be made on a form prescribed by the Commission and must be accompanied by the appropriate fee. Permits may be obtained by applying to the Natural Diversity Section Chief, Division of Environmental Services, 595 East Rolling Ridge Drive, Bellefonte, Pennsylvania 16823. The fee for the permit is [\$100] \$120. The denial of a permit under this section is appealable in a manner provided by Chapter 51, Subchapter E (relating to permit procedures).

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[Pa.B. Doc. No. 18-1352. Filed for public inspection August 31, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the Pennsylvania Bulletin.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment to § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. Purpose and Background

This proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Under section 2307 of the code, the Commission has the authority to promulgate regulations for exclusive use fishing areas. Those regulations are laid out in § 65.21. In subsection (b) the term "children" is defined as a person "12 years of age or under."

In recent discussions Commissioners and staff have questioned why the age is set at 12 years of age when an individual is not required to purchase a license until they have reached 16 years of age. The Commission has explored the history of the age determination and has not found evidence suggesting why the lower age was adopted in § 65.21. Additionally, the Commission has been looking for additional opportunities to get more youth interested in fishing. The rationale in changing the age to 15 years of age and under for these areas is to bring more angling opportunities to a broader range of youth.

The Commission proposes to amend § 65.21 to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will not have adverse fiscal impacts on the Commonwealth or its political subdivisions. This proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposed rulemaking in the Pennsylvania Bulletin. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-281. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.21. Waters limited to specific purposes—exclusive use fishing areas.

* * * * *

(b) As used in this section, the term "children" means persons [12] 15 years of age or under. The term "special populations" means persons who are exempt from the fishing license requirement by section 2709(b) of the code (relating to exemptions from license requirements), persons whose visual acuity with best correcting lens is 3/60 or 10/200 or poorer in the better eye, persons whose vision is such that the widest diameter of the visual field of the better eye has contracted to such an extent that it subtends an angular distance of not greater than 20° or persons permanently deprived of the full use of a leg or both legs.

* * * * *

[Pa.B. Doc. No. 18-1353. Filed for public inspection August 31, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 51]

General Provisions

The Fish and Boat Commission (Commission) proposes to amend Chapter 51 (relating to administrative provisions) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's regulations for distribution of its Summary of Fishing Regulations and Laws publication (summary book).

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the Pennsylvania Bulletin.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendments to § 51.38 (relating to operation of the issuing agent for the Pennsylvania Automated Licensing Service (PALS)) are published under the statutory authority of section 2711 of the code (relating to issuing agents).

D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

At its January 2018 meeting, staff presented initial information to the Board of Commissioners (Board) on 46 funding concepts. As part of the presentation, Board members were asked to individually prioritize the concepts and to provide feedback to the Executive Director. As a result, seven staff proposed concepts were recognized as priorities and one additional concept was added and listed as a priority through the Commissioner review process. It was also acknowledged that the remaining concepts, while not a priority, should be advanced as they are more fully reviewed and developed by staff.

One of the remaining funding concepts is to establish a cover price or fee for the annual summary book of fishing laws and regulations in this Commonwealth. This publication is prepared and printed annually by the Commission and contains a summary of the Commonwealth's fishing regulations and fishing tips. Historically, this publication has been offered to license holders and the public at no cost or free of charge. While reviewing its regulations, the Commission determined that § 51.38 indicates that issuing agents shall provide a summary book when issuing a fishing license. This is inconsistent with intended practice, as fishing license purchasers are not required to take a summary book. Fishing license purchasers may forgo the paper summary book or obtain an electronic version from the Commission's web site at the customer's convenience.

To facilitate the operations of the issuing agency and to accommodate this practice with respect to distribution of the summary book, the Commission proposes to amend § 51.38 to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposed rulemaking in the Pennsylvania Bulletin. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-285. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

§ 51.38. Operation of the issuing agent for the Pennsylvania Automated Licensing Service (PALS).

(a) *Sale of licenses.*

* * * * *

(4) Issuing agents shall [**provide**] **offer** a *Summary of Fishing Regulations and Laws* with each license issued. Issuing agents also shall [**provide**] **offer** a copy of the summary book to any holder of a Senior Resident Lifetime Fishing License **or other individual** who requests one. [**Issuing agents are encouraged to provide a copy of the summary book, if adequate numbers are available, to other individuals who request one.**]

* * * * *

[Pa.B. Doc. No. 18-1354. Filed for public inspection August 31, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 51]

General Provisions; Administrative Provisions

The Fish and Boat Commission (Commission) proposes to amend Chapter 51 (relating to administrative provisions) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's fees for scientific collectors' permits.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2019.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendments to § 51.71 (relating to scientific collectors' permits) are published under the statutory authority of section 2905 of the code (relating to permits for scientific and educational fish collecting activities).

D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

Under section 2905 of the code, the Executive Director, with the Commission's approval, may issue permits to catch fish in waters within or bordering on this Commonwealth at any season of the year and with any kind of devices without regard to size or possession limits to a person who possesses a valid Pennsylvania fishing license and is engaged in scientific or educational research or other collecting activities approved by the Commission. This section also authorizes the Commission to promulgate regulations and to establish fees.

In 1985, the Commission adopted § 51.71, which requires a valid and current scientific collector's permit issued by the Commission to collect, take or maintain for scientific or educational purposes any species of Pennsylvania fishes, amphibians, reptiles or aquatic organisms during seasons not permitted by regulations governing holders of a valid Pennsylvania fishing license or other license or permit issued by the Commission (for example, venomous snake permit, organized reptile and amphibian hunt permit).

In July 1978, the Commission established various fees for different permit types within the scientific collector permit program through terms and conditions of the scientific collectors' permit. Three types of permits with associated fees through this program were developed: Type 1 permit (Research) \$10, assistants and permit amendments had no fee; Type 2 (Government) free permit, assistants and permit amendments had no fee; and Type 3 permit (Consulting) \$50, and \$10 each assistant and permit amendments. Permit conditions require that all collectors (scientific collector permit holders and their assistants) have current valid fishing licenses prior to issuance of the scientific collectors' permit and any subsequent collecting activity. In January 2008, the long-term policy was codified, and the fee structure was updated: Type 1 permit (Research) \$30, assistants free and permit amendments \$15; Type 2 (Government) free permit, assistants and permit amendments free; and Type 3 permit (Consulting) \$150, \$30 each assistant and permit amendments \$75.

The Natural Diversity Section, housed within the Commission's Bureau of Fisheries, Division of Environmental Services, administers the Scientific Collector Permit Program (Program). This Program has significant staff demands. Administering the Program requires staff to receive and review new and renewal permit applications and amendments, and process end-of-year permit reports. A significant part of this administration is ongoing clerical support (dealing with applicant questions, changes to permits, processing payments for permits and amendments) and continual database and system maintenance support provided by our Information Technology staff. Reviewing the applications requires a technical review and substantial staff interaction with potential collectors, often resulting in changes to proposed collections. Staff also periodically check for permit compliance in the field. Permit collection reports are filed by staff and relevant collection information (that is, rare, threatened and endangered species data) is extracted from reports and submitted to the Pennsylvania Natural Heritage Program to be included in a Statewide database for rare species (Pennsylvania Conservation Explorer) that is consulted

during the environmental permit review process. Staff also review and issue special permits under § 75.4 (relating to special permits) for applicants that qualify to conduct threatened and endangered species research and surveys.

Currently, Commission staff review new, renewal and amended applications and issue approximately 420 scientific collector's permits annually. To address an increasing trend of permits and ongoing program demands, Commission Natural Diversity Section and Information Technology staff have been working together to streamline the permit application process and improve the application and reporting process with an interactive, web-based computer application that is accessible to the public. This web-based application is the first of its kind for the Commission and requires regular maintenance and upgrades. Staff proposes to increase the permit fees to offset increasing program costs using the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) tool that is based on annual inflation rates since the fee structure was last updated in January 2008. The proposed permit fee changes adjusted with CPI inflation rate values since January 2008 follow: Type 1 permit (Research) \$40, assistants free and permit amendments \$20; Type 2 (Government) free permit, assistants and permit amendments free (no changes proposed); and Type 3 permit (Consulting) \$180, \$40 each assistant and permit amendments \$90. The following table summarizes the historic and proposed fee structure for the Program:

<i>Scientific Collectors' Permit</i>	<i>1978</i>	<i>2008</i>	<i>2019 (proposed)</i>
Type 1 (Research)	\$10	\$30	\$40
Each Assistant	\$0	\$0	\$0
Permit Amendments	\$0	\$15	\$20
Type 2 (Government)	\$0	\$0	\$0
Each Assistant	\$0	\$0	\$0
Permit Amendments	\$0	\$0	\$0
Type 3 (Consulting)	\$50	\$150	\$180
Each Assistant	\$10	\$30	\$40
Permit Amendments	\$10	\$75	\$90

Staff propose that § 51.71 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The increased fees will help offset the Commission's continuing expenses to administer the Program and the costs of the interactive, web-based application.

This proposed rulemaking will increase fees for permit applicants. The fee for a Type I permit for Nonprofit Research and Education will increase from \$30 to \$40, assistants on Type I permits will remain free and the fee for a Type I permit amendment will increase from \$15 to \$20. The fee for a Type II permit for Government remains free and assistants and permit amendment also remain free. The fee for a Type III permit for Consulting will increase from \$150 to \$180, the fee for assistants on Type III permits will increase from \$30 to \$40 and the fee for a Type III permit amendment will increase from \$75 to \$90.

With regard to all permit types, the Commission will utilize the fees to offset the costs associated with permit issuance and processing and data compilation. It is expected that the Commission will recover its costs for the permits for which fees are charged and that the Commission will absorb the costs associated with the free permits.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-283. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

Subchapter H. PERMITS FOR FISH COLLECTING ACTIVITIES

§ 51.71. Scientific collectors' permits.

* * * * *

(b) The Commission will issue three categories of scientific collectors' permits: nonprofit research and education, governmental and consulting.

(1) *Type I Permit: Nonprofit Research and Education.* The Commission will issue a Type I (Nonprofit Research and Education) permit to individuals whom the Commission deems to be qualified to competently and capably conduct research or educational programs and who are not engaged in scientific collecting for monetary gain.

* * * * *

(iii) *Fees.* The fee for a Type I permit holder is [**\$30**] **\$40**. Each assistant is free. Permit amendments are [**\$15**] **\$20** each.

(2) *Type II Permit: Governmental.* A Type II (Governmental) permit is a free permit that the Commission issues, at the discretion of the Executive Director, to State and Federal employees who are engaged in scientific collecting as a part of their required duties. A Type II permit may be Statewide or regional depending upon the application.

(3) *Type III Permit: Consulting.* The Commission will issue a Type III (Consulting) permit to individuals whom the Commission deems to be qualified to engage in scientific collecting and who are engaged in private consulting for profit. The Commission will issue a Type

III permit to qualified individuals only and will not issue one in the name of a corporation or other business entity.

* * * * *

(iii) *Fees.* The fee for a Type III permit holder is [\$150] ~~\$180~~. Each assistant is [\$30] ~~\$40~~. Permit amendments are [\$75] ~~\$90~~ each.

* * * * *

[Pa.B. Doc. No. 18-1355. Filed for public inspection August 31, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51 AND 93]

General Provisions; Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 51 and 93 (relating to administrative provisions; and boat registration and numbering) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's regulations for issuing agents.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendment to § 51.37 (relating to application and prerequisites to becoming an issuing agent for the Pennsylvania Automated Licensing Service (PALS)) is published under the statutory authority of section 2711 of the code (relating to issuing agents). The proposed amendment to § 93.13 (relating to issuing agents) is published under the statutory authority of section 5304 of the code (relating to issuing agents).

D. *Purpose and Background*

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

(1) Strategy 1B of the Commission's Strategic Plan is to "Increase traditional revenue sources and secure alternative funding to deliver core programs and services to benefit anglers, boaters, and trust species; deliver select discretionary programs and services to benefit all residents of this Commonwealth; and meet mandatory personnel costs." This strategy is designed in part to encourage the review and enhancement of existing revenue sources and to investigate and explore the development of alternative funding concepts.

Declines in traditional revenues, rapidly escalating costs associated with maintaining angler and boater demanded fishing and boating programs, and the lack of

an enhancement to the fee structure for fishing licenses and permits necessitates the need to develop and implement several new or alternative funding concepts.

At its January 2018 meeting, staff presented initial information to the Board of Commissioners (Board) on 46 funding concepts. As part of the presentation, Board members were asked to individually prioritize the concepts and to provide feedback to the Executive Director. As a result, seven staff-proposed concepts were recognized as priorities and one additional concept was added and listed as a priority through the Commissioner review process. It was also acknowledged that the remaining concepts, while not a priority, should be advanced as they are more fully reviewed and developed by staff.

One of the remaining funding concepts is to evaluate the fee associated with the Commission's required application fee when a person, sole proprietorship, partnership or corporation apply to become a fishing license issuing agent of the Commission. The Executive Director may grant an application when accompanied by a security bond and the required application fee. The current application fee of \$150 was established in 2006. In 2017, the Commission processed 23 applications.

To bring the application fee up to current standards, the Commission proposes that § 51.37 be amended to read as set forth in Annex A.

(2) Another of the remaining funding concepts is to evaluate the fee associated with the Commission's required application fee when a person, sole proprietorship, partnership or corporation apply to become an issuing agent for temporary boat registrations of the Commission. The Executive Director may grant an application when accompanied by a security bond and the required application fee. The current application fee of \$100 was established in 2001. In 2017, the Commission processed 32 applications.

To bring the application fee up to current standards, staff propose that § 93.13 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment to § 51.37 will increase the application fee to become a fishing license issuing agent of the Commission from \$150 to \$250. The proposed amendment to § 93.13 will increase the application fee to become an issuing agent for temporary boat registrations of the Commission from \$100 to \$250.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the

comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-286. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

Subchapter D. ISSUING AGENTS

§ 51.37. Application and prerequisites for becoming an issuing agent for the Pennsylvania Automated Licensing Service (PALS).

(a) A person, sole proprietorship, partnership or corporation may apply to become an issuing agent of the Commission for the purpose of selling fishing licenses and permits through the PALS.

(1) An applicant seeking to become an issuing agent shall complete and submit to the Commission an application on the form prescribed by the Commission and pay a one-time, nonrefundable fee of [\$150] \$250.

* * * * *

Subpart C. BOATING

CHAPTER 93. REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.13. Issuing agents.

(a) *Designation.*

(1) The designation of issuing agents for temporary boat registrations shall be limited to the Commission and Commission offices, county treasurers, businesses dealing in boats, boating equipment or sporting goods and temporary tag services or messenger services approved by the Department of Transportation for the issuance of temporary boat trailer registrations.

(2) An applicant seeking to become an issuing agent for temporary boat registrations shall complete and submit to the Commission an application on the form prescribed by the Commission and shall pay a one-time, nonrefundable fee of [\$100] \$250. Applications shall be accompanied by a bond in favor of the Commission in a minimum amount specified by the Executive Director or a designee.

* * * * *

[Pa.B. Doc. No. 18-1356. Filed for public inspection August 31, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 53]

General Provisions; Commission Property

The Fish and Boat Commission (Commission) proposes to amend Chapter 53 (relating to Commission property) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30

Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's fees for cutting and removal of firewood from Commission property.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment to § 53.17 (relating to cutting and removal of firewood from Commission property) is published under the statutory authority of section 741(a) of the code (relating to control of property).

D. Purpose and Background

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Strategy 1B of the Commission's Strategic Plan is to "Increase traditional revenue sources and secure alternative funding to deliver core programs and services to benefit anglers, boaters, and trust species; deliver select discretionary programs and services to benefit all residents of this Commonwealth; and meet mandatory personnel costs." This strategy is designed in part to encourage the review and enhancement of existing revenue sources and to investigate and explore the development of alternative funding concepts.

Declines in traditional revenues, rapidly escalating costs associated with maintaining angler and boater demanded fishing and boating programs, and the lack of an enhancement to the fee structure for fishing licenses and permits necessitates the need to develop and implement several new or alternative funding concepts.

At its January 2018 meeting, staff presented initial information to the Board of Commissioners (Board) on 46 funding concepts. As part of the presentation, Board members were asked to individually prioritize the concepts and to provide feedback to the Executive Director. As a result, seven staff-proposed concepts were recognized as priorities and one additional concept was added and listed as a priority through the Commissioner review process. It was also acknowledged that the remaining concepts, while not a priority, should be advanced as they are more fully reviewed and developed by staff.

One of the remaining funding concepts is to evaluate the fee associated with the Commission's permit that authorizes the cutting and removal of dead firewood from Commission property. The Executive Director may issue permits to interested persons when it is determined to be in the best interest of the Commission. The current fee of \$10 for each standard rough cord of wood was established in 1984. In 2017, the Commission authorized the cutting and removal of 56 cords of firewood.

To bring the per cord permit fee up to current market values, the Commission proposes that § 53.17 be amended as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The increased fees will help offset the Commission's continuing expenses to administer the program.

This proposed rulemaking will increase fees for permit applicants. The fee for each standard rough cord of wood will increase from \$10 to \$50.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-284. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.17. Cutting and removal of firewood from Commission property.

* * * * *

(c) Firewood permits cost [\$10] **\$50** per standard rough cord. A standard rough cord is a pile of stacked wood 4 by 4 by 8 feet (128 cubic feet, including air spaces).

* * * * *

[Pa.B. Doc. No. 18-1357. Filed for public inspection August 31, 2018, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

[52 PA. CODE CH. 53]

**Advance Notice of Proposed Rulemaking Order
Regarding Use of Fully Projected Future Test
Year; Doc. No. L-2012-2317273**

This Secretarial Letter establishes a schedule and agendas for further stakeholder meetings in the captioned proceeding. The comment period remains suspended. This

letter will be published in the *Pennsylvania Bulletin* and posted on the Commission website under this docket number.

On December 22, 2017, the Commission entered the Advance Notice of Proposed Rulemaking (ANOPR) Order at Docket No. L-2012-2317273 relating to use of a fully projected future test year (FPFTY) by jurisdictional energy and water/wastewater utilities in the Commonwealth.¹ The ANOPR, inter alia, established February 27, 2018, as the due date for comments and late March as the time frame for a stakeholder meeting. By Secretarial Letter issued on February 26, 2018, in response to stakeholder request,² the filing date for comments was suspended, and a stakeholder meeting was scheduled for April 3, 2018.

Following substantive and procedural discussion of the December 22nd ANOPR Order, the consensus at the April 3rd stakeholder meeting was that further stakeholder meetings before a call for written comments would be extremely productive.

Following the April 3rd stakeholder meeting, Commission staff sought input from stakeholders concerning the scheduling and topics/direction of discussion for the future stakeholder meetings to ensure that topic/subject matter experts (SMEs) would be available to address items on the schedule. By consensus, a preliminary meeting attended by representatives of the stakeholder utility groups, statutory advocates, and Commission staff was held on May 31, 2018, to develop such a schedule and agendas.³

The May 31st attendees recommended four (4) stakeholder meetings to be held on Thursday, September 27, 2018; Tuesday, October 30, 2018; Wednesday, November 28, 2018; and Wednesday, January 23, 2019. The meetings will be held in Executive Chambers, Third Floor, at the Commission Office, 400 North Street, Harrisburg, Pennsylvania 17020, starting at 10 AM. The attendees proposed agendas for these suggested stakeholder meetings, as detailed below, and agreed that the pertinent "standard data requests"⁴ related to each agenda topic be part of the stakeholder meeting discussion.

Suggested Agenda Topics—September 27, 2018:

I. General Issues Concerning Provision of Info/Data at Start of Case

a. Years of Data

¹ The ANOPR addresses 52 Pa. Code § 53.53 in particular and the remaining portions of Chapter 53 in general.

² The revised timeline was supported by the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), the National Association of Water Companies—Pennsylvania Chapter (NAWC-PA Chapter), Aqua Pennsylvania, and the members of the Energy Association of Pennsylvania, Electric distribution company (EDC) members of EAP include Citizens' Electric Company; Duquesne Light Company; Metropolitan Edison Company; PECO Energy Company; Pennsylvania Electric Company; Pennsylvania Power Company; Pike County Light & Power Company; PPL Electric Utilities; UGI Utilities, Inc.—Electric Division; Wellsboro Electric Company; and West Penn Power Company. Natural gas distribution company (NGDC) members of EAP include Columbia Gas of Pennsylvania, Inc.; Leatherstocking Gas Company, LLC; National Fuel Gas Distribution Corp.; PECO Energy Company; Peoples Natural Gas Company, LLC; Peoples Gas Company (formerly Peoples TWP); Philadelphia Gas Works; Pike County Light & Power Company; UGI Central Penn Gas, Inc.; UGI Penn Natural Gas, Inc.; UGI Utilities, Inc.; and Valley Energy, Inc.

³ The May 31st attendees included Christine Hoover (Office of Consumer Advocate); Elizabeth Triscari (Office of Small Business Advocate); Gina Miller (Commission Bureau of Investigation and Enforcement); Alex Stahl (Aqua); Renee Marquis (Aqua); Erin Sweeney (Aqua); Nicole Paloney (Columbia Gas/Nisource); Donna MJ Clark (Energy Association of Pennsylvania); John Cox (PAWC); JoAnne Lontz (PAWC); Beth Johnson (PPL); Mark Morrow (UGI); Rein Laudenslager (Commission Bureau of Technical Utility Services), and Louise Fink Smith (Commission Law Bureau).

⁴ Some utilities provide "standard" information with their filings. This "standard" information is filed in anticipatory response to "standard data requests" that have developed over time but are not codified in regulations. This process shortens the discovery interval by eliminating the need for the statutory advocates to request the "standard" information. The standard data requests were not specifically factored into the draft Exhibit E in the December 22nd Order.

- b. Confidentiality of Data
- c. Data that is Publicly Available (provide reference)
- d. Paper v. Electronic Submissions, including document retention obligations

II. Rate Base & Depreciation (Subsection II—C & J at p. 6 of ANOPR Order)

Suggested Agenda Topics—October 30, 2018:

I. Employee Costs/Operating Expense/Operating Revenue (Subsection II—I, G & H at p. 6 of ANOPR Order)

Suggested Agenda Topics—November 28, 2018:

I. Taxes and Rate of Return (Subsection II—K & D at P. 6 of ANOPR Order)

II. Income Statement and Statement of Cash Flow/Balance Sheet (Subsection II—F & E at p. 6 of ANOPR Order)

Suggested Agenda Topics—January 23, 2019:

I. LTIIP and AAO Plan/Description of Utility Operations/Summary of Filing (Subsection II—L, B & A at p. 6 of ANOPR Order)

II. Industry specific data (Subsection II—M at p. 6 of ANOPR Order)

III. Customer Notice Issues

IV. Issues and Data Requests in Base Rate Case concerning Universal Service & Conservation Plans (May Need a Separate Meeting?)

At the May 31st session, attendees noted the need for and potential benefits of updating the existing Exhibits A, C, and D to 52 Pa. Code § 53.53 regardless of whether FPFTY regulations stand alone in a separate exhibit, such as the draft Exhibit E in the December 22nd ANOPR Order, or are incorporated into the existing Exhibits A, C, and D.⁵ The May 31st attendees articulated a strong preference for stakeholders to review existing regulatory requirements and data requests that may entail production of information that is no longer relevant or used in base rate cases. The effective date for the last substantial overhaul of the data requests in Exhibits A, C, and D was June 1996. Commission staff noted that, from their perspective and not binding on the Commission, it had yet to be conclusively determined whether FPFTY regulations regarding data requests would be better set out in a separate exhibit or better incorporated into the existing industry-specific Exhibits A, C, and D.

Additional topic areas identified for discussion at future stakeholder meetings include customer notices; the standard data requests; and issues surrounding discovery requests in base rate (or rider) proceedings related to Universal Service and Energy Conservation Plan proceedings of energy utilities. Additional discussion highlighted the extensive requirement of multiple paper copies of information that might otherwise be available electronically as well as document retention obligations.

⁵ Section 53.53 relates to “information to be furnished with proposed general rate increase filings in excess of \$1 million” when the covered utilities file their proposed tariffs or tariff supplements. The responses required by Section 53.53 are in addition to “data required by other provisions” and in addition to discovery requests and interrogatories. Exhibit A covers all utilities except communications, electric, and water and waste water. Exhibit C covers electric utilities. Exhibit D covers water and waste water utilities. (Exhibit B, covering communications utilities, is not at issue because communications utilities cannot use a FPFTY.)

The May 31st attendees further suggested that, prior to each stakeholder meeting, each participant prepare and exchange a “position paper” on the agenda topics and commit to review all such position papers to facilitate resolution of issues where possible. The May 31st attendees suggested that the position papers be based on an agreed-upon template. A sample position paper template is attached. The position papers should be exchanged via email in a Word-accessible format. The position papers would not be binding on the parties but should reflect considerations that would give rise to reaching consensus on the topics.

The stakeholders anticipate that the work and discussion at stakeholder meetings will assist the Commission in meeting its objectives to codify procedures and filing requirements for use of a FPFTY as required under Act 11 of 2012 and may further provide collective input on how to update the existing Exhibits A, C, and D at 52 Pa. Code § 53.53 relative to use of historic test years and future test years, as well as to identify filing requirements and standard date requests that are duplicative or no longer necessary.

The Commission agrees that this collaborative process has significant potential to facilitate the process at this docket. Accordingly, staff is directed to continue facilitating this stakeholder meeting process in order to focus and streamline the eventual comment process, improve the end product, and facilitate the review of Chapter 53, using the schedule and agendas outlined herein. The comment period remains deferred.

Documents pertinent to this proceeding may be accessed through the Commission’s website using docket number for this proceeding and the search feature at http://www.puc.pa.gov/about_puc/search_results.aspx.

If there are any questions, contact Erin Laudenslager, erinlaudensla@pa.gov, or Louise Fink Smith, finksmith@pa.gov. Parties are directed to ensure that they have entered an appearance as a party of record at this docket with the Secretary of the Commission and that they have provided, to Ms. Laudenslager and Ms. Fink Smith, the contact names, telephone numbers, and email addresses for persons in their organizations to be used for the informal exchange of information related to this proceeding. Emails to Ms. Laudenslager and Ms. Fink Smith should also be sent to RA-PC-FPFTY2317273E@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

Template

Topic Area:

A. Current Requirement Under Existing Regulation—Exhibit A, C and/or D: [cite]

B. Identify Any Relevant Standard Data Requests (SDR)⁶: [provide sufficient details]

C. ANOPR Proposed Change to Requirement or Proposal to Eliminate Requirement—Draft Exhibit E: [cite ANOPR Order and/or Draft Exhibit E, as applicable]

D. Observations re ANOPR Proposal, Draft Exhibit E, and/or Standard Data Request:

⁶ Some utilities provide “standard” information with their filings. This “standard” information is in essence filed in anticipatory response to “standard data requests” that have developed over time but are not codified in regulations. This process shortens the discovery interval by eliminating the need for the statutory advocates to request the “standard” information. The standard data requests were not specifically factored into the draft Exhibit E in the December 22nd Order.

E. Rationale for Modifying/Eliminating Existing Regulation or Filing Requirement, ANOPR Proposal, Draft Exhibit E, and/or Standard Data Request:

F. General Concerns: [use this sequence but all may not apply]

1. Confidential
2. Years of Data
3. Publicly Available
4. Burdensome
5. Relevance
6. Redundant or Conflicting
7. Other

[Pa.B. Doc. No. 18-1358. Filed for public inspection August 31, 2018, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Liquor Control Board

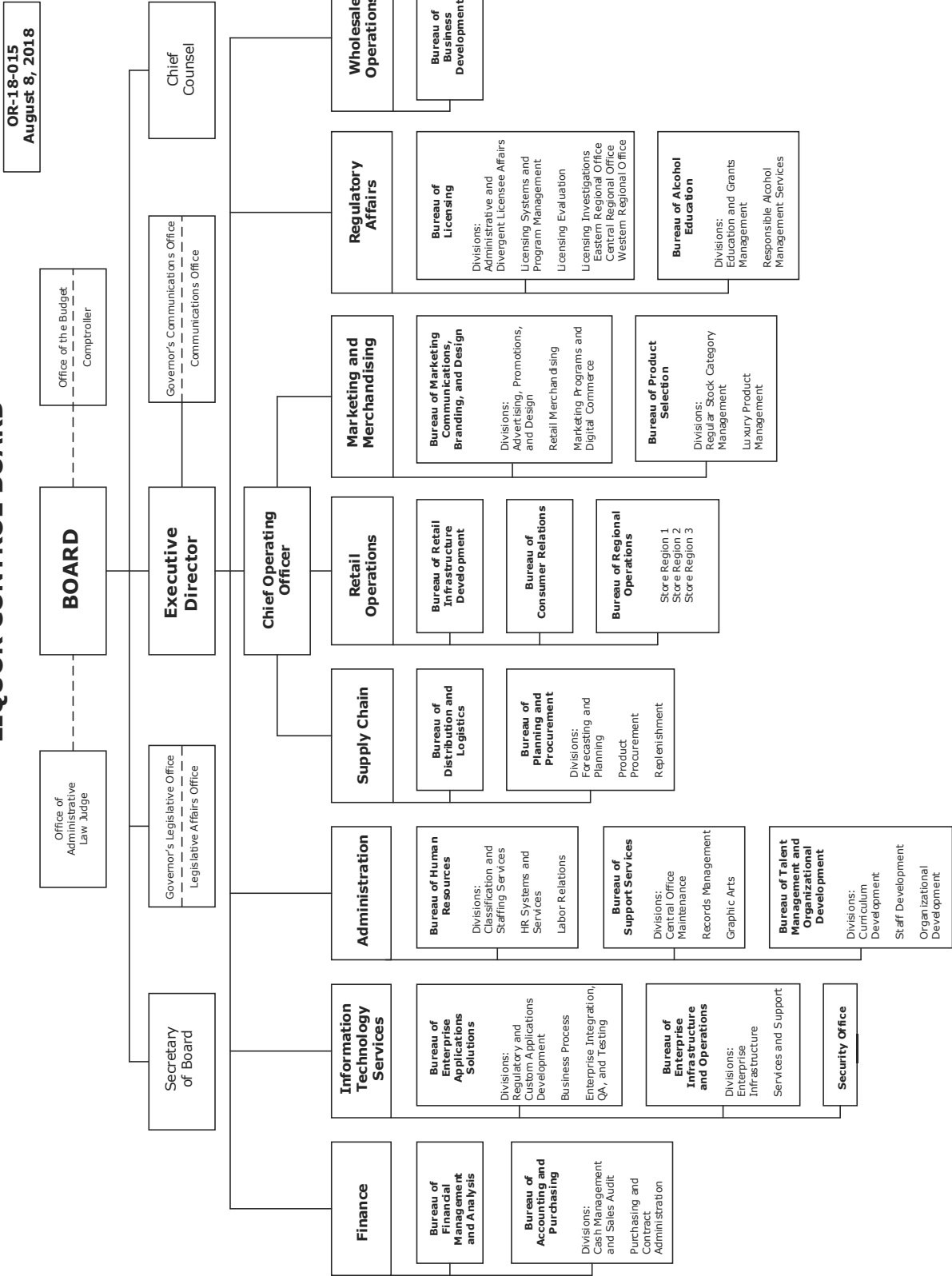
The Executive Board approved a reorganization of the Liquor Control Board effective August 8, 2018.

The organization chart at 48 Pa.B. 5505 (September 1, 2018) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 18-1359. Filed for public inspection August 31, 2018, 9:00 a.m.]

LIQUOR CONTROL BOARD



NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending August 21, 2018.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-17-2018	Firststrust Savings Bank Conshohocken Montgomery County	108 East Marlton Pike Cherry Hill Camden County, NJ	Approved

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 18-1360. Filed for public inspection August 31, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0034118 (Sewage)	Jack Frost STP (a.k.a. Jack Frost Mountain Summit Lodge) PO Box 707 Blakeslee, PA 18610-0707	Carbon County Kidder Township	Porter Run (2-A)	Yes
PAS802208 (Storm Water)	Nestle DistTech Transportation Facility 3003 Turner Street Allentown, PA 18104	Lehigh County Upper Macungie Township	Unnamed Tributary to Cedar Creek (2-C)	Yes
PA0061093 (Sewage)	Monroe Career and Technical Institution 194 Laurel Lake Road Bartonsville, PA 18321	Monroe County Pocono Township	Unnamed Tributary to Pocono Creek (1-E)	Yes
PA0011762 (Industrial)	American Nickeloid 131 Cherry Street Walnutport, PA 18088-1608	Northampton County Walnutport Borough	Lehigh Canal and Lehigh River (2-C)	Yes
PA0065242 (Sewage)	Limeport Village WWTF 7607 Chestnut Hill Church Road Coopersburg, PA 18036-3712	Lehigh County Lower Milford Township	Saucon Creek (2-C)	Yes
PA0064173 (Sewage)	Heisler's Cloverleaf Dairy WWTP 743 Catawissa Road Tamaqua, PA 18252	Schuylkill County Walker Township	Beaver Creek (03A)	Yes
PA0061204 (Sewage)	Lake Harmony WWTP—Aqua PA Wastewater Inc. 762 W Lancaster Avenue Bryn Mawr, PA 19010-3489	Carbon County Kidder Township	Shingle Mill Run (2-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0088757 (IW)	Mount Union Municipal Authority Singers Gap WTP 9 West Market St. Mount Union, PA 17066-1233	Huntingdon County/ Shirley Township	Springers Gap Run (12-C)	Y
PA0088455 (IW)	Rice Fruit Company 2760 Carlisle Road Gardners, PA 17324-0066	Adams County/ Menallen Township	UNT Opossum Creek (7-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0232378 (Sewage)	Max Showver SRSTP 1625 Sunshine Lane PO Box 144 Tavares, FL 32778-4268	Union County Union Township	West Branch Susquehanna River (10-D)	Yes
PA0228877 (Sewage)	Lazafame SRSTP 15 Stoneybrook Road Orangeville, PA 17859-9017	Columbia County Orange Township	Stony Brook (5-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0098396 (Sewage)	Laurel View Manor MHP STP 600 Laurelview Drive Mt Pleasant, PA 15666	Fayette County Bullskin Township	Unnamed Tributary to Jacobs Creek (19-D)	Yes
PA0217425 (Storm Water)	Pilot Travel Center # 348 205 Wilson Rd Bentleyville, PA 15314-1029	Washington County Bentleyville Borough	Pigeon Creek (19-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0222909 (Sewage)	Kinzua Warren County WWTP 119 Mead Boulevard Clarendon, PA 16313-1119	Warren County Mead Township	Allegheny River (16-B)	Yes
PA0025291 (Sewage)	Southwest Warren County STP 129 Main Street Tidioute, PA 16351-1011	Warren County Tidioute Borough	Allegheny River (16-F)	Yes
PA0238741 (Sewage)	Don W. Neff SRSTP 111 Beach Road Chicora, PA 16025	Butler County Concord Township	Unnamed Tributary to the Connoquenessing Creek (20-C)	Yes
PA0221830 (Sewage)	West Sunbury Borough STP PO Box 202 West Sunbury, PA 16061-0202	Butler County West Sunbury Borough	Unnamed Tributary of South Branch Slippery Rock Creek (20-C)	Yes

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

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

PA0082741, Industrial, SIC Code 4941, **Elizabethtown Area Water Authority Lancaster County**, 211 W Hummelstown Street, Elizabethtown, PA 17022-2079. Facility Name: Elizabethtown Area Water System. This existing facility is located in Mount Joy Township, **Lancaster County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1.62 MGD.

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

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

The EPA Waiver is in effect.

PA0085022, Sewage, SIC Code 4952, **Conoy Township Lancaster County**, 211 Falmouth Road, Bainbridge, PA 17502-9428. Facility Name: Conoy Township Falmouth STP. This existing facility is located in Conoy 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), Unnamed Tributary to Susquehanna River, is located in State Water Plan watershed 7-G 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 0.025 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	5.2	8.3	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	6.3	9.4	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						
Nov 1 - Apr 30	4.3	XXX	XXX	21	XXX	42
May 1 - Oct 31	1.4	XXX	XXX	7.0	XXX	21
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	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.

The EPA Waiver is in effect.

PA0087530, Sewage, SIC Code 6514, **Paul McAnulty**, 3651 Waggoners Gap Road, Carlisle, PA 17015-9540. Facility Name: McAnulty SRSTP. This existing facility is located in North Middleton Township, **Cumberland County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0087033, Sewage, SIC Code 6514, **Benuel Blank**, 6350 Mcclays Mill Road, Newburg, PA 17240. Facility Name: Blank SFTF. This existing facility is located in Lurgan Township, **Franklin County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 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>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 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>Annual Average</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5 Avg Mo	XXX	XXX

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

The EPA Waiver is in effect.

PA0008010, Industrial, SIC Code 2015, **Hain Pure Protein Corp**, 220 N Center Street, Fredericksburg, PA 17026-9723. Facility Name: Hain Pure Protein Poultry Proc Plant. This existing facility is located in Bethel Township, **Lebanon 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), Beach Run, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 7.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.1	XXX	0.33
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	6.2	12.5	XXX	5	10	12.5
Total Suspended Solids	12.5	25	XXX	10	20	25
Oil and Grease	10	17.5	XXX	8.0	14	20

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	400	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	103.0	147.0	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	5.0	10	XXX	4.0	8.0	10
May 1 - Oct 31	3.1	6.2	XXX	2.5	5.0	6.25
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	0.63	1.25	XXX	0.5	1.0	1.25

The proposed effluent limits for Outfalls 002 and 003 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	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:

- Approval Contingencies
- Chlorine Minimization
- Collected screenings, slurries, sludges, and other solids management
- Stormwater management conditions
- Conditions to implement Best Management Practices

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.

PA0261742, Sewage, SIC Code 6514, **Samuel J Smith**, 22215 Back Road, Doylesburg, PA 17219. Facility Name: Smith SRSTP. This existing facility is located in Fannett Township, **Franklin County**.

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

The receiving stream(s), Unnamed Tributary of Doylestown Stream, is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids (Total Load, lbs) (lbs)	XXX	45.69	XXX	XXX	XXX	XXX
		Total Annual				
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is not in effect.

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

PA0037974, Sewage, SIC Code 4952, **Washington Township**, 11800 Edinboro Road, Edinboro, PA 16412-1024. Facility Name: Washington Township Sewer Authority—Kline Rd STP. This existing facility is located in Washington Township, **Erie County**.

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

The receiving stream, an Unnamed Tributary to Darrows Creek, is located in State Water Plan watershed 16-A and is classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 MGD.

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	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.6
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	6.7	10.0	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	20	30	XXX	30.0	45.0	60
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	5.0	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	1.6	XXX	XXX	2.5	XXX	5
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Avg Qrtly	XXX	XXX
				Report		
				Avg Qrtly		

Sludge use and disposal description and location: Sludge is hauled off-site for disposal at the McKean Township STP.

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

- Dry/Intermittent stream discharge
- Chlorine Minimization
- Sludge handling

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.

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

WQM Permit No. 3518403, Sewage, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: To construct a 218,000 gallon underground storage facility to limit combined sewer overflows at Willow Street and Birch Street.

WQM Permit No. 4818402, Sewage, **Bethlehem City Northampton County**, 10 East Church Street, Bethlehem, PA 18018.

This proposed facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action/Activity: Replacement/upgraded influent Mechanical Fine Screens and screenings/detritus systems at the Bethlehem Wastewater Treatment Plant.

WQM Permit No. 5418403, Sewage, **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901.

This existing facility is located in Gordon Borough, **Schuylkill County**.

Description of Proposed Action/Activity: This application is for the following upgrades to the Gordon WWTP existing chlorine disinfection system: modification of the existing manual gaseous chlorine disinfection system to a flow paced system; installation of two new effluent flow meters and an automatic control valve; construction of a new residual chlorine treatment building; and installation of a new dechlorination system including a new sodium bisulfite tank. The proposed project is located at the Authority's existing wastewater treatment plant along Airport Road, approximately 0.5 mile southwest of the intersection with Gordon Mountain Road.

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

WQM Permit No. 6316200, Industrial, **Donora Dock LLC**, 11 Lloyd Avenue, Latrobe, PA 15650-1711.

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

Description of Proposed Action/Activity: Construction of two treatment ponds.

WQM Permit No. 6571434 A-1, Sewage, **Westmoreland County Municipal Authority**, PO Box 730, Greensburg, PA 15601.

This existing facility is located in Youngwood Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Sanitary sewer replacement on Depot and North First Streets.

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

WQM Permit No. 2572405 A-4, Sewage, **McKean Township Sewer Authority Erie County**, PO Box 88, McKean, PA 16426-0088.

This existing facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Construction of effluent dechlorination facilities.

WQM Permit No. 2518413, Sewage, **James Schmitz**, 10333 Lake Pleasant Road, Waterford, PA 16441.

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

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

WQM Permit No. 1012402 A-1, Sewage, **Slippery Rock Municipal Authority**, PO Box 157, Slippery Rock, PA 16057-0157.

This existing facility is located in Slippery Rock Borough, **Butler County**.

Description of Proposed Action/Activity: Replace existing belt filter sludge press with rotary sludge press.

WQM Permit No. 2018403, Sewage, **USA Homeownership Foundation Inc.**, 462 Corona Mall, Suite 102, Corona, CA 92879-1456.

This proposed facility is located in Cussewago Township, **Crawford County**.

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

WQM Permit No. 6218406, Sewage, **H Todd & Susan White**, 749 Lafeil Drive, Manchester, MO 63021.

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

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

IV. NPDES Applications for Stormwater Discharges from MS4.

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

PAI136145, MS4, **Castle Shannon Borough**, 3310 McRoberts Road, Castle Shannon, PA 15234-2711. 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 Castle Shannon Borough, **Allegheny County**. The receiving streams, Unnamed Tributary to Sawmill Run and Sawmill Run, are located in State Water Plan watershed 20-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Total Maximum Daily Load (TMDL) Plan

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

PAI136110, MS4, **Connellsville City Fayette County**, 110 N Arch Street, Connellsville, PA 15425-3101. 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 Connellsville City, **Fayette County**. The receiving streams, Connell Run, Opossum Run, Mounts Creek, Trump Run, and Youghioghny River, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, 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 412-442-4000.

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

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090026	Chris Sincavage 800 North 2nd Street, PMB 148 Philadelphia, PA 19123	Bucks	Solebury Township	Aquetong Creek HQ-CWF

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390081	Lower Macungie Twp 3400 Brookside Rd Macungie, PA 18062	Lehigh	Lower Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)
PAD390094	Huntmeadows Estates LP 2288 Meadow Ln Emmaus, PA 18049	Lehigh	Weisenberg Twp	Mill Creek (TSF, MF) UNT to Lyon Creek (HQ-CWF, MF)
PAD390091	Lehigh Valley Health Network 2100 Mack Blvd PO Box 4000 Allentown, PA 18105	Lehigh	Salisbury Twp	Little Lehigh Creek (HQ-CWF, MF)
PAD390084	Harold Sensenig 4301 Harvest Rd Manheim, PA 17545	Lehigh	Lynn Twp	Switzer Creek (HQ-CWF, MF)

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450017	Brodhead Creek Regional Authority 410 Mill Creek Rd East Stroudsburg, PA 18301	Monroe	Pocono Twp	Pocono Creek (HQ-CWF, MF)
PAD450068	LTS Homes 815 Seven Bridges Rd East Stroudsburg, PA 18301	Monroe	Stroud Twp	Brodhead Creek (HQ-CWF, MF) UNT to Brodhead Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360001	206 Rohrerstown Road LP 2450 Marietta Avenue Lancaster, PA 17601	Lancaster	East Hempfield Township	Brubaker Run (WWF, MF)
PAD050004	PA Department of Conservation & Natural Resources	Bedford	Southampton Township	UNT Elk Lick Creek (HQ, CWF) Sweet Root Creek (HQ, 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. PAG123837 A-1, CAFO, Michael Wilt, 1408 Pointer Road, Everett, PA 15537.

This existing facility is located in East Providence Township, **Bedford County**.

Description of size and scope of existing operation/activity: Swine (Grow—Finish), Dairy (Cows, Heifers, Calves): 1,630.71 AEUs.

The receiving stream, Unnamed Tributary to Raystown Branch Juniata River, is in watershed 11-D and classified for: Migratory Fishes and Warm Water Fishes.

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

NPDES Permit No. PA0248478, CAFO, Michael Burkholder, 313 Deka Road, Fleetwood, PA 19522-9068.

This existing facility is located in Richmond Township, **Berks County**.

Description of size and scope of existing operation/activity: Swine (Grow—Finish): 449.5 AEUs.

The receiving stream, Bieber Creek, is in watershed 3-D and classified for: Exceptional Value Waters 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. PAG123878, CAFO, J & L Groff Farms LLC, 2906 Dettinger Road, Brogue, PA 17309.

This proposed facility is located in Chanceford Township, **York County**.

Description of size and scope of proposed operation/activity: Poultry (Broilers): 469.12 AEUs.

The receiving stream, Mill Branch, is in watershed 7-I and classified for: Migratory Fishes and Warm Water Fishes.

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

Application No. PA0088064, Concentrated Animal Feeding Operation (CAFO), Country View Family Farms LLC (Perry Meadows Farm CAFO), 1301 Fulling Mill Road, Middletown, PA 17057.

Country View Family Farms LLC has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Perry Meadows Farm CAFO, located in Jackson Township, **Perry County**.

The CAFO is situated near Unnamed Tributary to Sherman Creek and Shultz Creek in Watershed 7-A, which is classified for High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 1,342.3 animal equivalent units (AEUs) consisting of 2,620 wean to finish swine, 350 sows with litter, 870 gilts, and 8 boars. Manure is sent from the slatted floors to reception pits located underneath the barns. From here, the manure will flow into the two lagoons located on the site. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732. The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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 & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136335	Patterson Heights Borough Beaver County 6th & 7th Avenue Beaver Falls, PA 15010	Patterson Heights Borough, Beaver County	Yes	No

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>
Benner's Swine Barn LLC 56 Platt Hollow Road Thompstontown, PA 17094	Juniata	574	611.45	Swine	NA	Renewal
Nelson Martin 1850 Horseshoe Pike Annville, PA 17003	Lebanon	314.3	810.47	Swine	NA	Renewal
Stahl Family Farms, LLC 4089 Produce Rd. Selinsgrove, PA 17870	Snyder	102.7 manure application	13.49	Swine/Dairy	NA	Renewal
Randy Weaver 3884 Smaltz Rd Womelsdorf, PA 19567	Berks	87	540.08	Poultry	N/A	Renewal
King Farms 50 Parkside Inn Rd Bernville, PA 19506	Berks	760.8	2,942.20	Poultry	N/A	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 (35 P.S. §§ 721.1—721.17).

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

Permit No. 2218507, Public Water Supply.

Applicant	SUEZ Water Pennsylvania Inc
Municipality	Susquehanna Township
County	Dauphin
Responsible Official	John D. Hollenbach, General Manager 4211 East Park Circle Harrisburg, PA 17111-0151
Type of Facility	Public Water Supply
Consulting Engineer	Jamie R. Shambaugh, P.E. Gannett Fleming, Inc. PO Box 67100 Harrisburg, PA 17106-7100
Application Received:	8/15/2018
Description of Action	Maintenance to the existing raw water intake structure including the construction of a new wet well with new pumps, conversion of the old wet well into a grit settling chamber and upgrades to the air scouring system.

Permit No. 3618515, Public Water Supply.

Applicant	National Water Services Inc
Municipality	Lancaster
County	Lancaster
Responsible Official	Ramon Lorato, General Manager 1217 Parkway Drive Santa Fe, NM 87507
Type of Facility	Public Water Supply

Consulting Engineer	Peter N. Hirneisen, P.E. KLM Environmental LLC PO Box 2704 Goose Creek, SC 29445
Application Received:	8/6/2018
Description of Action	Installation of a vended water system at the Whole Foods Market Store No. 402 with associated treatment system that uses finished ater from the City of Lancaster as its source of supply.

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

Application No. 4918507—Construction—Public Water Supply.

Applicant	Aqua Pennsylvania- Roaring Creek Division
Township/Borough	Coal Township
County	Northumberland County
Responsible Official	Mr. Patrick Burke 204 East Sunbury Street Shamokin City, PA 17872
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Roy S. Rudolph, P.E. GHD, Inc. 230 Executive Drive Suite 300 Cranberry Township, PA 16066
Application Received	08/15/2018
Description of Action	Authorizes the construction of a new booster pump station (BPS) to replace the existing Burnside Booster Pump Station. The BPS will be located at the existing Burnside BPS site, immediately adjacent to the existing BPS vault.

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

Application No. 6318502, Public Water Supply.

Applicant	Tri-County Joint Municipal Authority 26 Monongahela Avenue PO Box 753 East Bethlehem, PA 15333
[Township or Borough]	Centerville Borough
Responsible Official	Vincent Bloom, Board Chairman Tri-County Joint Municipal Authority 26 Monongahela Avenue PO Box 753 East Bethlehem, PA 15333
Type of Facility	Water system
Consulting Engineer	Entech Engineering, Inc. 400 Rouser Road Building 2 Suite 200 Coraopolis, PA 15108

Application Received Date August 6, 2018
 Description of Action Installation of a mixing system in the Vestaburg water storage tank.

Application No. 6318503, Public Water Supply.

Applicant **Tri-County Joint Municipal Authority**
 26 Monongahela Avenue
 PO Box 753
 East Bethlehem, PA 15333

[Township or Borough] North Bethlehem Township

Responsible Official Vincent Bloom, Board Chairman
 Tri-County Joint Municipal Authority
 26 Monongahela Avenue
 PO Box 753
 East Bethlehem, PA 15333

Type of Facility Water system

Consulting Engineer Entech Engineering, Inc.
 400 Rouser Road
 Building 2
 Suite 200
 Coraopolis, PA 15108

Application Received Date August 6, 2018

Description of Action Installation of a mixing system and hypochlorite boosting system in the Scenery Hill water storage tank.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17)

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

Application No. 3018512MA, Minor Amendment.

Applicant **Southwestern Pennsylvania Water Authority**
 1442 Jefferson Road
 Jefferson, PA 15344

[Township or Borough] Morris Township

Responsible Official Timothy Faddis, Manager
 Southwestern Pennsylvania Water Authority
 1442 Jefferson Road
 Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024

Application Received Date August 6, 2017

Description of Action Installation of approximately 6,660 feet of 16-inch diameter transmission main (SR 0018 waterline extension).

Application No. 2618516MA, Minor Amendment.

Applicant **Albert Gallatin Municipal Authority**
 PO Box 305
 Point Marion, PA 15474

[Township or Borough] Springhill Township

Responsible Official Harold Whyel,
 Secretary-Treasurer
 Albert Gallatin Municipal Authority
 PO Box 305
 Point Marion, PA 15474

Type of Facility Water system

Consulting Engineer McMillen Engineering, Inc.
 115 Wayland Smith Drive
 Uniontown, PA 15401

Application Received Date August 8, 2017

Description of Action Replacement of filter media at the water treatment plant.

WATER ALLOCATIONS

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

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

WA-09-963-A, Water Allocations. **Hulmeville Municipal Authority**, 321 Main Street, Hulmeville, PA 19047 Hulmeville Borough, **Bucks County**. Subsidiary Water Allocation renewal for purchase of water from Bucks County Water and Sewer Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
 PREAMBLE 1**

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

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

further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

American Living Concepts of Manayunk LLC, 165-179 Carson Street/156-166 Conarroe Street, City of Philadelphia, **Philadelphia County**. Michael Christopher, P.G., O'Brien & Gere Engineers, Inc., 301 East Germantown Pike, East Norriton, PA 19401 on behalf of Jack Bienenfeld, American Living Concepts of Manayunk LLC, 828 Red Lion Road, Suite E-1, Philadelphia, PA 19115 submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with the release of PAHs, lead, and arsenic. The intended future use of the property is residential. The Notice of Intent to Remediate was published in *The Philadelphia Inquirer* on July 2, 2018.

Rohm and Haas Company, 200 Route 413, Bristol Township, **Bucks County**. David J. Kistner, P. G., AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Jerome Cibrik, Rohm and Haas Chemicals LLC, P.O. Box 8361, Building 200, South Charleston, WV 25303 submitted a Notice of Intent to Remediate. Soil and groundwater has been contaminated with the release of volatile and semi-volatile organic compounds and metals. There are no current development plans for the Trailer Staging Area, but it is intended to remain non-residential. The Notice of Intent to Remediate was published in the *Advance of Bucks County* on July 8, 2018.

1801 Bridgetown Pike, 1801 Bridgetown Pike, Lower Southampton Township, **Bucks County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Vincent and Louis Modes, c/o Marte and Toadvine, 344

South Bellevue Avenue, Langhorne, PA 19047 submitted a Notice of Intent to Remediate. Localized petroleum contaminated soil was encountered. The intended future use of the property is for similar commercial uses. The Notice of Intent to Remediate was published in the *Advanced of Bucks County* in July 8, 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 Notice of Intent to Remediate. The site was found to be contaminated with arsenic and select semivolatile organics in soil. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Times Herald* on July 11, 2018.

Jackson, Cook, Caracappa & Scott, P.C., 312 Oxford Valley Road, Falls Township, **Bucks County**. Matthew Mercuri, P.G., Mercuri & Associates, Inc., 2198 Pennsburg Drive, Jamison, PA 18929 on behalf of Joe Crooks, Super Tank & Energy Co LLC, 302 Jefferson Avenue, Bristol, PA 19007 submitted a Notice of Intent to Remediate. Soil has been contaminated with No. 2 fuel oil. The site is currently commercial. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on July 19, 2018.

Reichenbach Residence, 2230 Cloverly Circle, Warwick Township, **Bucks County**. Matthew Mercuri, P.G., Mercuri & Associates, Inc., 2198 Pennsburg Drive, Jamison, PA 18929 on behalf of Joe Crooks, Super Tank & Energy Company, LLC, 6401 Radcliffe Street, Bristol, PA 19007 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with No. 2 fuel oil. The proposed future use of the property will remain residential. The Notice of Intent to Remediate was published in the *Intelligencer* on July 19, 2018.

3955 Bristol Pike, 3955 Bristol Pike, Bensalem Township, **Bucks County**. Matthew Mercuri, P.G., Mercuri & Associates, Inc., 2198 Pennsburg Drive, Jamison, PA 18929 on behalf of Joe Crooks, Super Tank & Energy Company, LLC, 6401 Radcliffe Street, Bristol, PA 19007 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with petroleum hydrocarbons which have contaminated soil and groundwater on the site. The proposed future use of the property will be both residential and non-residential. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on July 19, 2018.

701 Associates Property, 616-618 West Lancaster Avenue, Haverford Township, **Delaware County**. John C. Lydzinski, P.G., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406-3207 on behalf of Richard D. Orlow, Esquire, Piazza Management Company, 401 South Schuylkill Avenue, Norristown, PA 19403 submitted a Notice of Intent to Remediate. Soil has been contaminated with the release of unleaded gasoline and leaded gasoline. The future use of the property will continue to be commercial. The Notice of Intent to Remediate was published in the *Main Line Times & Suburban of Delaware County* on July 8, 2018.

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

Patricia Griffin Property, 60 Turkey Ridge Road, Middle Smithfield Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor 18013, on behalf

of Kar-Bill Enterprises, 1901 King Street, East Stroudsburg, PA 18302, submitted a Notice of Intent to Remediate. Soil contamination was caused by a release from an aboveground storage tank that contained heating oil. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Pocono Record* on July 6, 2018.

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

Community Chevrolet Geo, 16408 Conneaut Lake Road, Vernon Township, **Crawford County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of KM & T Land Management, 16408 Conneaut Lake Road, Meadville, PA 16335, submitted a Notice of Intent to Remediate. Soil and groundwater contamination was discovered around a below-grade oil water separator and service garage. Site soil has been found to be impacted with bis[2-chloroethyl]ether, n-nitroso-di-n-propylamine and site groundwater with bis[2-ethylhexyl]-phthalate and benzene. The Site-Specific Standard has been selected for remediation. Intended future use of the site is non-residential. The Notice of Intent to Remediate was published in *The Meadville Tribune* on July 2, 2018.

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

Rodney & Denise Markle Property, 114 & 185 Musselman Road, Hanover, PA 17331, West Manheim Township, **York County**. Trimpi Associates, 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169; Rodney and Denise Markle, 114 Musselman Road, Hanover, PA 17331; and Psachyah and Kalilah Lichtenstein, 185 Musselman Road, Hanover, PA 17331, submitted a Notice of Intent to Remediate site soil, groundwater and surface water contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is will continue to be used as residential. The Notice of Intent to Remediate was published in the *Evening Sun* on July 31, 2018.

REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR123SW031. RES Water- Green, LLC, 1373 Washington Pike, Suite 100, Bridgeville, PA 15017. A registration for coverage under General Permit No. WMGR123 for processing and beneficial use of oil and gas liquid waste for the RES Water- Greene Facility to be located in Morgan Township, **Greene County**, was received by the Department on June 6, 2018, as modified by subsequent revisions received on July 17, 2018, and deemed administratively complete in the DEP Regional Office on August 10, 2018.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR038SC010. HB & T Tires, LLC, 134 Old Route 26, Everett, PA 15537 in West Providence Township, **Bedford County**. This general permit authorizes the processing, reuse and beneficial use of waste tires, which include whole tires, tire chips, baled tires, tire shreds, and crumb rubber. The permitted beneficial use of whole waste tires, tire chips, baled tires, tire shreds, and crumb rubber is limited to use in recapping, as fuel in boilers or other combustion units, in civil engineering practices, and as an ingredient in or as a commercial product. This application for Determination of Applicability was determined to be complete on August 15, 2018.

Persons interested in obtaining more information about the general permit application may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 101497. Great Valley Recycling, Inc., 315 West 6th Street, Bridgeport, PA 19405. This permit application is for the ten-year renewal to continue operation under Solid Waste Permit No. 101497 at the Great Valley Recycling transfer station located in Bridgeport Borough, **Montgomery County**. The application was received by the Southeast Regional Office on August 8, 2018.

Comments concerning the application should be directed to the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Permit No. 300977, Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009.

An application for a permit renewal was submitted by Standard Steel, LLC, for continued operation of the onsite residual waste landfill located in Derry Township, **Mifflin County**. The current permit expires January 3, 2019. This application was deemed administratively complete by the Southcentral Regional Office on August 17, 2018. The Department will accept comments from the general public recommending revisions to, and approval or denial of, the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain

the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

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

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

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

09-0015I: Rohm and Haas Company (200 Route 413, Bristol, PA 19007) for a change in the Volatile Organic Compound (VOC) emission rate for the Croydon Reactors (Source ID 401 and Source ID 441) at the chemical processing plant located in Bristol Township, **Bucks County**. There are no operational changes and there is no change in annual emissions with this plan approval. Rohm and Haas Company is a major source of VOC emissions and Nitrogen Oxide (NO_x) emissions. Rohm and Haas Company is an area source for Hazardous Air Pollutants (HAP). The existing facility is currently operating under Title V Operating Permit No. 09-00015. New Source Review and Prevention of Severe Deterioration are not triggered for any criteria pollutant, including Greenhouse Gases for this project. VOC emissions from Source ID 401 and Source ID 441 are reduced using a Catalytic Oxidizer (Control Device C09); Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64 apply

to the sources controlled by the Catalytic Oxidizer (Control Device C09) which is already addressed in the Title V Operating Permit. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-0003AD: Monroe Energy, LLC (4101 Post Road, Trainer, PA 19061) for the installation of a new, two bay LPG Truck Loading Rack located in Trainer Borough, **Delaware County**. The truck loading rack will be used to offload propane from the refinery into tanker trucks and to load and offload n-butane and isobutane. Emissions from the loading rack will be sent to the refinery's main flare (Source ID 103), which utilizes a flare gas recovery system for Volatile Organic Compounds (VOCs) minimization. This project includes fugitive emissions from the proposed truck rack, fugitive piping component emissions from the project, and the installation of a pressurized ethyl mercaptan tank.

The project itself will result in a VOC emission increase of 6.24 tons per year. The 5-year and 10-year contemporaneous emission increase is 30.0 tons VOC and makes this project subject to the requirements of 25 Pa. Code Chapter 127, Subchapter E—New Source Review. Monroe shall apply the Lowest Achievable Emissions Rate (LAER) to this project and must acquire emission reduction credits (ERCs) to offset the contemporaneous net VOC emissions increase. The required ERCs are 39.0 tons VOC, based on a ratio of 1.3:1.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

07-05024A: Zenith Energy Terminals PA Holdings, LLC (3000 Research Forest Drive, Suite 250, The Woodlands, TX 77381) for an existing bulk gasoline terminal tank, loading rack, and control located in Allegheny Township, **Blair County**. Plan Approval will authorize to install a loading arm to Source 108, Loading Rack, modify Source 110, Tank 106 from fixed roof to internal floating roof (IFR), and construct a vapor combustion unit (VCU) to replace VRU on the Loading Rack. The facility's emissions from this PA will increase the NO_x emissions by 3.17 tpy and CO emissions by 7.93 tpy. The potential net emissions increase from the IFR tank conversion will be 1.4 tpy of VOC and 0.8 tpy of HAPs. The VCU's emissions rate will be 10 mg of VOC per liter of gasoline loaded. The VOC emissions will be 7.9 tpy with the existing permit limit of 190 mmgpy gasoline. Among other items, the permit conditions will include provisions for Federal 40 CFR 60 Subpart X—Standards of Performance for Bulk Gasoline Terminals, and 40 CFR 63 Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. Review by the Department indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the

requirements established in the plan approval will be incorporated into a State Only Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

33-210A: Lost Hills Energy, LLC (358 North Shore Drive, Suite 201, Pittsburgh PA 15212) for the construction of a 22 MW natural gas-fired electric generating station at their proposed natural minor facility (non-Title V) on Tomato Drive, Ringgold Township, **Jefferson County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue a plan approval to Lost Hills Energy, LLC, for the construction and initial operation of either five (5) natural gas fired electrical generator engines each capable of producing 4.4 megawatts of electricity, or three (3) natural gas fired electrical generator engines each capable of producing 7.2 megawatts of electricity. A natural gas desiccation system, a line heater, and miscellaneous storage tanks will support the generator engines.

This application was reviewed to evaluate the project's incorporation of Best Available Technology. Emissions from the facility will be controlled through combustion technology, catalytic oxidation, and selective catalytic reduction with urea injection.

Based on the information provided by the applicant and DEP's own analysis, it is estimated that the potential to emit from the facility will total: 13.35 tpy of VOC, 33.15 tpy of CO, 16.85 tpy of NO_x, and 7 tpy of PM operating five (5) natural gas fired electrical generator engines each capable of producing 4.4 megawatts of electricity, or 10.407 tpy of VOC, 32.067 tpy of CO, 16.314 tpy of NO_x, and 14.01 tpy of PM operating five (3) natural gas fired electrical generator engines each capable of producing 7.2 megawatts of electricity.

The proposed engines will be subject to 40 CFR 60, Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines), the applicable requirements of which will be contained in the Plan Approval. The Plan Approval will contain additional testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

In accordance with 25 PA Code 127.44(e)(1), all 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(e)(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 name, address and telephone number of the person submitting the

comments; identification of the proposed plan approval [33-210A: Lost Hills Energy, LLC] 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 Eric A. Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819.

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.

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

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

AMS IP17-000185: AMS is proposing to issue a Plan Approval to modify marine loading operations at KMLT—Philadelphia. The following are the modifications incorporated into the Plan Approval.

- Upgrade the loading capabilities of the marine vapor combustion unit (MVCU) to allow the facility to load at each dock simultaneously.

- Upgrade the MVCU to be able to control Fuel Grade ethanol (FGE) or equivalent Volatile Organic Compounds (VOCs) that have a vapor pressure (vp) of 1.57 psi or greater at 60 degrees Fahrenheit. The MVCU was previously designed to control only organic with a true vp below 0.4 psia. The MVCU will continue not to load petroleum distillate with vapor pressures greater than 4 Reid Vapor Pressure (RVP). Uncontrolled marine loading of FGE or equivalent VOCs shall not exceed 10,000,000 gallons per rolling 12-month period.

There will be no potential VOCs emissions increases from marine loading operations as a result of the modifications. The facility is still subject to a 51 ton of VOCs per rolling 12-month period limit per RACT Plan Approval dated 2/2016. The plan approval will contain emission limits, work standard practices, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

Copies of all documents and information concerning this permit are available for review in the offices of Air Management Services, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents should contact Debra Williams (215-685-7572) at the above address.

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

OPERATING PERMITS

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

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

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

13-00003: Panther Creek Power Operating LLC, Nesquehoning (4 Denison Rd., Nesquehoning, PA 18240-2242). The Department intends to issue a renewal Title V Operating Permit for the electric generation facility located in Nesquehoning Borough, **Carbon County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The main sources at this facility consist of two fluidized bed boilers, ash handling systems, fly ash filter separators, and a diesel fire pump. The sources are controlled by baghouses and fabric filters. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds.

On April 23, 2016, the Pennsylvania Department of Environmental Protection (PADEP) published 25 Pa. Code 129.96—129.100, Additional RACT Requirements for Major Sources of NO_x and VOC, also known as Reasonably Available Control Technology (RACT) 2. Panther Creek Power Operating LLC, Nesquehoning qualifies as a major source of NO_x emissions because facility-wide potential NO_x emissions are above the RACT 2 major source threshold (i.e., 100 tons per year). As a result, the NO_x-emitting operations at the facility will be subject to the provisions of the RACT 2 rule. The NO_x emitting sources at the facility are Source ID # 031 and # 032, the Circulating Fluidized Bed (CFB) Boilers. The RACT 2 requirements are included in the proposed TV operating permit.

The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

48-00021: Northampton Generating Co LP/Northampton Facility (NGC), (1 Horwith Drive, Northampton, PA 18067-9728). The Department intends to issue a renewal Title V Operating Permit for the electric generation facility located in Northampton Borough, **Northampton County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The main sources at this facility consist of one fluidized bed boiler, ash handling systems, ash storage and loadout, an emergency generator, a diesel boiler emergency feed pump, and a diesel fire pump. The sources are controlled by baghouses and collectors. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds.

On April 23, 2016, the Pennsylvania Department of Environmental Protection (PADEP) published 25 Pa. Code 129.96—129.100, Additional RACT Requirements for Major Sources of NO_x and VOC, also known as Reasonably Available Control Technology (RACT) 2. Northampton Generating Co LP/Northampton Facility (NGC) qualifies

as a major source of NO_x emissions because facility-wide potential NO_x emissions are above the RACT 2 major source threshold (i.e., 100 tons per year). As a result, the NO_x-emitting operations at the facility will be subject to the provisions of the RACT 2 rule. The NO_x emitting source at the facility is Source ID # 001, the Circulating Fluidized Bed (CFB) Boiler. The Presumptive RACT 2 requirements are included in the proposed TV operating permit.

The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

67-05014: York Group, Inc. (2880 Blackbridge Road, York, PA 17406) to issue a Title V Operating Permit renewal for its wood casket manufacturing facility located in Manchester Township, **York County**. The actual emissions from the facility in 2017 were reported to be 90.4 tons VOC; 30.3 tons PM₁₀; 27.4 tons CO; 22.8 tons NO_x; 15.4 tons PM_{2.5}; 1.1 ton SO_x; 1.2 ton toluene; 0.6-ton naphthalene; 0.1 ton xylenes; and 2.1 tons total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources (Source IDs 032 and 033); 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source ID 501); and the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64 (Source IDs 220, 225, 230, 240, and 260), and a compliance schedule related to RACT 2.

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

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-03142: Haines & Kibblehouse, Inc. (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) to issue a State-Only Operating Permit for the operation of their quarry and stone crushing facility in Brecknock Township, **Lancaster County**. The subject facility has the potential-to-emit 21.4 tpy PM, 7.9 tpy PM₁₀ and 1.1 tpy PM_{2.5}. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

06-03095: DirectLink Technologies Corp. (2561 Bernville Road, Reading, PA 19605-9611) to issue a State-Only Operating Permit for the operation of a data processing center with six (6) emergency generators in Bern Township, **Berks County**. The subject facility has the potential-to-emit 3.6 tons per year CO, 19.2 tons per year NO_x, 0.6 ton per year PM₁₀, 1.3 ton per year SO_x, 3.4 tons per year VOC, & 1.0 ton per year of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 123.13, 123.21 and Chapter 130, Subchapters C and D, and 40 CFR 63, Subpart CCCCC—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

06-03079: Interstate Container LLC (100 Grace Street, Reading, PA 19611) to issue a State Only Operating Permit for the corrugated paper manufacturing plant located in Reading City, **Berks County**. The actual emissions from the facility in 2017 are estimated at 3.95 tons of VOC emissions and less than a ton of other pollutants. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart ZZZZ and 25 Pa. Code § 129.67b.

36-05109: OmniMax International, Inc. (450 Richardson Drive, Lancaster, PA 17603) to issue a State Only Operating Permit for the exterior home products manufacturing facility located in East Hempfield Township, **Lancaster County**. Potential emissions from the facility are estimated at 15 tons of NO_x, 9 tons of CO, 5 tons of VOC and less than one ton of other pollutants. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart ZZZZ and 40 CFR 60 Subpart JJJJ.

38-03035: V & S Lebanon Galvanizing, LLC (153 Micro Drive, Jonestown, PA 17038) to issue a State Only Operating Permit for the metal coating facility located in Union Township, **Lebanon County**. The potential emissions from the facility are estimated at 6.80 tpy of NO_x, 5.72 tpy of CO, 4.76 tpy of PM₁₀, 0.04 tpy of SO_x, 0.37 tpy of VOC and 1.47 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

36-05086: Donsco, Inc. (P.O. Box 2001, Wrightsville, PA 17368) to issue a renewal of the facility's State-Only Operating Permit for the Iron Foundry operations at the Mount Joy plant located in Mount Joy Borough, **Lancaster County**. The subject facility's actual emissions as reported in 2016 are 17.8 tpy of PM₁₀, and 5.8 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility

complies with the applicable air quality regulations. Among other items, the foundry operations are subject to 40 CFR Part 63, Subpart ZZZZZ—Iron and Steel Foundries: National Emission Standards for Hazardous Air Pollutants (NESHAP) for Area Sources.

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

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

17-00066: Forum US, Inc. (PO Box 897, Gainesville, TX 76241-0897); the Department intends to issue a renewal State Only permit for their Clearfield Plant facility located in Lawrence Township, **Clearfield County**. The facility is currently operating under State Only Permit No: 17-00066, issued on February 13, 2013. The facility's sources currently in operation consist of a pressurized paint spray booth (Source ID P101) with natural gas-fired air make-up unit (P102), an open-faced paint spray booth (P103), small natural gas-fired heaters (031), MIG & TIG welding stations (P400), a stress relief oven (P200), two (2) indoor-vented dry abrasive blasting booths (P500 and P500B), two (2) submerged plasma arc cutters (P401), and a plasma pipe cutter (P402). Facility wide Potential to Emit calculations for nitrogen oxides (NO_x, expressed as NO₂), carbon monoxide (CO), volatile organic compounds (VOCs), sulfur oxides (SO_x, expressed as SO₂), particulate matter (PM), PM₁₀, PM_{2.5} and hazardous air pollutants (HAPs) are, as follows: NO_x: 8.2 tons per year (tpy); CO: 8.0 tpy; VOCs: 36.4 tpy; Xylenes: 9.2 tpy; SO₂: 0.1 tpy; PM/PM₁₀/PM_{2.5}: 6.2 tpy; HAPs: 14.7 tpy. The paint spray booths, MIG & TIG welding stations, dry abrasive blasting booths and plasma pipe cutter sources are subject to National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories as codified in 40 CFR Part 63 Subpart XXXXXX. Additionally, the paint spray booths are subject to control of VOC emissions from Miscellaneous Metal Parts Surface Coating Processes as codified in 25 Pa. Code § 129.52d. All applicable air quality regulatory requirements pertaining to the air contaminant sources located at this facility have been incorporated into the renewal permit including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance with the applicable requirements. The applicable requirements were derived from 25 Pa. Code Article III Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

08-00042: Northeast Bradford School District (526 Panther Lane, Rome, PA 18837) the Department intends to issue a renewal State Only permit for the school district located in Orwell Township, **Bradford County**. The facility's main sources currently in operation consist of a 8.5 MMBtu/hr biomass fired boiler, small No. 2 fuel oil/natural gas fired boilers and an emergency generator. The subject facility has the following potential emissions: 8.23 TPY of CO; 18.34 TPY of NO_x; 31.37 TPY of SO_x; 11.13 TPY of PM/PM₁₀; 1.94 TPY of VOC and 17,577 TPY of CO_{2e}. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boiler Area Sources, 40 CFR Part 63

Subpart JJJJJ 63.11193—63.11237; the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ 63.6580—63.6675 and the New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 60 Subpart IIII 60.4200—60.4219. All applicable air quality regulatory requirements pertaining to the air contaminant sources located at this facility have been incorporated into the renewal permit including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance with the applicable requirements. The applicable requirements were derived from 25 Pa. Code Article III Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

19-00015: HRI, Inc. (1750 West College Avenue, State College, PA 16801) the Department intends to issue a renewal State Only permit for the Bloomsburg asphalt plant located in Hemlock Township, **Columbia County**. The facility's main sources include one (1) 250 ton per hour batch asphalt plant. The subject facility has the following potential emissions: 42.93 TPY of CO; 18.90 TPY of NO_x; 45.90 TPY of SO_x; 2.65 TPY of PM/PM₁₀; 18.03 TPY of VOC; 10,032 TPY of CO_{2e} and 2.09 TPY of total HAPs. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the New Source Performance Standards Subpart I sections 60.90—60.93. All applicable air quality regulatory requirements pertaining to the air contaminant sources located at this facility have been incorporated into the renewal permit including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance with the applicable requirements. The applicable requirements were derived from Pa. Code Title 25 Article III Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

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

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

63-00899: Pleiger Plastic Company (498 Circle Road, Washington, PA 15301) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Pleiger Plastic Company to authorize the production of polyurethane parts including wheels, sheets and other specialty moldings. The facility is located in South Strabane, **Washington County**.

The emission sources at this facility include natural gas-fired units, shot blasting parts, vapor degreasing, molding centrifuges and tables, reactors, and adhesive application. The operations include shot blasting, degassing, mixing, molding and heat curing. The facility wide estimated potential emissions are: 1.26 tpy NO_x, 5.98 tpy CO, 0.04 tpy SO_x, 3.39 tpy PM₁₀, 9.80 tpy VOC, and 6.84 tpy of HAPs. The proposed SOOP contains emission

restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145, and 40 CFR Part 63, Subpart T—National Emission Standards for Halogenated Solvent Cleaning.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (63-00899) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Pleiger Plastic Company State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility 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 Pleiger Plastic Company State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

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

11-00289: North American Höganäs (101 Bridge Street, Johnstown, PA 15902) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to North American Höganäs to authorize the manufacturing operations of high purity copper and stainless-steel powders and some non-ferrous and ferrous products at their facility located in Johnstown Municipality, Cambria County.

There are three major manufacturing lines at the North American Höganäs High Alloys plant: Electrolytic Iron Production Department, Alloy Department, and Glidcop Department. There are three small emergency generators and various equipment associated with this operation. There are several baghouses, most of them are exhausted indoors and two are exhausted outdoors. The facility wide estimated potential emissions using AP-42 Emission Factors are: 9.83 tpy NO_x, 8.28 tpy CO, 0.61 tpy SO_x, 2.90 tpy VOC, 2.85 tpy PM₁₀ and 1.57 tpy of HAPs.

The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code, Article III, Chapters 121—145, and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (11-00289) and a concise statement of the

objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

North American Höganäs State Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility 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 North American Höganäs State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

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

56-00100: Highland Tank and Manufacturing Company (1 Highland Road, Stoystown, PA 15563), for a renewed facility-wide synthetic minor State Only Operating Permit for the operation of a tank manufacturing plant, known as the Stoystown Plant, located in Stoystown Borough, **Somerset County**. The facility contains air contamination sources consisting of welding activities, shot blast units, paint booths and areas, and process and area heaters. Air pollution prevention equipment at the facility includes cartridge collectors. Potential facility emissions are 49 tons of VOC, 16 tons of NO_x, 11 tons of CO, 4 tons of PM₁₀, and 4 tons of PM_{2.5}, per year and 9.5 tons of any individual HAP and less than 25 tons of all HAPs, combined. The facility is subject to 40 CFR 63, Subparts A and XXXXXX, and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting and recordkeeping requirements for the facility.

Highland Tank's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Thomas Kaminski at thkaminski@pa.gov or 412.442.4000.

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest; identification of the proposed permit issuance being opposed (State Only Operating Permit 56-00100); and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

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

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

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

42-00117: Zippo Manufacturing Company (401 Congress St, Bradford, PA 16701). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the Congress Street manufacturing facility located in Bradford Township, **McKean County**. The facility's primary emission sources include miscellaneous natural gas boilers, a plating machine, automatic hoist plating lines (2), a burn off oven, edge buffing and polishing lathes, old and new high polishing buffing machines, an Acme edge buffing machine, emergency generators (4), a centrifugal part washer, a rack coating curing oven, epoxy ovens 1 & 2 (2), miscellaneous natural gas usage, a cold solvent degreaser unit, an R&D cell, and miscellaneous lasers (engraving and powder coating removal). The potential emissions of the primary pollutants from the facility are as follows: 23.78 TPY NO_x, 18.97 TPY CO, 4.19 TPY VOC, 3.63 TPY PM₁₀, 3.51 TPY PM_{2.5}, and 0.13 TPY SO_x; thus, the facility is a natural minor. The facility will also be submitting a plan approval application under a compliance schedule for the installation of the CNC machinery and engraving cell area which is a source of additional VOCs. The facility is subject to 40 CFR 63 Subpart WWWW, National Emission Standards for Hazardous Air Pollutants (NESHAP): Area Source Standards for Plating and Polishing Operations. The plating machine is subject to 40 CFR 63 Subpart N, NESHAP for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks. The emergency generators are 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.

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

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

OP18-000025: Lincoln Financial Field (1 Lincoln Financial Field Way, Philadelphia, PA 19148) for the operation of a stadium and athletic field in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include fourteen (14) boilers or hot water heaters firing natural gas each rated 19.0

MMBtu/hr or less, two (2) emergency generators firing diesel fuel each rated 1,620 kW or less, and one (1) fire pump firing diesel fuel rated 96.9 kW.

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

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

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

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the

requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

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

30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, (1000 Consol En-

ergy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County** and South Franklin Township, Washington County and related NPDES permit for the inclusion of the Farmer Lane Tank. This is an existing facility previously permitted by CNX Gas. Surface Acres Proposed: 1.2. No additional discharges. The application was considered administratively complete on August 20, 2018. Application received: June 14, 2018.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

3076SM4. Conneaut Lake Sand & Gravel, Inc. (P.O. Box 233, West Middlesex, PA 16159). Revision to an existing large industrial minerals surface mine to change the post-mining land use from woodlot and pasture to tillable farmland or residential development, unmanaged water impoundment, and unmanaged natural habitat on the Lakeland Aggregates, Inc. (formerly Conneaut Lake Sand & Gravel, Inc.) and Dunbar Asphalt, LLC (formerly Foster Grading Co.) properties in Sadsbury Township, **Crawford County**. Receiving streams: Unnamed tributary to Conneaut Lake, classified for the following uses: HQ CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 13, 2018.

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

Permit No. 64910302 and NPDES Permit No. PA0225932. Ron Scull, (565 Beach Lake Highway, Honesdale, PA 18431), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Berlin Township, **Wayne County** affecting 41.5 acres, receiving stream: Indian Orchard Brook, classified for the following uses: high quality—cold water fishes and migratory fishes. Application received: July 25, 2018.

Permit No. 6574SM1 and NPDES Permit No. PA0225941. Pocono Industries, Inc., (506 Hickory Valley Road, Stroudsburg, PA 18360), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Hamilton Township, **Monroe County** affecting 42.4 acres, receiving stream: McMichael Creek, classified for the following use: high quality—migratory fishes. Application received: July 20, 2018.

Permit No. 49030301C5 and NPDES Permit No. PA0224316. Meckley's Limestone Products, Inc., (1543 State Route 225, Herndon, PA 17830), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mahanoy and Jordan Townships, **Northumberland County** affecting 159.9 acres, receiving stream: Upper Fidler Run, classified for the following use: warm water fishes. Application received: August 6, 2018.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<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.

Noncoal NPDES Draft Permits

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

NPDES No. PA0280623 (Permit No. 20072801). R. Hunter, Inc. (15428 Sheets Road, Guys Mills, PA 16327). New NPDES permit for a small industrial minerals surface mine in Steuben Township, **Crawford County**, affecting 10.0 acres. Receiving streams: Muddy Creek, classified for the following uses: HQ-CWF. TMDL: None. Application received: July 31, 2018.

There will be no discharges from this site.

NPDES No. PA0280631 (Permit No. 62100801). William D. Jackson (4034 Oil Creek Road, Spartansburg, PA 16434). New NPDES permit for a small industrial minerals surface mine in Spring Creek Township, **Warren County**, affecting 5.0 acres. Receiving streams: Spring Creek, classified for the following uses: HQ-CWF. TMDL: None. Application received: August 1, 2018.

There will be no discharges from this site.

NPDES No. PA0207535 (Permit No. 3076SM13). White Rock Silica Sand Co., Inc. (331 Methodist Road, Greenville, PA 16125). Renewal of the existing NPDES permit for a large industrial minerals surface mine in Hempfield Township, **Mercer County**, affecting 40.0 acres. Receiving streams: Unnamed tributary to Shenango River, classified for the following uses: WWF. TMDL: None. Application received: July 16, 2018.

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

The following outfall discharges to unnamed tributary to the Shenango River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
003	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The following outfall discharges to unnamed tributary to Shenango River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

NPDES No. PA0107395 (Permit No. 16860310). Glen-Gery Corporation (P.O. Box 7001, Wyomissing, PA 19610) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Limestone & Monroe Townships, **Clarion County**, affecting 256.0 acres. Receiving streams: Unnamed tributary to Little Piney Creek and unnamed tributary to Piney Creek, both classified for the following uses: CWF. TMDL: Lower Clarion River. Application received: June 21, 2018.

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

The following outfalls discharge to unnamed tributary to Little Piney Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB2	N
TB3	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The following outfalls discharge to unnamed tributary to Little Piney Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
B	N
D	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The following outfall discharges to unnamed tributary to Piney Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB4	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		2.1	4.2	5.25
Manganese (mg/l)		1.1	2.2	2.75
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The following outfall discharges to unnamed tributary to Piney Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
C	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		2.1	4.2	5.25
Manganese (mg/l)		1.1	2.2	2.75
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

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

NPDES Permit No. PA0225827 on Surface Mining Permit No. 40870302. Pocono Transcrete, Inc., (179 Burger Road, Blakeslee, PA 18610), new NPDES Permit for a sand and gravel quarry operation in Foster Township, **Luzerne County**, affecting 106.539 acres. Receiving stream: unnamed tributary to Lehigh River, classified for the following use: HQ—cold water fishes. Application received: January 16, 2018.

Non-discharge BMP's shall be in effect.

NPDES Permit No. PA0593796 on Surface Mining Permit Nos. 09870301 and 09960301. Warner Company, (600 Tyburn Road, Morrisville, PA 19607), renewal of an NPDES Permit for a sand and gravel quarry operation in Falls Township, **Bucks County**, affecting 547.1 acres. Receiving stream: Delaware River, classified for the following uses: warm water and migratory fishes. Application received: February 12, 2018.

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

The following outfalls discharge to the Delaware River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Treatment Facility Outfall
002	No	Treatment Facility Outfall

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Iron (mg/l)		3.0	6.0	7.0
Total Acidity (mg/l)				Report
Total Alkalinity (mg/l)				Report
Net Alkalinity (mg/l)	0.0			

¹ The parameter is applicable at all times.

NPDES Permit No. PA0595454 on Surface Mining Permit No. 58910301. F.S. Lopke Contracting, Inc., (3430 SR 434, Apalachin, NY 13732), renewal of an NPDES Permit for a sandstone quarry operation in Forest Lake, **Susquehanna County**, affecting 204.0 acres. Receiving stream: unnamed tributary to Middle Branch Wyalusing Creek, classified for the following uses: cold water and migratory fishes. Application received: February 22, 2018.

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

The following outfall discharges to unnamed tributary to Middle Branch Wyalusing Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	N	Sedimentation Ponds (E & S) Non-process Stormwater

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

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

¹ The parameter is applicable at all times.

NPDES Permit No. PA0223875 on Surface Mining Permit No. 48980301. Chrin Brothers, Inc., (1225 Industrial Drive, Easton, PA 18042), renewal of an NPDES Permit for a dolomite quarry operation in Williams Township, **Northampton County**, affecting 36.8 acres. Receiving stream: unnamed tributary to Lehigh River, classified for the following uses: cold water and migratory fishes. Application received: April 30, 2018.

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

The following outfalls discharge to unnamed tributary to Lehigh River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater
002	No	Stormwater

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

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

Alkalinity must exceed acidity at all times.

¹ 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

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E23-545: DANBRO LP, 3700 South 26th Street, Philadelphia, PA 19145, Chester Township, **Delaware County**, ACOE Philadelphia District.

To construct, regrade, and maintain approximately 805 LF of an existing drainage channel in and along the unnamed tributary of Chester Creek (WWF) impacting

approximately 0.028 acre of wetland. Work will include the rehabilitation and the construction of series of pools connected by short pipe runs and constructing a culvert from the discharge point of the pool system. The site is located near the intersection of Concord Road and Sunfield Drive (Marcus Hook, PA, USGS Quadrangle Map, Latitude: 39.852270; Longitude: -75.400227).

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E64-314. The Association of Property Owners of the Hideout, Inc., 640 The Hideout, Lake Ariel, PA 18436, in Salem Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Deerfield Lake Stormwater Retrofit project located within The Hideout development: (Lakeville, PA Quadrangle, Latitude: 41°25'45.17"; Longitude: -75°21'52.9").

1) A 0.17-acre fill of PEM wetlands consisting of grading associated with stormwater management facilities.

2) An extension of two (2) existing 15-inch diameter culverts carrying an Unnamed Tributary to Ariel Creek (HQ-CWF, MF) consisting of a 48-inch x 48-inch concrete inlet box and two 9-foot long, 15-inch diameter pipes. This impact will permanently impact 0.004-acre of PEM wetlands.

3) A 0.11-acre fill within the floodway of an Unnamed Tributary to Ariel Creek (HQ-CWF, MF) consisting of grading associated with stormwater management facilities and a wetland mitigation area.

The project is located 0.74 mile north of the intersection of S.R. 3011 (Golf Park Drive) and Chapman Road (Lakeville, PA Quadrangle Latitude: 41° 25' 45.17" Longitude: -75° 21' 52.9") in Salem Township, Wayne County.

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

E02-1791, Thomas and Tracy Landau, 751 Pearce Mill Road, Wexford, PA 15090, Pine Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Construct and maintain a 230-linear foot 18" HDPE pipe stream enclosure conveying an Unnamed Tributary to North Fork Pine Creek (CWF);

2. Relocate 256-linear feet within the above-mentioned stream enclosure;

3. Repair the existing culvert section beneath the existing private drive through the construction of the previously mentioned stream enclosure.

4. Place and maintain R-4 rip-rap outlet protection within the floodway of North Fork Pine Creek (CWF)

For the purpose of providing accelerated erosion protection currently occurring on the applicant's property and to maintain a safe means of access to use their home. The project will permanently impact 256-linear feet of stream channel and 0.03-acre of floodway. Stream restoration is proposed off-site for the impacts associated with the project. The project is located on Pearce Mill Road approximately 3.9 miles from the intersection with PA-910E/Wexford Bayne Road (Mars USGS Topographic Quadrangle, Latitude 40° 38' 19"; Longitude -80° 1' 39"; Sub-basin 18-A; Pittsburgh Corps District) in Pine Township, Allegheny County.

E02-1793, Charles Thomas, 4025 Homestead Duquesne Road, West Mifflin, PA 15122, West Mifflin Borough, **Allegheny County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Construct and maintain a 130-linear foot arch culvert with a span of 10-ft, 8-in and a rise of 6-ft, 11-in in an Unnamed Tributary to Homestead Run (WWF);

2. Place and maintain fill in 0.06 acre of floodway;

3. Place and maintain an outside patio deck within the floodway;

For the purpose of reducing streambank erosion adjacent to Hob Nob—Pearl's Café and expanding their restaurant. This project will permanently impact approximately 136 linear feet of an Unnamed Tributary to Homestead Run and 0.06 acre of floodway. The project will temporarily impact 35 linear feet of an Unnamed Tributary to Homestead Run and 0.01 acre of floodway. The applicant is proposing to provide compensatory mitigation for the impacts associated with the project. The project is located on Homestead Duquesne Road approximately 0.3 mile from the intersection with Vondera Street in West Mifflin, PA. (Pittsburgh East USGS Topographic Quadrangle, Latitude 40° 23' 26.16"; Longitude -79° 53' 37.43"; Sub-basin 19-A; Pittsburgh Corps District) in West Mifflin Borough, Allegheny County.

E02-1794, City of Pittsburgh/Department of Mobility & Infrastructure, 414 Grant Street, Room 215B City-County Building, Pittsburgh, PA 15219, City of Pittsburgh, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain grouted and non-grouted rock bank protection, and the construction of modular concrete jumbo blocks and gabion walls along 955 linear feet of stream.

2. Remove gravel bars and nonnative materials from the stream bed along 1,000 linear feet of stream.

For the purpose of improving bank stability and stream flood conditions. The project will take place within Streets Run (WWF). Due to the aforementioned areas overlapping the project will cumulatively impact 1,000 linear feet of stream.

The project site is located in the Hays neighborhood (Pittsburgh East, PA USGS topographic quadrangle; N: 40°, 23', 02"; W: -79°, 55', 59"; Sub-basin 19A; USACE Pittsburgh District), in The City of Pittsburgh, Allegheny County.

ENVIRONMENTAL ASSESSMENTS

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

D09-031EA. Mr. Edward Raptosh, Pennsylvania Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, P.O. Box 8451, Harrisburg, PA 17105, East Rockhill and Haycock Townships, **Bucks County**, USACOE Philadelphia District.

Project proposes to remove the Haskins Dam to eliminate a threat to public safety and to restore approximately 1,100 feet of stream channel to a free-flowing condition. The project is located across Tohickon Creek (TSF, MF) (Quakertown, PA Quadrangle, Latitude: 40.4416; Longitude: -75.2701).

[Pa.B. Doc. No. 18-1361. Filed for public inspection August 31, 2018, 9:00 a.m.]

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062774 (Storm Water)	Pilot Travel Center 298 Treatment Plant SR 93 and I-80 Drums, PA 18222	Luzerne County Sugarloaf Township	Unnamed Tributary to Nescopeck Creek (5-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0085332 SEW	Delta Borough P.O. Box 278 101 College Avenue Delta, PA 17314-0278	Delta Borough, York County	Scott Creek in Watershed(s) 7-I	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0093181 (Industrial)	Industrial Wastes, LLC Darlington Plant 405 North State Line Rd. Darlington, PA 16115	Beaver County Darlington Township	East Fork Stateline Creek (20-B)	Yes
PA0004685 (Industrial)	Penna Flame Industries Inc. 1856 Route 588 Zelienople, PA 16063-3902	Beaver County Franklin Township	Connoquenessing Creek (20-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0100129 (Sewage)	Seneca Hills Campground 276 Damascus Road Polk, PA 16342-4904	Venango County Victory Township	Sandy Creek (16-G)	Yes
PA0263923 (Sewage)	Brian Alter SRSTP 319 Hannahstown Road Cabot, PA 16023	Butler County Jefferson Township	Sarver Run (18-F)	Yes

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

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

NPDES Permit No. PA0276073, Sewage, SIC Code 4952, **Lemon Township Tunkhannock Township Joint Municipal Sewer Authority**, 113 Tunkhannock Twp Drive, Tunkhannock, PA 18657.

This proposed facility is located in Tunkhannock Township, **Wyoming County**.

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

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

NPDES Permit No. PA0271462, Sewage, SIC Code 8800, **Bradley Mauersburg**, 132 Glo Min Drive, Pittsburgh, PA 15241.

This proposed facility is located in Elk Township, Clarion County (The draft notice incorrectly listed the facility as being in Clarion Borough, **Clarion County**).

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

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

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

WQM Permit No. 1301407-A1, Sewage, SIC Code 4952, **AQUA Pennsylvania Wastewater, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This existing facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: Upgrade/modification of the existing 0.400 MGD Lake Harmony Wastewater Treatment Plant. The project generally consists of: adding new influent screening, flow metering and grit removal system within a new prefabricated building, a new influent pump station to accommodate a triplex submersible pumping set, addition of a new sequencing batch reactor (SBR) system, modification to the existing SBRs, addition of a post equalization tank and effluent filter and updated chemical feed systems. There is no proposed increase in organic capacity associated with this project and the existing outfall to Shingle Mill Run will remain unchanged.

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

WQM Permit No. 3418201, CAFO, **Kurtz Valley Energy LLC**, 396 Dairy Lane, Mifflintown, PA 17059.

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

Description of Proposed Action/Activity:

This permit approves the construction and operation of manure storage facilities consisting of:

- HDPE-lined Lagoon (x2)
- Reception Pits (x4)
- Digesters (x2)
- Lagoon Leak Detection System
- Reception Pit Perimeter Drains (x4)

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

WQM Permit No. 0218406, Sewage, SIC Code 4952, **Allegheny County Sanitary Authority ALCOSAN**, 3300 Preble Avenue, Pittsburgh, PA 15233-1025.

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

Description of Proposed Action/Activity: Four Mile Run Overflow Rehabilitation and Structure M-29 Outfall. The project is to include repair of culvert pipe, new endwall and flap gate, and lowering of overflow weir to reduce flooding during large rainfall events.

WQM Permit No. 6397407 A-1, Sewage, SIC Code 4952, **East Bethlehem Township Municipal Authority Washington County**, P.O. Box 136, Fredericktown, PA 15333-0136.

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

Description of Proposed Action/Activity: Replacement of current chlorine disinfection system with new ultraviolet light disinfection system.

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

WQM Permit No. 1618403, Sewage, **Bradley Mauersburg**, 132 Glo Min Drive, Pittsburgh, PA 15241.

This proposed facility is located in Clarion Borough, **Clarion 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 & 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>
PAI133544	Penbrook Borough Dauphin County 150 S 28th Street Harrisburg, PA 17103-1910	Penbrook Borough, Dauphin	Unnamed Tributary to Spring Creek and Unnamed Tributary to Asylum Run/WWF, CWF, and MF	Y	Y

V. NPDES Waiver Stormwater Discharges from MS4 Actions.

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

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

<i>NPDES Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136170	Darlington Township Beaver County 3590 Darlington Road Darlington, PA 16115-2520	Darlington Township, Beaver	Unnamed Tributary to Scott Run/WWF
PAG136301	Bullskin Township Fayette County 178 Shenandoah Road Connellsville, PA 15425-6028	Bullskin Township, Fayette	Mounts Creek, Unnamed Tributary to Mounts Creek, Whites Run, and Irish Run WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD460012	Woodspring Suites Philadelphia Plymouth Meeting, LLC 8621 East 21st Street Wichita, KS 67206	Montgomery	Plymouth Township	Unnamed Tributary to Plymouth Creek WWF

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD150096	RLD Greystone, LLC 124 Cedar Street Conshohocken, PA 19428	Chester	West Goshen Township	Taylor's Run TSF-MF
PAD150094	Stoltzfus Enterprises, Inc. 23 East Main Street Elverson, PA 19520	Chester	East Nantmeal Township	South Branch of French Creek EV
PAD090030	Rebecca River Road, LLC 190 Witherspoon Street Princeton, NJ 08542	Bucks	New Hope Borough	Aquetong Creek HQ-CWF-MF

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

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

Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD390075	PPL Electric Utilities Corporation 2 North Ninth St. Allentown, PA 18101	Lehigh Carbon	Washington Township (Lehigh) East Penn Township, Lower Towamensing Township, Palmerton Borough (Carbon)	Aquashicola Creek (TSF, MF) Lehigh River (TSF, MF) Trout Creek (CWF, MF) EV Wetlands

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD400021	PPL Electric Utilities Corporation c/o Colleen Kester Two North 9th Street Allentown, PA 18101-1139	Luzerne County	Butler Township Hazle Township	Hazle Creek (HQ-CWF, MF) Dreck Creek (HQ-CWF, MF) Black Creek (CWF, MF) Pond Creek (HQ-CWF, MF)

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD450038	Exeter Blakeslee Lot 100 Land, LLC 101 West Elm Street, Suite 600 Conshohocken, PA 19428	Monroe	Tobyhanna Township	Tobyhanna Creek (HQ-CWF, MF)
	Exeter Blakeslee Lot 110 Land, LLC 101 West Elm Street, Suite 600 Conshohocken, PA 19428			Goose Run (HQ-CWF, MF)

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

McKean County Conservation District, 17137 Route 6, Smethport, PA 16749, 814-887-4001.

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD420004	Bradford Regional Airport 212 Airport Drive Lewis Run, PA 16738	McKean	Lafayette Township	UNT to East Branch Tunungwant Creek HQ-CWF
PAD250001	Major Modification Mid-Atlantic Interstate Transmission LLC 341 White Pond Drive Akron, OH 44320	Erie	North East Township	Twelvemile Creek HQ, CWF, MF

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

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

List of NPDES and/or Other General Permit Types.

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

General Permit Type—PAG-02

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Wilkes-Barre City Luzerne County	PAC400075	Wilkes-Barre Hospital Company LLC Robert Stiekes 575 N River St Wilkes-Barre, PA 18764	Susquehanna River (WWF, MF)	Luzerne County Conservation District 570-674-7991
Hazle Twp West Hazleton Boro Luzerne County	PAC400079	PPL Electric Utilities Corp Colleen Kester 2 N 9th St Allentown, PA 18101-1139	Cranberry Creek (CWF, MF) Stony Creek (CWF, MF) Black Creek (CWF, MF)	Luzerne County Conservation District 570-674-7991
Cressona Boro Schuylkill County	PAC540036	Michael Hammer Hydro Extrusion USA LLC 53 Pottsville St Cressona, PA 17929	West Branch Schuylkill River (CWF, MF)	Schuylkill County Conservation District 570-622-3742

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Mount Joy Township Adams County Issued	PAC010071	Clair Hoover 1880 Highland Avenue Manheim, PA 17525	Rock Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Broad Top Township Bedford County Issued	PAC050025	Broad Top Township P.O. Box 47 Defiance, PA 16633	Sandy Run (WWF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
Marion Township Berks County Issued	PAC060147	Dale Brubaker Dutch Valley Food Distributors, Inc. 7615 Lancaster Avenue Myerstown, PA 17067	UNT Little Swatara (CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
Derry Township Dauphin County Issued	PAC220060	Plenary Walsh Keystone Partners 2000 Cliff Mine Rd Park West 2 3rd FL Pittsburgh, PA 15275	Spring Creek East (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
East Hempfield Township Lancaster County Issued	PAC360299	Kim Brown 6400 W. 105th Street Bloomington, MN 55438	Brubaker Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Donegal Township Lancaster County Issued	PAC360290	Timber Villa Inc. 112 Timber Villa Elizabethtown, PA 17022	Snitz Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Rapho Township Lancaster County Issued	PAC360278	Lester Martin 2434 North Colebrook Road Manheim, PA 17545	UNT Brubaker Run (TSF) Brubaker Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Lampeter Township Lancaster County Issued	PAC360281	Laxmi Inc. 2069 North Reading Road Denver, PA 17517	Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Swatara Township Lebanon County Issued	PAC380075	John P. Light 689 North Lancaster Street Jonestown, PA 17038	Swatara Creek (WWF, MF) Red Run (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
North Londonderry Township Lebanon County Issued	PAC380079	Jeffrey Shireman 1200 Grubb Road Palmyra, PA 17078	UNT Killinger Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Cornwall Borough Lebanon County Issued	PAC380082	Paul Weidman 1 Boyd Street, P.O. Box 125 Cornwall, PA 17016	Snitz Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Millcreek Township Lebanon County Issued	PAC380078	Peter B. Shirk 10 Treeline Drive Newmanstown, PA 17073	UNT Millcreek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Tyrone Township Perry County Issued	PAC500013	Dominic R. Martin 2888 Shermans Valley Road Loysville, PA 17047	UNT Montour Creek (CWF)	Perry County Conservation District 31 West Main Street P.O. Box 36 New Bloomfield, PA 17068 717.582.8988, ext. 4
Hellam Township York County Issued	PAC670114	John & Linda Holden 327 Campbell Road York, PA 17402	Kreutz Creek (WWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Dover Township York County Issued	PAC670100	Joel McNaughton Faire Wynd Associates LP 2090 Linglestown Road Suite 104 Harrisburg PA 17110	Fox Run (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
North Codorus Township York County Issued	PAC670162	Abraham Gutman Gutman Farm LLC 6311 Greenspring Avenue Baltimore, MD 21209	Codorus Creek (WWF, TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Fairview Township York County Issued	PAC670190	Deer Run Associates Neil Barr P.O. Box 719 Mechanicsburg, PA 17055	Fishing Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Chanceford Township York County Issued	PAC670160	J&L Groff Farms, LLC Lloyd Groff 2906 Dettinger Road Brogue, PA 17309	Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Ulster Twp, Bradford Cnty	PAC080028	David C. Rauscher D.C. Rauscher, Inc. 1622 NYS Route 414 Waterloo, NY 13165	Susquehanna River—WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
Limestone Twp, Montour Cnty	PAC470013	William Betz 26 California Road Watsontown, PA 17777	Limestone Run WWF-MF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140
West Perry Twp, Snyder Cnty	PAC55020	Cherry Hill Dry Kilns 3150 Middle Road Richfield, PA 17086	UNT to Cocolomus Creek TSF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110
Kelly Twp, Union Cnty	PAC600029	McDonald's USA, LLC Lee May 6903 Rockledge Drive Suite 1100 Bethesda, MD 60523	West Branch of the Susquehanna River—WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Marshall Township	PAC020245	Columbia Gas of Pennsylvania 2021 West State Street New Castle, PA 16101	UNTs to Brush Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020255	Synergy Capital, Inc. P.O. Box 245 Ingomar, PA 15127	Monongahela River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Moon Township	PAC020241	Buckeye Partners, LP 5 Tek Park 9999 Hamilton Boulevard Breiningsville, PA 18031	UNT to McClarens Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Wilkinsburg Borough	PAC020247	Stamm Development, LLC 5182 School Road Export, PA 15632	Nine Mile Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020048	Carnegie Mellon University 5000 Forbes Avenue Pittsburgh, PA 15213-3712	Monongahela River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Robinson Township	PAC020256	Duquesne Light Company 2825 New Beaver Avenue Pittsburgh, PA 15233	UNT to Montour Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020275	Pressley Ridge 5500 Corporate Drive Suite 400 Pittsburgh, PA 15237	Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Pine Township	PAC020268	Pine Development Company 7202 McKnight Road Pittsburgh, PA 15237	UNT to Brush Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Penn Hills Township	PAC020039	Pressley Ridge 5500 Corporate Drive Suite 400 Pittsburgh, PA 15237	UNT to Turtle Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Mount Lebanon Township	PAC020269	Kossman Development Company 11 Parkway Center Suite 300 Pittsburgh, PA 15220	Painters Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Aleppo Township	PAC020266	Masonic Village at Sewickley One Masonic Drive Elizabethtown, PA 17022	UNT to Kilbuck Run (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
North Fayette Township	PAC020211	Township of Pine 400 North Branch Road Oakdale, PA 15071	North Branch of Robinson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Baldwin Borough	PAC020248	Borough of Baldwin 3344 Churchview Avenue Baldwin, PA 15227	Lick Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Hampton Township	PAC020081	Mr. Eugene Ciaverra 3284 Harts Run Road Glenshaw, PA 15116	Little Pine Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Hampton Township	PAC020277	Mr. Justin Kaylor 11 Stanwix Street Pittsburgh, PA 15222	Pine Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
West Mifflin Borough	PAC020265	Festival Fun Parks, LLC 4800 Kennywood Boulevard West Mifflin, PA 15122	Monongahela River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
South Park Township	PAC020263	Mero South Park Ventures, LLC 3895 Stoneridge Lane Dublin, OH 43017	Piney Fork Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Coraopolis Borough	PAC020284	Duquesne Light Company 2825 New Beaver Avenue Pittsburgh, PA 15233	Montour Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Mount Lebanon Township and Scott Township	PAC020278	Saint Clair Hospital 1000 Bower Hill Road Pittsburgh, PA 15243	Scrubgrass Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Pine Township	PAC020285	Richard Thompson/Mark Hartman 30 Isabella Street Third Floor Pittsburgh, PA 15212	UNT to Wexford Run (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Jefferson Hills Borough	PAC020289	A. Betler Construction, Inc. 918 Church Hill Road Venetia, PA 15367	Peters Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020235	City of Pittsburgh Department of Public Works 414 Grant Street, Pittsburgh, PA 15219	Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
North Fayette Township	PAC020274	Clover Communities Robinson, LLC 348 Harris Hill Road Williamsville, NY 14221	UNT to North Branch Robinson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Municipality of Monroeville	PAC020198	Beamsley Land Management, LLC 1009 Marquis Place Suite 309 Export, PA 15632	UNT to Abers Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Mount Lebanon Township	PAC020259	Mount Lebanon School District 7 Horsman Drive Pittsburgh, PA 15228	UNT to Painters Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Ross Township	PAC020294	Ross Township 1000 Ross Municipal Drive Pittsburgh, PA 15237	UNT to Jacks Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
West Mifflin Borough	PAC020299	James C. Baker 305 Camp Hollow Road West Mifflin, PA 15122	UNT to Monongahela River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
North Fayette Township	PAC020283	Pittsburgh Botanic Garden 799 Pinkerton Run Road Oakdale, PA 15071	Robinson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020169	The Buncher Company 1300 Penn Avenue Suite 300 Pittsburgh, PA 15222	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645
Municipality of Monroeville	PAC020264	Imamia Organization 351 Old Haymaker Road Suite C Monroeville, PA 15146	Leak Run (WWF) and Thompson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b, Pittsburgh, PA 15219 (412) 241-7645

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Scott Township, Lawrence County	PAC370025	New Castle (108) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Slippery Rock Creek CWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Conewago Township, York County	PAG033580	Monarch Products Co. Inc. 385 Sipe Road York Haven, PA 17370-9219	Unnamed Tributary to Little Conewago Creek in Watershed(s) 7-F	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Newberry Township, York County	PAG033585	Monarch Products Company, Inc. 385 Sipe Road York Haven, PA 17370-9219	Unnamed Tributary to Bennett Run in Watershed(s) 7-F	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Shirley Township, Huntingdon County	PAG033590	AC Products Inc. 12393 William Penn Highway Thompstontown, PA 17094	Juniata River in Watershed(s) 12-C	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Muhlenberg Township, Berks County	PAG033582	Eleni Trading Inc. 77 Witman Road Reading, PA 19605-1226	Unnamed Tributary to Laurel Run in Watershed(s) 3-C	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Aleppo Township Allegheny County	PAG036232	Amazon.com.dedc, LLC Attn: NA Env. Dept. P.O. Box 80842 Seattle, WA 98108-0842	Unnamed Tributary to Ohio River and Unnamed Tributary of Ohio River—20-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-7

Central Office: Bureau of Clean Water, Rachael Carson State Office Building, 400 Market Street, P.O. Box 8774, Harrisburg, PA 17105-8774. Telephone: 717-705-4090.

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
EnviroVentures, Inc. 67 Arena Court Narrowsburg, NY 12764 Sullivan/Tustin	PAG079901	EnviroVentures, Inc. P.O. Box 485 Narrowsburg, NY 12764	EnviroVentures, Inc. 67 Arena Drive Narrowsburg, NY 12764	DEP—Bureau of Clean Water 400 Market Street P.O. Box 8774 Harrisburg, PA 17105-8774. Telephone: 717-787-4090

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
York County/Conewago Township	PAG083825	Dover Township Wastewater Treatment Plant 851 Groffius Road York, PA 17404	Same	DEP—SCRO—CW 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-9

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
W. Chillisquaque Twp, Northumberland County	PAG094836	Mark C. Cromley 69 Campbell Mill Rd. Lewisburg, PA 17837	Mark Cromley Farm Chillisquaque Twp Northumberland County	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

General Permit Type—PAG-10

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Donegal Township, Lancaster County	PAG103577	Texas Eastern Transmission LP 890 Winter Street Waltham, MA 02451-1470	Susquehanna River in Watershed(s) 7-G	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Potter Township Beaver County	PAG106214	Shell Pipeline Co. LLP 150 N Dairy Ashford Road Houston, TX 77079-1115	Unnamed Tributary to Raccoon Creek and Raccoon Creek— 20-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-13

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Boyertown Borough Berks County	PAG133529	Boyertown Borough 100 S Washington Street Boyertown, PA 19512	Unnamed Tributary to Swamp Creek, Ironstone Creek, and Minister Creek—3-D and 3-E	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
Bern Township Berks County	PAG133531	Bern Township Berks County 1069 Old Bernville Road Reading, PA 19605-9311	Tulpehocken Creek, Schuylkill River, Unnamed Tributary of Schuylkill River, and Unnamed Tributary of Plum Creek—3-B and 3-C	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
Donora Borough Washington County	PAG136256	Donora Borough 603 Meldon Avenue Donora, PA 15033-1006	UNT to Monongahela River Monongahela River 19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Wilkins Township Allegheny County	PAG136122	Wilkins Township 110 Pepper Road Turtle Creek, PA 15145-1192	Thompson Run, Sawmill Run, and Chalfant Run—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hempfield Township Westmoreland County	PAG136331	Hempfield Township Westmoreland County 1132 Woodward Drive Suite A Greensburg, PA 15601-6416	Brush Creek, Unnamed Tributary to Wilson Run, Sewickley Creek, Slate Creek, Little Sewickley Creek, Jacks Run, and Unnamed Tributary to Little Crabtree Creek—19-D, 19-A, and 18-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
City of Aliquippa Beaver County	PAG136334	City of Aliquippa 160 Hopewell Avenue Aliquippa, PA 15001-3545	Ohio River, Unnamed Tributary to Ohio River, and Unnamed Tributary to Logtown Run, Logtown Run 20-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Fairview Township Erie County	PAG138332	Fairview Township Erie County 7471 McCray Road Fairview, PA 16415-2401	Bear Run, Walnut Creek, Unnamed Stream, and Trout Run—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Greystone Pork Farm 12950 Forge Road Mercersburg, PA 17236	Franklin	430	807.04	Swine	NA	Approved
Tuscarora Farms 13851 Creek Road Willow Hill, PA 17571	Franklin	15	853.30	Swine	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Brechland Farms, LP 3387 Mont Alto Road Fayetteville, PA 17222	Franklin	723	1,400.10	Dairy	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1-721.17).

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

Permit No. 3417503, Minor Amendment, Public Water Supply.

Applicant	Juniata MHP, LLC
Municipality	Milford Township
County	Juniata
Responsible Official	Michael S. Geiser, Member 3215 Stein Lane Lewisburg, PA 17837
Type of Facility	Construction of a new treatment building to house existing/relocated treatment, provide disinfection with GWR 4-Log inactivation of viruses and provide modifications to Well No. 1.

Consulting Engineer Larry E. Cox, P.E.
Cox Engineering
175 Matamoras Road
Halifax, PA 17032

Permit to Construct Issued 8/6/2018

Permit No. 6718508 MA, Minor Amendment, Public Water Supply.

Applicant	Dillsburg Area Authority
Municipality	Dillsburg Borough
County	York
Responsible Official	Sheldon K. Williams, General Manager P.O. Box 370 98 W Church St Dillsburg, PA 17019

Type of Facility The 2nd Street standpipe will be repainted and minor repairs will be made.

Consulting Engineer Joel Kostelac, P.E.
GHD Inc
1240 N Mountain Road
Harrisburg, PA 17112

Permit to Construct Issued 8/20/2018

Comprehensive Operation Permit No. 7220015 issued to: **SUEZ Water Pennsylvania (PWS ID No. 7220015)**, Susquehanna Township, **Dauphin County** on 8/6/2018 for the operation of facilities approved under Construction Permit No. 2217511.

Comprehensive Operation Permit No. 7220040 issued to: **Halifax Area Water and Sewer Authority (PWS ID No. 7220040)**, Halifax Borough, **Dauphin County** on 8/6/2018 for the operation of facilities submitted under Application No. 2213505.

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

Permit No. 1416502—Operation and 1499505—Partial Cancellation—Public Water Supply.

Applicant	Eagle Creek, LLC
Township/Borough	Union Township
County	Centre County
Responsible Official	Mr. Scott L. Yocum Eagle Creek, LLC 1375 Martin Street State College, PA 16801
Type of Facility	Public Water Supply—Operation

Consulting Engineer	Mr. Thomas M. Levine, P.E. Levine Engineering, LLC 1108 13 Avenue P.O. Box 429 Altoona, PA 16603-0429
Permit Issued	August 21, 2018
Description of Action	Authorizes operation of the recently installed phosphate chemical feed system for sequestration of iron and manganese. In addition, Permit No. 1499505 is amended to rescind permission to operate the greensand filtration system, including potassium permanganate chemical feed system, which have been physically disconnected from the water system. All other components of the original permit remain valid.
Permit No. 5516501-MA—Partial 2—Public Water Supply.	
Applicant	Selinsgrove Center
Township/Borough	Penn Township
County	Snyder County
Responsible Official	Mr. Anthony Kern, Chief Financial Officer Selinsgrove Center 1000 Route 522 Selinsgrove, PA 17870
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Mr. Michael J. Peleschak Alfred Benesch & Company 400 One Norwegian Plaza Pottsville, PA 17901
Permit Issued	August 20, 2018
Description of Action	Authorizes Selinsgrove Center to operate rehabilitation Water Towers A and D while Water Tower C is being refurbished and demolition of Water Tower B continues.

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

Operation Permit issued to Aqua PA Inc., PWSID No. 6430054, City of Sharon, Mercer County. Permit Number 4318501 issued August 17, 2018 for the replacement of Potassium Permanganate with Sodium Permanganate and an additional/alternate Injection location for Chlorine Dioxide at the Shenango WTP. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on July 31, 2018.

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. § 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA 36-654B, Water Allocations. Strasburg Borough Authority (PWS ID No. 7360118), Lancaster County. The applicant is requesting the right to withdraw 112,500 gallons per day (gpd) from springs known as the “Old Springs,” 112,500 gpd from springs known as the “New Springs,” and 50,000 gpd from springs known as the “Mowrer Springs.” All of these sources are existing for the Authority. Permittee Contact: Harold Wiker, Borough Authority President, Borough of Strasburg, 145 Percision Lane, Strasburg, PA 17579. Consulting Engineer: Jeffrey W. Sweater, P.E., ELA Group Inc, 743 S. Broad Street, Lititz, PA 17543. Permit Issued: 8/21/2018.

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

WA16-1001A, Water Allocations. PA American Water, 800 Hershey Park Drive, Hershey, PA 17033, Paint Township, Clarion County. Modification that the authorized service area is now directly served by PA American Water, Clarion District. The amount of water allocated remains the same, 4.0 million gallons per day on a peak daily basis as withdrawn from Clarion River.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

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

Plan Location:

Borough or Township	Borough or Township Address	County
Tyrone Township	P.O. Box 116 Landisburg, PA 17040	Perry

Plan Description: The planning module for Martin Welding, DEP Code No. A3-50928-140-1, APS Id 974625, consisting of 1 commercial lot for a welding shop using an individual onlot sewage disposal system, is disapproved. The proposed development is located at 2888 Shermans Valley Road. This plan is disapproved because the submission does not qualify as an exception to the requirement to revise your Official Sewage Facilities Plan because the proposal is not for individual onlot sewage disposal systems serving detached single family dwellings as per Chapter 71 § 71.55(a). This project may be resubmitted for consideration as a Component 2 planning module.

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.

Whitehall Estates, Whitehall Road and Bean Road, Worcester Township, **Montgomery County**. Jeffery 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 remediation of site soil contaminated with arsenic and select semivolatile organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Park 10, 12th Street and North Main Street, Sellersville Borough, **Bucks County**. Richard S. Werner, P.G., Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Robert White, Bucks County Redevelopment Authority, 216 Pond Street, Bristol, PA 19007 submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

701 Associates Property, 616-618 West Lancaster Avenue, Haverford Township, **Delaware County**. John C. Lydzinski, P.G., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406-3207 on behalf of Richard D. Orlow, Piazza Management Company, 401 South Schuylkill Avenue, Norristown, PA 19403 submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

510 East Barnard Street, 510 East Barnard Street, West Chester Borough, **Chester County**. Paul White, P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Natalie Drury Howell, Sophiscated Way, Inc., 20 Miner Street,

P.O. Box 3125, West Chester, PA 19381 submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Burke Revocable Living Trust, 3725 Bristol Road, Doylestown Borough, **Bucks County**. Sean M. Fullmer, Compliance Management International Inc., 1350 Welsh Road, Suite 200, North Wales, PA 194545 on behalf of Elizabeth Burke, 3725 Bristol Road, Doylestown, PA 18901 submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Acme Store # 7721, Starr and Nutt Roads, Borough of Phoenixville, **Chester County**. Michael S. Welsh, P.E., Welsh Environmental Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Adam Lowe, P-Ville Associates, LP, 120 Pennsylvania Avenue, Malvern, PA 19355 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning remediation of site groundwater with tetrachloroethylene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Edgmont County Club, 5180 East Chester Pike, Edgmont Township, **Delaware County**. Michael Shaw, GZA GeoEnvironmental, Inc., 1515 Market Street, Suite 945, Philadelphia, PA 19102 on behalf of Richard Abramo, Code Environmental, 400 Middlesex Avenue, Carteret, NJ 07008 submitted a Final Report concerning remediation of site soil and groundwater contaminated with pesticides. The report is intended to document remediation of the site to meet the Statewide Health Standard.

1200 Chester Pike, 1200 Chester Pike, Borough of Sharon Hill, **Delaware County**. Kenny Kim, JK Environmental Services, P.O. Box 509, Lafayette Hill, PA 19444 on behalf of Yassir Eddahir, Casablanca Auto Sales, Inc., 1194 Chester Pike, Sharon Hill, PA 19079 submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Wedgewood Gardens, 890 North Middletown Road, Edgmont Township, **Delaware County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Sona Hoplamazian, 4 Hampton Lane, Glen Mills, PA 19342 submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

300 Turner Industrial Way, 300 Turner Industrial Way, Aston Township, **Delaware County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Whitney Bachrach, Aston Investment Associates, 725 Skippack Pike, P.O. Box 1205, Blue Bell, PA 19422 submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Boerger Residence, 1076 Beaver Lake Drive, Paupack Township, **Wayne County**. Bluestone Environmental, 196 Beach Lake Highway, Honesdale, PA 18431,

on behalf of Ron and Roberta Boerger, 79 Earl Street, Westbury, NY 11590 submitted a final report concerning remediation of site soils contaminated with # 2 fuel oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

Patricia Griffin Property, 60 Turkey Ridge Road, Middle Smithfield Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Kar-Bill Enterprises, 1901 King Street, East Stroudsburg, PA 18302, submitted a final report concerning remediation of site soils contaminated with heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

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

H.B. McClure Fuel Oil Release/Hyle Property, 6920 Parkway East, Harrisburg, PA 17112, Lower Paxton Township, **Dauphin County**. Environmental Products & Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of H.B. McClure, 600 South 17th Street, P.O. Box 1745, Harrisburg, PA 17105-1745, and Christine Hyle, 6920 Parkway East, Harrisburg, PA 17112, submitted a Final Report concerning site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

W. Patiala Trucking, LLC Spill, US Route 15N, near Hepburnville exit, Hepburn Township, **Lycoming County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of W. Patiala Trucking, LLC, 62 White Oak Bend, Churchville, NY 14624, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil & antifreeze. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-

specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Whitehall Estates, Whitehill Road and Bean Road, Worcester Township, **Montgomery County**. Jeffery T. Bauer, P.G., Whitestone Associates, Inc., 160 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Brennan Marion, Whitehall Development Partners L.P., 1030 West Germantown Pike, Fairview Village, PA 19409 submitted a Final Report concerning the remediation of site soil contaminated with arsenic and select semivolatile organics. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on July 26, 2018.

Brewerytown Apts., LLC, 31st and Masters Streets, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPGS, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Dana Spain, Brewerytown Apartments, LLC, 363 North 13th Street, # 419, Philadelphia, PA 19121 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with tetrachloroethylene. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 30, 2018.

Dreshertown Plaza, 1442 Dreshertown Road, Upper Dublin Township, **Montgomery County**. Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406-3207 on behalf of Jim Bladel, Dreshertown Plaza, L.P., 1301 Lancaster Avenue, Berwyn, PA 18312 submitted a Remedial Investigation Report/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with petroleum. The Report was approved by the Department on August 6, 2018.

Dreshertown Plaza, 1442 Dreshertown Road, Upper Dublin Township, **Montgomery County**. Craig Herr, PG,

RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406-3207 on behalf of Jim Bladel, Dreshertown Plaza, L.P., 1301 Lancaster Avenue, Berwyn, PA 18312 submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with petroleum. The Report was disapproved by the Department on August 6, 2018.

Entenmanns Bakery, 690 York Road, Warminster Township, **Bucks County**. Michael S. Welsh, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Eli Kahn, 690 East Lincoln Associates, LLC, 120 Pennsylvania Avenue, Malvern, PA 190355 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Report was disapproved by the Department on July 18, 2018.

Brewertyown 1A, 3018-3044 West Thompson Street, City of Philadelphia, **Philadelphia County**. Angelo Waters, PE., Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 on behalf of Jon Herzog, Westrum Development Company, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with other organics. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on July 31, 2018.

3222-3258 H Street, 3222-3258 H Street, City of Philadelphia, **Philadelphia County**. Angelo Waters, PE, Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 on behalf of Susan Post, Esperanza Health Center, 4417 North 6th Street, Philadelphia, PA 19140 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PAHs and lead. The Report was approved by the Department on July 10, 2018.

PECO, 16 Bald Cypress Lane, Falls Township, **Bucks County**. Bruce Middleman, Stantec Construction Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of George Horvat, PECO Energy Company, 2301 Market Streets, S7-2, Philadelphia, PA 19103 submitted a 90-day Final Report concerning the remediation of site soil contaminated with PCBs. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on July 11, 2018.

1200 Washington Avenue, 1200 Washington Avenue, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Jon Herzog, Westrum Development Company, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Final Report concerning the remediation of site soil and groundwater with VOCs, metals and chlorinated solvents. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on July 12, 2018.

Santoro Residence, 6178 Carversville Road, Solebury Township, **Bucks County**. Eric White, PARS Environmental Inc., 500 Horizon Drive, Suite 540, Robbinsville, PA 08691 on behalf of John Tolleson on behalf of Santoro Trust, 3 Waterfall Lane, Barnegat, NJ 08005 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standard and was disapproved by the Department on July 19, 2018.

Wawa Store No. 8013, 2535 Aramingo Avenue, City of Philadelphia, **Philadelphia County**. Geoffrey Kristof,

PG, Aquaterra Technologies, Inc. P.O. Box 744, West Chester, PA 19381 on behalf of Joseph Standen, Jr. PG, Wawa Inc., 260 West Baltimore Pike, Media, PA 19063 submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on August 3, 2018.

BP Former Marcus Hook Refinery, 4101 Post Road, Trainer and Marcus Hook Boroughs, **Delaware County**. Iain Bryant, Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, PA 19061 on behalf of Matt Torell, Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on August 3, 2018.

78 North Sycamore Avenue, 78 North Sycamore Avenue, Borough of Clifton Heights, **Delaware County**. Thomas Hippensteal, PG, Environsearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477 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 30, 2018.

Kinder Morgan Liquids Terminal LLC, 330 North Delaware Avenue, City of Philadelphia, **Philadelphia County**. Gregory Connell, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Richard Sherman, Kinder Morgan Liquids Terminals LLC, One Terminals Road, Carteret, NJ 07008 submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with petroleum. The Report was approved by the Department on July 24, 2018.

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

DDSP Small Arms Range/Downgradient Area, 2001 Normandy Drive, New Cumberland, PA 17070, Fairview Township, **York County**. Plexus-PARS JV, 5510 Cherokee Avenue, Alexandria, VA 22312, on behalf of Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2639, Fort Belvoir, VA 22060-6221, submitted a Final Report concerning remediation of site soil contaminated with inorganics and nitroglycerin from a small arms range. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on August 15, 2018.

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 report demonstrated attainment of the Statewide Health Standard and was approved on August 10, 2018.

5 Rivers Logistics, Inc. Diesel Fuel Release, I-80E at MM 133.6, Kylertown, Cooper Township, **Clearfield County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of 5 Rivers Logistics, Inc., P.O. Box 8346, Elkridge, MD 21075, has submitted a

Final Report concerning site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 14, 2018.

Austin Powder Co. Release, State Route 53N, Kylertown, Cooper Township, **Clearfield County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Austin Powder Company, 25800 Science Park Drive, Cleveland, OH 44122, has submitted a Final Report concerning site soil contaminated with diesel fuel, hydraulic fluid and ammonium nitrate solids. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 14, 2018.

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 report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 7, 2018.

Tri-County Rural Electric Cooperative, State Route 144N, Cross Fork, Stewardson Township, **Potter County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Tri-County Rural Electric Cooperative, P.O. Box 526, Mansfield, PA 16933 has submitted a Final Report concerning site soil contaminated with mineral oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 14, 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 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 August 8, 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

NRC East Environmental Services, Inc. License No. PA-AH 0876. Effective Aug. 20, 2018.

Renewal Applications Received

Innovative Recycling Technologies, Inc., 690 North Queens Avenue, Lindenhurst, NY 11757. License No. PA-AH 0849. Effective Aug. 15, 2018.

Hazardous Waste Transporter License Reissued

Innovative Recycling Technologies, Inc., 690 North Queens Avenue, Lindenhurst, NY 11757. License No. PA-AH 0849. Effective Aug. 15, 2018.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Renewal Applications Received

Environmental Transport Group, Inc., P.O. Box 296, Flanders, NJ 07836. License No. PA-HC 0023. Effective Aug. 16, 2018.

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

Environmental Transport Group, Inc., P.O. Box 296, Flanders, NJ 07836. License No. PA-HC 0023. Effective Aug. 16, 2018.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGR082SC001. Willow Creek Stoneworks and Supply, LLC, 9th Street and Rothermel Drive, New Berlinville, PA 19545, Borough of Boyertown, **Berks County**. On June 30, 2016, the Department of Environmental Protection issued General Permit No. WMGR098SC002 to Willow Creek Stoneworks and Supply, LLC for the processing and beneficial use of steel slag, iron slag, and refractory bricks. Following notification from Willow Creek Stoneworks and Supply, LLC that the company is not conducting operations under the general permit, the Department revoked General Permit No. WMGR082SC001 on August 20, 2018.

Persons with questions concerning the revocation of these permits may contact John Oren, P.E., Permits Section Chief, PA DEP Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110 or via phone at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

General Permit No. WMGR098SC002. Willow Creek Stoneworks and Supply, LLC, 74 Willow Creek Road, Reading, PA 19605, Ontelaunee Township, **Berks County**. On June 18, 2015, the Department of Environmental Protection issued General Permit No. WMGR098SC002 to Willow Creek Stoneworks and Supply, LLC for the beneficial use of foundry sand and dust. Following notification from Willow Creek Stoneworks and Supply, LLC that the company is not conducting opera-

tions under the general permit, the Department revoked General Permit No. WMGR098SC002 on July 30, 2018.

Persons with questions concerning the revocation of these permits may contact John Oren, P.E., Permits Section Chief, PA DEP Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110 or via phone at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 100265. Grand Central Sanitary Landfill, Inc., 910 W. Pennsylvania Avenue, Pen Argyl, PA 18072. A permit renewal application for the continued operation of this municipal waste landfill located in Plainfield Township, **Northampton County**. The application was approved by the Regional Office on August 1, 2018.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 400691. Upper Moreland Hatboro Joint Sewer Authority, 147 Terwood Road, Willow Grove, PA 19090-1434. This permit application is for the ten-year renewal of Solid Waste Permit No. 400691 for the Upper Moreland-Hatboro Joint Sewer Authority (UMHJSA) Sewage Sludge Incinerator located in Upper Moreland Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on August 8, 2018.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

AG5-58-00001D: Susquehanna Gathering Company I, LLC (1429 Oliver Road, New Milford, PA 18834) on July 10, 2018 to operate twelve (12) IC Engines, one (1) generator, one (1) dehydrator, and three (3) condensate tanks at their CDP # 1 Natural Gas Compressor Station in New Milford Township, **Susquehanna County**.

AG5-58-00004A: Susquehanna Gathering Company I, LLC (1429 Oliver Road, New Milford, PA 18834) on July 12, 2018 to operate twelve (12) IC Engines, one (1) generator, one (1) dehydrator, and three (3) condensate tanks at their CDP # 3 Natural Gas Compressor Station in Jackson Township, **Susquehanna County**.

GP3-48-023: H & K Group, Inc. (2052 Lucon Road, Skippack, PA 19474) on August 10, 2018 to construct and operate a Portable Crushing Operation with water sprays at the ABE Materials Easton Quarry in Lower Mount Bethel Township, **Northampton County**.

GP9-48-023: H & K Group, Inc. (2052 Lucon Road, Skippack, PA 19474) on August 10, 2018 to install and operate one (1) Diesel I/C engine at the ABE Materials Easton Quarry in Lower Mount Bethel Township, **Northampton County**.

GP11-40-021: PPL Susquehanna, LLC (769 Salem Boulevard, Berwick, PA 18603) on August 10, 2018 to operate five (5) Diesel I/C engines at the Susquehanna Steam Electric Station in Salem Township, **Luzerne County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

GP14-21-03054A: Hollinger Funeral Home and Crematory, Inc. (501 North Baltimore Avenue, Mt. Holly Springs, PA 17065) on August 15, 2018 for two (2) existing human crematory units, under GP14, at the facility in Mt. Holly Springs Borough, **Cumberland County**. The general permit authorization was renewed.

GP14-06-03022B: Perkiomen Animal Hospital, PLLC (919 Gravel Pike, Palm, PA 18070) on August 17, 2018, for an existing animal crematory under GP14, in Hereford Township, **Berks County**. The general permit authorization was renewed with a new permit number, in conjunction with a change of ownership.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) 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.

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

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

39-00081B: Insulation Corporation of America (2571 Mitchell Avenue, Allentown, PA 18103) on June 29, 2018 for an increase in production capacity to a limit of 936,000 pounds of expanded polystyrene per month and a limit on VOC emissions to 47 tons per year at their facility in the City of Allentown, **Lehigh County**.

48-00110A: Lehigh Valley Animal Crematory Services, Inc. (326 Main Street, Hellertown, PA 18055) on July 31, 2018 for the installation and operation of two (2) animal remains incinerators at their facility in Hellertown Borough, **Northampton County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05001M: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) on August 16, 2018, for the replacement/installation of various control devices and equipment on the Prime and Intermediate Line (Source ID 251) and the Tile Finishing Line (Source ID 504) to improve plant hygiene, at the ceiling tile manufacturing facility in East Donegal Township, **Lancaster County**. Specifically, the following items will occur during the project: 1) the replacement of the existing 20,000 cfm internally vented baghouse (Control ID C85) & the 35,000 cfm externally vented baghouse (Control ID D03) with two (2) externally vented 50,000 cfm baghouses, 2) the temporary exhausting of Control ID C85 to the outdoor atmosphere, 3) the installation of four (4) air-knives and additional hoods/pickup points, 4) the replacement of roller conveyors with belt conveyors, 5) the replacement of the existing receiver baghouse with an 830 cfm baghouse, & 6) the replacement of the vacuum feeder stacker and a slice feeder (each equipped with an internally vented fabric filter) with a vacuum stacker and a vacuum feeder both controlled by a 7,063 cfm externally vented baghouse. The plan approval was extended.

36-05001K: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) on August 17, 2018, for the installation of new manufacturing areas at their ceiling tile plant in East Donegal Township, **Lancaster County**. One new manufacturing area will consist of (a) finishing operations which will be controlled by two (2) 50,000 cfm dust collectors, (b) three (3) enclosed paint spray booths, each being controlled by four (4) 3,500 cfm cyclones, (c) one (1) 14.0 MMBtu/hr natural gas fired dryer, and (d) a pneumatic dust transfer system controlled by a 7,500 cfm bin vent filter. The other manufacturing area will consist of ceiling tile detailing equipment and will be controlled by a 20,000 cfm dust collector. The plan approval was extended.

36-05158A: Perdue AgriBusiness, LLC (P.O. Box 1537, Salisbury, MD 21802-1537) on August 17, 2018, for the construction and temporary operation of a grain elevator and a soybean oil extraction facility in Conoy Township, **Lancaster County**. The plan approval was extended, with a revised stack test schedule.

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

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

41-00088A: Compass Natural Gas Partners LP (1215 Manor Drive, Suite 302, Mechanicsburg, PA 17055) on August 7, 2018, to extend the authorization for the

construction of the compressed natural gas truck terminal at their Compass-Quaker CNG Truck Terminal facility located in Upper Fairfield Township, **Lycoming County** to February 3, 2019. The plan approval has been extended.

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

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

30-00072E: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension effective on August 28, 2018, with expiration on February 28, 2019, for continued temporary operation of air contamination sources and controls associated with the Crabapple Overland Conveyor located in Richhill Township, **Greene County**.

03-00975C: Armstrong Power, LLC (2313 State Route 156, Shelocta, PA 15774-3005) plan approval extension effective on August 28, 2018, with expiration on February 28, 2019, for continued temporary operation of air contamination sources and controls at the Armstrong Power Electric Generating Station located in South Bend Township, **Armstrong County**.

65-00983A: Dominion Transmission, Inc. (5000 Dominion Boulevard, Glenn Allen, VA 23060) plan approval extension effective on August 28, 2018, with expiration on February 28, 2019, for continued temporary operation of air contamination sources and controls at the Rock Springs Compressor Station located in Salem Township, **Westmoreland County**.

65-00839B: Texas Eastern Transmission, L.P. (P.O. Box 1642, Houston, TX 77251) Extension effective August 28, 2018, to extend the period of temporary operation of the Solar Titan 250 turbine rated at 30,000 HP and controlled by an oxidation catalyst authorized under PA-65-00839B the Delmont Compressor Station located in Salem Township, **Westmoreland County**.

03-00125: Peoples Natural Gas Company, LLC (1201 Pitt St., Pittsburgh, PA 15221-2029) Plan Approval Extension issuance date effective August 15, 2018, to extend the temporary operation to facilitate the shutdown of sources, at their facility located in Cowanshannon 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.

43-182C: Wheatland Tube Co., Council Ave. Plant (P.O. Box 608, Wheatland, PA 16161) on August 16, 2018, effective August 31, 2018, has issued a plan approval extension for the installation of a cyclone and baghouse in Wheatland Borough, **Mercer County**. This expires February 28, 2019. This is a Title V facility.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

46-00008: Coopers Creek Chemical Corporation (884 River Road, West Conshohocken, PA 19428) On August 21, 2018, the Synthetic Minor Operating Permit is being renewed for another five (5) year term. This is a non-Title V, Synthetic Minor facility located in Upper Merion Township, **Montgomery County**

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

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

54-00088: Honeywell, Inc. (98 Westwood Rd, Pottsville, PA 17901-1834) The Department issued, on 8/21/18, a State-Only (Synthetic Minor) Operating Permit renewal for operation of a plastic film and sheet manufacturing facility located in Norwegian Township, **Schuylkill County**. The sources include pellet dryers, film extrusion lines, storage tanks, vacuum pumps, conveying systems, and a parts washer. The 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.

54-00088: Advansix Resins and Chemicals, LLC (98 Westwood Rd, Pottsville, PA 17901-1834) The Department issued, on 8/21/18, a State-Only (Synthetic Minor) Operating Permit for operation of a plastic film and sheet manufacturing facility located in Norwegian Township, **Schuylkill County**. The sources include hot oil heaters, nylon ovens and dryers, and an extruder. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

38-03003: Bayer Healthcare LLC (400 W. Stoeber Avenue, Myerstown, PA 17067-1418) on August 7, 2018 for the pharmaceuticals manufacturing facility in Myerstown Borough, **Lebanon County**. The State-only permit was renewed.

36-03107: Cargill, Inc. (1088 East Main Street, Mount Joy, PA 17552-9332) on August 13, 2018 for the livestock feed mill located in Mount Joy Borough, **Lancaster County**. The State-only permit was renewed.

36-03080: Rohrer's Quarry, Inc. (P.O. Box 365, 70 Lititz Road, Lititz, PA 17543) on August 13, 2018 for the quarry and stone crushing facility in Warwick Township, **Lancaster County**. The State-only permit was renewed.

22-03076: Bitner Crematory LLC (2100 Linglestown Road, Harrisburg, PA 17110) on August 13, 2018 for the human crematory at the facility located in Susquehanna Township, **Dauphin County**. The State-only permit was renewed.

06-03059: Charles Evans Cemetery Company (1119 Centre Avenue, Reading, PA 19601-1409) on August 7, 2018 for the two human crematory units at the facility in Reading City, **Berks County**. The State-only permit was renewed.

22-03051: Buse Funeral Home (9066 Jonestown Road, Grantville, PA 17028) on August 6, 2018 for the

human crematory at the funeral home in East Hanover Township, **Dauphin County**. The State-only permit was renewed.

06-05156: Century Cabinetry of Leesport, Inc. (130 East Wall Street, Leesport, PA 19533) on August 14, 2018, for the operation of the wood furniture surface coating facility in Leesport Borough, **Berks County**.

36-05121: Paradise Custom Kitchens, Inc. (P.O. Box 278, 3333 Lincoln Highway East, Paradise, PA 17562) on August 14, 2018 for the custom wood cabinetry manufacturing facility in Paradise Township, **Lancaster County**. The State-only permit was renewed.

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

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

08-00048: Beaver Dam Energy, LLC (N. Shore Place I, 358 N. Shore Dr., Ste. 201, Pittsburgh, PA 15212) on August 9, 2018 was issued a State only operating permit for the Beaver Dam Energy electric power generating facility located in Canton Township, **Bradford County**. The State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.

The City of Philadelphia, Air Management Services (AMS) has intended to issue a Minor State Only Operating Permit for the following facility:

OP17-000067: DGM Polishing & Finishing (8301 Torresdale Ave, Philadelphia, PA 19136) for the operation of an electroplating and polishing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a decorative hexavalent chrome plating tank.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

46-00167: Parkhouse Operating LLC (1600 Black Rock Road, Royersford, PA 19468-3109) On August 21, 2018, an Administrative Amendment of the Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450 for the change of ownership from Parkhouse Nursing and Rehabilitation Center, L.P. to Parkhouse Operating LLC. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements. The facility is located in Upper Providence Township, **Montgomery County**.

46-00142: Custom Processing Services LLC, (461 State Street, East Greenville, PA 18041) On August 17, 2018 for an Administrative Amendment of the Natural Minor Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code

§ 127.450 to incorporate the conditions of Plan Approval 46-0142E for the replacement of an existing dust collector with a new cyclone and new dust collector in series on the Coarse System into their State Only Operating Permit. Custom Processing Services LLC is located in East Greenville Borough, **Montgomery County**. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

06-05023: Bimbo Bakeries USA, Inc. (640 Park Avenue, Reading, PA 19611-1926) on August 3, 2018, for the commercial bakery located in Reading City, **Berks County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05023A.

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

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

20-00145: Vitro Flat Glass LLC (5123 Victory Boulevard, Cochranton, PA 16314). The Department on August 16, 2018, issued an administrative amendment of the Title V Operating Permit for the facility to incorporate the change in responsible official and the change of ownership. The facility was previously owned by Pittsburgh Glass Works LLC. The facility is located in Greenwood Township, **Crawford 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.

32140701 and NPDES No. PA0236284. Pennzoil Quaker State Company dba SOPUS Products, (P.O. Box 4427, Houston, TX 77210). To operate the Helen Mine Acid Mine Drainage Treatment Plant in Blacklick and Center Townships, **Indiana County** and related NPDES permit, for a new post mining water treatment facility. Surface Acres Proposed: 166.4. Unnamed Tribu-

tary of Two Lick Creek, classified for the following use: CWF. The application was considered administratively complete on September 7, 2016. Application received: November 12, 2015. Permit issued: August 6, 2018.

17041301 and NPDES No. PA0235628. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the NPDES permit for the Penfield Mine in Huston Township, **Clearfield County**. No additional discharges. The application was considered administratively complete on July 2, 2015. Application received: March 15, 2015. Permit issued: August 3, 2018.

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

Permit No. 11130102 and NPDES No. PA0269212. E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 77.0 acres. Receiving streams: Powell Run to Clearfield Creek, classified for the following uses: cold water fishes, warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 10, 2018. Permit Issued: August 10, 2018.

Permit No. 11110201 and NPDES No. PA0263265. Fuel Recovery, Inc., 254 Interpower Drive, Colver, PA 15927, permit renewal for the continued operation and restoration of a bituminous surface mine in Portage Township, **Cambria County**, affecting 71.4 acres. Receiving streams: unnamed tributary to Bens Creek and Spring Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 18, 2018. Permit Issued: August 13, 2018.

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

17170103 and NPDES PA0269654. Black Cat Coal, LLC (446 WM Cemetery Road, Curwensville, PA 16833). Commencement, operation, and restoration of a bituminous coal surface mine located in Bloom Township, **Clearfield County** affecting 35.0 acres. Receiving stream(s): Unnamed Tributary to Anderson Creek and Unnamed Tributary to Bilgers Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 4, 2017. Permit issued: August 9, 2018.

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

02860201 and NPDES Permit No. PA0588407. IP Harmor Holdings, LLC (2929 Allen Parkway, Suite 2200, Houston, TX 77019). NPDES permit renewal issued for continued treatment to an existing bituminous surface mine, located in Harmor Township, **Allegheny County**, affecting 168.3 acres. Receiving streams: Guy's Run. Application received: April 1, 2016. Renewal permit issued: August 17, 2018.

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

Permit No. 54851603R6. Carbon & Metal Technologies, LLC, (821 Westwood Avenue, Staten Island, NY 10314), renewal for reclamation activities only of an existing anthracite preparation plant operation in Hubley Township, **Schuylkill County** affecting 23.6 acres, receiving stream: Pine Creek. Application received: August 30, 2016. Renewal issued: August 15, 2018.

Permit No. 49970202R4. Susquehanna Coal Company, (P.O. Box 27, Nanticoke, PA 18634), renewal for

reclamation activities only of an existing anthracite coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 808.1 acres, receiving stream: North Branch Shamokin Creek. Application received: May 12, 2017. Renewal issued: August 15, 2018.

Permit No. PAM112050R. Susquehanna Coal Company, (P.O. Box 27, Nanticoke, PA 18634), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49970202 in Mt. Carmel Township, **Northumberland County**, receiving stream: North Branch Shamokin Creek. Application received: May 12, 2017. Renewed issued: August 15, 2018.

Permit No. 54010201R3. Rausch Creek Generation, LLC, (978 Gap Street, Valley View, PA 17983), renewal and name change from Westwood Generation, LLC of an existing anthracite coal refuse reprocessing operation in Hegins and Porter Townships, **Schuylkill County** affecting 73.6 acres, receiving stream: Good Spring Creek. Application received: January 22, 2018. Renewal issued: August 15, 2018.

Permit No. PAM113006R. Rausch Creek Generation, LLC, (978 Gap Street, Valley View, PA 17983), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54010201 in Hegins and Porter Townships, **Schuylkill County**, receiving stream: Good Spring Creek. Application received: January 22, 2018. Renewal issued: August 15, 2018.

Noncoal Permits Issued

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

10110303. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201). Renewal of existing NPDES Permit No. PA0259080 in Washington Township, **Butler County**. Receiving streams: Unnamed tributaries to South Branch Slippery Rock Creek. Application received: April 9, 2018. Permit Issued: August 15, 2018.

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

PAM218012. Frederick Saxer, 34 Jazmine Lane, Wyalusing, PA 18853, hereby approves the Notice of Intent (NOI) submitted for coverage to discharge storm water associated with Small Noncoal Permit 08080803 to the following surface water(s) in Wilmot Township, **Bradford County**. Receiving stream(s): UNT to Sugar Run. Application received: April 27, 2018. Permit Issued: August 9, 2018.

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

Permit No. 5278SM2C10 and NPDES Permit No. PA0595764. Hanson Aggregates PA, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Lake Township, **Wayne County**, receiving stream: unnamed tributary to Middle Creek. Application received: January 25, 2018. Renewal issued: August 16, 2018.

Permit No. 45170301 and NPDES Permit No. PA0595241. Lehigh Cement Co., LLC, (7660 Imperial Way, Allentown, PA 18195), commencement, operation and restoration of a quarry operation (replacing SMP Nos. 45900301 and 45172801) and NPDES Permit for discharge of treated mine drainage in Ross Township,

Monroe County affecting 283.0, receiving stream: Buckwha Creek. Application received: August 4, 2018. Permit issued: August 20, 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. 48184112. Brubacher Excavating, Inc., (825 Reading Road, Bowmansville, PA 17507), construction blasting for Majestic Lot 2 in the City of Bethlehem, **Northampton County** with an expiration date of August 8, 2019. Permit issued: August 17, 2018.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E15-896. Glenn M. White Land Company, Inc., Zachary Drive, West Chester, PA 19382, West Goshen Township, **Chester County**, ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with the 901 Little Shiloh Road Project. The breach and removal of an existing man-made open water pond, relocation of an ephemeral stream channel, and the restoration of a stream/wetland corridor within the footprint of the pond to be removed. The proposed project will have 365 linear feet and 1925 square feet of permanent stream impact. The project is located in the floodplain.

The site is approximately at 901 Little Shiloh Road. (West Chester Lat. 39° 57' 10"; Long. 75° 33' 43").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E40-805. Frank M. Henry Associates, 1575 Wyoming Avenue, Forty Fort, PA 18704, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 352 sq. ft. pile-supported boathouse expansion and a 45 sq. ft. jet ski slip within the basin of Harveys Lake (HQ-CWF). The project is located at Pole 34 along Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 43.84"; Longitude: -76° 2' 8.95"). Subbasin 5B.

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

E08-503. Borough of Sayre, 110 West Packer Avenue, Sayre, PA 18840. This project is known as the Diahoga Trail and will begin in the Borough of Athens at the Athens Bridge and continues north along the Susquehanna River ending at the intersection of East Hayden Street & South Higgins Avenue in the Borough of Sayre, **Bradford County**, ACOE Baltimore District. (Sayre, PA Quadrangle N 41° 58' 8.51"; W -76° 30' 49.83").

Sayre Borough has applied for a Small Projects Joint Permit to construct, operate and maintain the trail. The trail's alignment is located within the FEMA detailed floodway and will permanently disturb 161,172 square feet (3.7 acres). The trail grades have been designed to create a balance in the cut & fill for the section within the floodway. There is no loss of available flood storage volume.

Project floodway impacts shall include and be limited to a total of 161,172 square feet of permanent floodway impacts. There are no stream or wetland impacts being proposed.

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

E65-980, Latrobe Municipal Authority, 104 Guerrier Road, P.O. Box 88, Latrobe, PA 15650, Unity Township, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

1. Temporarily excavate approximately 0.80 acre of floodway of Loyalhanna Creek (WWF);
2. Temporarily excavate approximately 4.19 acres of the floodplain of the aforementioned waterway;
3. Place and maintain fill, a 140 ft diameter tank and a building in approximately 2.62 acres of floodplain of the aforementioned waterway;
4. Construct and maintain an outfall within the aforementioned waterway;
5. Permanently impact 0.057 acre of wetland

Mitigation will be restoration of the temporary impacts and creation of 0.11 acre of wetland. The project site is located approximately 1.5 mile northeast of the intersection of Lincoln Highway (Route 30) and Clearview Drive (Route 981) (Latrobe, PA USGS topographic quadrangle; N: 40°, 18', 19"; W: -79°, 22', 54"; Sub-basin 18C; USACE Pittsburgh District), in Unity Township, Westmoreland County.

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

E24-268, Custom Industrial Processing, Inc., 336 State Street, Saint Marys, PA 15857. Existing Building Expansion, in Saint Marys, **Elk County**, ACOE Pittsburgh District (Saint Marys, PA Quadrangle N:41.421365°; W:78.592167°).

Permanently impact 0.047 acre of wetlands, and 116 sq. ft. of the floodway of Elk Creek due to placement of riprap for two outfall structures associated with the construction of a building addition, associated utilities, and stormwater management facilities along the north side of S.R. 120 (State Street) approximately 2 miles west of S.R. 255 (St. Marys Quadrangle N: 41°, 25', 16"; W: -78°, 35', 32") in the City of Saint Marys, Elk County.

E42-379, Keating Township, 760 Route 46, P.O. Box 103, East Smethport, PA 16730. Phase III Sewer Collection System, in Keating Township, **McKean County**, ACOE Pittsburgh District (Smethport, PA Quadrangle N: 41°, 52', 17"; W: 78°, 25', 28").

Construct by horizontal directional drill, operate and maintain 89 sanitary sewer pipeline stream crossings across Cole Creek, Potato Creek, Tyler Brook, Pierce Brook, and multiple unnamed tributaries, and across 3 wetlands as part of the construction of the Phase III sanitary sewer collection system consisting of a total of 130,780 linear feet of pipeline and associated facilities (41.871389°, -78.424444°) in Keating Township McKean County.

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

Remove the existing structure and to construct and maintain an aluminum box culvert having a span of 12 feet, 11 inches and a rise of 6 feet with a 1-foot buried invert providing 5-foot high clear waterway opening of 53.68 square feet in an unnamed tributary to Potato Creek and impacting less than 0.01 wetlands on a realigned roadway approximately 25 feet downstream to improve sight distance and the intersection with S.R. 6 on Gifford Hollow Road (Smethport, PA Quadrangle N: 41°, 48', 42.953"; W: -78°, 24', 30.3579") in Keating Township, McKean County.

E25-785, Mid Atlantic Interstate Transmission LLC, 341 White Pond Dr., A-WAC-B2, Akron, OH 44320. East Erie Substation Expansion Project, in North East Township, **Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 41°, 9', 57.82"; W: 79°, 50', 11.19").

Mid Atlantic Interstate Transmission LLC proposes a major modification to the East Erie Substation Project (E25-785). The substation will be expanded to the east. The project will permanently impact an additional 0.189 acre of Palustrine Emergent Wetland (PEM) and temporarily impact an additional 0.07 acre of Palustrine Emergent Wetland (PEM). The applicant will expand its originally proposed mitigation area from 0.30 acre to approximately 0.44 acre.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-2 # ESX18-059-0057
 Applicant Name Rice Midstream Holdings LLC
 Contact Person Brint Goettel
 Address 2400 Ansys Drive, Suite 200
 City, State, Zip Canonsburg, PA 15317
 County Greene County
 Township(s) Franklin and Whiteley Townships
 Receiving Stream(s) and Classification(s) UNTs to Smith Creek (WWF), Smith Creek (WWF), UNTs to Patterson Run (TSF) and Patterson Run (TSF)

ESCGP-2 # ESX13-125-0083 Renewal
 Applicant Name CNX Gas Company, LLC
 Contact Person Adam White
 Address 1000 Consol Energy Drive
 City, State, Zip Canonsburg, PA 15317
 County Washington County
 Township(s) East Finley Township
 Receiving Stream(s) and Classification(s) UNTs to Enlow Fork (WWF)

ESCGP-2 # ESX13-125-0016 Renewal
 Applicant Name MarkWest Liberty Midstream & Resources LLC
 Contact Person Rick Lowry
 Address 4600 J. Barry Court, Suite 500
 City, State, Zip Canonsburg, PA 15317
 County Washington County
 Township(s) Donegal Township
 Receiving Stream(s) and Classification(s) UNTs to Dutch Fork Lake (HQ-WWF) and UNTs to Dutch Fork (HQ-WWF)

ESCGP-2 # ESX13-125-0086 Renewal
 Applicant Name EQT Production Company
 Contact Person Todd Klaner
 Address 2400 Ansys Drive, Suite 200
 City, State, Zip Canonsburg, PA 15317
 County Washington County
 Township(s) Carroll Township
 Receiving Stream(s) and Classification(s) Taylors Run (WWF) and Pigeon Creek (WWF)

ESCGP-2 # ESX14-007-0013 Major Modification
 Applicant Name Penn Energy Resources, LLC
 Contact Person Scott Sweder
 Address 1000 Commerce Drive, Park Place, Suite 400
 City, State, Zip Pittsburgh, PA 15275
 County Beaver County
 Township(s) Marion Township
 Receiving Stream(s) and Classification(s) UNT to Connoquenessing Creek (WWF) and Connoquenessing Creek (WWF)

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

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00003180001	Dominion Energy Transmission, Inc. 5000 Dominion Boulevard Glenn Allen, VA 23060	Allegheny County	Plum Borough	UNTs to Little Plum Creek (WWF)

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0012517007-1	Columbia Gas Transmission 1700 MacCorkle Avenue SE Charleston, WV 25314	Washington County	Robinson Township and Mount Pleasant Township	Robinson Run (WWF) and Little Raccoon Creek (WWF)
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<i>Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.</i>				
ESCGP-2 # ESG18-073-0001—North Beaver—Kephart Pipeline	Applicant Hilcorp Energy Company Contact Stephanie McMurray Address 1111 Travis Street City Houston State TX Zip Code 77002 County Lawrence Township(s) North Beaver Receiving Stream(s) and Classification(s) UNT to Hickory Run (TSF)/Hickory Run and UNT to Sugar Creek (HQ-CWF) Honey Creek		County Bradford Township(s) Canton Receiving Stream(s) and Classification(s) UNT to Beech Flats Ck (CWF-MF) Secondary—Beech Flats Ck	
ESCGP-2 # ESG17-031-0003A Windy Oakland Well Pad Major Modification	Applicant Laurel Mountain Production, LLC Contact Joel Hoffman Address 61 McMurray Road, Suite 300 City Pittsburgh State PA Zip Code 15241 County Clarion Township(s) Perry Receiving Stream(s) and Classification(s) UNT to Clarion River/Turkey Run-Clarion River (CWF)		ESCGP-2 # ESG29-081-18-0035 Applicant Name EXCO Resources PA LLC Contact Person Brian Rushe Address 13448 SR 422, Suite 1 City, State, Zip Kittanning, PA 16201 County Lycoming Township(s) Anthony Receiving Stream(s) and Classification(s) Stony Gap Run (HQ-CWF); UNT to Larrys Ck (EV) Secondary—Hoagland Run (HQ-CWF); Larrys Ck (EV)	
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<i>Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.</i>				
ESCGP-2 # ESG29-081-18-0032	Applicant Name Seneca Resources Corp Contact Person Doug Kepler Address 5800 Corporate Dr, Suite 300 City, State, Zip Pittsburgh, PA 15237 County Lycoming Township(s) Lewis Receiving Stream(s) and Classification(s) Trout Run (HQ-CWF); Hagerman Run (HW-CWF) Secondary—Lycoming Ck (EV)		ESCGP-2 # ESG29-081-18-0034 Applicant Name Seneca Resources Corp Contact Person Doug Kepler Address 5800 Corporate Dr, Suite 300 City, State, Zip Pittsburgh, PA 15237 County Lycoming Township(s) Lewis Receiving Stream(s) and Classification(s) Brown Hollow (HQ-CWF); Sugarcamp Hollow (HQ-CWF); Grays Run (HQ-CWF) Secondary—Grays Run (HQ-CWF); Lycoming Ck (EV)	
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SPECIAL NOTICES				
Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit (42-00158).				
<i>Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.</i>				
Georgia Pacific Panel Products—Mount Jewett MDF (149 Temple Drive, Mt Jewett, PA 16740) located in Sergeant Township, McKean County , for approval of a Reasonably Available Control Technology (RACT II) plan.				
The facility has potential emissions of nitrogen oxides (NO _x) and volatile organic compounds (VOC) above major source thresholds and is subject to RACT II requirements. Plan approval No 42-158R is for the proposed RACT II conditions for Sources 120M, 121M, 122M, 132M, 133M, 134M, 135M and 124M.				
In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection (Department) has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for Georgia Pacific Panel Products—Mount Jewett MDF.				
The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.				

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the facility operating permit. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this facility that will be submitted to the EPA as a SIP revision:

<i>AIMs #</i>	<i>RACT II Requirement</i>
132M & 133M	<ul style="list-style-type: none"> Comply with existing PAL NO_x limit of 171.14 tpy based on a consecutive 12-month period. Conduct stack testing every 3 years as required by operating permit.
120M, 121M, 122M, 132M, 133M, 134M & 135M	<ul style="list-style-type: none"> Total VOC emissions shall be less than or equal to 12.09 #/hr and 52.94 tpy based on a consecutive 12-month period and THC (as carbon) shall not exceed 20 ppmvd. Conduct stack testing every 3 years as required by operating permit.
124M	<ul style="list-style-type: none"> VOC emissions shall be less than or equal to 6.93 #/hr and 30.36 tpy based on a consecutive 12-month period and THC (as carbon) shall not exceed 20 ppmvd. Conduct stack testing every 3 years as required by operating permit.
120M, 121M, 122M, 132M, 133M, 134M, 135M & 124M	<ul style="list-style-type: none"> In accordance with § 129.100(d), the owner and operator of an air contamination source subject to this section and §§ 129.96—129.99 shall keep records to demonstrate compliance with §§ 129.96—129.99.
120M, 121M, 122M, 132M, 133M, 134M, 135M & 124M	<ul style="list-style-type: none"> In accordance with § 129.100(i), records shall be retained by the owner or operator for 5 years and made available to the Department or appropriate approved local air pollution control agency upon receipt of a written request from the Department or appropriate approved local air pollution control agency.
120M, 121M, 122M, 132M, 133M, 134M, 135M & 124M	<ul style="list-style-type: none"> In accordance with § 129.99(g), the emission limit and requirements specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (f) supersede the emission limit and requirements in the existing plan approval or operating permit issued to the owner or operator of the source prior to April 23, 2016, on the date specified in the plan approval or operating permit issued by the Department or appropriate approved local air pollution control agency under subsection (f), except to the extent the existing plan approval or operating permit contains more stringent requirements.

Public hearing:

The hearing will be held on October 10, 2018, at 9 a.m. at the Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To register to speak at the hearing, or to inquire if the hearing will be held, contact Melanie Williams (Regional Community Relations Coordinator) at (814) 332-6615. The last day to pre-register to speak at the hearing will be October 3, 2018. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/default.aspx>.

The Department asks that individuals contact Melanie Williams (Regional Community Relations Coordinator) at (814) 332-6615 or monitor our website to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Melanie Williams (Regional Community Relations Coordinator) at (814) 332-6615 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Eric Gustafson, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 Eric Gustafson, Regional Air Quality Program Manager, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from the date of publication in the *Pennsylvania Bulletin* 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 RACT II Operating Permit including the permit number (42-158R) and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All the pertinent documents regarding this application (applications, review memos and draft approvals) are also available for public review from 8 a.m. to 4 p.m. at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review must be made by calling the Department at (814) 332-6340.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Melanie Williams (Regional Community Relations Coordinator) at (814) 332-6615 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

OBLIGATIONS AND RESPONSIBILITIES OF OWNERSHIP OF A SITE UNDER THE HAZARDOUS SITES CLEAN-UP ACT OF OCTOBER 18, 1988

PUBLIC NOTICE OF PROPOSED CONSENT ORDER AND AGREEMENT

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DUPONT NEW CASTLE JUNK SITE

CITY OF NEW CASTLE AND UNION TOWNSHIP, LAWRENCE COUNTY

Under 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 Department of Environmental Protection (Department) has agreed to a Consent Order and Agreement (Agreement) with Covanta Environmental Solutions, LLC (Covanta) concerning the Dupont New Castle Junk Site (Site). The Site includes, both the Battery Property (including Riverview Parcel 1 and Riverview Parcel 3) and the China Property. The Site covers approximately 49 acres in the City of New Castle and Union Township, Lawrence County. The Site includes all surfaces and subsurface areas where hazardous substances have come to be located.

In the past, lead acid batteries, metal scrap, broken china and other wastes have been disposed at the Site. Some of these wastes contained lead and other “hazardous substances” within the meaning of that term as it is defined in section 103 of HSCA (35 P.S. § 6020.103). These hazardous substances have contaminated the surface water, groundwater, soil and sediments at the Site. The disposal of hazardous substances at the Site, and the contamination of the environment with hazardous substances at the Site constitute a “release” and a “threat of release” of a hazardous substance, as defined in section 103 of HSCA (35 P.S. § 6020.103).

The Department investigated the nature and extent of the contamination at the Site under its authority under, among other things, section 501(a) of HSCA (35 P.S. § 6020.501(a)). In 2002, contractors on behalf of the Department conducted response actions at the Battery Property including the treatment and compaction of the battery waste, placing a soil cover on the treated, compacted battery waste, and constructing a wetland to manage the storm water runoff from the covered waste. In June 2003, the Department approved a Final Post Construction Monitoring and Maintenance Plan for the Battery Property. On July 6, 2017, through an internal corporate reorganization, Riverview Parcel 1, Riverview Parcel 3, and a 0.19-acre adjacent parcel incorporated into Riverview Parcel 3, were transferred from Advanced Waste Services, Inc. to Covanta, as recorded in the Lawrence County Registry of Deeds at Document Numbers 2017-005359 and 2017-005360.

The Agreement concerns the requirements set forth for Covanta at Riverview Parcel 1 and Riverview Parcel 3 at the Site. The specific terms of the requirements are described in the Agreement between the Department and Covanta and include the following: record Department-approved Environmental Covenants that provide for Department access to the parcels; use exclusively the available public water supply system; a “Soil Management and Response Action Plan” to be approved by the Department

prior to any soil disturbance or construction on the parcels; and a yearly report submitted to the Department.

The Department will receive and consider comments relating to the Agreement for 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 Covanta shall be effective upon the date that the Department notifies Covanta, in writing, that the Agreement is final and effective in its present form, 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 office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Chris Saber, Project Manager. Chris Saber can be reached at the Department’s Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 645-5984.

Notice of Projects under the Environmental Good Samaritan Act

The Environmental Good Samaritan Act (27 Pa.C.S.A. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department of Environmental Protection. A copy of the proposals is available for inspection at the Department’s Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 between 9 a.m. and 4 p.m.

Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency, or authority to the Department at the same address within 30 days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

Project Proposals Received

EGSOG42-0002—Allegheny National Forest, Lot 389. SV ABS Interests Wetmore Project, 4 Railroad St., St. Marys, PA 15857. SV ABS Interests Wetmore Project is planning to plug an abandoned oil and gas well (API No. 083-57082) located in Wetmore Township, **McKean County** near the East Branch Tionesta Creek. Complete project proposal received 8/09/2018.

[Pa.B. Doc. No. 18-1361. Filed for public inspection August 31, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Rebates through the Pennsylvania Alternative Fuels Incentive Grant Program

The Department of Environmental Protection (Department) announces the continued availability of grants to Commonwealth residents under the Pennsylvania's Alternative Fuel Vehicle (AFV) Rebate Program (Program). The Program, administered by the Department through the Alternative Fuels Incentive Grant Program (AFIG), provides rebates to Commonwealth residents to assist individuals with the incremental costs of purchasing an AFV.

To qualify for the rebate, the AFV must be registered in and be operated primarily within this Commonwealth. The rebate will be offered on a first-come, first-served basis in the order in which they are received. Rebate request forms and required documentation must be submitted to the Department no later than 6 months after the vehicle is purchased.

All AFV rebates will be submitted online using the eGrants system. To submit an application, visit <https://www.esa.dced.state.pa.us/Login.aspx>.

Beginning on August 31, 2018, the Department will be altering the rebate amounts for battery electric vehicles (BEV), plug-in hybrid electric vehicles (PHEV) and hydrogen fuel cell vehicles (HFCV) supported by the Program.

- A \$2,000 rebate for BEVs and PHEVs with a battery capacity greater than or equal to 85 kWh.
- A \$2,000 rebate for HFCVs.
- Increase eligible vehicle final purchase price cap from \$50,000 to \$60,000 for HFCVs, BEVs and PHEVs with a battery capacity equal to or greater than 60 kWh.
- A \$1,750 rebate is available for BEVs and PHEVs with a battery capacity less than 85 kWh and equal to or greater than 30 kWh.
- A \$1,000 rebate is available for BEVs and PHEVs with a battery capacity greater than or equal to 10 kWh and less than 30 kWh.
- A \$750 rebate for BEVs and PHEVs with a battery capacity less than 10 kWh.

In addition, one-time preowned AFV with 75,000 miles or less are now eligible to receive a rebate of \$750 with no county restrictions. An additional rebate of \$500 is available on all vehicles if the applicant meets the low-income requirement of a household income that is below 200% of the Federal Income Poverty level.

Finally, leased AFVs are now eligible for a rebate.

The rebate Program offered will be reassessed on June 30, 2019.

The Program guidelines and application instructions as well as an up-to-date listing of rebate availability can be accessed at <http://www.dep.pa.gov/Citizens/Grants/LoansRebates/Alternative-Fuels-Incentive-Grant/Pages/Alternative-Fuel-Vehicles.aspx>. To submit an application, visit <https://www.esa.dced.state.pa.us/Login.aspx>.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1362. Filed for public inspection August 31, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us/dsweb/HomePage>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Rescission of Technical Guidance

DEP ID: 550-0800-001. *Title:* Pennsylvania's Plan for Addressing Problem Abandoned Wells and Orphaned Wells. *Description:* The Department is rescinding this technical guidance document because it contains dated information. Funding sources, risk-based well scoring criteria, abandoned and orphan well inventories, and completed projects and associated costs have significantly changed since this document was last revised in 2000.

Contact: Questions regarding this technical guidance document should be directed to Kurt Klapkowski at kklapkowski@pa.gov or (717) 783-9893.

Effective Date: September 1, 2018

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1363. Filed for public inspection August 31, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Federal Consistency under the Coastal Zone Management Act; Construction of Groin Structure on Lake Erie Shoreline

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 Re-

sources Management Program has received notice that Casey D. Bowes is proposing to construct a groin on the Lake Erie shoreline at 3777 Lake Front Drive, Millcreek Township, Erie County.

The proposed groin structure will be approximately 8 feet wide by 45 feet long and will extend approximately 32 feet lake ward of the ordinary high water elevation line of 573.4 feet, International Great Lakes Datum 1985 of Lake Erie. The top elevation of the groin structure will extend approximately 1.6 feet above the ordinary high water elevation. The groin will extend approximately 7 feet down from the top elevation and be pinned to the depth of shale bedrock. The groin will be constructed of either precast concrete blocks or steel sheet pile with gravel fill and concrete cap. The proposed length of the groin structure was determined by evaluation of the existing groin structures located up-drift and down-drift on adjacent properties. Construction of the groin will require approximately 117 cubic yards of fill to be placed lakeward of the ordinary high water elevation. The groin will be constructed with openings to allow some littoral materials to pass through. As required, a volume, approximately 129 cubic yards, of sand fill will be placed on the up-drift side of the groin. The initial sand fill will utilize sand from excavation for the proposed groin and clean sand fill. The proposed work within Lake Erie will be performed in the dry. Prior to construction of the groin, a temporary sheet pile coffer dam will be installed around the work area. Water entering the work area will be pumped and discharged through pumped water filter bags or equivalent. Construction of the groin will be performed either by equipment located within the dry work area or by equipment stationed upon a floating barge. The proposed project will be performed in accordance with the Joint Application for Pennsylvania Chapter 105 Water Obstruction and Encroachment Permit and United States Army Corps of Engineers Section 404 Permit. The total disturbance area for the project is approximately 2,400 square feet (0.06 acre). Earth disturbances will be limited to excavations of the beach and lake ward to install the groin and anchor to shale below, and for placement of sand fill. Best management practices proposed for these work activities include dry work area, dewatering filter bags and minimal equipment travel within the lake.

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 applicant 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 or (717) 772-2196.

The Department will consider all comments received on or before September 17, 2018, before issuing a final Federal consistency concurrence or objection. All 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 De-

partment's eComment system at www.ahs.dep.pa.gov/eComment or by e-mail to 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. 18-1364. Filed for public inspection August 31, 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)):

Lebanon Valley Brethren Home
1200 Grubb Street
Palmyra, PA 17078
FAC ID # 380602

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1365. Filed for public inspection August 31, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Disproportionate Share Incentive Payments Posted for Cost Reports Ending June 30, 2017

This notice announces that the Department of Human Services (Department) made disproportionate share incentive payments to each qualified nursing facility with an acceptance letter mailed by the Department on or before January 31, 2018, for 12-month MA-11 Cost Reports ending June 30, 2017. Payment information was posted to the

Department's web site at <http://dhs.pa.gov/provider/longtermcarecasemixinformation/disproportionateshareincentivepaymentsdisproportionateshare%20Incentive%20Payments/index.htm>.

Appeals

Individuals who wish to appeal must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of publication of this notice. A copy should also be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 8th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time.

Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1267. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-1366. Filed for public inspection August 31, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payments to Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Payments for June 2018

This notice announces that the Department of Human Services (Department) made supplemental ventilator care and tracheostomy care payments to qualifying Medical Assistance (MA) nonpublic and county nursing facilities for June 2018.

Payment Information

The Department made supplemental ventilator care and tracheostomy care payments to qualifying nonpublic and county nursing facilities. Payment information for the supplemental ventilator care and tracheostomy care payment to each qualified nonpublic and county nursing facility for June 2018 was posted on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/>.

Appeals

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way,

Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department's Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department's Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of MA providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review these regulations carefully. Among other things, the regulations specify required information to include in a written request for hearing, and how the Bureau of Hearings and Appeals will determine whether a request for hearing was filed on time.

Questions or Comments

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Vasiliki Avery, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1266. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-1367. Filed for public inspection August 31, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash Connect Fast Play Game 5040

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 Cash Connect (hereinafter "Cash Connect"). The game number is PA-5040.

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) *BOX:* A pre-defined area in the play area that contains the 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.

(d) *CASH 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.

(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, and 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) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

(l) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area and generated via quick pick that, when matched against the "CASH NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Cash Connect ticket is \$2.

4. *Description of the Cash Connect lottery game*:

(a) The Cash Connect 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. Cash Connect 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) Cash Connect is played by matching any of the play symbols in the "YOUR NUMBERS" area to any of the play symbols located in the "CASH NUMBERS" area. A player that matches any of the "YOUR NUMBERS" play symbols to any of the "CASH NUMBERS" play symbols wins the prize appearing in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A Cash Connect 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 Cash Connect 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 Cash Connect game ticket and selecting the Cash Connect 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 Cash Connect ticket characteristics*:

(a) A Cash Connect ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: Each Cash Connect ticket play area will contain a "CASH NUMBERS" area and a "YOUR NUMBERS" area. The play symbols located in the "CASH NUMBERS" and the "YOUR NUMBERS" areas are: 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), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), and 30 (THIRTY).

(c) *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWYFIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN) and \$10,000 (TEN THO).

(d) *Prizes*: The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500 and \$10,000.

(e) A player can win up to four 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 Cash Connect lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Cash Connect prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, 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 "CASH NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$40.⁰⁰ (FORTY) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$25.⁰⁰ (TWYFIV) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "CASH NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the "BOX" where lines from the matching "YOUR NUMBERS" and "CASH NUMBERS" play symbols connect, on a single ticket, shall be entitled to a prize of \$2.

7. *Number and Description of Prizes and Approximate Chances of Winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of Your Numbers Match Any Cash Number, Win Prize Shown In the Box Where Those Two Lines Connect. 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>
\$2	\$2	8.55	140,400
\$2 × 2	\$4	27.4	43,800
\$4	\$4	27.4	43,800
\$5	\$5	35.71	33,600
\$5 × 2	\$10	166.67	7,200
(\$2 × 3) + \$4	\$10	250	4,800
(\$4 × 2) + \$2	\$10	333.33	3,600
\$10	\$10	322.58	3,720
\$10 × 2	\$20	400	3,000
(\$5 × 2) + \$10	\$20	400	3,000
\$20	\$20	500	2,400
(\$5 × 3) + \$10	\$25	2,000	600
(\$10 × 2) + \$5	\$25	2,000	600
\$20 + \$5	\$25	2,000	600
\$25	\$25	3,333	360
\$20 × 2	\$40	2,500	480
(\$5 × 2) + \$20 + \$10	\$40	5,000	240
(\$5 × 3) + \$25	\$40	5,000	240
(\$10 × 2) + \$20	\$40	5,000	240
\$25 + \$10 + \$5	\$40	2,500	480
\$40	\$40	5,000	240
\$25 × 2	\$50	3,000	400
(\$10 × 3) + \$20	\$50	3,000	400
(\$20 × 2) + \$10	\$50	3,000	400

<i>When Any Of Your Numbers Match Any Cash Number, Win Prize Shown In the Box Where Those Two Lines Connect. 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>
\$40 + \$10	\$50	3,000	400
\$50	\$50	3,000	400
\$50 × 2	\$100	8,000	150
(\$25 × 2) + \$50	\$100	6,000	200
(\$40 × 2) + (\$10 × 2)	\$100	8,000	150
\$100	\$100	8,000	150
\$100 × 2	\$200	60,000	20
(\$50 × 2) + \$100	\$200	60,000	20
\$200	\$200	60,000	20
(\$200 × 2) + (\$50 × 2)	\$500	120,000	10
(\$200 × 2) + \$100	\$500	120,000	10
\$500	\$500	120,000	10
\$10,000	\$10,000	120,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

8. Ticket Responsibility:

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or a Fast Play ticket redeemed by a player in error.

9. Ticket Validation and Requirements:

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. Procedures for claiming and payment of prizes:

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) Pursuant to the preceding paragraphs, the retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. Funding for prizes: Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. Unclaimed prizes: Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto

for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Cash Connect 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 Cash Connect 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 Cash Connect or through normal communications methods.

19. *Applicability:* This notice applies only to the Cash Connect lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1368. Filed for public inspection August 31, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Why Did the Chicken Cross the Road Fast Play Game 5039

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 Why Did the Chicken Cross the Road (hereinafter "Why Did the Chicken Cross the Road"). The game number is PA-5039.

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) *LANE:* A specific, pre-defined area of a game ticket located in the play area that contains play symbols and prize symbols that, when played according to the instructions, determine whether a player wins a prize. Each LANE is played separately, but winning combinations in more than one LANE can be combined to win larger prizes as described in section 6 (relating to prizes available to be won and determination of prize winners).

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *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.

(g) *Play:* A chance to participate in a particular Fast Play lottery game.

(h) *Play Area:* The area on a ticket which contains one or more play symbols.

(i) *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.

(j) *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.

(k) *WINNING SYMBOLS*: The numbers, letters, symbols or other characters found in the play area that, when matched against each "LANE," determine whether a player wins a prize.

(l) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

3. *Price*: The price of a Why Did the Chicken Cross the Road ticket is \$3.

4. *Description of the Why Did the Chicken Cross the Road lottery game*:

(a) The Why Did the Chicken Cross the Road 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. Why Did the Chicken Cross the Road 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) Why Did the Chicken Cross the Road is played by completely matching all of the play symbols located in any "LANE," in a vertical line, to any of the play symbols in the "WINNING SYMBOLS" area. Players that correctly match all the play symbols for any "LANE" shall win the PRIZE shown for that "LANE" on the other side of the road. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A Why Did the Chicken Cross the Road 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 Why Did the Chicken Cross the Road 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 Why Did the Chicken Cross the Road game ticket and select the Why Did the Chicken Cross the Road 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 Why Did the Chicken Cross the Road ticket characteristics*:

(a) A Why Did the Chicken Cross the Road ticket shall contain a play area, the cost of the play, the date of sale, and a bar code. Each ticket consists of five "LANE" areas and each "LANE" is played separately.

(b) *Play Symbols*: Each Why Did the Chicken Cross the Road ticket play area will contain a "WINNING SYMBOLS" area and five "LANE" areas. The play symbols located in the "WINNING SYMBOLS" area and the five "LANE" areas are: Bull (BULL) symbol, Cow (COW) symbol, Cat (CAT) symbol, Dog (DOG) symbol, Cowbell (CWBELL) symbol, Turtle (TURTLE) symbol, Pig (PIG) symbol, Corn (CORN) symbol, Goat (GOAT) symbol,

Truck (TRUCK) symbol, Horse (HORSE) symbol, Table (TABLE) symbol, Watermelon (MELON) symbol, Cookie (COOKIE) symbol, Picnic Basket (BASKET) symbol, Milk Jug (MILK) symbol, Sun (SUN) symbol, Barn (BARN) symbol, Tractor (TRACTOR) symbol, Pumpkin (PMPKIN) symbol, Coffee Pot (COFFPT) symbol, Cheese (CHEESE) symbol, Eggs (EGGS) symbol, and a Chicken (CHICKEN) symbol.

(c) *Prize Symbols*: The prize symbols and their captions located in the "LANE" areas are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$12⁰⁰ (TWELV), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$60⁰⁰ (SIXTY), \$90⁰⁰ (NINTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO), \$2,000 (TWO THO) and \$20,000 (TWY THO).

(d) *Prizes*: The prizes that can be won in this game are: \$3, \$5, \$6, \$9, \$10, \$12, \$15, \$20, \$30, \$50, \$60, \$90, \$100, \$300, \$1,000, \$2,000 and \$20,000.

(e) A player can win up to five 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 Why Did the Chicken Cross the Road lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Why Did the Chicken Cross the Road prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$20,000 (TWY THO) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$2,000 (TWO THO) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$2,000.

(d) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$300 (THR HUN) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$300.

(f) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$90⁰⁰ (NINTY) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$90.

(h) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$60.⁰⁰ (SIXTY) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$60.

(i) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which all of the "WINNING SYMBOLS" play symbols completely match all of the play symbols in any "LANE," and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$30.

(k) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$12.⁰⁰ (TWELVE) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$12.

(n) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOLLARS) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$9.⁰⁰ (NINE DOLLARS) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$9.

(p) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$6.⁰⁰ (SIX DOLLARS) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$5.⁰⁰ (FIVE DOLLARS) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which all of the play symbols in any "LANE" match any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$3.⁰⁰ (THREE DOLLARS) appears in the "PRIZE" area for that "LANE" on the other side of the road, on a single ticket, shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Chances of Winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>Match The WINNING SYMBOLS To The Symbols In Each LANE. Match All Six Symbols In Any Vertical LANE, Win PRIZE Shown For That LANE On The Other Side Of The Road. Win With:</i>	<i>Win:</i>	<i>Approximate Chances of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets</i>
\$3	\$3	9.09	132,000
\$5	\$5	16.67	72,000
\$3 × 2	\$6	50	24,000
\$6	\$6	50	24,000
\$3 × 3	\$9	200	6,000
\$6 + \$3	\$9	200	6,000
\$9	\$9	200	6,000
\$5 × 2	\$10	133.33	9,000
\$10	\$10	133.33	9,000
\$5 × 3	\$15	333.33	3,600
(\$3 × 3) + \$6	\$15	303.03	3,960
\$9 + \$6	\$15	303.03	3,960
\$15	\$15	333.33	3,600
\$10 × 2	\$20	1,000	1,200
(\$5 × 2) + \$10	\$20	1,000	1,200
(\$6 × 2) + \$5 + \$3	\$20	1,000	1,200

<i>Match The WINNING SYMBOLS To The Symbols In Each LANE. Match All Six Symbols In Any Vertical LANE, Win PRIZE Shown For That LANE On The Other Side Of The Road. 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>
\$9 + \$6 + \$5	\$20	666.67	1,800
\$20	\$20	1,000	1,200
\$10 × 3	\$30	1,000	1,200
(\$6 × 2) + \$10 + \$5 + \$3	\$30	1,000	1,200
\$10 + \$9 + \$6 + \$5	\$30	1,000	1,200
\$30	\$30	1,000	1,200
\$30 + \$20	\$50	10,000	120
(\$10 × 2) + \$30	\$50	10,000	120
(\$20 × 2) + \$10	\$50	10,000	120
\$20 + \$12 + \$10 + \$5 + \$3	\$50	10,000	120
\$50	\$50	10,000	120
\$20 × 3	\$60	6,000	200
\$30 + \$12 + \$10 + \$5 + \$3	\$60	6,000	200
\$30 + \$20 + \$10	\$60	6,000	200
\$50 + \$10	\$60	12,000	100
\$60	\$60	12,000	100
\$30 × 3	\$90	6,000	200
(\$20 × 2) + \$50	\$90	6,000	200
\$50 + \$20 + \$9 + \$6 + \$5	\$90	6,000	200
\$50 + \$30 + \$10	\$90	6,000	200
\$90	\$90	6,000	200
\$50 × 2	\$100	24,000	50
(\$10 × 2) + \$50 + \$30	\$100	24,000	50
\$50 + \$30 + \$20	\$100	24,000	50
\$90 + \$10	\$100	24,000	50
\$100	\$100	24,000	50
\$100 × 3	\$300	24,000	50
(\$100 × 2) + \$50 + \$30 + \$20	\$300	24,000	50
\$300	\$300	24,000	50
\$1,000	\$1,000	120,000	10
\$1,000 × 2	\$2,000	120,000	10
\$2,000	\$2,000	120,000	10
\$20,000	\$20,000	120,000	10

Each "LANE" is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket Responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or a Fast Play ticket redeemed by a player in error.

9. *Ticket Validation and Requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) Pursuant to the preceding paragraphs, the retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto

for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Why Did the Chicken Cross the Road lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs.* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Why Did the Chicken Cross the Road 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 Why Did the Chicken Cross the Road or through normal communications methods.

19. *Applicability:* This notice applies only to the Why Did the Chicken Cross the Road lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1369. Filed for public inspection August 31, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates or redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on October 15 and 16, 2018, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2019.

58 Pa. Code § 65.6. *Delayed harvest artificial lures only areas*

The Commission will consider removing the following water as a delayed harvest artificial lures only area:

County	Water
Blair	Little Juniata River, Section 03

58 Pa. Code § 65.17. *Catch and release lakes*

The Commission will consider adding the following water to the catch and release lakes program:

County	Water
McKean	Bradford City Number Two Reservoir

At this time, the Commission is soliciting public input concerning the previously listed designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 18-1370. Filed for public inspection August 31, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates or redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on October 15 and 16, 2018, the Commission will consider taking the following action with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2019.

58 Pa. Code § 65.19. *Stocked trout waters open to year-round fishing*

The Commission will consider adding the following waters as a stocked trout water open to year-round fishing:

County	Water
Bradford	Cooks Pond
Carbon	Lehigh River, from 1/3 mile upstream of the railroad bridge in Glen Onoko downstream to the confluence with Mauch Chunk Creek
Clearfield	West Branch Susquehanna River, from the mouth of Anderson Creek downriver to State Road 2024 at Porters Bridge

At this time, the Commission is soliciting public input concerning the previously listed designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 18-1371. Filed for public inspection August 31, 2018, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meeting: Thursday, September 6, 2018—Council meeting at 10 a.m.

The meeting will be held at 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend, should contact René Greenawalt at (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 18-1372. Filed for public inspection August 31, 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, August 16, 2018, and announced the following:

Action Taken—Regulation Approved:

Environmental Quality Board # 7-550: U.S. Nuclear Regulatory Commission (NRC) Consistency Rule (amends 25 Pa. Code Chapters 215, 217, 230 and 232)

Environmental Quality Board # 7-499: Radiological Health (amends 25 Pa. Code Chapters 215—221, 223—228, 230, 232 and 240)

Approval Order

Public Meeting Held
August 16, 2018

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board
U.S. Nuclear Regulatory Commission (NRC)
Consistency Rule
Regulation No. 7-550 (# 3208)*

On July 16, 2018, the Independent Regulatory Review Commission (Commission) received this regulation from

the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 215, 217, 230 and 232. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking brings the Commonwealth into compatibility with the U.S. Nuclear Regulatory Commission (NRC) radioactive materials program. Several provisions of 10 CFR were identified that should be excluded from 25 Pa. Code Chapters 215, 217, 230 and 232 because the provisions can only be implemented by the NRC.

We have determined this regulation is consistent with the statutory authority of the Board (35 P.S. §§ 7110.301 and 7110.302) 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.

Approval Order

Public Meeting Held
August 16, 2018

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board
Radiological Health
Regulation No. 7-499 (# 3169)*

On April 21, 2017, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 215—221, 223—228, 230, 232 and 240. The proposed regulation was published in the May 13, 2017 *Pennsylvania Bulletin* with a public comment period ending on June 26, 2017. The final-form regulation was submitted to the Commission on July 16, 2018.

This regulation is a general update of existing regulations to reflect the current standards of the industry, accrediting bodies and national organizations.

We have determined this regulation is consistent with the statutory authority of the EQB (71 P.S. § 510-20, 35 P.S. § 7110.302 and 63 P.S. §§ 2012 and 2013) 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. 18-1373. Filed for public inspection August 31, 2018, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
# 16A-724	State Board of Massage Therapy Fees 48 Pa.B. 3736 (June 23, 2018)	7/23/18	8/22/18

State Board of Massage Therapy Regulation # 16A-724 (IRRC # 3203)

Fees

August 22, 2018

We submit for your consideration the following comments on the proposed rulemaking published in the June 23, 2018 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the State Board of Massage Therapy (Board) to respond to all comments received from us or any other source.

1. Section 20.3. Fees.—Economic or fiscal impacts; Need for the regulation; Reasonableness of requirements, implementation procedures and timetables for compliance.

Under the Massage Therapy Law (Act), the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. Section (a) states, in part,

“If the revenues raised by the fees, fines and civil penalties imposed under this act are not sufficient to meet expenditures over a two-year period, the [B]oard shall increase those fees by regulation so that projected revenues will meet or exceed projected expenditures.”

63 P.S. § 627.11(a).

Under Section 49 of the Act, initial operating funds were transferred from the Professional Licensure Augmentation Account (PLAA) to the Board to be repaid within three years of the beginning of issuance of licenses. 63 P.S. § 627.49. The current fee schedule in Section 20.3 was established with the Board’s initial rulemaking in 2011 based upon an estimate of the costs of administering the functions of the Board at that time. However, since the Board began issuing licenses in 2011, it has not produced enough revenue to cover its current operating expenses or repay the moneys advanced from the PLAA. In fact, the deficit balance in the Board’s account as of the beginning of Fiscal Year 2017-2018 was over \$1 million.

As required by the Act, the Board proposes to increase several fees, including raising the biennial renewal fee from \$75 to \$200. While we acknowledge the statutory requirement for the Board to increase revenues through fees, fines and civil penalties to cover expenditures, we have several concerns.

Several hundred commenters, particularly those who work part-time, oppose such a significant increase in the license renewal fee for a variety of reasons, such as:

- “While we are categorized as healthcare professionals and conduct ourselves as such, we do not enjoy the same recognition as others in the healthcare field, as most insurance companies do not cover or reimburse massage-related expenditures.”

- “This much of an increase. . . is ridiculous, especially for a certification that requires no formal college degree. I also hold a license in Occupational Therapy, with a required Master’s degree, and that license renewal is only \$65 [biennially].”

- “We licensed massage therapists will be expected to pay more than double what the physical therapists pay and we make significantly lower incomes.”

- “In researching other professional [biennial] renewal fees, whose incomes greatly exceed our profession, \$200 is very close to the fees of chiropractors, dentists, and registered pharmacists.”

- “To renew a nursing license in Pennsylvania is \$65 and their earning potential is much higher.”

- “This increase of \$125 represents about 2.5 percent of my total yearly income from massage. This, of course, does not include costs for classes, ethics, [cardiopulmonary resuscitation] courses, massage supplies and local and federal taxes.”

- “The Board’s assumption that employers pay the licensure fees for therapists is certainly not the norm.”

- “This is a very physical job and increasing the amount of massages done each month to cover this fee is just not doable.”

- “From a hiring perspective, the applicant pool of qualified candidates is already shrinking. . . . If the board continues to make the fees too expensive for massage therapists to renew their licenses, this will create an even bigger shortage of professionals. . . .”

- “The only thing this proposal will do is encourage more people to leave the profession of massage therapy which should not be the goal of the State Board of Massage and will therefore lead to less licensed massage therapists, and consequently less revenue for the State Board in the long run. . . .”

We ask the Board to address the adverse economic impacts that commenters are asserting will result from

this significant license renewal increase, as well as the reasonableness of imposing such a significant increase for license renewal.

Also, we ask the Board to provide additional information related to the PLAA. How much did the Board initially borrow? What is the remaining balance owed to the PLAA?

We ask the Board to explain whether the costs provided by the Board are strictly Board expenses or whether the costs include any Department overhead. Also, the Board should explain how it reconciles its deficit situation with the Department's budget.

The Fee Report Form for Biennial Renewal Fee-Massage Therapy does not include "Fee-Related Activities and Costs" as do the other Fee Report Forms provided by the Board. Without the total estimated cost of Board activities related to biennial renewal fees, how was the proposed fee determined? We ask the Board to provide this information with the final-form regulation.

The Preamble states that the Board raises a majority of its revenue through biennial renewal fees, with a small percentage of revenue coming from application fees, fines and civil penalties. Many commenters raised concerns over the lack of enforcement for unlicensed bodywork shops. We ask the Board to address the issue of enforcement, since fines and civil penalties raise only "a small percentage of revenue." What steps is the Board taking to increase revenue by shifting the burden from licensees to unlicensed individuals through fines and civil penalties?

Additionally, we ask the Board to explain in the Preamble of the final-form regulation why the initial estimate of the costs of administering the functions of the Board resulted in the Board not producing enough revenue to cover its operating expenses or repay the moneys advanced from the PLAA since it began issuing licenses in 2011.

We will review this information to evaluate the economic impacts and reasonableness of the regulation to determine if the regulation is in the public interest.

2. RAF and Preamble.—Clarity.

The Board should remove references to Section 11(b) of the Act from the RAF and Preamble of the final-form regulation since this citation references the authority of the Bureau of Professional and Occupational Affairs.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 18-1374. Filed for public inspection August 31, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Andrew Schatz under Act 143; Allstate Insurance Company; Doc. No. AT18-08-016

Andrew Schatz has requested review of an agency contract termination by Allstate Insurance Company under sections 1—6 of The Insurance Department Act of 1921 (40 P.S. §§ 241—246).

A pre-review telephone conference initiated by this office is scheduled for September 27, 2018, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference

on or before September 25, 2018. A date for a review shall be determined, if necessary, at the pre-review conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 13, 2018, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to preliminary motions, protests, petitions to intervene or notices of intervention, if any, shall be filed on or before September 25, 2018.

Persons with a disability who wish to attend the previously-referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1375. Filed for public inspection August 31, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Genworth Life Insurance Company; Rate Increase Filing for the Choice I LTC Series (GEFA-131601710)

The Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 34.8% on 13,450 policy holders with LTC form 7035.

Unless formal administrative action is taken prior to November 15, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1376. Filed for public inspection August 31, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Genworth Life Insurance Company; Rate Increase Filing for the PCS II LTC Series (GEFA-131601681)

The Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 34.24% on 5,602 policy holders with LTC forms 7030 and 7032.

Unless formal administrative action is taken prior to November 15, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1377. Filed for public inspection August 31, 2018, 9:00 a.m.]

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1379. Filed for public inspection August 31, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Genworth Life Insurance Company; Rate Increase Filing for the PCS LTC Series (GEFA-131601709)

The Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 46.9% on 2,475 policy holders with LTC forms 7000 and 7020.

Unless formal administrative action is taken prior to November 15, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1378. Filed for public inspection August 31, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Genworth Life Insurance Company; Rate Increase Filing for the Pre-PCS LTC Series (GEFA-131601679)

The Genworth Life Insurance Company is requesting approval to increase the premium an aggregate 57.7% on 2,939 policy holders with LTC forms 6484, 50000, 50001, 50003N, 50003P, 60394, 60407, 50020, 50021, 50022, 60491, 60494, 7021, 62100D and 62100R.

Unless formal administrative action is taken prior to November 15, 2018, the subject filing may be deemed approved by operation of law.

INSURANCE DEPARTMENT

Highmark, Inc. (HGHM-131605130); Grandfathered Individual CompleteCare Program; Rate Filing

Highmark, Inc. submitted a rate filing to change the premium rates for its Grandfathered Individual CompleteCare Program. The filing proposes a rate increase of 13.1% and will affect approximately 2,249 members. The proposed rate increase will generate an annualized revenue of approximately \$1.9 million and will be effective January 1, 2019.

Unless formal administrative action is taken prior to November 8, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (click on the "Consumers" tab, then under "Resources" select "Product Notices").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1380. Filed for public inspection August 31, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the homeowners' policy. The hearing will be held in accordance with the requirements of the

act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held at the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of David D. Angstadt and Kathryn S. Angstadt; Encompass Insurance Company of America; File No. 18-198-225191; Doc. No. P18-08-012; October 4, 2018, 9:30 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1381. Filed for public inspection August 31, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Short-Term Limited Duration Insurance—Guidance for Compliance Filings; Notice 2018-08

On August 3, 2018, the Internal Revenue Service, United States Department of the Treasury; Employee Benefits Security Administration, United States Department of Labor; and Centers for Medicare & Medicaid Services, United States Department of Health and Human Services issued a final rule “amend[ing] the definition of short-term, limited-duration insurance for purposes of its exclusion from the definition of individual health insurance coverage.”¹ The 2018 STLDI rule is effective October 2, 2018, and requires that any short-term limited duration insurance (STLDI) policy issued on or after that date display specified notice language.

Under the act of December 22, 2011 (P.L. 614, No. 134)² (Act 134), policy forms issued in this Commonwealth are required to be filed with the Insurance Department (Department) prior to use, unless exempted from form filing by the Commissioner.³ Because no form for STLDI currently approved and in use contains the notice language required by the 2018 STLDI Rule, all STLDI forms intended for use on or after October 2, 2018, must be filed

with the Department, “no less than 45 days, or a shorter period of time as the Department may establish, prior to their effective dates.”⁴

The Department provides this guidance for STLDI forms that have been previously approved by the Department and are compliant with the pre-October 2, 2018, Federal definition of STLDI, for which there is no change to the form other than the addition of the requisite notice language. The pre-October 2, 2018, Federal definition of STLDI specifies that the policy “has an expiration date specified in the contract (taking into account any extensions that may be elected by the policyholder with or without the issuer’s consent) that is less than 3 months after the original effective date of the contract.”⁵ Thus, a “pre-October 2, 2018, compliant STLDI form” is a previously approved policy form that has a maximum duration of less than 3 months and is nonrenewable.

If an insurance entity (insurer) seeks to continue marketing and issuing, on or after October 2, 2018, a pre-October 2, 2018, compliant STLDI form, and is not making any changes other than as necessary to add the notice language required by the 2018 STLDI Rule, the policy form will be exempt from the 45-day prior approval filing requirement of Act 134 if the insurer files with the Department the policy form with a Certification executed by an authorized representative of the insurer substantially identical to the Certification form as follows as Attachment A. Attachment A is also available on the Department’s web site at www.insurance.pa.gov.

Policy forms that are not pre-October 2, 2018, compliant STLDI forms, or policy forms that are currently in use but may not have been previously approved or for which the insurer is making changes beyond merely those necessary to add the notice language required by the 2018 STLDI Rule, must comply with the filing requirements of Act 134.

Finally, although the pre-October 2, 2018, compliant STLDI forms subject to this notice may have been previously approved by the Department for use on or after October 2, 2018, those forms, like all STLDI forms used in this Commonwealth, remain subject to, and must comply in all respects with, the Commonwealth’s insurance laws and regulations, and the Department retains its ability to take enforcement actions and seek any available remedy for noncompliant forms.

Questions regarding this notice may be directed to Tracie Gray, Director, Bureau of Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, RA-rateform@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

Attachment A

PENNSYLVANIA ISSUER SHORT-TERM LIMITED-DURATION INSURANCE CERTIFICATION FORM

Name of Insurer:
NAIC #:
Policy Form #:

CERTIFICATION

I hereby certify that the Short-Term Limited-Duration Insurance (STLDI) policy form referenced above and attached hereto:

¹ Short-Term Limited-Duration Insurance Final Rule, 83 FR 38212 (August 3, 2018) (2018 STLDI Rule).

² 40 P.S. §§ 3801.301 et seq.

³ 40 P.S. § 3801.303(a) and (b); see also Notice 2016-01—Revised (46 Pa.B. 2744 (May 28, 2016)).

⁴ 40 P.S. § 3801.303(a).

⁵ 45 CFR 144.103 (relating to definitions).

(1) Was approved by the Pennsylvania Insurance Department on _____ [date];

(2) Complies with the federal definition of STLDI in effect prior to October 2, 2018, being a form that “has an expiration date specified in the contract (taking into account any extensions that may be elected by the policyholder with or without the issuer’s consent) that is less than 3 months after the original effective date of the contract” (45 Fed. Reg. § 144.103, as promulgated at 81 Fed. Reg. 75316 et seq., October 31, 2016) that is, has a maximum duration of less than 3 months and is non-renewable;

and

(2) For which no change is being made to the form other than as necessary to add the notice language required by the 2018 STLDI Rule effective October 2, 2018, 83 Fed. Reg. 38212 et seq. (August 3, 2018).

The information set forth in this Certification, to the best of my knowledge, information and belief, is true, correct, and complete.

Date	Name of Authorized Representative of the Insurer
	Signature of Authorized Representative of the Insurer

[Pa.B. Doc. No. 18-1382. Filed for public inspection August 31, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

UPMC Health Benefits, Inc. (UPMC-131600582); Individual Major Medical GRIP Value and Goals 2019; Rate Filing

UPMC Health Benefits, Inc. submitted a rate filing to change the premium rates for its Guaranteed Renewable Individual Product (Value and Goals). The filing proposes a rate increase of 7.29% and will affect approximately 1,535 members. The proposed rate increase will generate an annualized revenue of approximately \$479,000 and will be effective January 1, 2019.

Unless formal administrative action is taken prior to November 8, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s (Department) web site at www.insurance.pa.gov (click on the “Consumers” tab, then under “Resources” select “Product Notices”).

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department’s regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1383. Filed for public inspection August 31, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

UPMC Health Benefits, Inc. (UPMC-131600692); Individual Major Medical GRIP Savings 2019; Rate Filing

UPMC Health Benefits, Inc. submitted a rate filing to change the premium rates for its Guaranteed Renewable Individual Product (Savings). The filing proposes a rate increase of 7.29% and will affect approximately 534 members. The proposed rate increase will generate an annualized revenue of approximately \$121,000 and will be effective January 1, 2019.

Unless formal administrative action is taken prior to November 8, 2018, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s (Department) web site at www.insurance.pa.gov (click on the “Consumers” tab, then under “Resources” select “Product Notices”).

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department’s regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1384. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Assessment Approval for PENNVEST Funding Consideration

Scope: Clean Water and Drinking Water State Revolving Fund Projects for October 17, 2018, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board Meeting Consideration

Description: PENNVEST, which administers the Commonwealth’s Clean Water Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection’s (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the project will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by October 1, 2018. Electronic comments should be submitted using the Department's eComment site at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright at riwright@pa.gov or the Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, or visit the Department's web site at <http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx>.

Any comments received during the comment period, along with the Department's comment response document will be available at the Department's web site at <http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx>.

CWSRF Projects Being Considered:

<i>Applicant:</i>	Blacklick Valley Municipal Authority
<i>County:</i>	Indiana and Cambria
<i>Applicant Address:</i>	P.O. Box 272 Twin Rocks, PA 15960

Project Description: Proposed construction of sewage treatment plant (STP) sludge dewatering press to replace existing dewatering bag system and sanitary sewers and pump stations No. 5 and No. 6 in the Route 422 area of Blacklick Township. The project includes two sludge dewatering presses, variable frequency drives for existing pump stations Nos. 1—3, two new pump stations (No. 5 and No. 6), 2,200 linear feet of 4-inch polyvinyl chloride (PVC) force main, 1,115 linear feet of 2-inch high-density polyethylene (HDPE) force main, 58,500 linear feet of 8-inch PVC sewer, 4,200 linear feet of 4-inch PVC lateral sewer, 225 manholes, 187 lateral connections to serve 187 existing residences in Blacklick Township. Treatment will be provided at the existing Blacklick Valley Municipal Authority STP (NPDES Permit # PA0218723).

Problem Description: Existing residences currently served by onlot septic systems with 48% malfunction rate.

<i>Applicant:</i>	Middle Taylor Township Sewer Authority
<i>County:</i>	Cambria
<i>Applicant Address:</i>	504 Waterfall Drive Johnstown, PA 15906

Project Description: Proposed construction of 25,760 linear feet of 8-inch PVC sewers, 1,671 linear feet of 8-inch HDPE sewers, 1,963 linear feet of 4-inch PVC laterals, 904 linear feet of 4-inch HDPE laterals, 150 precast concrete manholes to serve 148 existing residences in Middle Taylor Township—Benshoff Hill Road area and West Taylor Township—Prosser Hollow Road area. Treatment will be provided at the existing City of Johnstown STP (NPDES Permit No. PA0026034).

Problem Description: Existing 148 residences currently served by wildcat sewers and malfunctioning onlot systems with over 50% malfunction rate.

<i>Applicant:</i>	Clinton County Sewer Authority
<i>County:</i>	Clinton
<i>Applicant Address:</i>	P.O. Box 453 Lock Haven, PA 17745

Project Description: This proposal is located at the Clinton County Sewer Authority Regional Pump Station and consists of the installation of a 16-inch force main under Bald Eagle Creek (to replace an 8-inch cast iron force main) and the replacement of four submersible pumps at the pump station along with associated upgrades.

Problem Description: The Clinton County Sewer Authority Regional Pump Station is located upstream of an 8-inch cast iron force main from the 1950s that is near the end of its useful life and creates a bottleneck that causes capacity issues for upstream users. Additionally, when the pumps were previously replaced at this pump station, the change in pump type caused the effective pumping capacities to be reduced below the permitted capacity, contributing additional problems to sewer capacity for upstream users.

<i>Applicant:</i>	Shenango Township Municipal Authority
<i>County:</i>	Mercer
<i>Applicant Address:</i>	155 Campground Road West Middlesex, PA 16159

Project Description: This project includes Phases 2 and 3. These phases will result in the extension of the existing sewage collection/conveyance system into Study Areas 2—4 as identified in their approved Act 537 Plan. They will result in the installation of approximately 33,038 feet of 8-inch diameter gravity sewage main, five sewage pump stations and 9,731 feet of 2-inch and 4-inch diameter forcemain. The additional wasteflow created will be treated at Shenango Township Municipal Authority's existing wastewater treatment plant. This project also contains improvements at the wastewater treatment plant which include a new headworks facility and a new ultraviolet disinfection system.

Problem Description: These Phase 2 and Phase 3 projects address areas with high rates of onlot septic system malfunctioning and will also provide sewer service to Oakleaf Estates Mobile Home Park which consists of 100 residential equivalent dwelling units, thereby allowing the elimination of their wastewater treatment plant. Study Areas 2—4 will be served by sewers and contain 133 households. A sanitary survey of these Study Areas revealed a 61% confirmed onlot malfunction rate. These systems leach untreated and partially treated wastewater onto the ground surface and into the waters of the Commonwealth. This project will eliminate these malfunctioning sewage systems, thereby improving the areas' water quality. The Shenango Township Municipal Authority is under a Consent Order and Agreement with the Department regarding this project.

DWSRF Projects Being Considered:

<i>Applicant:</i>	Worthington-West Franklin Joint Municipal Authority
<i>County:</i>	Armstrong
<i>Applicant Address:</i>	102 West Main Street Worthington, PA 16262

Project Description: The proposed project will consist of the installation of 13,000 feet of 2-inch, 6-inch and 8-inch diameter waterline and appurtenances (Craigsville Waterline Extension Project). The project will also add approximately 62 customers in the Craigsville area of West Franklin Township.

Problem Description: Residents of the Craigsville area of West Franklin Borough have poor water quality and quantity due to mining in the area, including high levels of iron, manganese, sulfate, total dissolved solids and low pH. Project will improve water quality and quantity within the service area.

PATRICK McDONNELL,
Secretary

Department of Environmental Protection

BRION JOHNSON,
Executive Director

Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 18-1385. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Merger, Water Service and Abandonment of Public Utility Service

A-2018-3004108 and A-2018-3004109. Aqua Pennsylvania, Inc. and its subsidiary Superior Water Company, Inc. Joint application of Aqua Pennsylvania, Inc. and its subsidiary Superior Water Company, Inc. for the approval of: (1) the transfer to Aqua Pennsylvania, Inc. through merger of all property of Superior Water Company, Inc. used or useful in the public service; (2) the right of Aqua Pennsylvania, Inc. to begin to offer, render, furnish and supply water service in portions of Douglass, New Hanover, Lower Pottsgrove, Upper Frederick, Upper Pottsgrove and Worcester Townships, Montgomery County, North Coventry Township, Chester County, and Washington Township, Berks County; and (3) the abandonment by Superior Water Company, Inc. of public utility service in portions of Douglass, New Hanover, Lower Pottsgrove, Upper Frederick, Upper Pottsgrove and Worcester Townships, Montgomery County, North Coventry Township, Chester County, and Washington Township, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 17, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on

the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Aqua Pennsylvania, Inc.; Superior Water Company, Inc.

Through and By Counsel: Anthony DeCusatis, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921; Alexander R. Stahl, Esq., Aqua Services, Inc., Regulatory Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1386. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pro Forma Consolidation and Abandonment of Competitive Access Services

A-2018-3004131, A-2018-3004133, A-2018-3004135 and A-2018-3004136. Crown Castle Fiber, LLC, Crown Castle NG East, LLC, PA-CLEC, LLC, d/b/a Pennsylvania-CLEC, LLC and Sunesys, LLC. Joint application of Crown Castle Fiber, LLC, Crown Castle NG East, LLC, PA-CLEC, LLC, d/b/a Pennsylvania-CLEC, LLC and Sunesys, LLC for approval of: 1) the pro forma consolidation of Crown Castle NG East, LLC, PA-CLEC, LLC, d/b/a Pennsylvania-CLEC, LLC and Sunesys, LLC into Crown Castle Fiber, LLC; and 2) the abandonment of competitive access services by Crown Castle NG East, LLC, PA-CLEC, LLC, d/b/a Pennsylvania-CLEC, LLC and Sunesys, LLC upon completion of the pro forma consolidation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 17, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Joint Applicants: Crown Castle Fiber, LLC; Crown Castle NG East, LLC; PA-CLEC, LLC, d/b/a Pennsylvania-CLEC, LLC; Sunesys, LLC

Through and By Counsel: Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921; Tamar E. Finn, Esquire, Brett P. Ferenchak, Esquire, Patricia Cave, Esquire, Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue, NW, Washington, DC 20004; Fernanda Biehl, Manager, Regulatory Affairs—Fiber, Crown Castle Fiber, 2000 Corporate Drive, Canonsburg, PA 15317

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1387. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed in the event that there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 17, 2018. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2017-2603418 (Amended). Epic Journeys, LLC, t/a Epic Journeys (1122 Camelot Court, Johnstown, Cambria County, PA 15904) in group and party service in vehicles seating 11 to 15 including the driver, from points in Cambria County, to points in Pennsylvania, and return. *Attorney:* Timothy S. Burns, Esq., 104 South Center Street, Suite 315, Ebensburg, PA 15931.

A-2018-3003985. On Call Trans, LLC (1006 Sorrel Horse Road, Huntingdon Valley, Montgomery County, PA 19006) in paratransit service, from points in Delaware County, and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David Temple, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

Application of the following for the approval of the transfer of stock as described under the application.

A-2018-3003992. E & M Trans, Inc. (7928 Buist Avenue, Philadelphia, PA 19153) for the approval of the transfer of 23 shares of the capital stock from Ebrahim Nuru to Bahar A. Muktar. *Agent:* Michael Eichert, Estate Brokerage Services, 7102 Frankford Avenue, Philadelphia, PA 19135.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of household goods as described under the application.

A-2018-3003994. Atlantic Coast Moving, LLC (168 Mud Pond Road, Equinunk, Wayne County, PA 18417) for the right to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1388. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due September 17, 2018, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. B'Ling Logistics, LLC, t/a Baseline Transportation; Docket No. C-2018-3003366

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 B'Ling Logistics, LLC, t/a Baseline Transportation, (respondent) is under suspension effective June 23, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1628 N 18th Street, Allentown, PA 18104.
3. That respondent was issued a Certificate of Public Convenience by this Commission on August 06, 2014, at A-8916542.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916542 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: 7/25/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Brian J. Paul, t/a BJ Paul Trucking; Docket No. C-2018-3003569

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 Brian J. Paul, t/a BJ Paul Trucking, (respondent) is under suspension effective July 12, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 138, Sunbury, PA 17801.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 28, 2012, at A-8913831.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8913831 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: 7/25/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. All City
Transportation, Inc.; Docket No. C-2018-3003713**

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 All City Transportation, Inc., (respondent) is under suspension effective July 21, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 6821 Norwitch Drive, Philadelphia, PA 19153.
3. That respondent was issued a Certificate of Public Convenience by this Commission on March 24, 2002, at A-00118450.
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-00118450 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: 7/31/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1389. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2018-3004026. United Telephone Company of Pennsylvania, d/b/a CenturyLink and PaCLEC Corporation. Joint petition of United Telephone Company of Pennsylvania, d/b/a CenturyLink and PaCLEC Corporation for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania, d/b/a CenturyLink and PaCLEC Corporation, by their counsel, filed on August 15, 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 United Telephone Company of Pennsylvania, d/b/a CenturyLink and PaCLEC Corporation's 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 and at the applicant's business address.

The contact person is Robert Marinko, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1390. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2018-3004106. Verizon Pennsylvania, LLC and GC Pivotal, LLC, d/b/a Global Capacity. Joint petition of Verizon Pennsylvania, LLC and GC Pivotal, LLC, d/b/a Global Capacity for approval of Amendment No. 4 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and GC Pivotal, LLC, d/b/a Global Capacity, by their counsel, filed on August 20, 2018, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of Amendment No. 4 to the 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, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of the 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 and at the applicant's business address. Copies of the Verizon Pennsylvania, LLC and GC Pivotal, LLC, d/b/a Global Capacity joint petition are on file with the Commission and are available for public inspection.

The contact person is Robert Marinko, Office of Special Assistants, (717) 783-3930.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1391. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2018-3004192. PECO Energy Company. Application of PECO Energy Company for approval of the transfer by sale to South Coatesville Borough of street lighting facilities located in Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 17, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: PECO Energy Company

Through and By Counsel: Michael S. Swerling, Esquire, Assistant General Counsel, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1392. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale and Wastewater Service

A-2018-3004189. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of: 1) the transfer by sale of substantially all of the Borough of Turbotville's assets, properties and rights related to its wastewater collection and treatment system to Pennsylvania American Water Company; and 2) the right of Pennsylvania American Water Company to begin to offer or furnish wastewater service to the public in the Borough of Turbotville, Northumberland County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 17, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Brian A. Ardire, Esquire, Susan Simms Marsh, Esquire, Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1393. Filed for public inspection August 31, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale and Water Service

A-2018-3004191. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of: 1) the transfer by sale of substantially all of the Municipal Authority of the Borough of Turbotville's assets, properties and rights related to its water treatment and distribution system to Pennsylvania American Water Company; 2) the right of Pennsylvania American Water Company to begin to offer or furnish water service to the public in the Borough of

Turbotville, Northumberland County; and 3) the right of Pennsylvania American Water Company to begin to offer or furnish water service in a portion of Lewis Township, Northumberland County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 17, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Brian A. Ardire, Esquire, Susan Simms Marsh, Esquire, Pennsylvania American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1394. Filed for public inspection August 31, 2018, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than September 17, 2018. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-18-06-01. William Transportation Co. (1031 Snyder Avenue, Philadelphia, PA 19148): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-18-06-02. Black Eagle Trans, LLC (9535 State Road, Apartment B, Philadelphia, PA 19114): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Charles Milstein, Esq., 7102 Frankford Avenue, Philadelphia, PA 19135.

Doc. No. A-18-06-03. Dayane Taxi, LLC (620 East Annsbury Street, Philadelphia, PA 19120): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

Doc. No. A-18-06-04. Monarch Trans, Inc. (7014 Pennsylvania Avenue, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-18-06-05. B. Wassale, Inc. (43 North State Road, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 18-1395. Filed for public inspection August 31, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Mary Rudick Paolucci, LPN; File No. 17-51-03562; Doc. No. 0459-51-18

On March 12, 2018, Mary Rudick Paolucci, LPN, license No. PN075521L, last known of Sturges, Lackawanna County, had her practical nursing license indefinitely suspended effective April 2, 2018, for violating a previous State Board of Nursing (Board) order requiring her to undergo a mental and physical examination.

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 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. 18-1396. Filed for public inspection August 31, 2018, 9:00 a.m.]

STATE HORSE RACING COMMISSION

Human Ambulance; Standardbred Horse Racing

The State Horse Racing Commission (Commission) provides notice that on July 31, 2018, at its regularly scheduled public meeting, it issued an Order adopting amendments to 58 Pa. Code §§ 185.147 and 185.148 (relating to first aid facilities; and ambulances) regarding the requirement for licensed racing entities to provide and maintain both human and horse ambulances during training and racing times and to provide for a first aid facility on the grounds of the racetrack. The Commission recognizes that horse racing can be a dangerous sport and that a timely and effective response, in the event of a human injury, by highly qualified emergency medical technicians (EMT) with state-of-the-art equipment is vital to the industry. This Order was adopted as a temporary regulation under authority of 3 Pa.C.S. § 9311(h) (relating to State Horse Racing Commission), under Administrative Doc. No. 2018-7.

The general purpose of the Order is to: (1) clarify and update the requirement of licensed racing entities to provide for a human ambulance for participants and patrons during qualifying races and the regular racing program; (2) clarify that the human ambulance shall be staffed by at least two EMTs; and (3) provide for a horse ambulance to be available at all training and racing times to remove injured animals.

This temporary regulation will become effective on September 1, 2018.

The Order and specific provisions have been posted and published on the Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/commission/Pages/Publications.aspx>. The Commission will also provide copies of the Order upon request directed to (717) 787-5539.

BRETT REVINGTON,
Director

Bureau of Standardbred Horse Racing

[Pa.B. Doc. No. 18-1397. Filed for public inspection August 31, 2018, 9:00 a.m.]

STATE HORSE RACING COMMISSION

Human Ambulance; Thoroughbred Horse Racing

The State Horse Racing Commission (Commission) provides notice that on July 31, 2018, at its regularly scheduled public meeting, it issued an Order adopting amendments to 58 Pa. Code §§ 163.32 and 165.87 (relating to ambulances) regarding the requirement for licensed racing entities to provide and maintain human ambulances during training and racing times. The Commission recognizes that horse racing can be a dangerous sport and

that a timely and effective response, in the event of a human injury, by highly qualified certified paramedics with state-of-the-art equipment is vital to the industry. This Order was adopted as a temporary regulation under authority of 3 Pa.C.S. § 9311(h) (relating to State Horse Racing Commission), under Administrative Doc. No. 2018-6.

The general purpose of the Order is to: (1) clarify and update the standards for ambulance equipment and supplies consistent with the applicable regulations under the Department of Health (Department); (2) change ambulance staffing to certified paramedics consistent with the applicable regulations under the Department; and (3) clarify that the human ambulance is required to follow the field of jockeys and horses at a safe distance during the running of races.

This temporary regulation will become effective on September 1, 2018.

The Order and specific provisions have been posted and published on the Commission's web site at <http://www.agriculture.pa.gov/Animals/RacingCommission/commission/Pages/Publications.aspx>. The Commission will also provide copies of the Order upon request directed to (717) 787-5539.

THOMAS F. CHUCKAS, Jr.,
Director

Bureau of Thoroughbred Horse Racing

[Pa.B. Doc. No. 18-1398. Filed for public inspection August 31, 2018, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting; Correction

The Susquehanna River Basin Commission (Commission) published a document in 83 FR 39148 (August 8, 2018) concerning its regular business meeting on September 7, 2018, in Binghamton, NY. The document was missing an agenda item.

For further information contact Gwyn Rowland, Manager, Governmental and Public Affairs, (717) 238-0423, Ext. 1316.

Correction

The third column of 83 FR 39148, the "Supplementary Information" caption is corrected to read:

Supplementary Information

The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the upper Susquehanna River region; (2) release of proposed rulemaking and policies for public comment; (3) revisions to financial instruments and policies; (4) ratification/approval of contracts/grants; (5) a report on delegated settlements; (6) a proposed consumptive use mitigation project located in Conoy Township, Lancaster County, PA; (7) Regulatory Program projects; and (8) Lycoming County Water and Sewer Authority request for a waiver of 18 CFR 806.31(b) (relating to term of approvals).

Regulatory Program projects and the consumptive use mitigation project listed for Commission action are those that were the subject of a public hearing conducted by the Commission on August 2, 2018, and identified in the notice for the hearing, published at 83 FR 31439 (July 5, 2018).

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects and the consumptive use mitigation project were subject to a deadline of August 13, 2018. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/business-meeting.html. The comments are due to the Commission on or before August 31, 2018. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: August 16, 2018

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 18-1399. Filed for public inspection August 31, 2018, 9:00 a.m.]
