

PENNSYLVANIA BULLETIN

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Agencies in this issue

Department of Banking and Securities
Department of Conservation and Natural
Resources
Department of Environmental Protection
Department of Health
Department of Human Services
Department of Revenue
Environmental Quality Board
Game Commission
Independent Regulatory Review Commission
Insurance Department
Milk Marketing Board
Patient Safety Authority
Pennsylvania Public Utility Commission
State Employees' Retirement Board

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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.

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 89]

Medicare Supplement Insurance Minimum Standards

The Insurance Department (Department) amends Chapter 89, Subchapter K (relating to Medicare Supplement Insurance Minimum Standards) to read as set forth in Annex A. This final-form rulemaking is made under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412), sections 5 and 9 of the Medicare Supplement Insurance Act (40 P.S. § 3105 and § 3109) and section 314 of the Accident and Health Filing Reform Act (40 P.S. § 3801.314).

Purpose

The purpose of this final-form rulemaking is to update the Commonwealth's requirements for Medicare supplement insurance (Medigap) plans in accordance with changes made to National Association of Insurance Commissioners (NAIC) Model Regulation No. 651. The NAIC model was revised in 2015 in accordance with the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) (Pub.L. No. 114-10), which mandated certain changes to the benefit structure of the permissible standardized benefit plans for Medigap policies. In addition to updating the Commonwealth's Medigap regulations pertaining to Medigap plans, this final-form rulemaking also establishes an open enrollment period for certain individuals retroactively enrolled in Medicare Part B.

Comments and Responses

Notice of proposed rulemaking was published at 48 Pa.B. 517 (January 20, 2018), with a 30-day public comment period. Highmark, the Insurance Federation of Pennsylvania, Inc. (IFP), and Independence Blue Cross (IBC) submitted comments during the comment period. United Healthcare (UHC) submitted a comment on April 18, 2018. All comments were taken into consideration.

Highmark expressed no objections to the proposed amendments but sought clarification regarding whether § 89.777b(f)(7) allows individuals, who are eligible for Medicare Part B prior to January 1, 2020, to enroll in newly redesignated high deductible Plan G plans before January 1, 2020. Under § 89.777c(d), an individual who was eligible before January 1, 2020, may not be enrolled in a plan prior to that date, although these individuals may be made aware of the availability of the new plans.

IBC expressed two concerns in its February 20, 2018, comment. IBC withdrew the first half of its comment, which suggested an editorial change, on May 3, 2018, as it did not relate to the Annex published at 48 Pa.B. 517. With regard to the second portion of IBC's comment, the Department notes that it intends to revise the Outlines of Coverage samples on its web site after promulgation of this final-form rulemaking.

The IFP expressed support for the amendments, but raised concerns regarding § 89.781(g). Specifically, the IFP questioned the distinction between "ladle rating" and "attained age rating" and challenged the Department's statutory authority to promulgate this provision. The Department believes it has the statutory authority to

promulgate the provision prohibiting these practices. However, because it is necessary for the Department to promulgate this regulation as soon as practicable, it is deleting § 89.781(g) from this final-form rulemaking. The Department intends to revisit adding this provision at a later date.

UHC's comments were also considered by the Department. First, UHC requested the Department clarify the definition of 2020 Standardized Medicare Supplement Plans to confirm that "issued or delivered" means "issued or delivered for effective dates on or after January 1, 2020." The Department notes that the term "issuance" is synonymous with the term "effective." However, the Department has removed the "or delivered" language in the definition to maintain consistency with the other definitions of plan types found in the existing regulations.

UHC also pointed out two typographical errors in § 89.777b. The use of the term "ready" instead of "newly" was mistakenly inserted by the Legislative Reference Bureau. The Department has corrected this error in this final-form rulemaking. The second typographical error appears to be a formatting construct in the printed version and need not be addressed by the Department. Next, UHC points out a typographical error in § 89.777c(a)(2) and suggests an editorial change to § 89.777c(b)(2)(iv). The Department deleted the redundant "and plan policy" language in § 89.777c(a)(2) and changed "Plan F" to "Plan G" in § 89.777c(b)(2)(iv) in this final-form rulemaking. Finally, UHC also points out an error in the *Federal Register*, which need not be addressed by the Department in this final-form rulemaking.

The Independent Regulatory Review Commission (IRRC) submitted two comments: (1) requesting that the Department address Highmark's question with regard to how the enrollment process is envisioned; and (2) requesting the Department meet with insurers to discuss § 89.781(g). Both comments have been addressed as previously explained.

Affected Parties

This final-form rulemaking applies to insurers licensed to transact accident and health business in this Commonwealth. Specifically, this final-form rulemaking applies to insurers offering Medigap policies.

Fiscal Impact

State government

There will not be a material increase in cost to the Department as a result of this final-form rulemaking.

General public

This final-form rulemaking will not impose costs and will not have a fiscal impact upon the general public.

Political subdivisions

This final-form rulemaking will not impose additional costs on political subdivisions.

Private sector

The insurance industry will likely not incur additional costs associated with complying with this final-form rulemaking.

Paperwork

This final-form rulemaking will not impose additional paperwork on the Department, as no filing is required to

be made by insurers. To the extent that insurers would need to update policy forms or enrollee literature, this final-form rulemaking may impose additional paperwork on insurers.

Effective Date

This final-form rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. Although this final-form rulemaking will be effective upon final-form publication, the benefit standards established by MACRA apply to all policies or certificates issued or delivered on or after January 1, 2020.

Sunset Date

The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

Contact Person

Questions or comments regarding this final-form rulemaking may be addressed in writing to Bridget Burke, Regulatory Coordinator, Insurance Department, 1341 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, briburke@pa.gov.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 9, 2018, the Department submitted a copy of the notice of proposed rulemaking, published at 48 Pa.B. 517, to IRRC and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on 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 the final-form rulemaking.

Findings

The Commissioner finds that:

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

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 48 Pa.B. 517.

(2) This final-form rulemaking adopted by this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Department, 31 Pa. Code Chapter 89, are amended by adding § 89.777c and amending §§ 89.772, 89.777b, 89.778 and 89.783 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's Note:* Proposed § 89.781 was not adopted in this final-form rulemaking.)

(b) The Department shall submit this order and Annex A to IRRC and the House and Senate Committees as required by law.

(c) The Department shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to legality and form as required by law.

(d) The Department shall certify this order and Annex A, as approved for legality and form, and deposit them with the Legislative Reference Bureau, as required by law.

(e) This final-form rulemaking shall take effect immediately upon publication of the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

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

Fiscal Note: Fiscal Note 11-256 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART IV. LIFE INSURANCE

CHAPTER 89. APPROVAL OF LIFE, ACCIDENT AND HEALTH INSURANCE

Subchapter K. MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

§ 89.772. Definitions.

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

1990 Standardized Medicare supplement benefit plan—

(i) A group or individual policy of Medicare supplement insurance issued on or after July 30, 1992, and prior to June 1, 2010.

(ii) The term includes Medicare supplement insurance policies and certificates renewed on or after July 30, 1992, which are not replaced by the issuer at the request of the insured.

2010 Standardized Medicare supplement benefit plan—A group or individual policy of Medicare supplement insurance issued on or after June 1, 2010.

2020 Standardized Medicare supplement benefit plan—A group or individual policy or certificate of Medicare supplement insurance issued on or after January 1, 2020.

Applicant—

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§ 89.777b. Standard Medicare supplement benefit plans for 2010 Standardized Medicare supplement benefit plan policies or certificates issued or delivered on or after June 1, 2010.

(a) *Applicability.* The following standards apply to 2010 Standardized Medicare supplement benefit plan policies or certificates. A policy or certificate may not be advertised, solicited, delivered or issued for delivery in this Commonwealth as a Medicare supplement policy or certificate unless it complies with these benefit plan standards. Benefit plan standards applicable to Medicare

supplement policies and certificates issued before June 1, 2010, remain subject to the requirements of § 89.777 (relating to Standard Medicare supplement benefit plans for 1990 Standardized Medicare supplement benefit plan policies or certificates issued or delivered on or after July 30, 1992 and prior to June 1, 2010).

(b) *Basic (core) and additional benefits.*

(1) An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic (core) benefits, as defined in § 89.776a(2) (relating to benefit standards for policies or certificates issued or delivered on or after June 1, 2010). An issuer shall also offer a policy or certificate to prospective insureds meeting the Plan B benefit plan.

(2) If an issuer makes available any of the additional benefits described in § 89.776a(3), or offers standardized benefit Plans K or L (as described in subsections (f)(8) and (9)), the issuer shall make available to each prospective policyholder and certificate holder, in addition to a policy form or certificate form with only the basic (core) benefits as described in paragraph (1) a policy form or certificate form containing either standardized benefit Plan C as described in subsection (f)(3) or standardized benefit Plan F (as described in subsection (f)(5)).

(c) No groups, packages or combinations of Medicare supplement benefits other than those listed in this section may be offered for sale in this Commonwealth, except as may be permitted in subsection (g) and § 89.777a (relating to Medicare select policies and certificates).

(d) Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans listed in this section and conform to the definitions in § 89.773 (relating to policy definitions and terms). Each benefit shall be structured in accordance with the format in § 89.776a(2) and (3) and list the benefits in the order shown in this section. For purposes of this subsection, “structure, language, and format” means style, arrangement and overall content of a benefit.

(e) An issuer may use, in addition to the benefit plan designations required in subsection (d), other designations to the extent permitted by law.

(f) The make up of 2010 Standardized Medicare supplement benefit plans shall be as follows:

(1) Standardized Medicare supplement benefit Plan A shall be limited to the basic (core) benefits as defined in § 89.776a(2).

(2) Standardized Medicare supplement benefit Plan B shall include only the following: the basic (core) benefit as defined in § 89.776a(2), plus 100% of the Medicare Part A deductible as defined in § 89.776a(3)(i).

(3) Standardized Medicare supplement benefit Plan C shall include only the following: the basic (core) benefit as defined in § 89.776a(2), plus 100% of the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B deductible and medically necessary emergency care in a foreign country as defined in § 89.776a(3)(i), (iii), (iv) and (vi).

(4) Standardized Medicare supplement benefit Plan D shall include only the following: the basic (core) benefit as defined in § 89.776a(2), plus 100% of the Medicare Part A deductible, skilled nursing facility care and medically necessary emergency care in a foreign country as defined in § 89.776a(3)(i), (iii) and (vi).

(5) Standardized Medicare supplement Plan F shall include only the following: the basic (core) benefit as

defined in § 89.776a(2), plus 100% of the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B deductible, 100% of the Medicare Part B excess charges and medically necessary emergency care in a foreign country as defined in § 89.776a(3)(i), (iii) and (iv)—(vi).

(6) Standardized Medicare supplement high deductible Plan F shall include only the following: 100% of covered expenses following the payment of the annual high deductible Plan F deductible. The covered expenses include the basic (core) benefit as defined in § 89.776a(2), plus 100% of the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B deductible, 100% of the Medicare Part B excess charges, and medically necessary emergency care in a foreign county as defined in § 89.776a(3)(i), (iii) and (iv)—(vi). The annual high deductible Plan F deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement Plan F policy, and shall be in addition to any other specific benefit deductibles. The basis of the deductible shall be \$1,500 and shall be adjusted annually from 1999 by the HHS Secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12-month period ending with August of the preceding year, and rounded to the nearest multiple of \$10.

(7) Standardized Medicare supplement benefit Plan G shall include only the following: the basic (core) benefit as defined in § 89.776a(2), plus 100% of the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B excess charges, and medically necessary emergency care in a foreign county as defined in § 89.776a(3)(i), (iii), (v) and (vi). Effective January 1, 2020, a standardized benefit plan redesignated as high deductible Plan G under § 89.777c(b)(2)(iv) (relating to Standard Medicare supplement benefit plans for 2020 Standardized Medicare supplement benefit plans issued or delivered to individuals newly eligible for Medicare on or after January 1, 2020) may be offered to an individual who was eligible for Medicare prior to January 1, 2020.

(8) Standardized Medicare supplement Plan K shall include only the following:

(i) *Part A hospital coinsurance, day 61 through day 90.* Coverage of 100% of the Part A hospital coinsurance amount for each day used from day 61 through day 90 in any Medicare benefit period.

(ii) *Part A hospital coinsurance, day 91 through day 150.* Coverage of 100% of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from day 91 through day 150 in any Medicare benefit period.

(iii) *Part A hospitalization after lifetime reserve days are exhausted.* On exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer’s payment as payment in full and may not bill the insured for any balance.

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§ 89.777c. Standard Medicare supplement benefit plans for 2020 Standardized Medicare supplement benefit plans issued or delivered to individuals newly eligible for Medicare on or after January 1, 2020.

(a) *Applicability.*

(1) Except as provided in subsection (d), this section applies to a 2020 Standardized Medicare supplement plan issued or delivered to an individual newly eligible for Medicare on or after January 1, 2020, by reason of:

(i) Attainment of 65 years of age on or after January 1, 2020.

(ii) Entitlement to Medicare Part A benefits under section 226(b) or 226A of the Social Security Act (42 U.S.C.A. §§ 426(b) and 426-1) on or after January 1, 2020.

(iii) Entitlement to benefits under section 226(a) of the Social Security Act on or after January 1, 2020.

(2) Benefit plan standards applicable to a Medicare supplement policy or certificate issued or delivered to individuals eligible for Medicare before January 1, 2020, remain subject to § 89.777b (relating to Standard Medicare supplement benefit plans for 2010 Standardized Medicare supplement benefit plan policies or certificates issued or delivered on or after June 1, 2010).

(b) *Benefit requirements.* A 2020 Standardized Medicare supplement benefit plan that is advertised, solicited, delivered or issued for delivery in this Commonwealth to an individual newly eligible for Medicare as set forth in subsection (a)(1):

(1) May not provide coverage of the Medicare Part B deductible.

(2) Must meet the standards and requirements of § 89.777b except that:

(i) Standardized Medicare supplement benefit Plan C is redesignated as Plan D and must provide the benefits in § 89.777b(f)(3) but may not provide coverage for any portion of the Medicare Part B deductible.

(ii) Standardized Medicare supplement benefit Plan F is redesignated as Plan G and must provide the benefits in § 89.777b(f)(5) but may not provide coverage for any portion of the Medicare Part B deductible.

(iii) Standardized Medicare supplement benefit Plans C, F and high deductible Plan F may not be offered to individuals newly eligible for Medicare on or after January 1, 2020.

(iv) Standardized Medicare supplement benefit high deductible Plan F is redesignated as high deductible Plan G and must provide the benefits in § 89.777b(f)(6) but may not provide coverage for any portion of the Medicare Part B deductible. The Medicare Part B deductible paid by a beneficiary enrolled in a Standardized Medicare supplement benefit high deductible Plan G plan shall be considered an out-of-pocket expense for purposes of meeting the annual high deductible.

(v) For purposes of this section, the references to Plans C and F in § 89.777b(b)(2) are deemed to be references to Plans D and G, respectively.

(c) *Guaranteed issue for eligible persons.* For purposes of § 89.790(e) (relating to guaranteed issue for eligible persons), in the case of an individual newly eligible for Medicare on or after January 1, 2020, any reference to a standardized Medicare supplement benefit policy classified as Plan C, F or high deductible Plan F is deemed to

be a reference to a standardized Medicare supplement benefit Plan D, G or high deductible Plan G, respectively, that meets the requirements of this subsection and subsection (d).

(d) *Offer of redesignated plans to individuals other than those newly eligible.* On or after January 1, 2020, a standardized Medicare supplement benefit plan described in subsection (b)(2)(iv) may be offered to an individual who was eligible for Medicare prior to January 1, 2020, under § 89.777b(f)(7).

§ 89.778. Open enrollment.

(a) *Prohibitions regarding denial, issuance and pricing of Medicare supplement policies or certificates.*

(1) An issuer may not deny or condition the issuance or effectiveness of a Medicare supplement policy or certificate available for sale in this Commonwealth, nor discriminate in the pricing of a policy or certificate because of the health status, claims experience, receipt of health care or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the 6-month period beginning with the first day of the first month in which either of the following occurs:

(i) An individual enrolled for benefits under Medicare Part B.

(ii) An applicant who is retroactively enrolled in Medicare Part B due to a retroactive eligibility decision made by the Social Security Administration received notice of retroactive eligibility to enroll.

(2) Each Medicare supplement policy and certificate currently available from an issuer shall be made available to applicants who qualify under this subsection without regard to age. In the case of group policies, an issuer may condition issuance on whether an applicant is a member or is eligible for membership in the insured group.

(b) *Exclusion of benefits based on a pre-existing condition prohibited.* If an applicant qualifies under subsection (a) and submits an application during the time period referenced in subsection (a) and, as of the date of application, has had a continuous period of creditable coverage of at least 6 months, the issuer may not exclude benefits based on a preexisting condition.

(c) *Reduction of the period of a pre-existing condition exclusion.* If the applicant qualifies under subsection (a) and submits an application during the time period referenced in subsection (a) and, as of the date of application, has had a continuous period of creditable coverage that is less than 6 months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The HHS Secretary shall specify the manner of the reduction under this subsection.

(d) *Prevention of the exclusion of benefits under a policy.* Except as provided in subsections (b) and (c) and §§ 89.789 and 89.790 (relating to prohibition against preexisting conditions, waiting periods, elimination periods and probationary periods in replacement policies or certificates; and guaranteed issue for eligible persons), subsection (a) will not be construed as preventing the exclusion of benefits under a policy, during the first 6 months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the 6 months before it became effective.

§ 89.783. Required disclosure provisions.

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(d) *Outline of coverage requirements for Medicare supplement policies.*

(1) Issuers shall provide an outline of coverage to applicants at the time the application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of the outline from the applicant.

(2) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than 12 point type, immediately above the company name:

“NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued.”

(3) The outline of coverage provided to applicants under this section consists of four parts: a cover page, premium information, disclosure pages and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format required in this paragraph in no less than 12 point type. All plans shall be shown on the cover page, and the plans that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

(4) Once the Department has approved the format, an “Outline of Coverage” may be modified to reflect Medicare changes to rates, deductible and co-payment requirements without submitting the Outline of Coverage for review. Only those forms containing a format change are required to be submitted for review.

(5) The following items must be included in the outline of coverage in the order required in this paragraph:

**PREMIUM INFORMATION
(Boldface Type)**

We (insert issuer’s name) can only raise your premium if we raise the premium for all policies like yours in this Commonwealth. (If the premium is based on the increasing age of the insured, include information specifying when premiums will change.)

**READ YOUR POLICY VERY CAREFULLY
(Boldface Type)**

This is only an outline describing your policy’s most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

**RIGHT TO RETURN POLICY
(Boldface Type)**

If you find that you are not satisfied with your policy, you may return it to (insert issuer’s address). If you send

the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

**POLICY REPLACEMENT
(Boldface Type)**

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

**NOTICE
(Boldface Type)**

This policy may not fully cover all of your medical costs. (for producers:) Neither (insert company’s name) nor its producers are connected with Medicare.

(for direct response:) (insert company’s name) is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult *Medicare and You* for more details.

**COMPLETE ANSWERS ARE VERY IMPORTANT
(Boldface Type)**

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. (If the policy or certificate is guaranteed issue, this paragraph need not appear.)

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

(Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts as provided in paragraph (6). No more than four plans may be shown on one chart. An issuer may use additional benefit plan designations on these charts pursuant to § 89.777b(e)).

(Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the Commissioner.)

(6) The cover page and the accompanying charts for Plan A to Plan N of the Outlines of Coverage are available upon request from the Department in printed and electronic formats. In addition, notice will be published, in the *Pennsylvania Bulletin*, of the availability of the amended outlines when revisions are made available to the Department by the United States Department of Health and Human Services as published in the *Federal Register*. The Outlines of Coverages will be made available on the Department’s web site at www.insurance.pa.gov.

(e) *Notice regarding policies or certificates which are not Medicare supplement policies.*

(1) An accident and sickness insurance policy or certificate, other than a Medicare supplement policy; a policy issued under a contract under section 1876 of the Social Security Act (42 U.S.C.A. § 1395mm), disability income policy; or other policy identified in § 89.771(b) (relating to applicability and scope) issued for delivery in this Commonwealth to persons eligible for Medicare, shall notify the insured under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall be printed or attached to the first page of the

outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds.

The notice shall be at least 12 point type and shall contain the following language:

“THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CONTRACT). If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company.”

(2) Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in subsection (e)(1) shall disclose the extent to which the policy duplicates Medicare. The disclosure statement shall be provided in the form required by the Department as set forth in the Medicare Supplement forms relating to Instructions for Use of the Disclosure

Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare as a part of, or together with, the application for the policy or certificate.

(f) *Availability of forms.* Applicable forms relating to Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare, Refund Calculations and Reporting of Duplicate Medicare Policies for Medicare Supplement Chapter 89 are available upon request from the Department in printed and electronic formats. In addition, notice will be published, in the *Pennsylvania Bulletin*, of the availability of amended Medicare Supplement forms when revisions are made. These Medicare Supplement forms will be made available on the Department’s web site at www.insurance.pa.gov.

[Pa.B. Doc. No. 18-1400. Filed for public inspection September 7, 2018, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 147]

Deer Control; Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its July 31, 2018, meeting, proposed to amend § 147.322 (relating to application for deer control permit) to provide greater clarity of what circumstances will satisfy the public hunting requirement.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the July 31, 2018, meeting of the Commission. Comments can be sent until September 21, 2018, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Section 147.322 has historically required that all “[p]ublic land within the proposed boundaries be open to lawful public hunting unless otherwise prohibited under this title or as otherwise authorized or waived by the Director.” In large part, this requirement is derived directly from section 103 of the act which provides, in relevant part, that “[t]he commission shall utilize hunting and trapping as methods of effecting necessary management of game, furbearer and wildlife populations.” While section 103 does not limit management of wild resources to public hunting only, the Commission has concluded that it is clearly intended as the primary method of management.

Over the years, the Commission has observed that deer control permit applicants utilize varying degrees of use of public hunting as a prerequisite to meeting the public hunting requirement of § 147.322. Many applicants have established organized controlled hunts, while others have organized or invited established hunting clubs onto the public or private, or both, properties covered by the permit to help reduce deer populations. Still others invite only local government (permittee) employees to engage in hunting on the public or private, or both, properties covered by the permit. While the Commission has approved permit applications in the past involving this latter method of satisfying the public hunting component, it has more recently recognized the importance of pushing deer control back, primarily, into the hands of the public through more clearly defined public hunting. This action will still allow landowners (both public and private) to allow hunting, in whole or in limited part, to meet their deer control and land use goals.

To this end, the Commission is proposing to amend § 147.322 to provide greater clarity of what circumstances will satisfy the public hunting requirement. The Commission specifically intends with this action to reject hunting opportunity that is afforded to an individual or class of individuals solely by virtue of their public employment as satisfying the public hunting requirement. This

action will improve the use and prominence of public hunting as the primary method of wild resource management without unduly restricting the purpose and ultimate goals of the deer control permit program. This action will formalize into the deer control permit regulations the current policy being used to evaluate and approve deer control permit applications.

Section 2901(b) of the code (relating to authority to issue permits) provides that “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.322 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 147.322 to provide greater clarity of what circumstances will satisfy the public hunting requirement.

3. Persons Affected

Political subdivision or government agency applicants wishing to participate in the Commission’s deer control permit program will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding this proposed rulemaking, contact Randy L. Shoup, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-435. No fiscal impact; (8) recommends adoption.

ANNEX A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

POLITICAL SUBDIVISIONS

§ 147.322. Application for deer control permit.

(a) An application for a deer control permit shall be completed and submitted by an authorized officer or employee of the political subdivision, homeowners association or nonprofit land-holding organization in the form and manner required by the Director.

(b) An application for a deer control permit must contain the following information:

(1) *Description.* A comprehensive description of the background and scope of the white-tailed deer population or damage problem, or both. The description must include

a report of all alternative solutions or other steps taken by the applicant to mitigate the white-tailed deer population or damage problem, or both, prior to application for this permit and must specifically define how licensed public hunting for white-tailed deer has been utilized in the problem area and what results hunting activities have had on the population or damage problem, or both.

(2) *Deer management plan.* A comprehensive deer management plan which sets forth the applicant's white-tailed deer management goals, recommended implementation plan and a reference to the specific number of animals sought to be removed. The applicant shall specifically define how licensed public hunting for white-tailed deer will be utilized in the problem area during the term of the requested deer control permit.

(3) *Map.*

(i) A map or set of maps showing the proposed project area and its boundaries and clearly illustrating all of the following distinct features and areas within the proposed project area:

- (A) Land uses.
- (B) Cover types.
- (C) Areas open to public hunting for white-tailed deer.
- (D) Areas damaged by white-tailed deer.
- (E) Areas of white-tailed deer congregation.
- (F) Applicable safety zones.
- (G) Proposed white-tailed deer control areas.

(ii) The map must indicate the individual acreage values for each of the listed features and acres.

(c) Public land within the proposed boundaries shall be open to lawful public hunting unless otherwise prohibited under this title or as otherwise authorized or waived by the Director. Private land within the proposed boundaries may be closed to public hunting at the landowner's discretion. However, if closed, deer control activities may not occur thereon.

(d) For the purposes of this section, the term "public hunting" shall be defined as hunting opportunity that is available, in whole or in part, to members of the general public, but shall not include hunting opportunity that is afforded to an individual or class of individuals solely by virtue of their public employment.

[Pa.B. Doc. No. 18-1401. Filed for public inspection September 7, 2018, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 133 and 137]

Wildlife Classification; Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), proposed at its July 31, 2018, meeting to amend § 137.2 (relating to release of animals) to add the Hungarian partridge to the list of species that may be lawfully released on public or private lands for dog training or

hunting purposes without first securing a permit. The Commission is also proposing to add § 133.7 (relating to Hungarian partridge) to reclassify the Hungarian partridge as a wild bird and not a game bird in an effort to treat this species in a similar manner to the Chukar partridge.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the July 31, 2018, meeting of the Commission. Comments can be sent until September 21, 2018, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Hungarian partridge (also known as the grey partridge) is a non-native bird first introduced to the United States from Hungary in the early 1900s. Wildlife agencies, including the Commission, stocked many thousands of these birds in an attempt to establish wild populations and to maintain quality small game hunting opportunities. Hungarian partridges were stocked by the Commission in the 1920s, 1930s and then again in the 1950's. These efforts failed and a population of wild Hungarian partridges was never established within this Commonwealth. The Commission has determined that there are currently no wild populations of Hungarian partridges found within this Commonwealth.

The Commission has received a public request to consider adding Hungarian Partridges to the list of birds that may be released for dog training purposes. The Commission has reviewed the proposal and determined there to be no significant biological concerns in moving forward with this proposal. As a result, the Commission is proposing to amend § 137.2 to add the Hungarian partridge to the list of species that may be lawfully released on public or private lands for dog training or hunting purposes without first securing a permit. The Commission is also proposing to add § 133.7 to reclassify the Hungarian partridge as a wild bird and not a game bird in an effort to treat this species in a similar manner to the Chukar partridge.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the commission to "Add to or change the classification of any wild bird or wild animal." Section 2102(c) of the code (relating to regulations) directs that "The commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." The addition of § 133.7 and amendments to § 137.2 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 137.2 to add the Hungarian partridge to the list of species that may be lawfully released on public or private lands for dog training or hunting purposes without first securing a permit. The proposed rulemaking will also add § 133.7 to reclassify the Hungarian partridge as a wild bird and not a game bird in an effort to treat this species in a similar manner to the Chukar partridge.

3. *Persons Affected*

Persons wishing to release Hungarian partridges into the wild on public or private lands and hunt or train dogs over same within this Commonwealth will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

This proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding this proposed rulemaking, contact Randy L. Shoup, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-434. No fiscal impact; (8) recommends adoption.

ANNEX A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter A. GENERAL

§ 133.7. Hungarian partridge.

Notwithstanding the listing of the Hungarian partridge in the definition of a game bird in section 102 of the act (relating to definitions), the Hungarian partridge shall be reclassified as a wild bird generally and will no longer be classified as a game bird.

CHAPTER 137. WILDLIFE

§ 137.2. Release of animals.

(a) Except as otherwise provided, it is unlawful to release captive held or captive raised game or wildlife on any lands, public or private, without first securing a permit from the Commission. Lawfully acquired mallard ducks, ringneck pheasant, bobwhite quail [**and**], chukar partridge **and Hungarian partridge** may be released for dog training or hunting purposes.

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[Pa.B. Doc. No. 18-1402. Filed for public inspection September 7, 2018, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending August 28, 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

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-24-2018	Meridian Bank Malvern Chester County Application for approval to merge Meridian Interim Bank, Malvern, with and into Meridian Bank, Malvern.	Effective

Branch Applications De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-13-2018	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	176 West Street Road Feasterville-Trevoze Bucks County	Opened
8-21-2018	Jersey Shore State Bank Williamsport Lycoming County	15 West Brimmer Avenue Watsonstown Northumberland County	Filed
8-21-2018	Luzerne Bank Luzerne Luzerne County	1320 Wyoming Avenue Forty Fort Luzerne County	Filed
8-22-2018	Orrstown Bank Shippensburg Cumberland County	1400 Gilbert Way Lancaster Lancaster County	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. 18-1403. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Tuesday, September 18, 2018, at 1 p.m. at the Columbia Crossing River Trails Center, 41 Walnut Street, Columbia, PA 17512.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. Persons

who wish to participate during the public comment section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, Conservation and Natural Resources Advisory Council, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Katie Woodbury directly at (717) 783-5878 to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 18-1404. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

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

<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>
PA0081825 (Sewage)	UMH PA Rolling Hills Estates Rolling Hills Estates MHP 3499 Route 9 North Freehold, NJ 07728	Cumberland County/ Lower Frankford Township	Conodoguinet Creek/7B	Y

<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>
PA0081817 (Sewage)	Juniata County School District East Juniata High School South 7th Street, Box D, HV 63 Mifflintown, PA 17059	Juniata County/ Fayette Township	Cocolamus Creek/12-B	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>
PA0228966 (Sewage)	Lake Bonin 1703 Bonin Road Rome, PA 18837-7728	Bradford County Orwell Township	Unnamed Tributary to Jerome Creek (4-D)	Yes
PAS224801 (Storm Water)	Patterson Lumber Manufacturing 34 Fellows Avenue, PO Box 57 Wellsboro, PA 16901-1222	Potter County West Branch Township	West Branch Pine Creek and Unnamed Tributary to West Branch Pine Creek (9-A)	Yes
PA0111902 (Industrial)	Dairy Farmers Of America 1405 N 98th Street Kansas City, KS 66111-1865	Tioga County Middlebury Township	Norris Brook (4-A)	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>
PA0253537 (Industrial)	Rolling Rock Club Trout Hatchery PO Box 747 Ligonier, PA 15658-0747	Westmoreland County Ligonier Township	Rolling Rock Creek (18-C)	Yes
PA0001228 (Industrial)	Curtiss-Wright Electro-Mechanical Corp. 1000 Wright Way Cheswick, PA 15024-1008	Allegheny County Harmar Township	Unnamed Tributary to Allegheny River (18-A)	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>
PA0221872 (Industrial)	Universal Stainless & Alloy Products 600 Mayer Street Bridgeville, PA 15017-2705	Crawford County Titusville City	Church Run and Oil Creek (16-E)	Yes
PA0222381 (Sewage)	Dubois Region Airport 377 Aviation Way Reynoldsville, PA 15851-8143	Jefferson County Washington Township	Unnamed Tributary to Keys Run, Kyle Run, and Keys Run (17-C)	Yes
PA0006238 (Industrial)	Vorteq Valencia Plant 125 Mcfann Road Valencia, PA 16059-1917	Butler County Middlesex Township	Glade Run (20-C)	Yes

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

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

PA0026085, Sewage, SIC Code 4952, **Upper Merion Municipal Utility Authority**, 175 W Valley Forge Road, King Of Prussia, PA 19406-1851. Facility Name: Matsunk WPCC. This existing facility is located in Upper Merion Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from Matsunk Water Pollution Control Center located at 600 McCoys Lane, Swedeland, PA 19406.

The receiving stream(s), Frog Run Tributary to Schuylkill River, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The point of first use is the Schuylkill River. The nearest public water supply intake is for the City of Philadelphia-Queen Lane Intake located on the Schuylkill River.

The proposed effluent limits for Outfall 002 are based on annual average design flow of 5.5 MGD and maximum monthly design flow of 6.88 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC) Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	0.5	XXX	1.2
Nov 1 - Apr 30	1,434	2,180	XXX	25.0	38.0 Wkly Avg	50
May 1 - Oct 31	1,033	1,549	XXX	18.0	27.0 Wkly Avg	36
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,721	2,582	XXX	30.0	45.0 Wkly Avg	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	1,033	XXX	XXX	18.0	XXX	36
May 1 - Oct 31	344	XXX	XXX	6.0	XXX	12
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Copper, Total	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Sulfate, Total	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Chloride	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Bromide	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Toxicity, Chroni—Ceriodaphnia						
Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic—Pimephales						
Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a storm event.

<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>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

Sludge use and disposal description and location(s): Sludge is handled through gravity thickener units prior to being dewatered by a rotary press. The dewatered cake is stabilized with lime prior to being hauled to one of two Waste Management owned landfills.

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Notification of Responsible Operator
- O&M Plan
- Fecal Limits
- Pretreatment Program
- Whole Effluent Toxicity Monitoring
- PCB Pollution Minimization Plan and Monitoring

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

The EPA Waiver is not in effect.

PA0026131, Sewage, SIC Code 4952, **Upper Merion Municipal Utility Authority**, 175 W Valley Forge Road, King Of Prussia, PA 19406-1851. Facility Name: Trout Run WPCC. This existing facility is located in Upper Merion Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from Trout Run Water Pollution Control Center located at 900 Mancill Mill Road, King of Prussia, PA 19406.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The nearest public water supply intake is for Pennsylvania American Water Company—Norristown District.

The proposed effluent limits for Outfall 002 are based on a design flow of 6.0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,251	1,876	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)					Wkly Avg	
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,501	2,252	XXX	30	45	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	1,000	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	751	XXX	XXX	15.0	XXX	30
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Copper	Report	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Sulfate, Total	Avg Qrtly Report	XXX	XXX	Avg Qrtly Report	XXX	XXX
Chloride	Avg Qrtly Report Avg	XXX	XXX	Avg Qrtly Report Avg	XXX	XXX
Bromide	Qrtly Report Avg	XXX	XXX	Qrtly Report Avg	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs, dry weather (pg/l)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic—Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic—Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a storm event.

<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>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

Sludge use and disposal description and location(s): Sludge is handled through gravity thickener units prior to being dewatered by a rotary press. The dewatered cake is stabilized with lime prior to being hauled to one of two Waste Management owned landfills.

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Notification of Responsible Operator
- O&M Plan
- Fecal Limits
- Pretreatment Program
- Whole Effluent Toxicity Monitoring
- PCB Pollution Minimization Plan and Monitoring

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

The EPA Waiver is not in effect.

PA0057011, Sewage, SIC Code 4952, **Aqua Pennsylvania Wastewater Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3402. Facility Name: Bridlewood Farm STP. This existing facility is located in Thornbury Township, **Chester County**.

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

The receiving stream, Radley Run, is located in State Water Plan watershed 3-H 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 0.103 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.5
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	16.1	XXX	XXX	18.8	XXX	37.6
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	26	XXX	XXX	30	XXX	60
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000*
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ultraviolet light intensity ($\mu\text{w}/\text{cm}^2$)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	21.5	XXX	XXX	25.0	XXX	50
Ammonia-Nitrogen						
Nov 1 - Apr 30	6.7	XXX	XXX	7.8	XXX	15.6
May 1 - Oct 31	2.3	XXX	XXX	2.6	XXX	5.2
Total Phosphorus	1.3	XXX	XXX	1.5	XXX	3

* Shall not exceed in more than 10% of samples.

Sludge use and disposal description and location: waste sludge is removed from the site by permitted hauler for ultimate treatment and disposal at approved facility.

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Municipal Sewers Available
- E. Chlorine Optimization
- F. Small Stream Discharge
- G. Operator Notification
- H. Fecal Coliform Reporting
- I. Maximize Drip Irrigation

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

The EPA Waiver is not in effect.

PA0051497, Industrial, SIC Code 3599, **Lenape Forged Products Corporation**, 1334 Lenape Road, West Chester, PA 19382-6893. Facility Name: Lenape Forged Products Corporation. This existing facility is located in Pocopson Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of contact cooling water and stormwater.

The receiving stream, Brandywine Creek, is located in State Water Plan watershed 3-H 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 an average stormwater flow.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Monitoring Point 101 are based on a design flow of 0.03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report	Report	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Oil and Grease	XXX	XXX	XXX	10	XXX	30
Total Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Nickel, Total	XXX	XXX	XXX	Report	Report	XXX

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Condition
- D. BAT/ELG Reopener
- E. 2-degree Change in Temperature
- F. Stormwater Outfall Requirement

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

The EPA Waiver is not in effect.

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

PA0086151, Sewage, SIC Code 6515, **Harmony Estates MHP**, 110 Inverness Drive, Blue Bell, PA 19422-3202. Facility Name: Harmony Estates MHP. 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 Sewage.

The receiving stream(s), Unnamed Tributary to Conodoguinet Creek, is located in State Water Plan watershed 7-B 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 0.016 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min 5.0	XXX	Daily Max 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)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5
Total Phosphorus	XXX	Report	XXX	1.0	XXX	2
		Daily Max				

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

Sludge use and disposal description and location(s): Sludge is hauled off site via a local septage hauler to another WWTP for ultimate treatment/disposal.

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.

PA0247243, Industrial, SIC Code 2452, **Pennsylvania Cherry LLC**, PO Box 269, Mercersburg, PA 17236. Facility Name: Penn Cherry Buchanan Trail Facility. This existing facility is located in Montgomery Township, **Franklin County**.

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

The receiving stream(s), Unnamed Tributary to West Branch Conococheague Creek, is located in State Water Plan watershed 13-C and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0

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.

PA0266744, Industrial Wastewater—Hydrostatic Test Discharge, SIC Code 4619, **Williams Transcontinental Gas Pipe Line Company LLC**, 2800 Post Oak Boulevard, Houston, TX 77056. Facility Name: Northeast Supply Enhancement Project—Quarryville Loop. This proposed facility is located in Drumore Township, **Lancaster County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of hydrostatic testing water from a new pipeline.

The receiving stream(s), Unnamed Tributary to Fishing Creek, Wissler Run, and Unnamed Tributary to Bowery Run, is located in State Water Plan watershed 7-K and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001, Outfall 002, and Outfall 003 are based on a design flow of 0.96 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPM)	Report	Report	XXX	XXX	XXX	XXX
	Avg Mo	Daily Max				
Total Flow (Total Volume, Mgal) (gal)	Report	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	10.0
Oil and Grease	XXX	XXX	XXX	Report	XXX	5
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	1.5

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

- ANNUAL REPORT—The permittee shall submit a complete Annual Report to the DEP office that issued the permit by March 1 each year using DEP's Annual Report template, attached to this permit. The Annual Report shall address activities under the permit for the previous calendar year. The permittee shall submit the Annual Report electronically if notified by DEP in writing. (25 Pa. Code § 92a.61(g))

- BEST MANAGEMENT PRACTICES (BMPs)

A. General

1. The permittee shall not discharge in a manner that causes erosion of stream banks or scouring of stream beds. The permittee shall properly direct the discharge of all water discharged so that it does not cause nuisance conditions and does not pool or pond prior to reaching surface waters.

2. The permittee shall implement erosion and sedimentation control practices at the discharge point in accordance with 25 Pa. Code Chapter 102 (relating to Erosion and Sediment Control) and DEP's Erosion and Sedimentation Pollution Control Manual (DEP ID: 363-2134-008).

3. Wherever possible, the permittee shall not use water that has been chlorinated for hydrostatic testing. If no alternatives to chlorinated water exist, the permittee shall retain the water in the tank or pipeline for at least 24 hours prior to discharge and shall sample the water prior to discharge to confirm that the Total Residual Chlorine limits in Part A of this permit will be achieved.

4. If the permittee withdraws water from a stream to conduct its hydrostatic testing, the permittee shall not withdraw a volume of water that exceeds 25 percent of the volume of the stream at the time of withdrawal. The permittee shall not discharge a volume of test water that increases the volume of the receiving stream by more than 25 percent downstream regardless of the source of the test water. The permittee shall not dewater the stream to the extent that downstream users, including aquatic life, are impacted during pipe filling operations. The permittee shall prevent the impingement and entrainment of fish when withdrawing water from surface waters.

5. The permittee shall limit the volume to be discharged to the lowest possible rate to minimize any potential impact on aquatic life and to reduce the potential for erosion. In addition, the permittee shall avoid withdrawals and discharges during critical stream conditions such as low flow, trout stocking season, spawning seasons, recreational seasons, etc. The permittee shall not discharge to trout stocked streams from March 1 to June 15. The listing of trout stock streams can be found on the Pennsylvania Fish and Boat Commission's website: www.fish.state.pa.us.

6. The permittee shall clean all tanks and pipelines prior to hydrostatic testing and discharge under this General Permit. The permittee shall collect wastewaters and solids from the cleaning process and shall transport them to an authorized disposal facility.

7. The permittee shall not discharge hydrostatic test water and cleaning wastewaters into a combined sewer system or a separate sanitary sewer.

8. The permittee shall develop and implement a Preparedness, Prevention and Contingency (PPC) Plan in accordance with 25 Pa. Code § 91.34 following the guidance contained in DEP's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" (DEP ID 400-2200-001), and its NPDES-specific addendum. The permittee shall evaluate and, if necessary, update the PPC Plan on an annual basis, at a minimum, and when one or more of the following occur:

- a. The PPC Plan fails in an emergency;
- b. A change in design, industrial process, operation, maintenance, or other circumstance occurs in a manner that materially increases the potential for fires, explosions or releases of toxic or hazardous constituents; or which changes the response necessary in an emergency;
- c. The list of emergency coordinators or equipment changes; or
- d. When notified in writing by DEP.

The PPC Plan must be maintained on-site at the location of hydrostatic testing and be made available to DEP upon request.

B. Hydrostatic Testing of Pipelines

For pipelines, the permittee shall, at a minimum, place hay bales in a circular fashion at the discharge point with oil absorbent pads and a decant pipe for sampling purposes. The permittee shall install an energy dissipater in the containment areas and shall line the bottom of the containment areas with an impermeable material.

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.

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

PA0271641, Sewage, SIC Code 4952, 8800, **Kenneth & Joan Larsen**, 9 Carroll Street, Frewsburg, NY 14738. Facility Name: Kenneth & Joan Larsen SRSTP. This proposed facility is located in Pine Grove Township, **Warren County**.

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

The receiving stream is an unnamed tributary of Storehouse Run, located in State Water Plan watershed 16-B and classified for Cold Water Fish, 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.

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
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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.

PA0271608, Sewage, SIC Code 8800, **Donald Ward**, 185 Donaldson Road, Gibsonia, PA 15044. Facility Name: Donald Ward SRSTP. This proposed facility is located in Clinton Township, **Butler County**.

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

The receiving stream(s), Bull Creek, is located in State Water Plan watershed 18-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

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

The EPA Waiver is in effect.

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

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

WQM Permit No. 4601406, Sewage, Amendment, **Lower Salford Township Authority**, 57 Main Street, Harleysville, PA 19438-2515.

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

Description of Action/Activity: Modifying aeration equipment for wastewater treatment tanks.

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

WQM Permit No. 2289403, Sewerage, **Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033-2453.

This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the addition of sludge thickener to existing Southwest Wastewater Treatment Plant.

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

WQM Permit No. WQG02631801, Sewage, **Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317.

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

Description of Proposed Action/Activity: The applicant proposes to construct a new pump station and force main, at the intersection of Shoreline Drive & Driftwood Drive, to serve existing homes in the Hidden Brook Development.

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

WQM Permit No. 6518407, Sewage, **Kiski Valley Water Pollution Control Authority**, 1361 School Road, Leechburg, PA 15656-4904.

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

Description of Proposed Action/Activity: The applicant proposes to make improvements at their existing Wean United Pump Station. The pump station will be converted from a dry well/wet well pump station to a dry well pump station with new submersible chopper pumps.

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

WQM Permit No. 1618410, Sewage, **Sandra Siegel**, 261 Potter Road, Corsica, PA 15829.

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

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

WQM Permit No. 6218407, Sewage, **Constance Whitling**, 1903 Cable Hollow Road, Russell, PA 16345.

This proposed facility is located in Pine Grove Township, **Warren County**.

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

WQM Permit No. 4304401 A-1, Sewage, **Springfield Township Mercer County**, PO Box 110, Grove City, PA 16127-0110.

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

Description of Proposed Action/Activity: Amendment to install additional forcemain to State Route 208 pump station.

WQM Permit No. 4318410, Sewage, **Perry Township Mercer County**, PO Box 69, Hadley, PA 16130.

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

Description of Proposed Action/Activity: Sewers and wastewater treatment plant for Hadley and Camp Perry areas.

WQM Permit No. 6218408, Sewage, **Sarah Stapleford**, 2817 W 32nd Street, Erie, PA 16506-3353.

This proposed facility is located in Glade Township, **Warren County**.

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

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

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, Section Chief, 717.705.4802.

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD290004	Wells Tannery Water Supply P.O. Box 47 Wells Tannery, PA 16691-0047	Fulton	Wells Township	Laurel Fork (HQ-CWF, MF) UNT Laurel Fork (HQ-CWF, MF)
PAD360032	Thomas M. Wolgemuth T & D Excavating 1940 East Mount Hope Road Manheim, PA 17545	Lancaster	Penn Township	UNT Shearers Creek (HQ-CWF) Shearers Creek (HQ-CWF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD140035	Mark & Suzette Shears 111 Hylbert Road Boalsburg, PA 16827	Centre	Halfmoon Twp	UNT—Halfmoon Creek HQ-CWF, MF

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

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD630027	Glencannon Homes Association P.O. Box 831 McMurray, PA 15317	Washington County	North Strabane Township	Little Chartiers Creek (HQ-WWF)

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

Agricultural Operation Name and Address	County	Total Acres	AEU's	Animal Type	Special Protection Waters (HQ or EV or NA)	New or Renewal
Ridge View Farms David Sweigart, III 189 Ridge View Road South Elizabethtown, PA 17022	Lancaster	535.5	2,140.07	Swine/Dairy	NA	R
Jason Wenger 5376 Elizabethtown Road Manheim, PA 17545	Lancaster	109	529.39	Dairy/Swine	NA	N

<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>
Franklin Family Farms McClay's Farm 4880 Horse Valley Rd East Waterford, PA 17021	Franklin	0	637.69	Swine	None	Renewal
Heisler's Egg Farm, Inc. 757 Valley Road Tamaqua, PA 18252	Schuylkill	136.5	1,522.90	Poultry (Layers)	HQ	Renewal
Stahl Family Farms, LLC 4089 Produce Rd. Selinsgrove, PA 17870	Snyder	102.7 manure application	1,385	Swine/Dairy	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications 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. 0618521, Public Water Supply.

Applicant	Teen Challenge Training Center
Municipality	Tulpehocken Township
County	Berks

Responsible Official	Jim West, Director of Operations PO Box 98 Rehrersburg, PA 19550
Type of Facility	Public Water Supply
Consulting Engineer	Paul Lutzkanin, P.E. Steckbeck Engineering & Surveying Inc. 279 North Zinns Mill Road Lebanon, PA 17042
Application Received:	8/10/2018
Description of Action	The Teen Challenge Training Center (Teen Challenge) has submitted a PWS permit application for the approval to modify the existing water treatment system. Teen Challenge has proposed to install a new greensand filtration system for manganese removal, chlorine contact piping for 4-log treatment of viruses at Entry Point 101, a centralized softening system, new VFD controlled constant pressure pumps, and blow off hydrants.

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. 3018513MA, 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 August 20, 2018
Date

Description of Action Installation of the Nineveh bulk
load-out meter vault.

Application No. 3013501WMP18, 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 August 20, 2018
Date

Description of Action Use of the proposed Nineveh
bulk load-out meter vault.

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 August 6, 2018
Date

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 August 8, 2018
Date

Description of Action Replacement of filter media at
the water treatment plant.

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

Application No. 2084504-T2-MA2, Minor Amendment.

Applicant **Conneaut Lake Park Trustees**

Township or Borough Summit Township

County **Crawford County**

Responsible Official Tracy Swihart

Type of Facility Public Water Supply

Consulting Engineer Hugh Haire
Pittsburgh Tank and Tower
Group
1 Watertank Place
Henderson, KY 42419

Application Received August 20, 2018
Date

Description of Action Repair of leaking elevated water
storage tank.

Application No. 3309501-MA1, Minor Amendment.

Applicant **Brookville Borough
Municipal Authority**

Township or Borough Brookville Borough

County **Jefferson**

Responsible Official Clyde Bullers

Type of Facility Public Water Supply

Consulting Engineer Christopher Eckenrode
Gwin, Dobson, & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602

Application Received August 22, 2018
Date

Description of Action Subsitute current corrosion
inhibitor for SeaQuest and
permit bulk water loading
station.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995
PREAMBLE 1**

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Ashbridge Oil, 229 Main Street, Bedford, PA 1552, Bedford Borough, **Bedford County**. Gary C. Calvert LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of Ashbridge Oil Company, Inc., 422 North Fort Fisher Boulevard, Kure Beach, NC 28449, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with diesel fuel. The site will be remediated to the Site-Specific Standard. Future use of the site is to be used

for commercial purposes. The Notice of Intent to Remediate was published in the *Bedford Gazette* on August 9, 2018.

Former Kauffman's Mini Market, 3696 Mountain Road, Shartlesville, PA 19554, Upper Bern Township, **Berks County**. Onesky Engineering, Inc., 510 Wellington Square, # 412, Exton, PA 19341, on behalf of Linda Kauffman, 106 Fourth Street, Shartlesville, PA 19554, and Love's Travel Stops and Country Stores, Inc., 10601 North Pennsylvania Avenue, Oklahoma City, OK 73120 submitted a Notice of Intent to Remediate concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Site-Specific Standard. The Notice of Intent to Remediate was published in the *Reading Eagle* on August 16, 2018.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) received for Determination of Applicability under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

General Permit No. WMGM030SW001. Beaver County Department of Solid Waste Management, 469 Constitution Boulevard, New Brighton, PA 15066. Beaver County Yard Waste Composting Facility, Doyle Drive, Beaver, PA 15009. An application for Determination of Applicability under municipal waste general permit WMGM030 for the composting of yard waste and beneficial use of the compost in Brighton Township, **Beaver County**, was deemed administratively complete in the Regional Office on August 21, 2018.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received under the Solid Waste Management Act of July 7, 1980 (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate a Solid Waste Processing or Disposal Area or Site.

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

Permit ID No. 300370. FirstEnergy Generation, LLC, 800 Cabin Hill Drive, Greensburg, PA 15601. Application for major modification for revisions to the approved Closure Plan at the Hatfield's Ferry Power Station CCB Landfill in Monongahela Township, **Greene County**. The application was received by the Department on August 2, 2018.

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. 100945, Cumberland County Landfill, 620 Neville Road, Newburg, PA 17240.

An application for a major permit modification was submitted by Community Refuse Service LLC for the Cumberland County Landfill to increase the average daily waste volume by 450 tons to the landfill. The landfill is located in both Hopewell and North Newton Townships, **Cumberland County**. This application was deemed administratively complete by the Southcentral Regional Office on July 20, 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 Mr. 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.

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.

28-05002R: Letterkenny Army Depot—US Department of Defense (One Overcash Avenue, Chambersburg, PA 17201) for the implementation of Plantwide Applicability Limits (PAL) at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**. Plan Approval No. 28-05002R establishes a Plant Wide Applicability Limit (PAL) for VOCs (118.29 tpy). The facility is a Title V facility. DEP’s review of the information submitted by the applicant indicates that the air contamination sources will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including 25 Pa. Code § 127.218. Based on these findings, the Department proposes to issue a plan approval for the proposed operation. If, after the project has been implemented, the Department deter-

mines that the sources are operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

36-05158D: Perdue AgriBusiness, LLC (1897 River Road, Marietta, PA 17547) for the modification of the vertical seed conditioner (VSC) fan discharge and the ability to combust propane in Grain Dryer No. 2 (Source ID 104) at the soybean processing facility in Conoy Township, **Lancaster County**. Potential emission increases from the proposed project are estimated to be: 12.29 tpy NO_x, 0.03 tpy SO_x, 14.17 tpy CO, 2.26 tpy PM, 1.18 tpy PM₁₀, 0.42 tpy PM_{2.5}, and 1.51 tpy VOC. The project will not increase the facility's throughput capacity as the grain elevator is currently limited to a throughput of 766,500 tons during any consecutive 12-month period and the soybean extraction operations are limited to a throughput of 638,750 tons during any consecutive 12-month period. Furthermore, the facility's site-wide emissions limits (116.9 tpy PM, 30.7 tpy PM₁₀, 8.1 tpy PM_{2.5}, 208.1 tpy VOC, & 104.0 tpy n-hexane) established during PA No. 36-05158A are not changing. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

48-00089: Spray-Tek, LLC (3010 Avenue B, Bethlehem, PA 18017). The Department intends to issue a renewal State-Only Natural Minor Permit for Spray-Tek located in the City of Bethlehem, **Northampton County**. The sources at this facility are spray dryers. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 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.

36-03034: Purina Animal Nutrition, LLC (3029 Hempland Road, Lancaster, PA 17601-1309) to issue a State-Only Operating Permit for operation of their animal feed manufacturing plant in East Hempfield Township, **Lancaster County**. The subject facility has the potential-to-emit 1.3 ton per year CO, 5.3 tons per year NO_x, 15.9 tons per year PM, 8.4 tons per year of PM₁₀, 1.9 ton per year SO_x, and 0.1 ton per year VOC, when

combusting No. 2 fuel oil. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

36-05099: Pennsy Supply, Inc. (P.O. Box 4688, Lancaster, PA 17604) for the operations of a Hot Mix Asphalt Plant in East Hempfield Township, **Lancaster County**. The subject facility has the potential-to-emit CO at 80.5 tpy, PM at 5.4 tpy, NO_x at 5.0 tpy, VOCs at 4.7 tpy, and HAPs at 1.6 tpy. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

31-03032: Glenn O. Hawbaker, Inc. (711 E College Avenue, Pleasant Gap, PA 16823-6854) to issue a State Only Operating Permit for a rock crusher operation in Canoe Valley Quarry located in Morris Township, **Huntingdon County**. The primary emissions from the facility are particulate matter. The actual 2017 emissions from the facility are 6.12 ton of PM and 2.18 ton of PM₁₀. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for Federal 40 CFR 60 Subpart OOO—Standard of Performance for Nonmetallic Mineral Processing Plants.

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

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

19-00009: Deluxe Building Solutions, LLC (499 West Third Street, Berwick, PA 18603-2936) to issue a renewal State Only (Synthetic Minor) Operating Permit for the Berwick Plant located in Berwick Borough, **Columbia County**. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 19-00009. The facility's sources include one (1) plumbing operation, one (1) sealant operation, one (1) adhesive operation, three (3) surface coating operations, three (3) petroleum storage tanks, one (1) cold degreaser, one (1) welding operation, one (1) concrete panel operation and miscellaneous space heaters. The facility has potential emissions of 4.46 TPY of CO; 5.31 TPY of NO_x; 0.03 TPY of SO_x; 1.48 TPY of PM/PM₁₀; <50 TPY of VOCs; <10 TPY of any individual hazardous air pollutant; <25 TPY combined hazardous air pollutants; 6,390 TPY GHGs. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third

Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

60-00011: United States Department of Justice (PO Box 3500, White Deer, PA 17887) for the Allenwood Federal Prison located in Gregg Township, **Union County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously mentioned facility. The subject facility has the following potential emissions: 27.83 TPY of CO; 56.89 TPY of NO_x; 80.24 TPY of SO_x; 9.95 TPY of PM/PM₁₀; 29.64 TPY of VOC and 44,565 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 Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 60 Subpart Dc 60.40c—60.48c. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Parts 60 and 63. 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.

41-00073: Penn Recycling Inc. (2525 Trenton Avenue, Williamsport, PA 17701) to issue a renewal State Only Operating Permit for their Williamsport Plant located in the City of Williamsport, **Lycoming County**. The facility is currently operating under State Only Operating Permit 41-00073. The facility's main sources include a shredding operation and a shredded material handling system. Particulate emissions from these sources are controlled by a cyclone separator and a water spray dust suppression system. The facility has potential/actual emissions of 32.2 tons per year (TPY) of particulate matter, including PM₁₀ and PM_{2.5}, 0.1 TPY of nitrogen oxides, 1.2 TPY of volatile organic compounds, 0.5 TPY of hazardous air pollutants, and 131 TPY of greenhouse gases (carbon dioxide equivalents). No emission or equipment changes are being proposed by this action. The emission limits and work practice standards along with monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

63-00880: Washington Penn Plastics (450 Racetrack 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 Washington Penn Plastics to authorize the production of custom polyolefin compounds. The facility is located in South Strabane, **Washington County**.

This facility consists of four extrusion lines, blenders, silos, an emergency generator and a dust collector to control particulate emission. The estimated potential emissions from this facility are: 4.99 tpy PM₁₀, 0.001 tpy VOC, 0.026 tpy of NO_x, 0.002 tpy of SO_x and 0.002 tpy of CO. 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 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition 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 (63-00880) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Washington Penn Plastics 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 Washington Penn Plastics 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.

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

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

OP18-00009: Original Philly Holdings, Inc. (4001 N. American St., Philadelphia, PA 19140) for the operation of a food processing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following: one (1) boiler capable of firing natural gas and No. 2 fuel oil with a capacity of 20.412 million British thermal units per hour (MMBtu/hr), and one (1) natural gas-fired warm air furnace with a capacity of 0.35 MMBtu/hr.

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

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

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17020110 and NPDES PA0243311. RAMM Coal, Inc. (1092 Spruce Hill Road, Rockton, PA 15856). Permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Sandy and Brady Townships, **Clearfield County** affecting 145.3 acres. Receiving stream(s): Unnamed Tributary to LaBorde Branch and LaBorde Branch classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 14, 2018.

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

26030102 and NPDES Permit No. PA0250457. Steve Patterson Excavating (170 Yasenosky Road, Smithfield, PA 15478). Renewal application for continued mining to an existing bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 75.5 acres. Receiving streams: unnamed tributary to Gist Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 14, 2018.

Coal Applications Withdrawn

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

30100101 and NPDES Permit No. PA0251950. Border Energy, LLC (966 Crafts Run Road, Madsville, WV 26541). Withdrawal of revision application change outfall to an existing bituminous surface mine, located in Monongahela Township, **Greene County**, affecting 188.5 acres. Receiving streams: unnamed tributaries to Whiteley Creek, classified for the following use: WWF. Potable water supply intakes within 10 miles downstream are Masontown Water Works, Carmichaels Municipal Authority, and Southwestern PA Water Authority. Application received: August 1, 2018. Permit revision withdrawn: August 23, 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

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

NPDES No. PA0224251 (Mining Permit No. 21020301), Pennsy Supply, Inc., 1001 Paxton Street, Harrisburg, PA 17104, renewal of an NPDES permit for noncoal surface mine in Penn Township, **Cumberland County**, affecting 229 acres. Receiving stream: unnamed tributary to Mt. Rock Spring Creek, classified for the following use: warm water fishes. This receiving stream is included in the Conodoguinet Creek TMDL. Application received: August 3, 2018.

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

The following outfall discharges to unnamed tributary to Mt. Rock Spring Creek:

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	XX	XX	90.0
Oil and Grease	Monitor Only		

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

The following outfall utilizes a non-discharge alternative:

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	XX	XX	90.0
Oil and Grease	Monitor Only		

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

NPDES No. PA0122629 (Mining Permit No. 5074SM1), New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, new NPDES permit for noncoal surface mining in Guilford Township, **Franklin County**, affecting 396.92 acres. Receiving stream(s): Intermittent unnamed tributary to Conococheague Creek, classified for the following use(s): Warm Water Fishery (WWF). Application received: July 19, 2018.

The following outfalls require a non-discharge alternative:

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

The proposed effluent limits for the emergency spillways are as follows:

Outfalls: 002 & 003

<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

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

NPDES No. PA0258318 (Permit No. 24070301). Advanced Disposal Services Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Fox Township, **Elk County**, affecting 227.0 acres. Receiving streams: Unnamed tributaries to Bear Run, classified for the following uses: CWF. TMDL: Little Toby Creek. Application received: July 6, 2018.

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

The following outfalls discharge to unnamed tributaries to Bear Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	N
TP3	N
TP6	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
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
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
Total Suspended Solids (mg/l)		35	70	90

The following outfalls discharge to unnamed tributaries to Bear Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	N

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP2	N
SP3	N
SP6	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
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
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
Total Suspended Solids (mg/l)		35	70	90

The following outfall discharges to unnamed tributaries to Bear Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP4	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
Iron (mg/l)		2.2	4.4	5.5
Manganese (mg/l)		1.3	2.6	3.25
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35	70	90

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

NPDES Permit No. PA059412 on Surface Mining Permit No. 7974SM1. Hanson Aggregates PA, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a diabase quarry operation in East Rockhill Township, **Bucks County**, affecting 109.8 acres. Receiving stream: unnamed tributary to Tohickon Creek, classified for the following uses: trout stocking and migratory fishes. Application received: January 19, 2018.

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

The following outfall discharges to unnamed tributary to Tohickon Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump—Mine Drainage Treatment

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Discharge (MGD)		0.238		
Total Suspended Solids		35.0	70.0	90.0
Oil & Grease (mg/l)			Monitor and Report	

¹ The parameter is applicable at all times.

NPDES Permit No. PA0225045 on Surface Mining Permit No. 64112501. Robert A Colman, (P.O. Box 3, Susquehanna, PA 18847), renewal of NPDES Permit for a bluestone quarry operation in Scott Township, **Wayne County**, affecting 13.3 acres. Receiving stream: unnamed tributary to Sherman Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: April 27, 2018.

Non-discharge BMP's shall be in effect.

NPDES Permit No. PA0225878 on Surface Mining Permit No. 64870301. Hanson Aggregates PA, LLC, (7660 Imperial Way, Allentown, PA 18195), new NPDES Permit for a sandstone quarry operation in Lake Township, **Wayne County**, affecting 109.7 acres. Receiving stream: unnamed tributary to Jones Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: June 13, 2018.

Non-discharge BMP's shall be in effect.

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.

E23-546: AG-RW Edgmont Owner, LLC; 25A Hanover Road, Suite 310, Florham Park, NJ 07932, Edgmont Township, **Delaware County**, ACOE Philadelphia District.

To Construct and maintain a residential development associated with the construction of 166 dwellings subdivision AKA the Edgmont Preserve, impacting approximate 0.482 acre of the 100-year of the assumed floodway of Plumock Run, 0.03645 of permanent wetland impact, (5) utility line stream crossing and (1) outfall structure. The site is located at 5180 West Chester Pike between Providence Road and Delchester Road (Media, PA USGS map; Lat: 39.966774; Long; -75.463129), In Edgmont Township, Delaware County.

E15-905: Pennsylvania Department of Transportation Engineering District 6-0, 7000 Geerdes Blvd. King of Prussia, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

The Pennsylvania Department of Transportation (PennDOT) is proposing to obtain authorization to operate and maintain a previously constructed 6-inch diameter outfall to an unnamed tributary to Valley Creek (HQ, CWF-MF) and also the placement of riprap rock apron resulting in 20 square feet (0.0005 acre) of permanent floodway impact. This work is associated with the sinkhole repair work and reconstruction of PA 29. This project is located on N Morehall Rd. south of General Warren Blvd. in East Whitehall Township, Chester County (USGS PA Malvern Quadrangle—Latitude 40.071452 N, Longitude 75.535866 W).

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

E44-154: PennDOT Engineering District 2-0, 70 PennDOT Drive, Clearfield, PA 16830 in Lewistown Borough, **Mifflin County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to:

1) construct and maintain a 123.88-foot long, 54.3-foot wide, single-span, composite prestressed concrete bulb-tee beam bridge having an under clearance of 19.8 feet, and associated wingwalls across Kishacoquillas Creek (TSF, MF);

2) install and maintain R-8 riprap choked with R-4 riprap scour protection in Kishacoquillas Creek (TSF, MF), permanently impacting 170 linear feet of Kishacoquillas Creek (TSF, MF);

3) install and remove a temporary full width causeway for construction access in Kishacoquillas Creek (TSF, MF), temporarily impacting 80 linear feet (0.10 acre) of Kishacoquillas Creek (TSF, MF);

4) install and maintain stream bank protection in the floodway of Kishacoquillas Creek (TSF, MF), permanently impacting 132 linear feet of the floodway of Kishacoquillas Creek (TSF, MF), all for the purpose of improving roadway safety along SR 3001 in Lewistown Borough, Mifflin County (Latitude: 40.59608N, Longitude: -77.573044W).

No wetlands will be impacted by the project.

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

E5329-017: JKLM Energy, LLC, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Sweden Township, **Potter County**, ACOE Baltimore District.

To construct, operate and maintain the YM-52 to YM-53 Interconnect Project—Mill Creek HDD, which consists of three (3) 12-inch diameter natural gas pipelines, with impacts to 50.0 linear feet of Mill Creek (HQ-CWF) and 7,646 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via HDD (Ayers Hill, PA Quadrangle, Latitude: N 41° 44' 35.89", Longitude: W 77° 56' 29.37").

The project will result in 50.0 linear feet of permanent stream impacts, and 7,646 square feet (0.17 acre) of permanent EV PEM wetland impacts all for the purpose of installing a natural gas gathering line for Marcellus shale development.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.

<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>
PA0245003 (Sewage)	Audrey Russ & Paul Kline 2015 Valley Road Newtown Square, PA 19073	Delaware County Edgmont Township	Unnamed Tributary to Ridley Creek 3-G	Y
PA0054917 (Sewage)	Upper Uwchlan Municipal Authority 715 N Ship Road Exton, PA 19341-1940	Chester County Uwchlan Township	Shamona Creek 3-H	Y
PA0058548 (Sewage)	Keelersville Club 2522 Ridge Road Perkasie, PA 18944	Bucks County East Rockhill Township	Unnamed Tributary to Three Mile Run 2-D	Y
PA0025437 (Sewage)	North Coventry Municipal Authority P.O. Box 833 Pottstown, PA 19464	Chester County North Coventry Township	Schuylkill River 3-D	N

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>
PA0114561 (Sewage)	Herrick Township WWTF 979 Lent Road Wyalusing, PA 18853-8791	Bradford County Herrick Township	Cold Creek (4-D)	Yes
PA0112488 (Sewage)	Bear Gap STP 206 S Market Street Suite 1 Elysburg, PA 17824-9782	Northumberland County Ralpho Township	Millers Run (6-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0253588 A-1 (Industrial)	Crooked Creek Treatment Facility 1000 Consol Energy Drive Canonsburg, PA 15317-6506	Armstrong County South Bend Township	Crooked Creek (17-E)	No

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0103209 (Sewage)	Wattsburg Area School District Campus 10782 Wattsburg Road Erie, PA 16509-6422	Erie County Greene Township	Unnamed Tributary of East Branch LeBoeuf Creek (16-A)	Yes
PA0221775 (Industrial)	HRI Brookville Asphalt Plant 1750 West College Avenue State College, PA 16801-2719	Jefferson County Pine Creek Township	Fivemile Run (17-C)	Yes

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

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

NPDES Permit PA0053554. Storm Water, **Scotts Company d.b.a. Hyponex Corporation**, 944 Newark Road, Avondale, PA 19311-1133.

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

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

NPDES Permit No. PA0026531, Sewage, Renewal, **Downingtown Area Region Authority**, 6 W. Lancaster Avenue, Downingtown, PA 19335-2825.

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

Description of Action/Activity: Renewal of an NPDES permit for discharge of treated Sewage.

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

NPDES Permit No. PA0271489, Sewage, SIC Code 8800, **David Anzaldi**, 125 Old Route 68, Evans City, PA 16033.

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

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

NPDES Permit No. PA0271586, Sewage, SIC Code 8800, **William Waugaman**, 111 Hermitage Hills Boulevard, Hermitage, PA 16148.

This proposed facility is located in Shenango Township, **Mercer County**.

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

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

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

WQM Permit No. 4618405, Sewage, **Aqua Pennsylvania Wastewater Inc.** 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489.

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

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

WQM Permit No. 2317401, Sewage, **Newtown Township Municipal Authority**, 209 Bishop Hollow Road, Newtown Square, PA 19073-3219.

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

Description of Action/Activity: Construction and operation of a sewage pump station.

WQM Permit No. 1518408, Sewage, **Tredyffrin Township**, 1100 DuPortail Road, Berwyn, PA 19312.

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

Description of Action/Activity: Rehabilitation of Station Avenue pump station.

WQM Permit No. 1518407, Sewage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425.

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

Description of Action/Activity: Relocation of existing holding tank from inside the control building to the outside.

WQM Permit No. 1596413, Sewage, Renewal, **Tenemos Conference and Retreat Center**, 1564 Telegraph Road, West Chester, PA 19382-1501.

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

Description of Action/Activity: Permit Renewal for continued operation of Tenemos Conference & Retreat Center's Wastewater Treatment Plant.

WQM Permit No. 0906412, Sewage, Renewal, **Wrightstown Township**, 2203 2nd Street Pike, Newtown, PA 18940-9690.

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

Description of Action/Activity: Permit renewal for continued operation of Matthew Ridge Wastewater Treatment Plant.

WQM Permit No. 1509407, Sewage, Transfer, **Aqua Pennsylvania Wastewater Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3402.

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

Description of Action/Activity: Transfer ownership from Penn Township to Aqua PA.

WQM Permit No. 1500401, Sewage, Amendment, **Unionville Chadds Ford School District**, 740 Unionville Road, Kennett Square, PA 19348.

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

Description of Action/Activity: Modifications to treatment plant.

WQM Permit No. WQG010070, Sewage, **Charles Price**, 2024 Old Bethlehem Pike, Sellersville, PA 18960.

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

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

WQM Permit No. 1509407, Sewage, Transfer, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3402.

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

Description of Action/Activity: Transfer ownership from Penn Township to Aqua PA.

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

WQM Permit No. 3776402 A-1, Sewage, **Matthew R Hinkle**, 5137 Clayton Circle, New Castle, PA 16156.

This existing facility is located in Slippery Rock Township, **Lawrence County**.

Description of Proposed Action/Activity: Amendment to correct existing permit.

WQM Permit No. 1618404, Sewage, **David Anzaldi**, 125 Old Route 68, Evans City, PA 16033.

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

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

WQM Permit No. 4370410 A-1, Sewage, **PA DOT Maintenance & Operations Bureau**, P.O. Box 3060, Harrisburg, PA 17105-3060.

This existing facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: Update permit from chlorine gas disinfection to chlorine tablet disinfection.

WQM Permit No. 4318407, Sewage, **William Waugaman**, 111 Hermitage Hills Boulevard, Hermitage, PA 16148.

This proposed facility is located in Shenango Township, **Mercer County**.

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

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

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

Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401.

Northampton County Conservation District, 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064-9211.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390072	Brinley Court LLC 2312 N Broad St Colmar, PA 18915	Lehigh Bucks	Upper Saucon Twp Springfield Twp	Laurel Run (CWF, MF) EV Wetlands
PAD390083	Old Saucon Investment LP 1954 O'Brien's Court Bethlehem, PA 18015	Lehigh Northampton	Upper Saucon Twp Lower Saucon Twp	UNT to Saucon Creek (CWF, MF) UNT to Black River Basin (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>
Scranton City Lackawanna County	PAC350046	PA American Water Company 800 W Hershey Park Dr Hershey, PA 17033	Leggetts Creek (TWF, MF)	Lackawanna County Conservation District 570-382-3086

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>
Reading Township Adams County Issued	PAC010060	Jeffrey M. & Deborah A. Seibert 315 Forest Drive New Oxford, PA 17350	Mud Run (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Highland Township Adams County Issued	PAC010067	Daniel & Nora Doyle 102 Kutz Road Carlisle, PA 17015	Little Marsh Creek (CWF-MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Silver Spring Township Cumberland County Issued	PAC210089	Millfording Estates, LP 3 Lemoyne Drive Suite 100 Lemoyne, PA 17043	Conodoguinet Creek (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812

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>
Benner Twp & Spring Twp, Centre Cnty	PAC140055	B.W.C.P., LLC 600 Olde Hickory Road Suite 100 Lancaster, PA 17601	UNT—Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Liberty Twp, Montour Cnty	PAC470017	Doug Bogart 300 Pottsgrove Road Danville, PA 17821	Beaver Run WWF-MF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140
City of Shamokin, Northumberland Cnty	PAC490027	Spurzheim Street Watermain Replacement City of Shamokin	Shamokin Creek WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Coal Twp, Northumberland Cnty	PAC490028	Tharptown Phase 1 Watermain Replacement Tharptown	Shamokin Creek WWF, MF	Potter County Conservation District 107 Market St Coudersport, PA 16915 (814) 274-8411 ext. 4
East Buffalo Twp, Union Cnty	PAC600033	Michael Bresticken 4048 Grove Ave Western Springs, IL 60558	UNT to Limestone Run 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>
Findlay Township and Robinson Township	PAC020279	Imperial Land Corporation 1009 Beaver Grade Road Suite 210 Moon, PA 15108	Potato Garden Run (WWF); Saint Patricks Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
South Fayette Township and Cecil Township	PAC020257	Peoples Natural Gas, LLC 375 North Shore Drive Pittsburgh, PA 15212	UNT to Coal Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Swissvale Borough	PAC020251	Woodland Hills School District 531 Jones Avenue North Braddock, PA 15104	Nine Mile Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Franklin Park Township and McCandless Township	PAC020295	West View Water Authority 210 Perry Highway Pittsburgh, PA 15229	UNT to Fish Run (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Findlay Township	PAC020282	Pittsburgh Parkwest Development, LLC 225 North Shore Drive Pittsburgh, PA 15212	Montour (TSF); McClarens Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Plum Borough	PAC020218	Pine Creek Cemetery 670 Center New Texas Road Pittsburgh, PA 15239	Little Plum Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Shaler Township	PAC020286	First Link of Pennsylvania, LP P.O. Box 1567 Beaver Falls, PA 15010	Girtys 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>
Stowe Township	PAC020290	Sto-Rox School District 600 Russelwood Avenue McKees Rocks, PA 15136	UNT to Chartiers Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Neville Township	PAC020303	P. J. Dick, Inc. 222 North Shore Drive P.O. Box 6774 Pittsburgh, PA 15212	Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Jefferson Hills Borough	PAC020309	Columbus Family Partners, LLP 3525 Lebanon Church Road West Mifflin, PA 15122	UNT to Lewis Run/Peters Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Collier Township	PAC020310	Collier Township 2418 Hilltop Road Presto, PA 15142	Thoms Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Penn Hills Township	PAC020095	Krise Transportation 7035 Saltsburg Road Pittsburgh, PA 15235	UNT to Plum Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020291	UPMC Mercy 600 Grant Street 60th Floor Pittsburgh, PA 15219	UNT to Monongahela River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Indiana Township and Harmar Township	PAC020305	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Deer Creek (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Fawn Township	PAC020280	Guardian Storage Allegheny Valley, LLC 5879 Centre Avenue Pittsburgh, PA 15206	Bull 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>
Richland Township; Adams Township	PAC110040	PennDOT Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Clapboard Run (WWF); Sandy Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Shade Township	PAC560019	LCT Energy, LP 941 Pine Grove Lane Suite B Johnstown, PA 15905	Little Dark Shade Creek (CWF); Miller Run (CWF)	Somerset Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Cecil Township (Washington County); South Fayette Township (Allegheny County)	PAC630033	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Millers Run (WWF); UNT to Millers Run (WWF); UNT to Coal Run (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township	PAC630053	Brookwood Village, LLC 37 McMurray Road Pittsburgh, PA 15241	Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township	PAC630075	Peters Township Sewer Authority 111 Bell Drive McMurray, PA 15317	UNT to Little Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cecil Township	PAC630096	Greg Simms 303 Rosewood Drive McDonald, PA 15057	UNT to Millers Run (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Fallowfield Township	PAC630101	Columbia Gas of PA 2021 State Street New Castle, PA 16101	UNT to Maple Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Deemston Borough	PAC630104	First Pennsylvania Resource, LLC 33 Terminal Way Suite 431A Pittsburgh, PA 15219	Plum Run (TSF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

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>
Clarion Township, Clarion County	PAC160017	Northland Forest Products Inc 16 Church Street P.O. Box 369 Kingston, NH 03848	UNT Little Piney Creek CWF	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813

<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>
Girard Borough, Erie County	PAC250041	Butternut Knoll LP 8191 Peach Street Erie, PA 16509	UNT Lake Erie CWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Millcreek Township, Erie County	PAC250051	NLA Real Estate Holdings LLC 5739 West Ridge Road Erie, PA 16506	UNT Lake Erie WWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Adams Township, Butler County	PAC100099	SB Travis LLC 190 Silver Creek Drive Mars, PA 16046	Breakneck Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Jackson Township, Butler County	PAC100105	Jackson Trail LLC Jerome P Oliver 1768 N Main Street Extension Butler, PA 16001	Connoquenessing Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Adams Township, Butler County	PAC100096	Kaclik Builders LLC Mr. Christopher Kasclik 1272 Mars-Evans City Road Evans City, PA 16033	UNT Breakneck Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270

General Permit Type—PAG-3

<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>
Bensalem Township Bucks County	PAR110045 A-1	Specialty Ring Products 2374 State Road Bensalem, PA 19020-7326	Delaware River 2-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Coatesville City Chester County	PAG030083	Chester County Area Airport Authority 1 Earhart Drive Suite 2 Coatesville, PA 19320	Sucker Run to Unnamed Tributary to Sucker Run 3-H	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970

General Permit Type—PAG-4

<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>
West Rockhill Township Bucks County	PAG040226	Charles H. Price 2024 Old Bethlehem Pike Sellersville, PA 18960	Three mile Run 2-D	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

General Permit Type—PAG-7

<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>
Stewartstown Borough Authority Wastewater Treatment Plant 3750 Stewartstown Road Stewartstown, PA 17363	PAG073515	Stewartstown Borough Authority 6 North Main Street Stewartstown, PA 17363	Stewartstown Borough Authority Wastewater Treatment Plant 3750 Stewartstown Road Stewartstown, PA 17363	DEP—SCRO— Clean Water Program 909 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4707

York County/
Hopewell Township

Northeast Region: Clean Water Program, 2 Public Square, Wilkes-Barre, PA 18701. Telephone: 570-826-2511.

<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>
Eldred Township Monroe County	PAG 08-3504	Synagro	Johnson II Farm	North East Regional
	PAG-08-0002	P.O. Box B	307 Upper 57 Road	570-826-2511
	PAG-08-2203	1605 Dooley Road		
	PAG-08-9903	Whiteford, MD 21160		
	PAG-08-3522			
	PAG-08-2224			
	PAG-08-3547			
	PAG-08-0016			
	PAG-08-3518			
	PAG-08-3825			
	PAG-08-0007			
	PAG-08-3515			
	PAG-08-2219			
	PAG-08-3565/07-3508			
	PAG-08-3610			
	PAG-08-9904			
	PAG-08-3540			
	PAG-08-0022			
	PAG-08-3568			
	PAG-08-3596			
	PAG-08-3597			
	PAG-08-3556			
	PAG-08-3605			
	WMGR-099			
	PAG-08-3535			
	PAG-08-9905			
	PAG-08-3510			
	PAG-08-0011			
	PAG-08-2211			
	PAG-08-3551			
	PAG-08-3573			
	PAG-08-3600			
	PAG-08-3611			
	PAG-08-3506			
	PAG-07-0003			
	PAG-08-0004			
	PAG-08-0003			
	PAG-08-0005			
	PAG-08-3615			
	PAG-08-3581			
	PAG-08-2223			
	PAG-08-3567			
	PAG-08-9909			
	PAG-08-0021			
	PABIG-9903			
	PAG-08-0006			
	PAG-08-0008			
	PAG-07-0005			
	PAG-08-0023			
	PAG-08-0018			
	PAG-08-9601			
	PAG-08-3514			
	PAG-08-3501			

General Permit Type—PAG-12

<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	PAG123874	Hess Agrimarketing LLC 218 Rock Point Road Marietta, PA 17547	in Watershed(s) 7-G	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

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>
Exeter Township Berks County	PAG133516	Exeter Township Berks County 4975 Demoss Road Reading, PA 19606-9060	Heisters Creek, Unnamed Tributary to Molasses Creek, and Trout Run—in Watershed(s) 3-D and 3-C	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Colebrookdale Township, Berks County	PAG133528	Colebrookdale Township Berks County 765 W Philadelphia Avenue Boyertown, PA 19512-8610	Swamp Creek, Unnamed Tributary to Ironstone Creek, Ironstone Creek, and Minister Creek in Watershed(s) 3-D and 3-E	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Hummelstown Borough Dauphin County	PAG133556	Hummelstown Borough Dauphin County 136 S Hanover Street Hummelstown, PA 17036	Swatara Creek—in Watershed(s) 7-D	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Earl Township Lancaster County	PAG133569	Earl Township Lancaster County 517 N Railroad Avenue New Holland, PA 17557-9758	Mill Creek, Groff Run, and Unnamed Tributary to Conestoga River—in Watershed(s) 7-J	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Lancaster Township Lancaster County	PAG133611	New Holland Borough Lancaster County 436 E Main Street New Holland, PA 17557	Unnamed Tributary to Mill Creek and Unnamed Tributary to Conestoga River—7-J	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
Lower Heidelberg Township Berks County	PAG133520	Lower Heidelberg Township Berks County 720 Brownsville Road Sinking Spring, PA 19608-9727	Cacoosing Creek, Unnamed Tributary to Spring Creek, Little Cacoosing Creek, Unnamed Tributary to Cacoosing Creek, Manor Creek, and Unnamed Tributary to Little Cacoosing Creek—3-C	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800
City of Johnstown Cambria County	PAG136245	City of Johnstown 401 Main Street Johnstown, PA 15901	Sams Run, Little Conemaugh River, Solomon Run, Hinckston Run, Saint Clair Run, Conemaugh River, Unnamed Tributary to Mill Creek, and Stonycreek River—18-E and 18-D	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>
West Mayfield Borough Beaver County	PAG136260	West Mayfield Borough 4609 W 8th Avenue Beaver Falls, PA 15010-2008	Walnut Bottom Run and Wallace Run— 20-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

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

Permit No. 2409002 , Public Water Supply.	
Applicant	PA American Water Company 800 W. Hershey Park Drive Hershey, PA 17033
[Township or Borough]	Sugar Notch Borough, Luzerne County
Responsible Official	Mr. David Kaufman Vice President-Engineering 800 W. Hershey Park Drive Hershey, PA 17033
Type of Facility	Public Water Supply

Consulting Engineer	Bruce Brubaker, P.E., PA-American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued	08/13/2018
Permit No. 4018506 , Public Water Supply.	
Applicant	Aqua PA, Inc. 1 Aqua Way White Haven, PA 18661
[Township or Borough]	Butler Township, Luzerne County
Responsible Official	Patrick R. Burke, PE Aqua PA, Inc. 204 E. Sunbury Street Shamokin, PA 17872
Type of Facility	PWS
Consulting Engineer	David R. Knapton, PE GHD 1240 North Mountain Road Harrisburg, PA 17112
Permit Issued	07/30/2018
Permit No. 6618503MA , Public Water Supply.	
Applicant	Aqua PA, Inc. 1 Aqua Way White Haven, PA 18661
[Township or Borough]	Clinton Township, Wyoming County
Responsible Official	Patrick R. Burke, PE Aqua PA, Inc. 204 E. Sunbury Street Shamokin, PA 17872
Type of Facility	PWS
Consulting Engineer	Chad M. Lello, PE Pennoni Associates, Inc. 100 N. Wilkes-Barre Blvd Wilkes-Barre, PA 18702
Permit issued Date	08/15/2018
PWS Permit No. 3450052 , Public Water Supply.	
Applicant	Hellertown Borough Authority 501 Durham Street Hellertown, PA 18055
[Township or Borough]	Hellertown Borough, Northampton County
Responsible Official	Glenn Higbie, Administrator Hellertown Borough Authority 501 Durham Street Hellertown, PA 18055
Type of Facility	PWS

Consulting Engineer Dennis G. Tracey, P.E.
Buchart Horn, Inc.
2 Eves Drive, Suite 110
Marlton, NJ 08053

Permit to Operation 07/24/2018
Issued

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

Operation Permit No. 0616515 issued to: **Reading Area Water Authority (PWS ID No. 3060059)**, Reading, **Berks County** on 8/21/2018 for facilities approved under Construction Permit No. 0616515.

Operation Permit No. 5017504 MA issued to: **Millerstown Boro Water Works (PWS ID No. 7500021)**, Millerstown Borough, **Perry County** on 8/21/2018 for facilities approved under Construction Permit No. 5017504 MA.

Operation Permit No. 2117513 MA issued to: **Newville Borough Water & Sewer Authority (PWS ID No. 7210041)**, Newville Borough, **Cumberland County** on 8/21/2018 for facilities approved under Construction Permit No. 2117513 MA.

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

Permit No. 4918502MA—Construction—Public Water Supply.

Applicant	Aqua Pennsylvania
Township/Borough	Conynham Township
County	Columbia County
Responsible Official	Mr. Patrick R. Burke Director of Operations Aqua Pennsylvania, Inc. 204 E. Sunbury Street Shamokin, PA 17872
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Mr. Jonathan W. Morris GHD, Inc. 326 East Second Street Bloomsburg, PA 17815
Permit Issued	August 21, 2018
Description of Action	Authorizes Aqua Pennsylvania, Inc. to install approximately 9,000 LF of 12" ductile-iron transmission main from Brush Valley Well Station to a 2 million-gallon water-storage tank in Aristes, PA to replace the existing cast iron transmission main.

Westover Municipal Authority (Public Water Supply), Clearfield County: On August 27, 2018, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Westover Municipal Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Mark R. Stephens, P.G., (570) 327-3422).

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

Operations Permit issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (**PWSID # 5320046**) Center Township, **Indiana County** on August 15, 2018 for the operation of facilities approved under Construction Permit # 3217502-A1.

Operations Permit issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (**PWSID # 5320046**) Center Township, **Indiana County** on August 21, 2018 for the operation of facilities approved under Construction Permit # 3217518MA.

WATER ALLOCATIONS

Actions 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 06-127B, Water Allocations. Reading Area Water Authority (PWS ID No. 3060059), Berks County. Reading Area Water Authority has requested the right to withdraw up to 35.0 million gallons per day (MGD) from the Lake Ontelaunee Dam Intake and Maiden Creek Intake, with no more than 20.0 MGD to be withdrawn from Maiden Creek. Permittee Contact: William Murray, Executive Director, Reading Area Water Authority, 1801 Kutztown Road, Reading, PA 19604. Consulting Engineer: Darryl A. Jenkins, P.E., SSM Group, 1047 N Park Rd, Reading, PA 19610. Permit Issued: 8/23/2018.

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:

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

Yorgey's Fine Cleaners, 1598 Columbia Avenue, Lancaster, PA 17603, Manor Township, **Lancaster County**. ARM Group, Inc., 1129 West Governor Road, P.O. Box 797, Hershey, PA 17033, on behalf of BRIPE, LLC, 1330 Longfellow Street, NW, Washington, DC, 20011, submitted a Final Report concerning remediation of site soil contaminated with PCE from a dry-cleaning recycling system. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

NGK Metals, 150 Tuckerton Road, Reading, PA 19612, Muhlenberg Township, **Berks County**. HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of NGK Metals, 917 US Highway 11 South, Sweetwater, TN 37874, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with Inorganics, PAHs and Chlorinated Solvents from historical industrial operations. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

Regents Glen, Copper Beech Drive & Crows Nest Lane, York, PA 17403, Spring Garden Township, **York County**. Advantage Engineers, 435 Independence Avenue, Suite C, Mechanicsburg, PA 17055, on behalf of RG Services, 290 Seaks Run Road, Glen Rock, PA 17327, submitted a Remedial Investigation and Final Report to remediate site soil contaminated with arsenic from use as an orchard. The Report is intended to document remediation of the site to meet the Residential Site-Specific Standard.

Former Kauffman's Mini Market, 3696 Mountain Road, Shartlesville, PA 19554, Upper Bern Township, **Berks County**. Onesky Engineering, Inc., 510 Wellington Square, # 412, Exton, PA 19341, on behalf of Linda Kauffman, 106 Fourth Street, Shartlesville, PA 19554, and Love's Travel Stops and Country Stores, Inc., 10601 North Pennsylvania Avenue, Oklahoma City, OK 73120 submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Bustin Industrial Products, 401 Oak Street, East Stroudsburg Borough, **Monroe County**. JMT Environmental Technologies, P.O. Box 22044, Lehigh Valley, PA

18002, on behalf of Oak Tree Properties, 188 Winchester Drive, East Stroudsburg, PA 18301, submitted a Final Report concerning remediation of releases of heating oil from an underground storage tank to site soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on March 3, 2017.

Former Tigue Street Gulf, 200A Tigue Street, Dunmore Borough, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Scalse Enterprises, Inc., 200A Tigue Street, Dunmore, PA 18512, submitted a Final Report concerning remediation of soil and groundwater contamination caused by a release from an underground storage tank that contained heating oil. The report documented remediation of the site to meet Site Specific Standards and was approved by the Department on May 21, 2018.

Dobrosielski 1H, 3451 State Route 3011, Auburn Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of a release of brine to the soil. The report documented remediation of the site to meet a combination of Statewide Health and Background Standards and was approved by the Department on June 26, 2013.

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

Former Domestic Casting Co., 275 North Queen Street, Shippensburg, PA 17257, Shippensburg Township, **Cumberland County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 202, Lancaster, PA 17603, on behalf of Cumberland Area Economic Development Corporation, REC DC LLC, 53 West South Street, Suite 1, Carlisle, PA 17013, submitted a Risk Assessment concerning remediation of site soil contaminated with arsenic. The Report was approved by the Department on August 23, 2018.

Shiple Energy/York Oil Service, 714 Loucks Mill Road, York, PA 17403, Spring Garden Township, **York County**. Mountain Research, 825 25th Street, Altoona, PA 16601-1901, on behalf of Shiple Energy Group, 415 Norway Street, York, PA 17403, submitted Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Nonresidential Statewide Health Standard, and was disapproved by the Department on August 24, 2018.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Mellon's Orchard, 5812 Station Street, City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of The Urban Redevelopment Authority of Pittsburgh County, 200 Ross Street, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of groundwater contaminated with semi-volatile and volatile organic compounds (SVOC & VOCs) and soil contaminated with VOCs, SVOCs and lead. The Final Report was approved on August 21, 2018.

REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

Registration for General Permit(s) Approved under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit No. WMGR025SW003. AgRecycle, Inc., P.O. Box 38783, Pittsburgh, PA 15238-8783. AgRecycle Compost Facility, 25 Lindley Road, Canonsburg, PA 15317. A renewal of the Registration under residual waste General Permit WMGR025 for the processing prior to beneficial use of the following source separated wastes: agricultural waste other than mortalities, butcher waste other than whole carcasses, food processing waste, pre-consumer and post-consumer food residuals, yard waste, land clearing and grubbing material, untreated wood waste, gypsum wallboard, paper, cardboard, waxed cardboard, virgin paper mill sludge and spent mushroom substrate in North Strabane Township, **Washington County**, was approved in the Southwest Regional Office on August 24, 2018. (Previously assigned permit ID number was WMGR025D501.)

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP11-04-00743B: Bechtel Oil, Gas & Chemical Inc. (300 Frankfort Road, New Monaca, PA 15061) on July 31, 2018, to allow the installation and operation of eight (8) nonroad diesel-fired engines of various capacities in conjunction with a portable nonmetallic mineral processing plant located in Potter Township, **Beaver County**.

GP3-04-00743B: Bechtel Oil, Gas & Chemical Inc. (300 Frankfort Road, Monaca, PA 15061) on July 31, 2018, to authorize and allow the installation and operation of a portable nonmetallic mineral processing plant consisting of three (3) crushers with three (3) integrated screens and associated conveyors located in Potter Township, **Beaver County**.

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.

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.

36-05008J: Tyson Foods, Inc. (403 S. Custer Avenue, New Holland, PA 17557) on August 20, 2018, for the construction of a new poultry fryer and oven, installation of three (3) wet scrubbers for existing Line 2, and a production increase of poultry products on existing Line 1 & Line 9, at the poultry processing plant in Earl Township, **Lancaster County**.

38-03063A: PRL Industries, Inc. (64 Rexmont Road, Cornwall, PA 17016) on August 21, 2018, for installation of a jet arc burn booth controlled by a fabric collector at the facility in Cornwall Borough, **Lebanon County**.

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

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

59-00035A: Empire Pipeline, Inc. (6363 Main Street, Williamsville, NY 14221) on August 15, 2018, for plan approval to construct and operate the Jackson Compressor Station located in Jackson Township, **Tioga County**. The project consists of two (2) 10,727 brake-horsepower (bhp) natural gas-fired turbine/compressor engines (Sources P101 and P102) and an 1,114 bhp natural gas-fired emergency generator engine (Source P103). If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 59-00035A, the permittee will submit an application for a State Only operating into which the terms and conditions of the plan approval will subsequently be incorporated.

17-00066B: Forum US, Inc. (P.O. Box 897, Gainesville, TX 76241-0897) on August 24, 2018, issued for the construction of a paint spray booth at their Clearfield Plant facility in Lawrence Township, **Clearfield County**. The construction is part of the other changes to increase production of the facility, above. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 17-00066B, the terms and conditions of the plan approval will subsequently be incorporated via administrative amendment into State Only Operating Permit 17-00066 in accordance with 25 Pa. Code § 127.450.

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.

67-05005J: Brunner Island, LLC (P.O. Box 221, York Haven, PA 17370-0221) on August 23, 2018, for the addition of contingent annual NO_x emission limits (TPY = tons during any consecutive 12-month period) at the

Brunner Island Steam Electric Station located in East Manchester Township, **York County**. The plan approval was extended.

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

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

18-00011J: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) on August 13, 2018, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from August 13, 2018, to February 9, 2019, at their facility located in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

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

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

04-00741A: ETC Northeast Field Services, LLC (6051 Wallace Road Ext, Suite 300, Wexford, PA 15090) On August 21, 2018, to allow continued temporary operation and completion of construction of the sources authorized at the Pike Compressor Station located in New Sewickley Township, **Beaver County**.

63-00969A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 1, Suite 1600, Denver, CO 80202-2126) Extension effective August 28, 2018, to extend the period of temporary operation of eight rich-burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00969A at the Three Brothers Compressor Station located in Smith Township, **Washington County**.

PA-63-00549A: Arden Landfill, Inc. (100 Rangos Lane, Washington, PA 15301) on August 22, 2018, to extend the temporary operation period for the landfill gas renewable energy facility at the Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date is February 28, 2019.

32-00230B: Texas Eastern Transmission, L.P. (P.O. Box 1642, Houston, TX 77251) 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 its Armagh Station located in West Wheatfield Township, **Indiana County**.

30-00195A: Equitrans, LP (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) 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 Jefferson Compressor Station located in Jefferson Township, **Greene County**.

32-00055H: Homer City Generation, LP (1750 Power Plant Rd., Homer City, PA 15748) Extension effective August 28, 2018, to allow continued temporary operation of the boiler Unit 1 & 2 Novel Integrated Desulfurization ("NID") systems to control SO₂ emissions at Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

32-00055I: Homer City Generation, LP (1750 Power Plant Rd., Homer City, PA 15748) Extension effective August 28, 2018, to allow continued temporary operation of the boiler Unit 1 & 2 Novel Integrated Desulfurization ("NID") systems to control SO₂ emissions at Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

30-00233B: Hill Top Energy Center, LLC (747 3rd Avenue, 2nd Floor, New York, NY 10017) on August 24, 2018, to modify the plan approval authorizing the construction and initial temporary operation of a natural gas-fired combined cycle power plant in Cumberland Township, **Greene County**. The modification includes removal of the natural gas-fired auxiliary boiler, replaced with an electric boiler, and the associated decrease in potential to emit limits as a result.

PA-11-00356C Ext: Equitrans LP (625 Liberty Avenue, Suite 1700, EQT Plaza, Pittsburgh, PA 15222-3114) Plan Approval Extension on August 23, 2018, for 180 days to issue Title V Operating Permit by the Department for their Rager Mountain Laurel Ridge Station located in Jackson Township, **Cambria County**.

PA-11-00356E: Equitrans, LP (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on August 23, 2018, plan approval extension issued for 180 days to facilitate the shake-down of sources and controls at their Laurel Ridge/Rager Mountain Compressor Station located in Jackson Township, **Cambria County**.

26-00588A: Laurel Mountain Midstream Operating, LLC (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) Extension effective August 28, 2017, to extend the period of temporary operation of the new dehydrator and emergency generator authorized under plan approval PA-26-00588A at Shamrock Compressor Station located in German Township, **Fayette County**. One Solar Titan 130 turbine rated at 19,553 HP and originally authorized to be installed at this facility under PA-26-00588A is no longer authorized as the 18-month period to commence construction specified under 25 Pa. Code § 127.13(b) has passed.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

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

09-00030: Brightsmith LLC (120 Enterprise Ave, Morrisville, PA 19067-3703) On February 2, 2017 for the renewal of their Title V Operating Permit for their metal coil coating operation located in Falls Township, **Bucks County**.

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

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

49-00007: Cherokee Pharmaceuticals, LLC (100 Avenue C, Riverside, PA 17868) on August 8, 2018, was issued a renewal Title V Operating Permit for the Riverside Borough Plant located in Riverside Borough, **Northumberland County**. The facility's sources include two natural gas/# 2 fuel oil-fired boilers, an onsite wastewater treatment plant and sludge drying system, numerous pharmaceutical production equipment, various storage tanks for chemicals, fuel and glycol coolant and associated loading operations, drum handling areas, onsite laboratories, and various emergency generator engines. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

18-00006: Dominion Energy Transmission, Inc (5000 Dominion Boulevard, Glen Allen, VA 23060-3308)

was issued a revised Title V operating permit on August 24, 2018, for the significant modification of TVOP 18-00006 for the incorporation of Reasonable Available Control Technology (RACT II) requirements specified in 25 Pa. Code §§ 129.96—129.100 in accordance with the significant operating permit modification requirements of 25 Pa. Code § 127.541 at the Leidy Station facility located in Leidy Township, **Clinton County**. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

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

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

48-00106: TierPoint Pennsylvania Two, LLC (3864 Courtney St, Bethlehem, PA 18107) The Department issued, on 8/27/18, a State-Only (Synthetic Minor) Operating Permit for operation of a data processing facility located in Hanover Township, **Northampton County**. 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.

52-00006: Pyre, Inc (405 W Harford St, Milford, PA 18337) The Department issued, on 8/27/18, a State-Only (Natural Minor) Operating Permit renewal for operation of a crematory facility located in Milford Township, **Pike County**. 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.

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

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

26-00597: Bullskin Stone and Lime Company, LLC (986 Pleasant Valley Road, Mt. Pleasant, PA 15666) on August 21, 2018, the Department of Environmental Protection (DEP) authorized a renewed a State-Only Operating Permit for the above-mentioned limestone processing plant. The permit includes operating requirements, monitoring requirements, and recordkeeping requirements for the site.

63-00616: Therm-O-Rock East, Inc./Plant I (1 Pine Street, New Eagle, PA 15067) on August 21, 2018, the Department of Environmental Protection (DEP) authorized a renewed a State-Only Operating Permit for the above-mentioned facility that blends, mixes, and thermally expands various nonmetallic minerals for commercial products. The permit includes operating requirements, monitoring requirements, and recordkeeping requirements for the site.

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.

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.

06-03117: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 19606-3266) on August 21, 2018, for the custom milling facility located in Exeter Township, **Berks County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-03117H.

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).

Noncoal Permits Issued

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

25082802. Hull Excavating, Incorporated (12417 Davis Road, North East, PA 16428). Final bond release for a small industrial minerals surface mine in Greenfield Township, **Erie County**. Restoration of 5.0 acres completed. Receiving streams: West Branch French Creek. Application Received: June 11, 2018. Final bond release approved: August 16, 2018.

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

65110401 and NPDES Permit No. PA0252077. Ligonier Stone & Lime Co., Inc. (117 Marcia Street, Latrobe, PA 15650-4300). Permit renewal issued for continued treatment to an existing large noncoal surface mine, located in Derry Township, **Westmoreland County**, affecting 101.4 acres. Receiving streams: Stony Run. Application received: November 17, 2017. Renewal permit issued: August 21, 2018.

63130401 Boord, Benchek & Associates, Inc. (345 Southpointe Blvd., Suite 202, Canonsburg, PA 15317). Revision application to add blasting to an existing noncoal surface mine, located in Smithe Township, **Washington County**, affecting 42.2 acres. Receiving streams: Unnamed tributary to Raccoon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 25, 2018. Permit revision issued: August 22, 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

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

04184002. Wampum Hardware Company (636 Paden Road, New Galilee, PA 16141). Blasting Activity Permit for construction blasting at the Zelenople Airport Expansion in Franklin Township, **Beaver County**. This blasting activity permit will expire on January 1, 2019. Permit Issued: August 23, 2018.

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

Permit No. 36184131. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Penn Grant Commons in Pequea Township, **Lancaster County** with an expiration date of August 8, 2019. Permit issued: August 23, 2018.

Permit No. 39184102. Silver Valley Drilling & Blasting, Inc., (P.O. Box 506, Saylorsburg, PA 18353), construction blasting for 4287 South Church Street in Whitehall Township, **Lehigh County** with an expiration date of December 31, 2018. Permit issued: August 24, 2018.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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.

E64-313. The Hideout Property Owners Association, 119 Lincoln Street, Honesdale, PA 18431. Lake Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall in the floodway of an Unnamed Tributary to Ariel Creek (HQ-CWF, MF) consisting of two (2) 24-inch diameter corrugated plastic pipes, concrete endwall, and a 31-foot long, 37-foot wide R-5 riprap apron. The project is located directly northwest of the intersection of Lakeview Drive East and Glenwood Lane (Lakeville, PA Quadrangle Latitude: 41° 26' 19" Longitude: -75° 20' 33"). Subbasin 1C.

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

E21-462: Rider Musser Development, LLC, 5 Kacey Court, Suite 203, Mechanicsburg, Pennsylvania, 17055 in Upper Allen Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain: 1) a 78 feet long, 6 feet wide by 3.17 feet high, Aluminum Structural Plate Pipe Arch, with concrete endwalls, 2) 110 lineal feet of 2 inch diameter Polyvinyl Chloride Electrical Conduit, 3) 110 lineal feet of 2 inch diameter Polyvinyl Chloride Cable Conduit, 4) 110 lineal feet of 2 inch diameter Polyvinyl Chloride Telephone Conduit, 110 lineal feet of 2 inch diameter Polyvinyl Chloride Electrical Conduit, 5) 110 lineal feet of 6 inch diameter ductile iron water pipe, 6) 135 lineal feet of 8 inch diameter High Density Polyethylene Storm Sewer Pipe, 7) Two, 15-inch diameter outfalls with concrete endwall and riprap scour protection. All the impacts listed are in the floodway or under an unnamed

tributary to the Yellow Breeches Creek (CWF, MF) (Latitude: 40.1674, Longitude: -76.9924). No wetland impacts are proposed. The permit was issued on August 22, 2018.

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

E63-703, Maronda Homes, Inc., 1383 State Route 30, Clinton, PA 15026, North Strabane Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

Construct and maintain a 95' × 2.5' culvert in a UNT to Chartiers Creek (aka UNT-2) (WWF), and a 120' × 5' culvert in another UNT to Chartiers Creek (WWF) to facilitate access to proposed 167-lot single family home subdivision. There will be 215 LF of stream impacts associated with the project. The site will also include associated roadways, utilities, storm water management facilities, and all other necessary appurtenances. Mitigation for stream impacts will consist of riparian plantings along 255 linear feet of a UNT to Chartiers Creek. The project site is located on the south side of SR 519, across from Canonsburg Hospital (Washington East, PA USGS topographic quadrangle; N: 40°, 14', 17"; W: -80°, 11', 40"; Sub-basin 20F; USACE Pittsburgh District), in North Strabane Township, Washington County.

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

E4129-120: ARD Operating, LLC, 33 West Third Street, Suite 300, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one single-span steel beam bridge having a span of 24 feet and an under-clearance of 4 feet and associated fill impacting 96 linear feet of an unnamed tributary to Salt Run (EV) and 1,832 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'14"N 76°53'16"W);

2) fill for the permanent access road and a temporary mat bridge impacting 1,877 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'20"N 76°53'15"W);

3) one single-span steel beam bridge having a span of 53 feet and an under-clearance of 3.7 feet, three 24-foot-long 42" × 29" overflow culverts, and associated fill impacting 67 linear feet of Salt Run (EV) (Bodines, PA Quadrangle 41°27'21"N 76°53'15"W).

The project will result in a total of 163 linear feet of stream impacts and 0.09 acre of wetland impacts all for the purpose of installing a permanent access roadway to a natural gas well site for Marcellus well development.

ENVIRONMENTAL ASSESSMENTS

Central Office: Jack Rokavec, Chief, P.O. Box 69205, Harrisburg, PA 17106-9205.

EA3310-001. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, P.O. Box 69205, Harrisburg, PA 17106-9205. Abandoned Mine Land Reclamation Project, in Snyder Township, **Jefferson County**, Pittsburgh USACE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,800 linear feet of dangerous highwall. The project will include the backfill-

ing of 0.02 acre of open water and 0.08 acre of wetlands that have developed within the open surface mine pit. (Falls Creek Quadrangle N: 41°13'25.42", W: 78°48'42.35").

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 # ESG18-059-0011
 Applicant Name CNX Midstream Operating Company, LLC
 Contact Person Carol Phillips
 Address 1000 Consol Energy Drive
 City, State, Zip Canonsburg, PA 15317
 County Greene County
 Township(s) Center Township
 Receiving Stream(s) and Classification(s) UNTs to Morris Run (HQ-WWF), Morris Run (HQ-WWF), UNT to Scott Run (HQ-WWF), Scott Run (HQ-WWF), UNT to West Run (HQ-WWF), & West Run (HQ-WWF)

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

Butler County Conservation District 122 McCune Drive, Butler, PA 16001, 724-284-5270.

<i>ESCGP -2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00019180001	Snyder Brothers Inc Mr. Carl Rose P.O. Box 1022 Kittanning, PA 16201	Butler	West Franklin Township, Armstrong County; Clearfield Township, Butler County	Tributary 42665 to Buffalo Creek HQ-TSF; Tributary 42668 to Buffalo Creek HQ-TSF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX29-081-18-0022
 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) Penn
 Receiving Stream(s) and Classification(s) Beaver Run (CWF)
 Secondary—Little Muncy Ck (CWF)

ESCGP-2 # ESX29-115-18-0053
 Applicant Name Williams Field Services Co LLC
 Contact Person Matt Anderson
 Address 310 SR 29 N
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Dimock
 Receiving Stream(s) and Classification(s) W Branch Meshoppen Ck (CWF-MF)

ESCGP-2 # ESX29-081-18-0031
 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) Franklin
 Receiving Stream(s) and Classification(s) Big Run (CWF); Little Muncy Ck (CWF)

ESCGP-2 # ESX29-115-18-0054
 Applicant Name Williams Field Services Co LLC
 Contact Person Matt Anderson
 Address 310 SR 29 N
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Harford
 Receiving Stream(s) and Classification(s) UNT to Nine Partners Ck (CWF-MF)

ESCGP-2 # ESG29-023-14-0014 renewal
 Applicant Name NFG Midstream Clermont LLC
 Contact Person Michael Kasprzak
 Address 6363 Main St
 City, State, Zip Williamsville, NY 14221
 County Cameron
 Township(s) Shippen
 Receiving Stream(s) and Classification(s) Six Mile Hollow (EV); Six and One Half Mile Hollow (EV)
 Secondary—North Ck (EV)

ESCGP-2 # ESG29-023-15-0003 renewal
 Applicant Name NFG Midstream Clermont LLC
 Contact Person Michael Kasprzak
 Address 6363 Main St
 City, State, Zip Williamsville, NY 14221
 County Cameron
 Township(s) Shippen
 Receiving Stream(s) and Classification(s) Nichols Run (EV); UNT to Elk Fork (EV)
 Secondary—Elk Fork (EV)

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
18-51-031	Philadelphia Water Department 1101 Market Street 2nd Floor Philadelphia, PA 19107-2994 Attn: Vahe Hovespian	Philadelphia	City of Philadelphia	5 ASTs storing ferric chloride	170,000 gallons total

[Pa.B. Doc. No. 18-1405. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 11(2812)101.1, Abandoned Mine Reclamation Project, Cymbria East, Susquehanna Township, Cambria County. The principal items of work and approximate quantities include: clearing and grubbing, 10.6 acres; 80,061 cubic yards; and tree planting, 9,350 trees.

This bid issues on September 14, 2018, and bids will be opened on October 11, 2018, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1406. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 40(2247)101.5, Abandoned Mine Reclamation Project, Dorrance Exploratory Drilling, City of Wilkes-Barre, Luzerne County. The principal items of work and approximate quantities include: prepare a drilling pad; drilling of six boreholes to determine if two mine shafts are open or filled; and there will be approximately 273 feet of 4-inch drilling, 273 feet of 4-inch casing and 830 feet of 3 7/8-inch drilling.

This bid issues on September 7, 2018, and bids will be opened on October 4, 2018, at 2 p.m. Bid documents,

including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1407. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Great Lakes-St. Lawrence River Basin Water Resources Compact and Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement; Feedback Sought

The Commonwealth is one of eight states in the United States and two Canadian provinces sharing jurisdictional responsibilities for water use and conservation in the Great Lakes. In 2008, the Great Lakes and St. Lawrence River Basin Water Resources Compact and Agreement (Compact and Agreement) created the Great Lakes-St. Lawrence River Basin Water Resources Council (Compact Council) and the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body). These entities provide a venue and framework to assure the Compact and Agreement is successfully implemented. The Great Lakes-St. Lawrence Governors and Premiers serves as the Secretariat to the Council and Regional Body.

This notice is published under Article 6 of the Great Lakes-St. Lawrence River Basin Water Resources Compact (Compact) (32 P.S. § 817.22) regarding public participation being conducted by the Compact Council and Regional Body.

The Council under the Compact is proposing to adopt Rules of Practice and Procedure and to amend its Interim

Guidance, and the Regional Body under the Agreement is proposing to amend its Interim Procedures guidance; and the Council and Regional Body under the Compact and Agreement, respectively, are jointly proposing to amend their Sequence of Events guidance as described as follows:

1. Great Lakes-St. Lawrence River Basin Water Resources Compact Rules of Practice and Procedures. This document, proposed to be adopted by Council as a regulation, describes the process for any administrative hearing, how modifications may be made to Council decisions, and the process to be used for Council rule making. Comments are being accepted on all portions of the proposed Rules of Practice and Procedure.

2. Great Lakes-St. Lawrence River Basin Water Resources Compact Guidance. This guidance document mirrors the Regional Body Procedures through Parts I and II with respect to review of a diversion subject to the Great Lakes-St. Lawrence River Basin Water Resources Compact. The Compact Council proposes amending Interim Guidance adopted on June 10, 2010. Comments are being accepted on all portions of the proposed Compact Guidance.

3. Great Lakes-St. Lawrence River Water Resources Regional Body Procedures. This guidance document contains the procedures that the Regional Body will follow during the review of a diversion subject to the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement through the issuance of its Declaration of Finding. This document mirrors the Compact Guidance for Parts I and II. The Regional Body proposes amending Interim Procedures adopted on June 10, 2010. Comments are being accepted on all portions of the proposed Regional Body Procedures.

4. Sequence of Events for Consideration of Proposals for Exceptions to the Prohibition on Diversions that are Subject to Regional Review. This guidance document, proposed to be adopted by the Council and the Regional Body, outlines the steps for review and decision-making for a diversion proposal. Comments are being accepted on all portions of the proposed Sequence of Events.

All materials are available for review at <http://www.glscompactcouncil.org/ProposedUpdates.aspx> and <http://www.glsregionalbody.org/ProposedUpdates.aspx>.

Copies may also be obtained by contacting Peter Johnson, Deputy Director, Great Lakes-St. Lawrence Governors and Premiers, 20 North Wacker Drive, Suite 2700, Chicago, IL 60606, (312) 407-0177, pjohnson@gsgp.org.

A public hearing will be held on the proposed Rules of Practice and Procedure; proposed Council Guidance; proposed Regional Body Procedures; and proposed Sequence of Events for Consideration of Proposals for Exceptions to the Prohibition on Diversions on October 3, 2018, beginning no sooner than 1 p.m. at the Indiana Department of Natural Resources, Indiana Government Center South, 302 West Washington Street, Conference Rooms 1 & 2, Indianapolis, IN 46204

Remote participation for the public hearing is available by registering at <https://attendee.gotowebinar.com/register/6281040830923352833>.

Comments on the proposed Rules of Practice and Procedure; proposed Council Guidance; proposed Regional

Body Procedures; and proposed Sequence of Events must be submitted no later than 5 p.m. on October 10, 2018.

Comments should be submitted to the Council or Regional Body, or both, electronically at comments@gsgp.org or by mail to the Great Lakes-St. Lawrence River Water Resources Council, Great Lakes-St. Lawrence Water Resources Regional Body, c/o Great Lakes-St. Lawrence Governors and Premiers, 20 North Wacker Drive, Suite 2700, Chicago, IL 60606.

For further information or questions contact Timothy Bruno at the Department of Environmental Protection, Office of the Great Lakes, (814) 835-1477.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1408. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Primacy Alternate Bonding System Program Update

On July 10, 2017, the Office of Surface Mining Reclamation and Enforcement approved a program amendment regarding the management of the required reclamation to address mine sites forfeited under the Alternate Bonding System (ABS) Program (Program). The Program amendment included lists of ABS legacy sites and potential ABS legacy sites. The Program amendment also required notice in the *Pennsylvania Bulletin* of changes to these lists.

ABS Legacy Sites

Two sites operated by K & J Coal Co., Gaber-Brown (Permit No. 17880129) and Westover (Permit No. 11693000), are being removed from the list of ABS legacy sites because the Post-Mining Discharge Treatment Trust associated with these sites has become fully-funded. These were included in the ABS because this trust was not fully-funded. The removal is the result of the appreciation of the value of the trust while the costs for treating the discharges were paid from the Reclamation Fee O & M Trust account. As of December 31, 2017, the calculated target value of the trust is \$778,165.58. The actual value on December 31, 2017, was \$2,021,207.58.

One site, the C & K, Tremba-Horner (Permit No. 16830114) is being removed from the list of ABS Legacy sites because the water quality of the discharge has improved so that it meets effluent limits and does not violate water quality standards, consistent with the Department of Environmental Protection's technical guidance document "Evaluating Postmining Discharges." Another site, the Frank Kowalski # 1 Strip (Permit No. 65703058) is being removed from the list of ABS legacy sites because there is no longer any post-mining discharge from the mine.

Potential ABS Legacy Sites

The following sites are being removed from the list of potential ABS legacy sites:

<i>Permit Number</i>	<i>Mine Operator</i>	<i>Site Name</i>
32823005	Blairsville Associates	Eagle Strip and Auger
56813050	Shade Mining Co.	Shade 3 Mine
56890102	Svonavec, Inc.	Ohler Strip
56960106	Rosebud Mining Co.	Horner
56880103	Rosebud Mining Co.	Jopa 1
56860104	Rosebud Mining Co.	Schrock Strip
56950101	Rosebud Mining Co.	Poorbaugh Strip
56950105	Marquise Mining Corp.	MF Land

The Blairsville Associates (Eagle) has a full-cost bond posted to financially assure the treatment costs. Shade Mining (Shade 3) has been fully-funded through an additional payment into the trust associated with the site. The Svonavec (Ohler) trust has been fully-funded through the final payment to the trust.

The Rosebud (Horner and Jopa 1) sites each have a full-cost bond posted. Two other Rosebud sites (Schrock and Poorbaugh) are associated with a trust that has been fully-funded. Also, in June 2018, the Marquise (MF Land) trust became fully-funded.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1409. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sewage Advisory Committee Meeting Cancellation

The September 12, 2018, meeting of the Sewage Advisory Committee has been cancelled. The next meeting will be scheduled at a date to be determined. Notice for upcoming meetings will be published in a future issue of the *Pennsylvania Bulletin*.

Questions can be directed to Janice Vollero, Bureau of Clean Water, at jvollero@pa.gov or (717) 772-5157. The agenda and meeting materials for the next meeting will be available through the Department of Environmental Protection's web site at <http://www.dep.pa.gov> (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Sewage Advisory Committee").

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1410. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of the Temporary Assistance for Needy Families State Plan

The Department of Human Services (Department) is making available for comment an updated Temporary Assistance for Needy Families (TANF) State Plan. The State Plan was developed in accordance with the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (act) (Pub.L. No. 104-193). The act provides each state with a TANF Block Grant and the opportunity, with broad Federal guidelines, to design and operate its own programs. The original State

Plan was published at 27 Pa.B. 342 (January 18, 1997). Updated Plans were published at 29 Pa.B. 5658 (October 30, 1999) and 32 Pa.B. 6401 (December 28, 2002). The availability of the 2005, 2008, 2011 and 2014 TANF State Plans were published at 35 Pa.B. 6289 (November 12, 2005), 38 Pa.B. 6342 (November 15, 2008), 41 Pa.B. 5825 (October 29, 2011) and 44 Pa.B. 5545 (August 16, 2014) respectively. The 2018 State Plan will be submitted to the Department of Health and Human Services in December 2018.

Public Comment

Future amendments to the State Plan will incorporate suggestions and recommendations received during the comment period. The 45-day comment period begins on the date this notice is published in the *Pennsylvania Bulletin*.

Copies of the State Plan are available for all interested individuals and groups by written request or at the Department's web site at www.dhs.pa.gov/. Written requests should be directed to Cathy Buhrig, Attention: TANF State Plan, Director, Bureau of Policy, Office of Income Maintenance, Room 427, Health and Welfare Building, Harrisburg, PA 17120.

Interested persons are invited to submit written comments regarding this notice to the Department at the Bureau of Policy's previously listed address. Comments received within 45 days will be reviewed and considered for any revision of the State Plan.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1260. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 18-1411. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania 7-11-21[®] Instant Lottery Game 1366

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 7-11-21[®] (hereinafter “7-11-21[®]”). The game number is 1366.

2. *Price:* The price of a 7-11-21[®] instant lottery game ticket is \$1.

3. *Play Symbols:* Each 7-11-21[®] instant lottery game ticket will contain one play area consisting of “GAME 1,” “GAME 2” and “GAME 3.” Each “GAME” is played separately. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), a 7 (SEVEN) symbol, an 11 (ELEVN) symbol, and a 21 (TWONE) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1^{.00} (ONE DOL), \$2^{.00} (TWO DOL), \$3^{.00} (THR DOL), \$5^{.00} (FIV DOL), \$7^{.00} (SVN DOL), \$10^{.00} (TEN DOL), \$11^{.00} (ELVNDOL), \$21^{.00} (TWY ONE), \$30^{.00} (THIRTY), \$42^{.00} (FRY TWO), \$70^{.00} (SVNTY), \$100 (ONE HUN), \$210 (TWOHUNTEN), \$700 (SVN HUN) and \$7,000 (SVN THO).

5. *Prizes:* The prizes that can be won in this game are: FREE \$1 TICKET, \$1, \$2, \$3, \$5, \$7, \$10, \$11, \$21, \$30, \$42, \$70, \$100, \$210, \$700 and \$7,000. The player can win up to 3 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the 7-11-21[®] instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$7,000 (SVN THO) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$7,000.

(b) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$700 (SVN HUN) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$700.

(c) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$210 (TWOHUNTEN) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$210.

(d) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$70^{.00} (SVNTY) appears

in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$70.

(f) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$42^{.00} (FRY TWO) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$42.

(g) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$30^{.00} (THIRTY) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$21^{.00} (TWY ONE) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$21.

(i) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$11^{.00} (ELVNDOL) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$11.

(j) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$10^{.00} (TEN DOL) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$7^{.00} (SVN DOL) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$7.

(l) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$5^{.00} (FIV DOL) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$3^{.00} (THR DOL) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$3.

(n) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$2^{.00} (TWO DOL) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of \$1^{.00} (ONE DOL) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets upon which any one of the play symbols in a “GAME” is a 7 (SEVEN), 11 (ELEVN), or 21 (TWONE), and a prize symbol of FREE (TICKET) appears in the “Prize” area for that “GAME,” on a single ticket, shall be entitled to a prize of one 7-11-21[®] instant lottery game ticket or one Pennsylvania Lottery instant lottery game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal a 7, 11, or 21 In Any Game, Win Prize Shown For That Game. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
FREE	FREE \$1 TICKET	10.71	1,008,000
\$1	\$1	50	216,000
\$1 × 2	\$2	60	180,000
\$2	\$2	30	360,000
\$1 × 3	\$3	300	36,000
\$3	\$3	300	36,000
(\$2 × 2) + \$1	\$5	500	21,600
\$3 + \$2	\$5	500	21,600
\$5	\$5	214.29	50,400
(\$3 × 2) + \$1	\$7	150	72,000
\$5 + \$2	\$7	150	72,000
\$7	\$7	150	72,000
\$5 × 2	\$10	1,500	7,200
\$5 + \$3 + \$2	\$10	1,500	7,200
\$10	\$10	1,500	7,200
(\$5 × 2) + \$1	\$11	600	18,000
\$10 + \$1	\$11	600	18,000
\$11	\$11	300	36,000
\$7 × 3	\$21	1,500	7,200
(\$10 × 2) + \$1	\$21	1,500	7,200
\$11 + \$10	\$21	1,500	7,200
\$21	\$21	750	14,400
\$21 × 2	\$42	8,000	1,350
\$42	\$42	8,000	1,350
\$42 + \$21 + \$7	\$70	8,000	1,350
\$70	\$70	8,000	1,350
\$70 + \$30	\$100	24,000	450
\$100	\$100	7,273	1,485
(\$100 × 2) + \$10	\$210	80,000	135
\$210	\$210	80,000	135
\$700	\$700	80,000	135
\$7,000	\$7,000	1,080,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell 7-11-21[®] instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of 7-11-21[®], prize money from winning 7-11-21[®] instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the 7-11-21[®] instant lottery game, the right of a ticket holder to claim the prize represented by

the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *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 7-11-21® or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1412. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Hot \$100,000 Instant Lottery Game 1362

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Hot \$100,000 (hereinafter “Hot \$100,000”). The game number is PA-1362.

2. *Price:* The price of a Hot \$100,000 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Hot \$100,000 instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), HOT (HOT) symbol and a Flame (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$500, \$1,000, \$10,000 and \$100,000. The player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Hot \$100,000 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (WINALL) symbol, and a prize symbol of \$1,000 (ONE THO) appears in eight of the “Prize” areas and a prize symbol of \$500 (FIV HUN) appears in four of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a HOT (HOT) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under that HOT (HOT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in eight of the “Prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a HOT (HOT) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that HOT (HOT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flame (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “Prize” areas and a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the “Prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a HOT (HOT) symbol, and a prize symbol of \$100 (ONE HUN) appears in

the "Prize" area under that HOT (HOT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Flame (WINALL) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight of the "Prize" areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT (HOT) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under that HOT (HOT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT (HOT) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in the "Prize" area under that HOT (HOT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT (HOT) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize"

area under that HOT (HOT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT (HOT) symbol, and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the "Prize" area under that HOT (HOT) symbol, on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT (HOT) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under that HOT (HOT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT (HOT) symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under that HOT (HOT) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$5 w/ HOT	\$5	12	900,000
\$5	\$5	20	540,000
\$5 × 2	\$10	200	54,000
(\$5 w/ HOT) × 2	\$10	60	180,000
\$10 w/ HOT	\$10	60	180,000
\$10	\$10	120	90,000
\$5 × 3	\$15	600	18,000
(\$5 w/ HOT) × 3	\$15	600	18,000
\$15 w/ HOT	\$15	600	18,000
\$15	\$15	600	18,000
\$5 × 4	\$20	600	18,000
\$10 × 2	\$20	600	18,000
(\$5 w/ HOT) × 4	\$20	150	72,000
\$20 w/ HOT	\$20	150	72,000

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$20	\$20	600	18,000
\$5 × 8	\$40	600	18,000
\$10 × 4	\$40	600	18,000
(((\$10 w/ HOT) × 2) + (\$20 w/ HOT))	\$40	300	36,000
\$40 w/ HOT	\$40	600	18,000
\$40	\$40	600	18,000
\$5 × 10	\$50	600	18,000
\$10 × 5	\$50	600	18,000
(((\$20 w/ HOT) × 2) + (\$10 w/ HOT))	\$50	200	54,000
\$50 w/ HOT	\$50	300	36,000
\$50	\$50	600	18,000
FLAME w/ (((\$10 × 8) + (\$5 × 4)))	\$100	240	45,000
\$10 × 10	\$100	6,000	1,800
\$20 × 5	\$100	6,000	1,800
\$50 × 2	\$100	6,000	1,800
(((\$10 w/ HOT) × 8) + ((\$5 w/ HOT) × 4))	\$100	6,000	1,800
\$100 w/ HOT	\$100	6,000	1,800
\$100	\$100	6,000	1,800
FLAME w/ (((\$50 × 2) + (\$40 × 10)))	\$500	3,000	3,600
\$50 × 10	\$500	24,000	450
(((\$50 w/ HOT) × 2) + ((\$40 w/ HOT) × 10))	\$500	24,000	450
\$500 w/ HOT	\$500	24,000	450
\$500	\$500	24,000	450
FLAME w/ (((\$100 × 8) + (\$50 × 4)))	\$1,000	1,080,000	10
\$100 × 10	\$1,000	1,080,000	10
(\$500 w/ HOT) × 2	\$1,000	1,080,000	10
\$1,000 w/ HOT	\$1,000	1,080,000	10
\$1,000	\$1,000	1,080,000	10
FLAME w/ (((\$1,000 × 8) + (\$500 × 4)))	\$10,000	1,080,000	10
\$10,000	\$10,000	1,080,000	10
\$100,000	\$100,000	1,080,000	10

Reveal a "HOT" (HOT) symbol, win prize shown under that symbol automatically.

Reveal a "FLAME" (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Hot \$100,000 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 guaran-

teed 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Hot \$100,000, prize money

from winning Hot \$100,000 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Hot \$100,000 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *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 Hot \$100,000 or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1413. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Jack O' Lantern Jackpot Instant Lottery Game 1363

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name*: The name of the game is Pennsylvania Jack O' Lantern Jackpot (hereinafter "Jack O' Lantern Jackpot"). The game number is PA-1363.

2. *Price*: The price of a Jack O' Lantern Jackpot instant lottery game ticket is \$5.

3. *Play Symbols*: Each Jack O' Lantern Jackpot instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Jack O' Lantern (JKLNTRN) symbol and a Jackpot Burst (JACKPOT) symbol.

4. *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000 and \$50,000. The player can win up to 12 times on a ticket.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Spooktacular Second-Chance Drawing for which non-winning Jack O' Lantern Jackpot instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game*: Approximately 5,400,000 tickets will be printed for the Jack O' Lantern Jackpot instant lottery game.

8. *Determination of Prize Winners*:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jackpot Burst (JACKPOT) symbol and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under that Jackpot Burst (JACKPOT) symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jack O' Lantern (JKLNTRN) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Jack O' Lantern (JKLNTRN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jack O' Lantern (JKLNTRN) symbol, and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area under that Jack O' Lantern (JKLNTRN) symbol, on a single ticket, shall be entitled to a prize of \$250.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Jack O' Lantern (JKLNTRN) symbol, and a prize symbol of \$100 (ONE

HUN) appears in the “Prize” area under that Jack O’ Lantern (JKLNTRN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50^{.00} (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jack O’ Lantern (JKLNTRN) symbol, and a prize symbol of \$50^{.00} (FIFTY) appears in the “Prize” area under that Jack O’ Lantern (JKLNTRN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40^{.00} (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jack O’ Lantern (JKLNTRN) symbol, and a prize symbol of \$40^{.00} (FORTY) appears in the “Prize” area under that Jack O’ Lantern (JKLNTRN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25^{.00} (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jack O’ Lantern (JKLNTRN) symbol, and a prize symbol of \$25^{.00} (TWY FIV) appears in the “Prize” area under that Jack O’ Lantern (JKLNTRN) symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20^{.00} (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jack O’ Lantern (JKLNTRN) symbol, and a prize symbol of \$20^{.00} (TWENTY) appears in the “Prize” area under that Jack O’ Lantern (JKLNTRN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jack O’ Lantern (JKLNTRN) symbol, and a prize symbol of \$10^{.00} (TEN DOL) appears in the “Prize” area under that Jack O’ Lantern (JKLNTRN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jack O’ Lantern (JKLNTRN) symbol, and a prize symbol of \$5^{.00} (FIV DOL) appears in the “Prize” area under that Jack O’ Lantern (JKLNTRN) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$5 w/ JACK O’ LANTERN	\$5	10.91	495,000
\$5	\$5	54.55	99,000
\$5 × 2	\$10	60	90,000
\$10 w/ JACK O’ LANTERN	\$10	30	180,000
\$10	\$10	60	90,000
\$5 × 4	\$20	300	18,000
\$10 × 2	\$20	300	18,000
(\$5 × 2) + (\$10 w/ JACK O’ LANTERN)	\$20	300	18,000
\$20 w/ JACK O’ LANTERN	\$20	200	27,000
\$20	\$20	300	18,000
\$5 × 5	\$25	300	18,000
(\$10 × 2) + \$5	\$25	600	9,000

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
$((\$5 \text{ w/ JACK O' LANTERN}) \times 3) + \10	\$25	600	9,000
\$25 w/ JACK O' LANTERN	\$25	120	45,000
\$25	\$25	600	9,000
$\$5 \times 8$	\$40	600	9,000
$\$10 \times 4$	\$40	600	9,000
$((\$10 \text{ w/ JACK O' LANTERN}) \times 2) + (\$10 \times 2)$	\$40	600	9,000
\$40 w/ JACK O' LANTERN	\$40	600	9,000
\$40	\$40	600	9,000
$\$5 \times 10$	\$50	600	9,000
$\$10 \times 5$	\$50	600	9,000
$((\$20 \text{ w/ JACK O' LANTERN}) \times 2) + (\$5 \times 2)$	\$50	600	9,000
\$50 w/ JACK O' LANTERN	\$50	200	27,000
\$50	\$50	600	9,000
$\$20 \times 5$	\$100	2,000	2,700
$\$25 \times 4$	\$100	2,000	2,700
$(\$10 \times 8) + (\$5 \times 4)$	\$100	1,000	5,400
$(\$25 \times 2) + (\$5 \times 10)$	\$100	1,091	4,950
$(\$25 \times 2) + (\$50 \text{ w/ JACK O' LANTERN})$	\$100	2,000	2,700
\$100 w/ JACK O' LANTERN	\$100	1,500	3,600
\$100	\$100	1,500	3,600
$\$50 \times 5$	\$250	120,000	45
$(\$40 \times 5) + \50	\$250	120,000	45
$(\$25 \times 2) + (\$20 \times 10)$	\$250	24,000	225
$((\$100 \text{ w/ JACK O' LANTERN}) \times 2) + \50	\$250	120,000	45
\$250 w/ JACK O' LANTERN	\$250	120,000	45
\$250	\$250	120,000	45
$\$50 \times 10$	\$500	120,000	45
$\$100 \times 5$	\$500	120,000	45
$(\$50 \times 2) + (\$40 \times 10)$	\$500	120,000	45
$(\$250 \text{ w/ JACK O' LANTERN}) \times 2$	\$500	120,000	45
\$500 w/ JACK O' LANTERN	\$500	120,000	45
\$500	\$500	120,000	45
$\$500 \times 2$	\$1,000	540,000	10
$(\$100 \times 8) + (\$50 \times 4)$	\$1,000	540,000	10
\$1,000	\$1,000	540,000	10
\$50,000 w/ JACKPOT BURST	\$50,000	540,000	10

Reveal a "JACK O' LANTERN" (JKLNTRN) symbol, win prize shown under that symbol automatically.

Reveal a "JACKPOT BURST" (JACKPOT) symbol, win \$50,000 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* Pennsylvania Lottery's Spooktacular Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-1363 Jack O' Lantern Jackpot (\$5) and PA-1365 Spooky Cash (\$2) instant lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional website, available at

<http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description.*

(1) The Lottery will conduct one Spooktacular Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 10, 2018, through 11:59:59 p.m. November 1, 2018, will be entered into the Drawing to be held between November 2, 2018 and November 12, 2018.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) By entering a Qualifying Ticket, each entrant will have the opportunity to view an animated reveal sequence. This animated reveal sequence may award a predetermined prize that multiplies the number of entries the entrant receives for the ticket submitted by three (hereafter the "Entry Tripler Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the outcome of the animated reveal.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Tripler Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1363 Jack O' Lantern Jackpot (\$5) = 5 entries; PA-1365 Spooky Cash (\$2) = 2 entries.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning.*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or mentioned anywhere else in these rules.

(2) When the predetermined ticket file for a Qualifying Ticket entered in the Drawing indicates that the animated reveal sequence shall not result in an Entry Tripler Prize, the animated sequence will show the player receiving the number of entries that were assigned to the Qualifying Ticket entered for the Drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Drawing indicates that the animated reveal sequence shall result in an award of an Entry Tripler Prize, the animated sequence will show the player winning the Entry Tripler Prize and receiving three (3) times the number of entries that were assigned

to the Qualifying Ticket entered for the Drawing. The following table sets forth the approximate number of Entry Tripler Prizes and the approximate odds of winning an Entry Tripler Prize:

<i>Qualifying Ticket</i>	<i>Approximate Number of Entry Tripler Winners:</i>	<i>Approximate Odds Are 1 in:</i>
Jack O' Lantern Jackpot	1,347,197	3
Spooky Cash	2,102,185	2

(4) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c).

(i) The first and second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$31,000, less required income tax withholding.

(ii) The third through the eighth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$13,000, less required tax withholding.

(iii) The ninth through the eighteenth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,000.

(5) All prizes will be paid as lump-sum cash payments.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing Restrictions.*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond

the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. If no claim is made within one year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Jack O' Lantern Jackpot instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Jack O' Lantern Jackpot, prize money from winning Jack O' Lantern Jackpot instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Jack O' Lantern Jackpot instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *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 Jack O' Lantern Jackpot or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1414. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Spooky Cash Instant Lottery Game 1365

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Spooky Cash (hereinafter referred to as "Spooky Cash"). The game number is PA-1365.

2. *Price:* The price of a Spooky Cash instant lottery game ticket is \$2.

3. *Play Symbols:* Each Spooky Cash instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Spooky Eyes (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THR DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$15.⁰⁰ (FIFTN), \$20.⁰⁰ (TWENTY), \$25.⁰⁰ (TWY FIV), \$40.⁰⁰ (FORTY), \$50.⁰⁰ (FIFTY), \$100 (ONE

HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$3, \$4, \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000 and \$10,000. The player can win up to 8 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Spooktacular Second-Chance Drawing for which non-winning Spooky Cash instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Spooky Cash instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$200 (TWO HUN) appears in four of the "prize" areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$200 (TWO HUN) appears in two of the "prize" areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in four of the "prize" areas, a prize of \$40⁰⁰ (FORTY) appears in one of the "prize" areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in six of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$40⁰⁰ (FORTY) appears in two of the "prize" areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in six of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$25⁰⁰ (TWY FIV) appears in all eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the "prize" areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in six of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$15⁰⁰ (FIFTN) appears in six of the "prize" areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the "prize" areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in six of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the "prize" areas, a prize symbol of \$4⁰⁰ (FOR DOL) appears in five of the "prize" areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in three of the "prize" areas and a prize symbol of \$2⁰⁰ appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in all eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "prize" area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Spooky Eyes (WINALL) symbol and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in two of the "prize" areas and a symbol of \$2.⁰⁰ (TWO DOL) appears in six of the "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIVE DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$3.⁰⁰ (THREE DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$2	\$2	9.38	576,000
\$3	\$3	50	108,000
\$2 × 2	\$4	50	108,000
\$4	\$4	75	72,000
\$3 + \$2	\$5	150	36,000
\$5	\$5	57.69	93,600
\$2 × 5	\$10	214.29	25,200
\$5 × 2	\$10	214.29	25,200
(\$4 × 2) + \$2	\$10	150	36,000
\$10	\$10	250	21,600
\$3 × 5	\$15	1,500	3,600
\$5 × 3	\$15	750	7,200
\$10 + \$5	\$15	1,500	3,600
\$15	\$15	1,500	3,600
SPOOKY EYES w/ ((\$4 × 2) + (\$2 × 6))	\$20	214.29	25,200
\$5 × 4	\$20	1,500	3,600
\$10 × 2	\$20	1,500	3,600
\$20	\$20	1,500	3,600
\$5 × 5	\$25	1,500	3,600
(\$4 × 5) + \$5	\$25	1,500	3,600
\$25	\$25	1,500	3,600
SPOOKY EYES w/ (\$5 × 8)	\$40	857.14	6,300
SPOOKY EYES w/ ((\$10 × 3) + (\$2 × 5))	\$40	1,091	4,950

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$5 × 8	\$40	12,000	450
\$10 × 4	\$40	12,000	450
\$20 × 2	\$40	12,000	450
\$40	\$40	24,000	225
SPOOKY EYES w/ ((\$5 × 2) + (\$4 × 5) + \$20)	\$50	1,333	4,050
SPOOKY EYES w/ ((\$10 × 2) + (\$5 × 6))	\$50	1,333	4,050
\$10 × 5	\$50	12,000	450
\$25 × 2	\$50	12,000	450
(\$5 × 6) + \$20	\$50	12,000	450
\$50	\$50	12,000	450
SPOOKY EYES w/ ((\$15 × 6) + (\$5 × 2))	\$100	3,000	1,800
SPOOKY EYES w/ ((\$20 × 2) + (\$10 × 6))	\$100	3,000	1,800
\$20 × 5	\$100	12,000	450
\$25 × 4	\$100	12,000	450
\$50 × 2	\$100	12,000	450
\$100	\$100	12,000	450
SPOOKY EYES w/ (\$25 × 8)	\$200	12,000	450
SPOOKY EYES w/ ((\$40 × 2) + (\$20 × 6))	\$200	12,000	450
\$100 × 2	\$200	120,000	45
\$50 × 4	\$200	120,000	45
\$200	\$200	120,000	45
SPOOKY EYES w/ ((\$100 × 2) + (\$50 × 6))	\$500	540,000	10
SPOOKY EYES w/ ((\$200 × 2) + (\$10 × 4) + \$40 + \$20)	\$500	540,000	10
\$100 × 5	\$500	540,000	10
\$500	\$500	540,000	10
SPOOKY EYES w/ ((\$200 × 4) + (\$50 × 4))	\$1,000	540,000	10
\$1,000	\$1,000	540,000	10
\$10,000	\$10,000	540,000	10

Reveal a "SPOOKY EYES" (WINALL) symbol, win all 8 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing:* Pennsylvania Lottery's Spooktacular Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-1363 Jack O' Lantern Jackpot (\$5) and PA-1365 Spooky Cash (\$2) instant lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional website, available at

<http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description.*

(1) The Lottery will conduct one Spooktacular Second-Chance Drawing for qualifying instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 10, 2018, through 11:59:59 p.m. November 1, 2018, will be entered into the Drawing to be held between November 2, 2018 and November 12, 2018.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) By entering a Qualifying Ticket, each entrant will have the opportunity to view an animated reveal sequence. This animated reveal sequence may award a predetermined prize that multiplies the number of entries the entrant receives for the ticket submitted by three (hereafter the "Entry Tripler Prize"). Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine the outcome of the animated reveal.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Tripler Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1363 Jack O' Lantern Jackpot (\$5) = 5 entries; PA-1365 Spooky Cash (\$2) = 2 entries.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning.*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or mentioned anywhere else in these rules.

(2) When the predetermined ticket file for a Qualifying Ticket entered in the Drawing indicates that the animated reveal sequence shall not result in an Entry Tripler Prize, the animated sequence will show the player receiving the number of entries that were assigned to the Qualifying Ticket entered for the Drawing.

(3) When the predetermined ticket file for a Qualifying Ticket entered in the Drawing indicates that the animated reveal sequence shall result in an award of an Entry Tripler Prize, the animated sequence will show the player winning the Entry Tripler Prize and receiving three (3) times the number of entries that were assigned to the Qualifying Ticket entered for the Drawing. The following table sets forth the approximate number of Entry Tripler Prizes and the approximate odds of winning an Entry Tripler Prize:

<i>Qualifying Ticket</i>	<i>Approximate Number of Entry Tripler Winners:</i>	<i>Approximate Odds Are 1 in:</i>
Jack O' Lantern Jackpot	1,347,197	3
Spooky Cash	2,102,185	2

(4) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c).

(i) The first and second entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$31,000, less required income tax withholding.

(ii) The third through the eighth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$13,000.

(iii) The ninth through the eighteenth entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$1,000.

(5) All prizes will be paid as lump-sum cash payments.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing Restrictions.*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. If no claim is made within one year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the

prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Spooky Cash instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Spooky Cash, prize money from winning Spooky Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Spooky Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *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 Spooky Cash or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1415. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Whole Lotta \$20s Instant Lottery Game 1364

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Whole Lotta \$20s (hereinafter referred to as “Whole Lotta \$20s”). The game number is PA-1364.

2. *Price:* The price of a Whole Lotta \$20s instant lottery game ticket is \$2.

3. *Play Symbols:* Each Whole Lotta \$20s instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN) and 19 (NINTN). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and a \$20 (WIN20) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL) and \$20⁰⁰ (TWENTY).

5. *Prizes:* The prizes that can be won in this game are: Free \$2 Ticket, \$2, \$4, \$5, \$10 and \$20. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 13,200,000 tickets will be printed for the Whole Lotta \$20s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$20 (WIN20) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that \$20 (WIN20) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either “WINNING NUMBERS” play symbol and a prize symbol of \$10⁰⁰

(TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either “WINNING NUMBERS” play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either “WINNING NUMBERS” play symbol and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either “WINNING

NUMBERS” play symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either “WINNING NUMBERS” play symbol and a prize symbol of FREE (TICKET) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Whole Lotta \$20s instant lottery game ticket or one Pennsylvania Lottery instant lottery game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
FREE	FREE \$2 TICKET	7.50	1,760,000
\$2 × 10	\$20	150	88,000
\$4 × 5	\$20	300	44,000
\$5 × 4	\$20	750	17,600
\$10 × 2	\$20	750	17,600
\$20 w/ \$20 SYMBOL	\$20	31.91	413,600
\$20	\$20	75	176,000

Reveal a “\$20” (WIN20) symbol, win \$20 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Whole Lotta \$20s instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Whole Lotta \$20s, prize money from winning Whole Lotta \$20s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Whole Lotta \$20s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *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 Whole Lotta \$20s or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1416. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Win Win Win Instant Lottery Game 1361

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Win Win Win (hereinafter “Win Win Win”). The game number is PA-1361.

2. *Price:* The price of a Win Win Win instant lottery game ticket is \$10.

3. *Play Symbols:* Each Win Win Win instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Win Burst (WIN) symbol, 3X (3TIMES) symbol and a Trophy (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$300 (THR HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$50, \$100, \$150, \$200, \$300, \$400, \$500, \$1,000, \$10,000, and \$300,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Win Win Win instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol

of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in three of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “prize” areas, a prize symbol of \$30⁰⁰ (THIRTY) appears in five of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in seven of the “prize” areas, and a prize symbol of \$10⁰⁰ (TEN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$20.00 (TWENTY) appears in five of the “prize” areas and a prize symbol of \$10.00 (TEN) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$150 (ONEHUNFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$150.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$150 (ONEHUNFTY) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$150.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$10.00 (TEN) appears in fifteen of the “prize” areas, on a single ticket, shall be entitled to a prize of \$150.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30.00 (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$30.00 (THIRTY) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$30.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15.00 (FIFTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$15.00 (FIFTN) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$15.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Win Burst (WIN) symbol and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under that Win Burst (WIN) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$10 w/ WIN BURST	\$10	13.33	720,000
\$10	\$10	17.14	560,000
\$15 w/ WIN BURST	\$15	30	320,000
\$15	\$15	60	160,000
\$10 × 2	\$20	100	96,000
\$20 w/ WIN BURST	\$20	46.15	208,000

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$20	\$20	100	96,000
\$15 × 2	\$30	300	32,000
\$10 w/ 3X	\$30	200	48,000
\$30 w/ WIN BURST	\$30	200	48,000
\$30	\$30	300	32,000
\$10 × 5	\$50	300	32,000
(\$10 w/ 3X) + \$20	\$50	100	96,000
\$50 w/ WIN BURST	\$50	120	80,000
\$50	\$50	300	32,000
\$20 × 5	\$100	600	16,000
\$50 × 2	\$100	600	16,000
(\$30 w/ 3X) + \$10	\$100	300	32,000
\$100 w/ WIN BURST	\$100	200	48,000
\$100	\$100	600	16,000
TROPHY w/ (\$10 × 15)	\$150	6,000	1,600
\$50 × 3	\$150	6,000	1,600
(((\$30 w/ WIN BURST) × 3) + (\$20 w/ 3X))	\$150	1,600	6,000
\$50 w/ 3X	\$150	6,000	1,600
\$150 w/ WIN BURST	\$150	1,500	6,400
\$150	\$150	12,000	800
TROPHY w/ ((\$20 × 5) + (\$10 × 10))	\$200	4,800	2,000
\$100 × 2	\$200	8,000	1,200
(\$50 w/ 3X) + \$50	\$200	8,000	1,200
(\$50 w/ WIN BURST) + (\$50 w/ 3X)	\$200	8,000	1,200
\$200 w/ WIN BURST	\$200	8,000	1,200
\$200	\$200	8,000	1,200
TROPHY w/ ((\$50 × 2) + (\$30 × 5) + (\$20 × 7) + \$10)	\$400	6,000	1,600
\$100 × 4	\$400	24,000	400
(\$100 w/ 3X) + \$100	\$400	12,000	800
\$400 w/ WIN BURST	\$400	12,000	800
\$400	\$400	24,000	400
TROPHY w/ ((\$100 × 3) + (\$50 × 2) + (\$10 × 10))	\$500	24,000	400
\$100 × 5	\$500	24,000	400
(\$100 w/ 3X) + (\$50 w/ 3X) + \$50	\$500	24,000	400
\$500 w/ WIN BURST	\$500	24,000	400
\$500	\$500	24,000	400
TROPHY w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	24,000	400
\$500 × 2	\$1,000	24,000	400
(\$300 w/ 3X) + \$100	\$1,000	24,000	400
(\$100 w/ WIN BURST) + (\$300 w/ 3X)	\$1,000	24,000	400
\$1,000 w/ WIN BURST	\$1,000	24,000	400
\$1,000	\$1,000	24,000	400
\$1,000 × 10	\$10,000	960,000	10

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$10,000	\$10,000	960,000	10
\$300,000	\$300,000	960,000	10

Reveal a "WIN BURST" (WIN) symbol, win the prize shown under that symbol automatically.

Reveal a "3X" (3TIMES) symbol, win 3 times the prize shown under that symbol.

Reveal a "TROPHY" (WINALL) symbol, win all 15 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Win Win Win instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Win Win Win, prize money from winning Win Win Win instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Win Win Win instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Win Win Win or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1417. Filed for public inspection September 7, 2018, 9:00 a.m.]

DEPARTMENT OF REVENUE

Public Utility Realty Tax Act; Surcharge Rate Notice for the Tax Year Beginning January 1, 2019

Section 1111-A(d) of the Tax Reform Code of 1971 (act) (72 P.S. § 8111-A(d)) requires the Secretary of Revenue to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in section 1111-A(d) of the act shall be imposed upon gross receipts taxes as provided in section 1111-A(d) of the act for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in section 1111-A of the act for the tax year beginning January 1, 2019, is zero mills. Therefore, no PURTA surcharge under section 1111-A(d) of the act will be imposed for the taxable period beginning January 1, 2019.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 18-1418. Filed for public inspection September 7, 2018, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The September 18, 2018, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is scheduled for Tuesday, October 16, 2018, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and meeting materials for the October 16, 2018, meeting will be available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)"). Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger at ledinger@pa.gov or (717) 783-8727.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Laura Edinger at (717) 783-8727 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 18-1419. Filed for public inspection September 7, 2018, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-540	Department of Human Services Home and Community-Based Supports and Licensing	8/24/18	10/18/18

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 18-1420. Filed for public inspection September 7, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Northeastern Pennsylvania (SERFF # MILL-131567828); Rate Increase Filing for Several LTC Forms

Blue Cross of Northeastern Pennsylvania is requesting approval to increase the premium an aggregate 43.5% on 97 policyholders with LTC forms NTQ11-337-PA-998, LTQ11-Revised-336-PA-998, FLQ11-336-PA-998 and HTQ11-338-PA-998.

Unless formal administrative action is taken prior to November 22, 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. 18-1421. Filed for public inspection September 7, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Northeastern Pennsylvania (SERFF # MILL-131614386); Rate Increase Filing for Group LTC Forms GRP11-342-PA-1100

Blue Cross of Northeastern Pennsylvania is requesting approval to increase the premium an aggregate 40.9% on 10 policyholders with group LTC form GRP11-342-PA-1100.

Unless formal administrative action is taken prior to November 22, 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. 18-1422. Filed for public inspection September 7, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Michael Mishea Fullard; License Denial Appeal; Doc. No. AG18-08-022

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Michael Mishea Fullard has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for October 10, 2018, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before October 5, 2018. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 26, 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 October 5, 2018.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1423. Filed for public inspection September 7, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Highmark, Inc. (SERFF # MILL-131545009); Rate Increase Filing for Individual LTC Forms

Highmark, Inc. is requesting approval to increase the premium an aggregate 54.2% on 389 policyholders with forms SPL-336-HMBCBSPA and FSPL-336-HMBCBSPA.

Unless formal administrative action is taken prior to November 22, 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. 18-1424. Filed for public inspection September 7, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Highmark, Inc. (SERFF # MILL-131545017); Rate Increase Filing for Individual LTC Forms

Highmark, Inc. is requesting approval to increase the premium an aggregate 52.0% on 361 policyholders with forms SPL-336-HMBSPA and FSPL-336-HMBSPA.

Unless formal administrative action is taken prior to November 22, 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

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. 18-1425. Filed for public inspection September 7, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

MedAmerica Insurance Company (SERFF # MILL-131537122); Rate Increase Filing for Individual LTC Forms

The MedAmerica Insurance Company is requesting approval to increase the premium an aggregate 46.9% on 282 policyholders with forms SPL-336 and FSPL-336.

Unless formal administrative action is taken prior to November 22, 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. 18-1426. Filed for public inspection September 7, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

MedAmerica Insurance Company (SERFF # MILL-131567825); Rate Increase Filing for Several LTC Forms

The MedAmerica Insurance Company is requesting approval to increase the premium an aggregate 69.2% on 234 policyholders with LTC forms LTC-LBP-2PA, LTC-LBP8-MA-PA, LTC-CD5-2PA, LTC-CD8-MA-PA, LTC-CD9-MA-PA, NTQ11-337-MA-PA-601, NTQ11-337-MA-PA-998, LTQ11-336-MA-PA-601, LTQ11-336-MA-PA-998, FLQ11-336-MA-PA-601, HTQ11-338-MA-PA-601 and HTQ11-338-MA-PA-998.

Unless formal administrative action is taken prior to November 22, 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. 18-1427. Filed for public inspection September 7, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

MedAmerica Insurance Company (SERFF # MILL-131609778); Rate Increase Filing for Group LTC Forms GRP11-342-MA-PA-601

The MedAmerica Insurance Company is requesting approval to increase the premium an aggregate 40.9% on 67 policyholders with group LTC form GRP11-342-MA-PA-601.

Unless formal administrative action is taken prior to November 22, 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. 18-1428. Filed for public inspection September 7, 2018, 9:00 a.m.]

MILK MARKETING BOARD

Dairy Market Issues; Public Hearing

The Milk Marketing Board (Board) will conduct a public hearing on September 26, 2018, at 6 p.m. in Founders Hall, Butler County Community College, 107 College Drive, Butler, PA.

The purpose of the public hearing is to solicit and consider suggestions for statutory changes to the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), as requested by the Department of Agriculture (Department) in its petition filed with the Board on April 5, 2018. The Board will also receive comments regarding general dairy market issues in this Commonwealth.

Pre-registration is not required to speak. Interested persons who wish to offer testimony or comments may do so electronically at ra-pmmb@pa.gov.

A copy of the Department's petition is on the Board's web site at <http://www.mmb.pa.gov/Legal/Documents/Petition%20for%20Hearing%20MMB.pdf>. Comments offered at prior listening sessions may be found on the Board's web site at <http://www.mmb.pa.gov/Public%20Hearings>.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 18-1429. Filed for public inspection September 7, 2018, 9:00 a.m.]

PATIENT SAFETY AUTHORITY DEPARTMENT OF HEALTH

Final Recommendation to Ensure Accurate Patient Weights

This document outlines final recommendations to acute care facilities in this Commonwealth regarding patient weights. The Patient Safety Authority (Authority) is responsible for submitting recommendations to the Department of Health (Department) for changes in health care practices and procedures which may be instituted for the purpose of reducing the number and severity of serious events and incidents. These recommendations were approved by both the Authority and the Department and were issued for public comment at 48 Pa.B. 4191 (July 14, 2018). The Authority did not receive any public comment.

Having accurate patient information (for example, age, allergies, laboratory results) helps practitioners select medications, doses and routes of administration.¹ One vital piece of information, the patient's weight, is especially important, because it is used to calculate the appropriate dose of a medication (for example, mg/kg, mcg/kg, mg/m²). A prescribed or dispensed medication dose can differ significantly from the appropriate dose because of missing or inaccurate patient weights.

Patients in oncology treatment, patients with renal insufficiency, or who are elderly, pediatric or neonatal are at greater risk for adverse drug events, because they are more vulnerable to the effects of an error, and their weight may change frequently over short periods of time.² Formulas such as the Cockcroft-Gault equation, which is used to calculate creatinine clearance to aid in the dosing of medications, and the Harris-Benedict formula, which is used to calculate basal metabolic rate, rely on knowledge of an accurate patient weight. Also, both height and weight are needed to use nomograms to determine body surface area and body mass index, for example, when calculating doses for chemotherapy.

In the United States, most patients are weighed in pounds, both in their homes and in health care organizations. But weighing and documenting patients' weights in

pounds introduces the need to convert the weight into kilograms—an error-prone process²—to conduct weight-based and other dosing. Another risk when measuring the patient's weight in pounds is failing to convert the weight into kilograms but recording that weight in kilograms (that is, documenting a weight of 200 lbs. as 200 kg instead of 90.9 kg), resulting in more than two-fold dosing errors.

A missing or inaccurate patient weight can cause a prescribed medication dose to be significantly different from the appropriate dose and negatively impact patient outcomes.³ This problem often originates at the beginning of the patient encounter. There are times when patients arriving at hospitals may not be weighed; for example, a patient who is admitted for an emergency or is not ambulatory.² Care units may also not be provided with appropriate scales to weigh patients, such as bed or wheelchair scales. These barriers may lead clinicians to forgo weighing a patient and decide to use a previously documented weight or estimate a patient's weight.^{4–7} Abundant literature exists highlighting inaccuracies of clinicians and patients or caregivers estimating patient weights and the association of these inaccuracies with medication errors, adverse events and clinical ineffectiveness.^{2,4,7,8}

Analysis of medication reports submitted to the Authority revealed ample evidence that health care organizations in this Commonwealth experience many of these same barriers to obtaining current, accurate patient weights. In 2010, analysis of medication errors associated with patient weights showed that more than 40% of medication reports were categorized as wrong dose/overdosage events, and 27% of all medication reports specifically mentioned mix-ups between pounds and kilograms.⁸ Although few events specifically mentioned that organizations were estimating weights, 27% of medication reports mentioned cases in which patients' documented weights were either higher or lower than their actual weight.

Similar analysis was performed in 2016 to determine whether there was improvement in this area since the publication of the first Advisory. Similar to the results from 2010, the most common type of medication error was wrong dose/overdosage, representing 42% of all medication reports, and 23% of medication reports cited mix-ups between pounds and kilograms.¹ Almost 40% of reports in analysis stated that patients' documented weights were inaccurate compared with their actual weights.

Final Recommendations to Ensure Accurate Patient Weights^{8,9}

The Authority recommends that licensed acute care facilities in this Commonwealth perform the following procedures regarding patient weights:

1. Organizations must have processes in place to weigh each patient as soon as possible on admission, when a patient experiences a change in condition that may lead to significant changes in his weight, and during each appropriate* outpatient or emergency department encounter, with the exception of emergency situations. The use of estimated, historical or stated weight should be avoided.

*Appropriate encounters include all encounters in which the patient is being seen by a licensed independent practitioner, excluding life-threatening situations where the delay in weighing the patient could lead to serious harm (for example, major trauma). It excludes laboratory and other services that do not prescribe or administer medications.

2. Organizations must have a process in place to measure and document a patient's weight in metric units (for example, grams or kilograms) only. This would include computer information systems, infusion pumps and other medication devices, printouts and preprinted order forms that prompt users to record patient weight.

Considerations

- *Expectation of improved quality care:*

- o Accurate dosing of weight-based medications by avoiding over-doses or under-doses and subsequent harm due to toxicities or delayed response for patients not being weighed.

- o Improve patient outcomes and prevent over/under doses by standardizing the unit of measure (for example, g, kg) that is used to dose weight-based drugs and eliminating the need to convert from pounds to kilograms.

- *Implementation feasibility and other relevant implementation practices:*

- o Change in the culture, attitudes and practices regarding the need to actually weigh patients and that the weight should be in metric units only.

- o Locations where a patient's weight is documented may need to be modified, including:

- Paper-based document such as policies, guidelines and protocols and orders sets.

- Computer-based documentation, including electronic health records.

- o Resources required to assess the number and types of scales within the facility.

- o Need to set current scales to measure in metric units only or purchase scales that weigh only in metric units.

- o Need to purchase metric scales for those locations that do not have scales available to accommodate various patient populations (for example, stretchers with scales, floor scales that can weigh the patient and stretcher).

- o Have charts that provide conversions from kilograms (or grams for pediatric patients) to pounds available near all scales so patients and caregivers can be told the patient's weight in pounds, if requested.

- *Cost impact to patients, payors and medical facilities:*

- o Purchase of scales where needed.

- o Resources:

- Make software modifications

- Update policies and medication-related forms that include areas to document patient weights.

- Provide staff education.

1. Importance of measuring in metric units.

2. Updates to policies, procedures, protocols, forms and software.

References

¹ Bailey, B. R., Gaunt, M. J., Grissinger, M. (2016), "Update on Medication Errors Associated with Incorrect Patient Weights," *Pennsylvania Patient Safety Advisory*, 13(2), 50–57, retrieved from http://patientsafety.pa.gov/ADVISORIES/Pages/201606_50.aspx.

² Stucky, E. R. (2003), "Prevention of Medication Errors in the Pediatric Inpatient Setting," *Pediatrics*, 112(2), 431–436.

³ Barrow, T., et al. (2016), "Estimating Weight of Patients with Acute Stroke When Dosing for Thrombolysis," *Stroke*, 47(1), 228—231, retrieved from <http://stroke.aha.org/content/47/1/228.long>.

⁴ Lin, B. W., et al. (2009), "A Better Way to Estimate Adult Patients' Weights," *The American Journal of Emergency Medicine*, 27(9), 1060—1064, retrieved from <https://www.sciencedirect.com/science/article/pii/S0735675708006153?via%3Dihub>.

⁵ Herout, P. M., Erstad, B. L. (2004), "Medication Errors Involving Continuously Infused Medications in a Surgical Intensive Care Unit," *Critical Care Medicine*, 32(2), 428—432, retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/14758159>.

⁶ Fuller, B. M., et al. (2013), "Emergency Department Vancomycin Use: Dosing Practices and Associated Outcomes," *The Journal of Emergency Medicine*, 44(5), 910—918, retrieved from <http://doi.org/10.1016/j.jemermed.2012.09.036>.

⁷ Michaels, A. D., et al. (2010), "Medication Errors in Acute Cardiovascular and Stroke Patients: A Scientific Statement from the American Heart Association," *Circulation*, 121(14):1664—1682, retrieved from <http://circ.aha.org/content/121/14/1664.long>.

⁸ "Medication Errors: Significance of Accurate Patient Weights," *Pennsylvania Patient Safety Advisory*, 2009, 6(1), 10—15, retrieved from http://patientsafety.pa.gov/ADVISORIES/Pages/200903_10.aspx.

⁹ Institute for Safe Medication Practices (2017), "Targeted Medication Safety Best Practices for Hospitals," retrieved from <https://www.ismp.org/guidelines/best-practices-hospitals>.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,
Executive Director
Patient Safety Authority

RACHEL L. LEVINE, MD,
Secretary
Department of Health

[Pa.B. Doc. No. 18-1430. Filed for public inspection September 7, 2018, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held at the Conference Center, Central Penn College, 600 Valley Road, Summerdale, PA 17093 at 10 a.m. on Tuesday, September 18, 2018.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

REGINA M. HOFFMAN, RN, BSN, MBA, CPPS,
Executive Director

[Pa.B. Doc. No. 18-1431. Filed for public inspection September 7, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application for Findings; Prehearing Conference

A-2018-3004099. UGI Utilities, Inc. Application of UGI Utilities, Inc. for a finding and determination that the service to be furnished by the applicant through its proposed exercise of eminent domain to acquire right-of-way and easement over a certain portion the property of McClure Enterprises, Inc., in Hanover Township, Luzerne County is necessary and proper for the service, accommodation, convenience or safety of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 25, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address.

Applicant: UGI Utilities, Inc.

Through and By Counsel: Mark C. Morrow, Esquire, UGI Utilities, Inc., 460 North Gulph Road, King of Prussia, PA 19406

Prehearing Conference

A prehearing conference on the previously-captioned case will be held as follows:

<i>Date:</i>	Thursday, September 27, 2018
<i>Time:</i>	2 p.m.
<i>Location:</i>	Hearing Room 4 Plaza Level Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120
<i>Presiding:</i>	Administrative Law Judge Joel H. Cheskis 400 North Street Harrisburg, PA 17120 (717) 787-1399 Fax: (717) 787-0481

Individuals with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1432. Filed for public inspection September 7, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Blue Jay Wireless, LLC

Public Meeting held
August 23, 2018

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

Blue Jay Wireless, LLC; P-2012-2325045

Tentative Order

By the Commission:

Blue Jay Wireless, LLC (Blue Jay) is a facilities-based eligible telecommunications carrier (ETC) that received approval to operate as an ETC on August 29, 2013 at Docket No. P-2012-2325045.

On April 4, 2018, Commission staff sent an email to a Blue Jay utility contact as a reminder that Blue Jay's annual Lifeline Report was overdue. That email was returned as undeliverable. On June 11, 2018, Commission staff sent emails to two additional utility contacts. Those emails were also returned as undeliverable. On June 12, 2018, Commission staff sent a certified letter to Blue Jay's address on file, 5010 Addison Circle, Addison, TX 75001. On July 2, 2018, the Post Office returned the certified letter as undeliverable, since that address is no longer valid. On July 2, 2018, Commission staff sent an additional email to another Blue Jay utility contact person. That email was also returned as undeliverable.

In an effort to contact Blue Jay, Commission staff called the telephone number for Blue Jay that is listed on USAC's website. That number was answered by Stand Up Wireless, another ETC approved to provide Lifeline service in Pennsylvania. According to the Stand Up Wireless employee, Blue Jay no longer exists and Stand UP is now providing service to Blue Jay's former customers. No other information regarding Blue Jay was provided.

In addition to the foregoing, Commission staff contacted the attorney of record listed for Blue Jay. That attorney confirmed that Blue Jay is no longer in business.

Lastly, the website freegovernmentphones.net posted an article on its website on February 5, 2018, informing the public that Blue Jay Wireless no longer participates in the Lifeline program. It also included a copy of the online notice that was posted on Stand Up's website in 2017, notifying Blue Jay customers that on or about July 6, 2017, Stand Up would be their new Lifeline service provider.

To date, Blue Jay has not notified the Commission that it is no longer providing Lifeline service or petitioned this Commission to relinquish its ETC status in Pennsylvania. Moreover, Blue Jay has not notified the Commission that its former customers are now being serviced by Stand Up.

ETCs seeking to relinquish their ETC status in Pennsylvania must petition the Commission before relinquishing service. The Commission's rules and requirements for relinquishing ETC status is set forth in the Commission's September 3, 2013 Secretarial Letter that was sent to all

Pennsylvania ETC's at Docket No. M-2013-2380576. Under the Telecommunications Act of 1996 (TA96) and our rules governing petitions for relief, this Commission may grant a request to relinquish ETC status if the petitioning ETC demonstrates reliable, probative and substantial evidence of the following:

1. More than one ETC serves the service area(s) in question;

2. The ETC seeking to relinquish its ETC designation has provided advance notice to the Commission of such relinquishment;

3. The Commission, prior to authorizing the relinquishment, requires:

a. Remaining ETC(s) to ensure that all customers served by the relinquishing carrier will continue to be served;

b. Sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

47 U.S.C. § 214(e)(4). While the statute allows an ETC to relinquish its ETC status, and thus forego access to various federal funding sources, we note that the relinquishment process remains focused on preservation of universal service. To further the federal and state universal service goals, the Commission requires the following:

1. All Petitions to relinquish ETC status must be accompanied by an affidavit or verification of an authorized individual;

2. The Petition must be served upon the statutory advocates, the Office of Consumer Advocate, Office of Small business Advocate, the Commission's Bureau of Enforcement & Investigation and all carriers referenced in the petition as being alternative ETCs;

3. Notice must be provided to all affected Lifeline customers as follows:

a. Written notice 90 days prior to the discontinuation of Lifeline service in the form of a stand-alone mailing separate from any billing or collections mailing;

b. Telephonic notice 60 days prior to the discontinuation of Lifeline service

c. Written notice 30 days prior to the discontinuation of Lifeline service in the form of a billing insert or stand-alone mailing;

4. The notices should inform affected customers of a date certain that Lifeline service will end, list alternative lifeline providers and offer assistance to those customers who wish to retain Lifeline service;

5. These notices must be attached to the Petition to Relinquish;

6. Petitioners are directed to ensure that the transition to another Lifeline provider is seamless for the Lifeline customer and ensure that the customer is not subject to additional connection fees or deposits. Also, the Petitioner is to assist the Lifeline customer with any lifeline certification occasioned by the petition.

The Commission has the authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66

Pa.C.S. § 501. Based upon the above-stated facts, we believe it is appropriate to revoke Blue Jay Wireless' ETC status without the necessity of a formal complaint.

For the aforementioned reasons, we tentatively conclude that revocation of Blue Jay's ETC status pursuant to 47 U.S.C. § 214(e)(4) is in the public interest. We take this action on a tentative basis because of Blue Jay's failure to serve the application on appropriate parties or provide public notice of its relinquishment. With the cancellation of Blue Jay's ETC designation, the Commission will forego the imposition of any additional penalties, which may have been appropriate; *Therefore*,

It Is Ordered That:

1. Revocation of Blue Jay Wireless, LLC's ETC designation is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation & Enforcement, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary and shall advise the affected Bureaus within the Commission in writing that the ETC designation of Blue Jay Wireless, LLC at this docket is cancelled and the case may be closed.

4. Upon entry of the Final Order described in ordering Paragraph No. 3 above, Blue Jay Wireless, LLC's name will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, and the docket shall be closed.

ROSEMARY CHIAVETTA,
Secretary

Statement of Chairman Gladys M. Brown

Section 214(e)(4) of federal law, 47 U.S.C. § 214(e)(4), requires state commission or FCC approval for a carrier to relinquish an Eligible Telecommunications Carrier (ETC) designation. The ETC designation is a status this Commission confers upon carriers that want to secure federal support to provide service in high-cost areas or want to provide Lifeline service. The Commission imposes additional obligations aimed at ensuring that consumers are not left without a service provider if a carrier stops being an ETC and to ensure that the departing provider remits any required fees and assessments.

This provider unilaterally ceased being an ETC provider of Lifeline service without prior Commission authorization until the staff conducted follow-up. While I support a decision allowing this provider to no longer be an ETC provider of Lifeline service, I also remind ETC recipients that they cannot cease providing ETC service without prior Commission approval.

GLADYS M. BROWN,
Chairperson

[Pa.B. Doc. No. 18-1433. Filed for public inspection September 7, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation of Certificates of Public Convenience for Common Carriers; Failure to Operate or Report Any Operating Revenue

Public Meeting held
August 23, 2018

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

*Cancellation of Certificates of Public Convenience for
Common Carriers; Failure to Operate or Report Any
Operating Revenue; M-2018-3003742*

Tentative Order

By the Commission:

The Public Utility Code requires that by March 31 of each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding calendar year. 66 Pa.C.S. § 510(b). This report is essential for the Commission to fund its operations and to properly allocate assessment costs among the regulated utility community. Id. Additionally, common carriers are required to operate continuously and without unreasonable interruptions of service. 66 Pa.C.S. § 1501, 52 Pa. Code §§ 29.61-62. Commission regulations authorize the cancellation of a common carrier's Certificate of Public Convenience (CPC) for failure to comply with operating and reporting requirements, as well as other provisions of the Public Utility Code. 52 Pa. Code §§ 29.12 (Motor Carriers of Passengers) and 31.12 (Motor Carriers of Property).

The Commission has undertaken a review of its records to determine whether various utilities are in compliance with its operating and reporting requirements. That review has revealed that a significant number of common carriers have repeatedly failed to file the required annual assessment report and failed to establish that they are operating continuously as required. Specifically, each carrier listed in Appendix A, attached hereto, has failed to report any operating revenue to the Commission for each of the last five (5) years and has consequently failed to establish any operations for that same period of time.

On May 31, 2018, the Commission's Law Bureau sent a letter to each carrier listed in Appendix A, requesting that they either file an assessment report detailing their annual revenue or notify the Commission of their desire to abandon their CPCs. Carriers were provided twenty (20) days to comply. The letter further warned the carriers that failure to comply would result in the Commission taking appropriate action to cancel their CPCs. None of the carriers listed in Appendix A responded to the May 31, 2018 letter.

Under the circumstances, we tentatively conclude that the motor carriers listed in Appendix A are not in compliance with the reporting requirements of 66 Pa.C.S. § 510(b) nor are they in compliance with the operational requirements of 66 Pa.C.S. § 1501, 52 Pa. Code §§ 29.61-62. As such, it is appropriate to initiate the process for cancelling their CPCs as being in the public interest; *Therefore*,

It Is Ordered That:

1. Cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Bureau of Investigation & Enforcement, the Bureau of Technical Utility Services, the Bureau of Administration, Department of Revenue—Bureau of Corporation Taxes, Department of Transportation, and all motor carriers listed in Appendix A. The Tentative Order shall be filed at each carrier's docket number.

3. The Secretary shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.

4. All parties listed in Ordering Paragraph No. 2, to the extent they challenge cancellation of the CPC, must file comments within 20 days after publication in the *Pennsylvania Bulletin*. Comments shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.

5. Alternatively, carriers listed in Appendix A may file an Assessment Report for calendar year 2017 gross intrastate operating revenues, within 20 days after publication in the *Pennsylvania Bulletin*. Reports shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.

6. Absent the timely filing of comments challenging cancellation of the CPC, or the timely reporting of a carrier's 2017 gross intrastate operating revenue, the Law Bureau shall prepare a Final Order for entry by the Secretary cancelling the carrier's CPC.

7. Upon entry of the Final Order described in Ordering Paragraph No. 6 above, the Certificate of Public Convenience of each non-compliant carrier shall be canceled, and each non-compliant carrier listed in Appendix A will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Fiscal & Assessments Section of the Bureau of Administration.

ROSEMARY CHIAVETTA,
Secretary

Appendix A
Carriers Not Reporting Revenue for Five or More Years

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
630400	ODDY TRANSPORTATION SERVICE, INC.	A-00109796
6311476	D M L CAB CO.	A-00114160
6311480	T & W CAB CO.	A-00121193
6315127	LEROY CAMPBELL & JAVIAN A. ARMSTRONG, CO-PARTNERS	A-2012-2325313
632252	GOLF TAXI, INC.	A-00119600
632418	PROSHA CAB CO.	A-00120182
632474	BESIKTAS, INC.	A-00120403
639040	YAFIM CAB COMPANY	A-00106042
640031	ALLWAYS TRANSPORTATION, INC.	A-2011-2230899
640483	TERRY R. MARTIN	A-00113345
640721	SACKS, JAMES O., INC.	A-00115805
6410139	TREKKIE TRANSPORTATION, INC.	A-2008-2042010
6410249	GERMANTOWN EMISSION & INSPECTION STATION, LLC	A-2008-2049714
6411202	VICTOR CARBE, JR., T/A ROLLS ROYCE RENTAL	A-2009-2114783
6411208	THE PITTSBURGH TOUR COMPANY, LLC	A-2009-2115042
6411461	A-1 VAN SERVICE, INC.	A-2017-2583562
6411640	NEWBERRY TOWNSHIP FIRE DEPARTMENT	A-2009-2147630
6412387	VALLEY FORGE LIMO CO., LLC	A-2010-2185476, A-2015-2473983
6413168	AMERIQUEST AMBULANCE, INC.	A-2010-2195604
641320	CASHDOLLAR, LEON J.	A-00120485
641365	CATAWESE COACH LINES, INC.	A-2010-2198624
6413770	C.R. WILKERSON, LLC	A-2011-2255598
6413814	WORLD CLASS RIDE, LLC, T/A WORLD CLASS RIDE	A-2011-2257843
6414251	ABDELKARIM BAROUDI	A-2012-2287493
6414512	DAVON CHRISTIAN	A-2012-2296719
6414623	EMINENT MEDICAL TRANSPORT, INC.	A-2012-2302918
6414635	HAZLETON AMBULETTE SERVICES	A-2012-2303448

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<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
6414676	SILVER STAR COACH & LIMOUSINE, LLC	A-2012-2304728
641469	SIRAWAN TRANSPORTATION, INC.	A-00121676, A-2015-2484472
6414780	MED TRANSIT, LLC	A-2012-2310335
6415105	CORNERSTONE MEDICAL TRANSPORT, LLC	A-2012-2323974
6415272	LX TRANSPORTATION, LLC	A-2012-2334197
6415377	SAFE RIDES, LLC	A-2012-2340010
6415996	AMBULANCE SERVICE OF AMERICA, INC.	A-2013-2382310
6416039	LEGACY LIMOUSINE, LLC	A-2014-2410656
641620	CELEBRITY LIMOUSINES, LLC	A-00122589
6416222	KRK TRANSPORTATION GROUP, LLC	A-2013-2398206
6416238	ELITE EMS, INC.	A-2014-2399311
6416372	ARRIVALS 365, LLC	A-2014-2408112
6416457	WYOMISSING CAR SERVICE AND TAXI, LLC	A-2014-2413704
6416543	COLONIAL LIBERTY CAB CO., LLC	A-2014-2421267
6416880	MAO & ED BUS SERVICE, INC.	A-2014-2440863
641693	VALLEY LIMOUSINE SERVICE, LLC	A-00123058
6416944	PANICHELLI EXECUTIVE SERVICES, INC.	A-2014-2444319
641706	CLOUD 9 TRANSPORTATION, INC.	A-00123125, A-2013-2398919, A-2013-2398922
6417118	TOP CARE TRANSPORTATION, INC.	A-2014-2456142
6417544	USA SHUTTLE SERVICE, INC.	A-2015-2475681
641772	SUPERSTAR COACH, INC.	A-00123469
641808	WELSH, JODI MARIE	A-00123708
641828	RIDES, INC.	A-00123819
648190	WILLIAMS BUS LINES CO.	A-00100861
649814	KANE TRANSPORTATION SERVICES, INC.	A-2008-2024166
690142	SAFECARE AMBULANCE SERVICES, INC.	A-00119122
700006	MCILVAINE TRUCKING, INC.	A-00108526
700055	FIGURSKI, GERALD N.	A-2013-2351981
700252	J. J. MALONEY CO.	A-00109207
700324	TRANS TECH LEASING, INC.	A-00108189
700559	QUAKER CITY PRODUCE CO.	A-00110223
700786	BOWER, DON E., INC.	A-00111002
700966	BUD TRANSPORT, INC.	A-00111684
701040	ADVANCED TRANSFER, INC.	A-00101795
701333	RIVERSIDE BUILDERS SUPPLY, INC.	A-00112141
701391	E. G. SERVICE CO.	A-00112211
701470	MATSON, BYRON D.	A-00112307
701635	MICHAEL BOULDEN	A-00112542
701666	BARON, JOLANN	A-00112604
701697	SOUTH, JAMES E.	A-00112659
701729	R & R EXPRESS, INC.	A-00112702
701904	MAXWELL TANK LINES, INC.	A-00112999
702004	FRED MOORE TRUCKING, INC.	A-00113167
702048	GOGGIN MOVING, INC.	A-00113228
702051	ZARELLI, PETE, EXCAVATING COMPANY	A-00113231
702169	SMITH EZ TRUCKING COMPANY, LLC	A-00113438

NOTICES

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
702206	NEON EXPRESS, INC.	A-00113511
702334	DELLICH, DANIEL J., JR.	A-00113687
702692	TROY M. GREEN	A-00114247
702772	WISE MOBILE HOMESPECIALISTS, INC.	A-00114398
702798	RAYGENE, INC.	A-00114444
702809	THE TERMINAL CORPORATION	A-00114463
702810	C & C DISTRIBUTION, INC.	A-00114464
702909	GAST, ROBERT L.	A-00114636
703146	SUREHAUL TRANSPORT, INC.	A-00114968
703419	DEROSA TRUCKING, INC.	A-00115329
703639	MARK A. KLINE	A-00115696
703673	FUZZCO TRUCKING, INC.	A-00115749
703787	CB HONEYWELL CONSTRUCTION	A-00115921
703845	KLEIN, DAVID J., INC.	A-00116007
703940	NICE CONTRACTORS, INC.	A-00116189
703945	R.J.&J. ENTERPRISES, INC.	A-00116194
703967	CORPORATE BANK TRANSIT OF KENTUCKY, INC.	A-00116216
704095	WASTELINE CORPORATION	A-00116416
704233	WILLARD P. FREDERICK	A-00116622
704255	RISTENBATT, INC.	A-00116646
704261	TAMURA, SHEILA A.	A-00116655
704293	KEIBLER, TIMOTHY E. & DEXTER A.	A-00116695
704355	THOMAS K. SIEMONS	A-00116802
704570	MCCONNELL'S, INC.	A-00117128
704727	RICHARD P. SMILEY, T/A RICHARD P. SMILEY TRUCKING	A-2010-2178055
704743	PARKS, SCOTT	A-00117410
704814	WOMEX, INC.	A-00117514
704900	BEVINGTON TRUCKING, INC.	A-00117664
704936	BOWERS, ROBERT LEROY	A-00117709
705047	MORNINGSTAR, SCOTT T.	A-00117904
705134	JERRY DAVIS	A-00118068
705246	MUIR, LISA L.	A-00118218
705750	CHANCE, STANLEY E.	A-00118975
705806	MOHAR, DAVID WAYNE	A-00119100
705903	JAMES & DEBRA AMENT	A-2015-2478404, A-2016-2534040
705957	THOMAS A. JOHNSON	A-00119335
706024	BAYLOR, JEROME P.	A-00119454
706051	MALTI, MALTI & GOODWIN, COPTS	A-00119530
706295	MINTURN, WILLIAM C.	A-00119974
706439	PETITTO, ANGELO J.	A-00120230
706492	SCE ENVIRONMENTAL GROUP, INC.	A-2013-2370249
706828	KRAMER ENTERPRISES, INC.	A-00120929
706862	SIGMUND TRANSFER COMPANY, LLC	A-00120984
707033	BOVANI'S TOWING AND SERVICE, INC.	A-00121303
707281	JEFF BOYD TRUCKING, LLC	A-00121783
707327	SHENK, MICHAEL L.	A-00121836
707367	PERDEW, MICHAEL A., SR.	A-00121887

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<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
707376	SIMONE, PASCAL S.	A-00121900
707442	CREATIVE LAND CONCEPTS, INC.	A-00121983
707467	ROADMASTERS TRANSPORT CO., LP	A-00122020
707507	ANTHONY BADER	A-00122066, A-2008-2055255
707527	NILESKI, WILLIAM	A-00122105
707553	ANTHONY RODILOSSO	A-00122164
707660	RUNOVITZ TRUCKING, INC.	A-00122317
707731	G. P. M. TRANSPORT, INC.	A-00122427
707753	RONALD WICKWIRE	A-00122461
707869	BRIAN SCOTT BODINE	A-00122656
707976	YATES, JOHN W.	A-00122776
708004	PISANO, MICHAEL EDWARD	A-00122801
708062	ZECH'S TOWING & RECOVERY, LLC	A-00122890
708082	FLOOD TRUCKING, LLC	A-2012-2308485
708109	SMITH, JOHN W.	A-00122966
708147	GT LOGISTICS, LLC	A-00123033
708169	BROWN, ROBERT	A-00123068
708215	BRIAN E. MOORE	A-00123141
708299	NAKUTIS, JAMES J.	A-00123269
708371	NEDELJKO GUNJAK, INC.	A-00123374
708402	WARNER, RANDY D. TRUCKING, INC.	A-00123413
708403	SIEGLER, RICHARD O.	A-00123415
708434	TABOR, MICHAEL J.	A-00123465
708576	PULLER, ROBERT	A-00123678
708621	THE ACME COMPANY, INC.	A-00123752
708628	MICHAEL STELLA	A-00123767
708696	RED LION TRANSPORTATION, INC.	A-2017-2638383
708808	ENVIRON. LANDSCAPING SERV, INC.	A-00124024
708823	HORNING, JASON L.	A-00124052
708872	AVG SERVICES, INC.	A-00124122
714150	BLANEY FARMS, INC.	A-00107001
718240	BROCIOUS, CARL	A-00098875
725050	CARUSO HAULING, INC.	A-00103928
729872	COMMONWEALTH WAREHOUSE & STORAGE	A-00104678
740440	DONALD ELWOOD DORR	A-00091972
741340	DUDISH, WILLIAM L.	A-00099005
787630	LAMPARTER, INC.	A-00104759
815860	OFFICE MOVERS, INC.	A-00096937
890053	FOULK MATERIAL HANDLING, INC.	A-00108695
890061	KDK TRANSPORT, INC.	A-00108750
890231	BARRETT'S TRANSPORTATION SERV.	A-00109551
890354	BOGER, JOHN H., AND SON, INC.	A-00110101
890371	ROBERT F. ALTEMOSE	A-00110181
890458	BALKAN EXPRESS, INC.	A-00110473
8910173	IVAN'S TRUCKING CORPORATION	A-2008-2043862
8910355	PINE GROVE ENTERPRISES, INC.	A-2008-2056953
8910500	BIER BROTHERS ENTERPRISES, LLC	A-2009-2137287

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
8910649	SALVAGE DIRECT, INC.	A-2008-2079785
8910801	T TURNER TRANSPORT, INC.	A-2014-2414817
8910808	NELSON LOGISTICS, LLC	A-2009-2093365
8910919	AUTO TRIM-LINES OF PA, INC.	A-2009-2095352
8911016	JOHN ELWOOD DORR, T/A DORR'S MOVING EXCHANGE	A-2009-2102501
8911111	JUSTIN R. STEFFEY	A-2009-2108889
8911231	PENN AIR NOTCH SERVICES, INC.	A-2009-2118011
8911383	T & C TOWING & RECOVERY, LLC	A-2009-2130902
8911444	JODY D. HOWE	A-2009-2136026
8911756	ANDREJACK EXCAVATING, LLC	A-2010-2156189
8911774	M K HEYER TRANSPORTS, LLC	A-2010-2157905
8911817	PHILIP E. VOUGHT	A-2012-2338596
8912182	PORLANICK, INC.	A-2010-2177208
8912333	JANOS KOLTAY	A-2010-2183315
8912400	MDF INDUSTRIES, INC.	A-2010-2186436
8912580	SHADES OF GREEN, INC.	A-2010-2193121
8912666	ARROW ENERGY SERVICES, INC.	A-2010-2197772
8912678	ANTONIO WILLIAMS, SR.	A-2010-2198320
8912794	ROBERT HARRINGTON HAULING, LLC	A-2010-2201995
8912873	RODNEY R. RAUGHLEY EXCAVATING, LLC	A-2010-2206262
8913001	FOLSE OILFIELD SERVICES, LLC	A-2010-2206863
8913009	ROBERT A. STEMPA	A-2010-2216339
8913245	MATTHEW BOWER TRUCKING, INC.	A-2011-2229533
8913262	ERIC L. BERGER	A-2011-2230311
8913271	JAMES WALTER SNYDER, JR.	A-2011-2230866
8913429	BOWEN TRUCKING, LLC	A-2011-2236854
8913475	J & L TRUCKING CORP.	A-2011-2238146
8913535	GRANDVIEW LOGISTICS, LLC	A-2011-2240746
8913574	BRUCE C. PATOCKA, D/B/A KRP TRUCKING & EXCAVATING	A-2011-2243364
8913640	DBT ENTERPRISES, LLC	A-2011-2247122
8913656	BROWN BOYS TRUCKING, LLC	A-2011-2271953
8913732	JENNIE J. TALARICO	A-2011-2253132
8913735	RANDALL L. LUZIER	A-2011-2253214
8913790	COMMERO TRUCKING, LLC	A-2011-2256411
8913856	ALVERTON ENTERPRISES, LLC	A-2015-2482202
8913869	JOHN BARNEY III & DONNA E. BARNEY	A-2011-2260260
8913873	WENGER WELL SERVICES, INC.	A-2011-2260384
8913910	DAVID TCHUIGOUA SAGANG	A-2011-2263851
8913961	ACE TRUCKING ENTERPRISES, LLC	A-2011-2267153
8913987	ROMBERGER TRANSPORT, INC.	A-2011-2269986
8914020	FEROA TRUCKING, LLC	A-2011-2270954
8914046	PITTSBURGH SOUTHWESTERN TRUCKING, LLC	A-2011-2271998
8914157	GREYHAN TRANSPORT, LLC	A-2012-2281626
8914266	J D HARRIS TRUCKING, LLC	A-2012-2288808
891444	PUBLICATION DIST. SERV., INC.	A-00107308
8914521	WAYNE A. BRENDLINGER	A-2012-2297295
8914526	JAMES HUGHES, JR.	A-2012-2297620
8914648	NATIONAL TRANSPORT CARRIERS, INC.	A-2012-2303632

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<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
8914677	KENNETH L. METZINGER	A-2012-2304746
8914725	JTC TRANSPORT, LLC	A-2012-2306302
8915010	BETHEL METALS & RECYCLING, INC.	A-2012-2314868
8915053	NORDOL, INC.	A-2012-2318483
8915106	IRON CITY LEASING, LLC	A-2012-2323352
8915122	WHEELS EXPRESS, INC.	A-2012-2325276
8915214	BRIAN K. SCOTT	A-2012-2329815
8915328	SHAWN M. GOWIN	A-2012-2337301
8915395	VIRTUE TRANSIT, LLC	A-2013-2343023
8915400	SUMMIT SITE CONTRACTORS, INC.	A-2013-2343231
8915606	VICTOR & JASMINE VEGA, CO-TENANTS BY ENTIRETY	A-2013-2355263
8915610	E K SERVICES, INC.	A-2013-2355506
8915723	SEAN BECK	A-2013-2361737
8915834	DANIEL THOMAS TRANSPORTATION, LLC	A-2013-2370656
8915861	SOVEREIGN TRANSPORT, INC.	A-2013-2372941
8915886	PETROLEUM TRANSPORT, LLC	A-2013-2374982
8916013	ROSS DISTRIBUTIONS, LLC	A-2013-2383371
8916017	DENNIS SIZEMORE	A-2013-2383681
8916099	REDBIRD TRUCKING, INC.	A-2013-2390424
8916106	PAT REILLY TRUCKING, LLC	A-2013-2390451
8916168	FOUR STARS PIPE AND SUPPLY, INC.	A-2013-2395155
8916362	ARMONE R. HAMMONDS	A-2014-2407503
8916419	MICHAEL MILLER	A-2014-2411847
8916432	PRO-DIG ENTERPRISES, LLC	A-2014-2412438
8916548	MGM TRUCKING, LLC	A-2014-2422057
8916617	LIMIT BREAK, LLC	A-2014-2426077
8916646	WEAKLAND'S MECHANIC SHOP, INC.	A-2014-2427307
8916767	IRG DELIVERIES CORPORATION	A-2014-2436432
8916876	DWM CARRIERS, INC.	A-2014-2440428
8916939	D RICHARDSON TRUCKING, INC.	A-2014-2444029
8916953	KENNY & SON'S TRANSPORTATION, LLC	A-2014-2444444
8917135	ZIPPY SHELL LEHIGH VALLEY, INC.	A-2014-2457110
8917203	OPAL EXPRESS, INC.	A-2015-2483053
8917211	JL LEASING, INC.	A-2015-2460931, A-2016-2539415
8917212	JOHNNY P. ONISKO	A-2015-2460949
8917415	BORDER CONNECT FREIGHT SERVICES, INC.	A-2016-2547311
8917446	BSL TRUCKING, LLC	A-2015-2472145
8917454	NORTHSTAR UNLIMITED, LLC	A-2015-2472481
8917516	DEREK STOLL	A-2015-2512638
8917524	GT WORLDWIDE TRANSPORT, INC.	A-2015-2475035
8917589	R & B TRUCKING SERVICES, LLC	A-2015-2477783
8917592	R&B CONTRACTING & EXCAVATION, INC.	A-2015-2477872
8917628	EUGENE M SNYDER, T/A SNYDERS MOBILE SERVICES	A-2015-2479119
8917719	JTL TRUCKING, INC.	A-2015-2484370
8917737	NICOLAAS F. AKKERMAN	A-2015-2485789
8917770	PAUL E. SCHAEFFER TRUCKING, INC.	A-2015-2488192
8917784	MARK T. WEBER	A-2015-2489090

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
8918050	WILLIAM MARTINEZ, LLC	A-2015-2503248
8918110	1ST IMPRESSION LANDSCAPING, INC.	A-2015-2505955
8918111	J & A DELIVERY, LLC	A-2015-2505970
899888	CEMPORT, INC.	A-2008-2025346
899931	FULL STAR ENTERPRISES, INC.	A-2008-2028251
899987	K E D S MATERIALS AND CONTRACTING, INC.	A-2008-2035139

[Pa.B. Doc. No. 18-1434. Filed for public inspection September 7, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security or Insufficient Financial Security Amount

Public Meeting held
August 23, 2018

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

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security or
Insufficient Financial Security Amount; M-2018-2640827*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of August 14, 2018, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount</i>
A-2010-2197104	AOBA ALLIANCE, INC.	8/12/2018	Yes
A-2013-2370842	GROUNDSWELL, INC.	7/21/18	Yes
A-2016-2563032*	LSC COMMUNICATIONS US, LLC	7/25/2018	No
A-2015-2472201	MARYLAND ENERGY ADVISORS, LLC	6/30/2018	Yes
A-2009-2137244	MITCHELL ENERGY MANAGEMENT SERVICES, INC.	7/30/2018	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compli-

ance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for each EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered:

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1435. Filed for public inspection September 7, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of Act 58 of 2018 Alternative Ratemaking for Utilities

Public Meeting held
August 23, 2018

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

*Implementation of Act 58 of 2018 Alternative Ratemaking
for Utilities; M-2018-3003269*

Tentative Implementation Order

By the Commission:

On June 28, 2018, Governor Wolf signed into law Act 58 of 2018, which amends Chapter 13 of the Pennsylvania Public Utility Code (Code), 66 Pa.C.S. §§ 1301 et seq. (relating to rates and distribution systems). Specifically, Act 58 adds Section 1330, 66 Pa.C.S. § 1330 (relating to alternative ratemaking for utilities), that permits the Pennsylvania Public Utility Commission (Commission) to approve an application by a utility to establish alternative rates and rate mechanisms. With this Tentative Implementation Order, the Commission seeks comments on the proposed implementation of Section 1330 of the Code as set forth in this Order.

Discussion

A. Section 1330(a)—Declaration of Policy

This section sets forth the policy of the General Assembly as follows:

(a) Declaration of policy—The General Assembly finds and declares as follows:

(1) Innovations in utility operations and information technologies are creating new opportunities for all customers, and it is in the public interest for the commission to approve just and reasonable rates and rate mechanisms to facilitate customer access to these new opportunities while ensuring that utility infrastructure costs are reasonably allocated to and recovered from customers and market participants consistent with the use of the infrastructure.

(2) It is the policy of the Commonwealth that utility ratemaking should encourage and sustain investment through appropriate cost-recovery mechanisms to enhance the safety, security, reliability or availability of utility infrastructure and be consistent with the efficient consumption of utility service.

Section 1330(a) of the Code, 66 Pa.C.S. § 1330(a).

The Commission has previously recognized and proposed similar policy goals in the Fixed Utility Distribution Rates Policy Statement proceeding at Docket No. M-2015-2518883.¹ While not requiring specific action by the Commission, the Commission will consider the policy goals contained in Section 1330(a) of the Code, as well as other applicable policy goals established by statute, regulation or case law, when reviewing requests to change base rates for natural gas distribution companies (NGDCs), electric distribution companies (EDCs), water or wastewater utilities or city natural gas distribution operations.

B. Section 1330(b)—Alternative Rate Mechanisms

This section identifies which utilities may seek Commission approval of an alternative rate mechanism, identifies some alternative rate mechanisms and what may be recovered through an alternative rate mechanism. Specifically, Section 1330(b) states the following:

(b) Alternative rate mechanisms.

(1) Notwithstanding any other provision of law, including, but not limited to, sections 2806.1(k)(2) (relating to energy efficiency and conservation program) and 2807(f)(4) (relating to duties of electric distribution companies), the commission may approve an application by a utility in a base rate proceeding to establish alternative rates and rate mechanisms, including, but not limited to, the following mechanisms:

(i) decoupling mechanisms;

(ii) performance-based rates;

(iii) formula rates;

(iv) multiyear rate plans; or

(v) rates based on a combination of more than one of the mechanisms in subparagraphs (i), (ii), (iii) and (iv) or other ratemaking mechanisms as provided under this chapter.

(2) An alternative rate mechanism established under this section may include rates under section 1307 (relating to sliding scale of rates; adjustments) or 1308 (relating to voluntary changes in rates) and may provide for

¹ See Fixed Utility Distribution Rates Policy Statement, Proposed Policy Statement Order at Docket No. M-2015-2518883, entered May 23, 2018, at 26-27.

recovery of returns on and return of capital investments or, in the case of city natural gas distribution operations, recovery under the cash flow ratemaking method.

(3) Capital costs and expenses recovered through alternative rates and rate mechanisms shall be reasonable and prudently incurred and used and useful in providing service. Nothing in this paragraph shall be construed to prohibit or limit the recovery of revenue, as appropriate, under a commission-approved performance-based rate plan.

Section 1330(b) of the Code, 66 Pa.C.S. § 1330(b).

The Commission proposes to interpret Section 1330(b)(1) as requiring utilities seeking to obtain Commission approval of an alternative rate or rate mechanism to do so initially through a Section 1308(d), 66 Pa.C.S. § 1308(d) (relating to voluntary changes in rates), general rate proceeding. In particular, the Commission interprets the phrase, “a base rate proceeding” in subsection 1330(b)(1) as referring to a Section 1308(d) proceeding. A Section 1308(d) proceeding provides for an extensive examination of a utility’s total revenues, expenses, taxes, capital costs and rate structure. Such proceedings, in which the statutory advocates, affected customers and others participate, represent an ideal vehicle for a careful and well-documented examination of any alternative ratemaking proposals. While subsection 1330(b)(2) states that “[a]n alternative rate mechanism established under this section may include rates under Section 1307. . . or 1308,” the Commission interprets this as permitting rate adjustments in accordance with Section 1307 under parameters established through the initial Section 1308 proceeding approving the alternative rate mechanism.

Furthermore, the Commission interprets the reference to Section 1308 as simply permitting subsequent changes or adjustments to a previously approved alternative rate mechanism through a subsequent Section 1308 proceeding. The Commission notes that this interpretation does not preclude or restrict in any way the ability of any party or the Commission from fully reviewing, in accordance with applicable statutory, regulatory and case law, a utility’s subsequent Section 1308 rate filing.

Regarding the language in subsection 1330(b)(1) stating that “[n]otwithstanding any other provision of law, including, but not limited to, sections 2806.1(k)(2). . . and 2807(f)(4),” the Commission notes that the word “notwithstanding” means “in spite of.”² Accordingly, the Commission proposes to interpret this section as in spite of any other provision of law, including, but not limited to, Sections 2806.1(k)(2). . . and 2807(f)(4). . . , the Commission may approve an application by a utility in a base rate proceeding to establish alternative rates and rate mechanisms.

Section 2806.1(k)(2) of the Code relates to EDC cost recovery for the Act 129 energy efficiency and conservation plans. Section 2806.1(k)(2) states that “decreased revenues of an [EDC] due to reduced energy consumption or changes in energy demand shall not be a recoverable cost under a reconcilable automatic adjustment clause.” Section 2807(f)(4) of the Code relates to EDC cost recovery for their Act 129 smart meter technology deployment plans. Section 2807(f)(4) states in part that “[i]n no event shall lost or decreased revenues by an [EDC] due to

reduced electricity consumption or shifting energy demand be considered any of the following: (i) A cost of smart meter technology recoverable under a reconcilable automatic adjustment clause under section 1307(b). . . (ii) A recoverable cost.” These two sections apply only to EDCs. As such, the Commission proposes to interpret the “notwithstanding” language in Section 1330(b) as permitting the Commission to approve an application by any utility, including EDCs, to establish alternative rates and rate mechanisms, in spite of the prohibitions in Section 2806.1(k)(2) and 2807(f)(4) of the Code.

Finally, regarding subsections 1330(b)(2) and (3) the Commission proposes to interpret subsection 1330(b)(2) as providing self-explanatory direction as to what revenue may be recovered through alternative rates and rate mechanisms. The Commission proposes to interpret subsection 1330(b)(3) as also providing self-explanatory direction as to what capital costs and expenses may be recovered through alternative rates and rate mechanisms, so long as those costs and expenses are “reasonable and prudently incurred and used and useful in providing service.” This is, of course, a fundamental principle of public utility law in Pennsylvania.

C. Section 1330(c)—Customer Notice

This section establishes requirements for utilities to provide additional notice to customers regarding an application for an alternative rate or rate mechanism, and information regarding the Commission decision and the approved rates. Specifically, Section 1330(c) states the following:

(c) Customer Notice

(1) A utility shall notify a customer of all of the following:

- (i) The filing of an application under subsection (b)(1).
- (ii) The commission’s decision on the application.

(iii) A summary and, if applicable, a schedule of the rate adjustments that will occur as a result of the commission’s approval of a utility application under subsection (b) and the effective date of the adjustments.

(iv) Any other information required by the commission by regulation or order.

(2) Notice shall be provided through customer bill inserts and posted on the utility’s publicly accessible Internet website.

Section 1330(c) of the Code, 66 Pa.C.S. § 1330(c).

The Commission’s regulation at 52 Pa. Code § 53.45 (relating to notice of new tariffs and tariff changes) dictates the notice utilities are required to provide to customers upon the filing of a new tariff, tariff supplement or tariff revision that constitutes a general rate increase within the meaning of 66 Pa.C.S. § 1308(d). To meet the new requirement in subsection 1330(c)(1)(i) for a utility to notify customers of the filing of an application for an alternative rate or rate mechanism, the Commission proposes to require utilities to include the following revisions to the notice language contained in 52 Pa. Code § 53.45(b)(1)(i) (relating to notice of proposed rate changes):

² See BLACK’S LAW DICTIONARY 1091 (7th ed. 1999). See also *Com. v. Sanchez-Rodriguez*, 814 A.2d 1234, 1238 (Pa. Super 2003).

NOTICE OF PROPOSED RATE CHANGES

To Our Customers:

(company) is filing a request with the Pennsylvania Public Utility Commission (PUC) to increase your (type of service) rates as of (date). This notice describes the company's rate request, the PUC's role, and what actions you can take.

(company) has requested an overall rate increase of \$_____ per year. This filing also includes a request for approval of the following alternative rate mechanism(s): (state the alternative rate mechanism(s)) in accordance with 66 Pa.C.S. § 1330 (relating to alternative ratemaking for utilities). If the alternative rate mechanism(s) is approved as filed, the impact would be (provide a summary of the rate impacts by customer class).

If the company's entire request is approved, the total bill for a residential customer using (state typical usage level) would increase from \$_____ to \$_____ per month or by ___%.

* * * * *

To meet the new requirements in subsection 1330(c)(2) that the utility shall provide notice through customer bill inserts and a posting on the utility's publicly accessible website, the Commission proposes that a utility seeking an alternative rate or rate mechanism, must provide bill inserts as prescribed in 52 Pa. Code § 53.45(4) (relating to alternative method) in lieu of 52 Pa. Code § 53.45(2) (relating to by written or printed notice). In addition, the Commission proposes to require the utility to post this notice on its publicly accessible website. The Commission also proposes the requirement that the utility provide a link to this notice on the utility's customer home page and any page dedicated to a customer class and that this link be prominently displayed.

To meet the new requirements in subsections 1330(c)(1)(ii) and (iii) that the utility must notify customers of the Commission's decision and provide a summary of the approved alternative rate or rate mechanism, the Commission proposes that the utility include this information on the utility's tariff pages listing modifications of existing rules, regulations and rates as prescribed in 52 Pa. Code § 53.22 (relating to list of modifications). Specifically, the Commission proposes that these tariff pages identify the Commission's order approving the Section 1330 alternative rate or rate mechanism and include the caption, docket number and order entry date. In addition, the Commission proposes that these tariff pages include a summary of the Commission-approved Section 1330 alternative rate and rate mechanism, in plain language, and, if applicable, a schedule of the rate adjustments that will occur and the effective dates of any adjustments.

Regarding the requirements of subsection 1330(c)(2), the Commission proposes that the utility distribute the tariff pages containing the list of modifications to customers through a bill insert. In addition, the Commission proposes to require the utility to provide a link to this portion of the utility's tariff on the utility's customer home page and any page dedicated to a customer class and that this link be prominently displayed.

D. Section 1330(d)—Commission

This section requires the Commission to prescribe, by regulation or order, specific procedures for the approval of an application to establish alternative rates. Specifically, Section 1330(d) of the Code states the following:

(d) Commission—No later than six months after the effective date of this subsection, the commission, by

regulation or order, shall prescribe the specific procedures for the approval of an application to establish alternative rates.

Section 1330(d) of the Code, 66 Pa.C.S. § 1330(d).

To meet this requirement, the Commission proposes to require a utility seeking to use or employ an alternative rate or rate mechanism under Section 1330 to obtain Commission approval through a Section 1308(d), 66 Pa.C.S. § 1308(d), base rate proceeding which, as noted herein, includes an in-depth examination of the utility's financial status and operations.

It is well-established that in any Section 1308 proceeding, the utility has the burden of establishing the justness and reasonableness of tariff proposals. See 66 Pa.C.S. §§ 315(a); 1301. The Pennsylvania Commonwealth Court has ruled that the evidence adduced to meet this standard must be substantial. See *Lower Frederick Twp. v. Pa. PUC*, 409 A.2d 505, 507 (Pa. Cmwlth. 1980). Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Dutchland Tours, Inc. v. Pa. PUC*, 337 A.2d 922 (Pa. Cmwlth. 1975). It is also well-established that the burden of proof does not shift to parties challenging a utility's proposal but remains with the utility throughout the course of the proceeding. See *Berner v. Pa. PUC*, 116 A.2d 738 (Pa. 1955). Section 1330 of the Code does not alter or change these well-established standards placed on a utility seeking to change its rates through a Section 1308 base rate proceeding.

Furthermore, the Commission's regulation at 52 Pa. Code § 53.53 (relating to information to be furnished with proposed Section 1308(d) general rate increase filings in excess of \$1 million) establishes what a utility is to provide when it files a tariff or tariff supplement seeking a general rate increase within the meaning of 66 Pa.C.S. § 1308(d). The information to be furnished in accordance with 52 Pa. Code § 53.53 is quite comprehensive and far-reaching such that the Commission presumes that it encompasses what is required for any base rate proposal, including any alternative rate or rate mechanism.

The Commission notes that utilities have always had the ability to propose,³ and the Commission has had the ability to approve, alternative rates or rate mechanisms, including the rate mechanisms specifically listed in Section 1330. The General Assembly specifically recognized this in subsection 1330(e) of the Code, 66 Pa.C.S. § 1330(e), where it stated the following:

(e) Construction—Nothing in this section shall be construed as limiting the existing ratemaking authority of the commission or be construed to invalidate or void any rate mechanism approved by the commission prior to the effective date of this section.

Section 1330(3) of the Code, 66 Pa.C.S. § 1330(e). The Commission posits that at the present time, the established law, rules and procedures for filing and seeking approval of a new rate, including alternative rates and rate mechanisms, under a Section 1308 general base rate proceeding appear to be adequate for the Section 1330 requirements.

³ The Commission notes that 66 Pa.C.S. §§ 2806.1(k)(2); 2807(f)(4) could have been interpreted as limiting the ability of the large EDCs from employing certain alternative ratemaking mechanisms.

Accordingly, the Commission will not propose any additional specific procedures unless or until their need becomes apparent.⁴

Finally, the Commission recognizes that some of the alternative rate mechanisms involve annual reconciliation or adjustments. In particular, the definitions of decoupling mechanism, multiyear rate plan and performance-based rates in subsection 1330(f), 66 Pa.C.S. § 1330(f), specifically allow for periodic adjustments or reconciliation of rates. The Commission posits that the parameters for when and how such adjustments or reconciliations are to transpire, and whether interest is to be applied to any over- and under-collections, are to be established initially in the Section 1308(d) base rate proceeding and subsequently made in accordance with Section 1307 of the Code, 66 Pa.C.S. § 1307, (relating to sliding scale of rates; adjustments).

This was recognized by the General Assembly and codified in subsection 1330(b)(2), 66 Pa.C.S. § 1330(b)(2), which states that “[a]n alternative rate mechanism established under this section may include rates under section 1307 (relating to sliding scale of rates; adjustments). . . .” Accordingly, the Commission will not propose any additional specific procedures regarding such adjustments at this time.

E. Section 1330(f)—Definitions

This section defines decoupling mechanism, multiyear rate plan, performance-based rates and utility. In particular, utility as used in Section 1330, is defined in Section 1351 of the Code, 66 Pa.C.S. § 1351. Section 1351 defines utility as “[a] natural gas distribution company, electric distribution company, water or wastewater utility or city natural gas distribution operation.” Accordingly, Section 1330 only applies to these utilities.

Conclusion

This Tentative Implementation Order outlines the key portions of Act 58, 66 Pa.C.S. § 1330, that the Commission is required to administer and seeks comment from the public and industry regarding how these provisions are interpreted and implemented; *Therefore*,

It Is Ordered That:

1. The Commission hereby seeks comments on its proposed interpretation and implementation of Section 1330 of the Public Utility Code, 66 Pa.C.S. § 1330.

2. A copy of this order be served on all jurisdictional electric distribution companies, all jurisdictional natural gas distribution companies and city natural gas distribution operators, all jurisdictional water and wastewater utilities, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate.

⁴ As previously mentioned, at Docket No. M-2015-241883, the Commission has proposed a policy statement that is intended to provide guidance for fixed utilities and interested stakeholders on what the Commission will consider when investigating alternative ratemaking methodologies proposed in Section 1308, 66 Pa.C.S. § 1308, rate proceedings. In that proceeding the Commission stated the following:

A consistent theme expressed in the comments is that the Commission should not take a one-size-fits-all approach, with some parties suggesting that we establish guidelines. We agree with these parties that the type and extent of alternative ratemaking methodologies employed by each fixed utility should be developed in a transparent manner in accordance with each utility’s unique circumstances. We also agree that establishment of the guidelines each utility and stakeholder should consider in a Section 1308 rate proceeding would be helpful in determining if, the types(s) of and to what extent, alternative ratemaking methodologies should be employed.

See Fixed Utility Distribution Rates Policy Statement, Proposed Policy Statement Order, Docket No. M-2015-2518883, entered May 23, 2018, at 26. The Commission intends to continue the investigation of the appropriateness of this proposed policy statement as such guidance appears, based on the comments submitted under that docket, to remain relevant to utilities and interested stakeholders in future Section 1308 base rate proceedings.

3. A copy of this Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission’s website at www.puc.pa.gov.

4. Written comments referencing Docket No. M-2018-3003269 be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, 400 North Street, Harrisburg, PA 17120. Comments may also be filed electronically through the Commission’s e-File System.

5. Written reply comments referencing Docket No. M-2018-3003269 be submitted within 70 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, 400 North Street, Harrisburg, PA 17120. Comments may also be filed electronically through the Commission’s e-File System.

6. The contact person for this Tentative Implementation Order is Kriss Brown, Assistant Counsel, Law Bureau, kribrown@pa.gov, (717) 787-4518.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1436. Filed for public inspection September 7, 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 24, 2018. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2018-3003609. Ann Wolfe (43 Eastbrook Road, Ronks, PA 17572) for the right to begin transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

A-2018-3004043. Health Transport Partners, Inc. (150 Farm Lane, York, York County, PA 17402) in paratransit service, from points in the Counties of Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon and York, to points in Pennsylvania, and return.

A-2018-3004057. Philly's Best Limos, LLC (22 Kent Road, Upper Darby, Delaware County, PA 19082) in limousine service, from points in Delaware County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2018-3004059. B Royal Limousine, LLC (503 Urban Avenue, Glenolden, Delaware County, PA 19036) in limousine service, from points in Delaware County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2018-3004233. Royal Medical Services, LLC (424 Winfield Avenue, Upper Darby, Delaware County, PA 19082) in wheelchair and stretcher vans, in paratransit service and limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from the Counties of Berks, Bucks, Delaware, Lancaster, Lehigh, Montgomery and Philadelphia, to points in Pennsylvania, and return; and to correctional facilities in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1437. Filed for public inspection September 7, 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 24, 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. Deer Haven, LLP; Docket No. C-2018-3000456

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against Deer Haven, LLP ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities

pursuant to 66 Pa.C.S. § 308.2(a)(11). See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Timothy K. McHugh
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.772.8582
timchugh@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Deer Haven, LLP and maintains its principal place of business at 865 Route 507, Greentown, PA 18426, Attention: Sam Shahar.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in sewage collection, treatment, or disposal for the public in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about March 25, 2010, at A-230106, for wastewater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

10. Respondent, in collecting, treating, or disposing sewage for the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has

jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

PRIOR ASSESSMENT-RELATED COMPLAINT

12. On August 14, 2015, I&E filed a Complaint against Respondent at Docket No. C-2015-2498095, alleging that Respondent violated Sections 510(b)-(c) of the Public Utility Code, 66 Pa.C.S. §§ 510(b)-(c), by failing to file an assessment report for the 2013 calendar year (“2013 Assessment Report”) and satisfy its assessment for the July 1, 2014 to June 30, 2015 Fiscal Year (“2014-2015 Fiscal Year Assessment”) in the amount of \$134.

13. Regarding relief, I&E requested that Respondent pay its 2014-2015 Fiscal Year Assessment and a total civil penalty of \$1,550. I&E also requested that if payment of the assessment and civil penalty was not made, that the Commission cancel Respondent’s Certificate of Public Convenience and refer the matter to the Pennsylvania Office of Attorney General (“OAG”) for appropriate action.

14. On February 19, 2016, I&E filed a Motion for Default Judgment.

15. On October 26, 2017, the Commission entered an Opinion and Order (“October 26 Order”) granting I&E’s Motion for Default Judgment, as modified by the October 26 Order and sustaining I&E’s Complaint, consistent with the October 26 Order.

16. The Commission granted I&E’s request that Respondent pay its outstanding assessment and a civil penalty for Respondent’s failure to file its 2013 Assessment Report and pay its 2014-2015 Fiscal Year Assessment. However, the Commission reduced the civil penalty for the assessment report violation from \$1,500 to \$500 and increased the civil penalty for the unpaid assessment violation from \$50 to \$100.

17. The Commission denied I&E’s requested relief related to the revocation of Respondent’s Certificate of Public Convenience because there was no record developed in the proceeding to indicate whether any other entity could provide adequate service to Respondent’s existing customers.

18. To date, Respondent has not paid its outstanding assessment related to the 2014-2015 Fiscal Year or the civil penalty as directed by the Commission in its October 26 Order.

19. Respondent has also failed to pay its 2012-2013 and 2013-2014 Fiscal Year Assessments and the respective civil penalties as directed by the Commission in its Opinion and Order entered on June 11, 2015 at Docket No. C-2014-2450011.

2016-2017 FISCAL YEAR

20. On or about February 14, 2016, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2015 calendar year.

21. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2016.

22. Respondent failed to file an assessment report stating its 2015 calendar year revenues.

23. On or about September 7, 2016, the Commission mailed to Respondent, by first class mail, an assessment invoice for the July 1, 2016 to June 30, 2017 Fiscal Year (“2016-2017 Fiscal Year”) that was based, in part, on Respondent’s estimated revenues for the 2015 calendar year. Respondent’s assessment was \$146.

24. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

25. While there is no record that the assessment invoice and notice of assessment were returned in the mail to the Commission as being undeliverable, on October 27, 2016, the Commission re-mailed to Respondent, by certified mail, the assessment invoice and notice of assessment since Respondent did not pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

26. The assessment invoice and notice of assessment were mailed to Respondent at 41 Elm Street, Suite C, Morristown, NJ, 07960, which is the mailing address that Respondent provided to the Commission for assessment purposes.

27. On or about November 30, 2016, the assessment invoice and notice of assessment were returned to the Commission with a forwarding address for Respondent at 865 Route 507, Greentown, PA 18426.

28. On or about November 30, 2016, the Commission re-mailed the assessment invoice and notice of assessment, by certified mail, to Respondent at 865 Route 507, Greentown, PA 18426.

29. On or about December 27, 2016, the assessment invoice and notice of assessment were returned to the Commission and marked “unclaimed.”

30. Respondent is obligated to promptly apprise the Commission of changes to its current address pursuant to Section 1.53(d) of the Commission’s regulations, 52 Pa. Code § 1.53(d).

31. The Commission was unable to effectively serve the 2016-2017 Fiscal Year Assessment Invoice and notice of assessment upon Respondent due to Respondent’s failure to provide the Commission with its current address.

32. The Commission received no objections from Respondent to the assessment amount set forth in the 2016-2017 Fiscal Year Assessment Invoice.

33. Respondent failed to pay the amount of the 2016-2017 Fiscal Year Assessment Invoice.

34. The total outstanding assessment balance for Respondent related to the 2016-2017 Fiscal Year is \$146.

Violations

COUNT 1

35. That Respondent failed to report its gross intrastate operating revenues for the 2015 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is \$500.¹ This civil penalty, consistent with past Commission decisions,² is based on Respondent’s unac-

¹ I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

² See *Pa. Pub. Util. Comm’n v. Juan Genet Enter., LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Order entered August 3, 2017); *Pa. Pub. Util. Comm’n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528 (Order entered August 3, 2017); *Pa. Pub. Util. Comm’n v. Hoffman Landscaping & Trucking, LLP*, Docket No.

ceptable history of compliance with the Public Utility Code and Commission's regulations,³ the amount of Respondent's outstanding assessment balance related to the 2016-2017 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission's regulations pursuant to 52 Pa. Code § 69.1201.⁴

COUNT 2

36. That Respondent failed to satisfy its 2016-2017 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 25% of the outstanding assessment balance or a minimum of \$100, whichever is greater. Therefore, I&E's proposed civil penalty for this violation is \$100.⁵ This civil penalty, consistent with past Commission decisions,⁶ is based on Respondent's unacceptable history of compliance with the Public Utility Code and Commission's regulations,⁷ the amount of Respondent's outstanding assessment balance related to the 2016-2017 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission's regulations pursuant to 52 Pa. Code § 69.1201.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$746, which consists of its outstanding assessment balance of \$146 and a total civil penalty of \$600 for the above described violations. Said payment should be made by certified check or money order, made payable to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed, and mailed to the Secretary's Bureau of the Commission;

(b) Respondent be directed to update its address with the Commission;

(c) Respondent be directed to file assessment reports on a going-forward basis; and

(d) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent; and

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

C-2015-2495061 (Order entered September 21, 2017); *Pa. Pub. Util. Comm'n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Order entered October 26, 2017); *Pa. Pub. Util. Comm'n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Order entered October 26, 2017).

³ A review of the Commission's records for a period of three (3) years prior to the date of the filing of this Complaint demonstrates that Respondent has an unacceptable compliance history with the Commission as Respondent failed to file its 2013 Assessment Report and pay its 2014-2015 Fiscal Year Assessment to the Commission. See supra ¶¶ 12-18. Respondent also failed to pay its 2012-2013 and 2013-2014 Fiscal Year Assessments and civil penalties pursuant to a Commission order. See supra ¶ 19.

⁴ The Commission promulgated a Policy Statement at 52 Pa. Code § 69.1201 as a guideline that sets forth ten factors that are to be considered when evaluating whether and to what extent a civil penalty for violating a Commission order, regulation, or statute is warranted. Among these factors are the compliance history of the regulated entity that committed the violation, the amount of the civil penalty necessary to deter future violations, and past Commission decisions in similar situations. 52 Pa. Code §§ 69.1201(c)(6), (8), and (9).

⁵ I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

⁶ See supra note 2.

⁷ See supra note 3.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: March 14, 2018

VERIFICATION

I, Yvonne Hess, Chief of Finance and Assessments, Bureau of Administrative Services, Finance and Assessment Section, 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 the Bureau will be able to prove the 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: March 14, 2018

Yvonne Hess, Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administrative Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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 requested relief.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

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 requested relief 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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. NECC Telecom, Inc.; Docket No. C-2017-2633997

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its prosecuting attorneys, and files this Complaint against NECC Telecom, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Kourtney L. Myers
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 717.705.4366
 komyers@pa.gov

Michael L. Swindler
 Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

4. Respondent is NECC Telecom, Inc. and maintains its principal place of business at 4969 US Highway 42, Suite 2700, Louisville, KY 40222, Attention: Daniel Popa.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying or transmitting messages or communications by telephone in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about October 24, 2002, at A-311209, for interexchange carrier reseller authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

10. Respondent, in conveying or transmitting messages or communications by telephone, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about September 7, 2016, the Commission mailed to Respondent, by first class mail, an assessment invoice for the July 1, 2016 to June 30, 2017 Fiscal Year ("2016-2017 Fiscal Year"). Respondent's assessment was \$12.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

14. While there is no record that the assessment invoice and notice of assessment were returned in the mail to the Commission as being undeliverable, on October 27, 2016, the Commission re-mailed to Respondent, by certified mail, the assessment invoice and notice of assessment since Respondent did not pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

15. On October 31, 2016, Respondent signed a certified mail card, which indicated that it received the assessment invoice and notice of assessment for the 2016-2017 Fiscal Year.

16. The Commission received no objections from Respondent to the assessment amount set forth in the 2016-2017 Fiscal Year Assessment Invoice.

17. Respondent failed to pay the amount of the 2016-2017 Fiscal Year Assessment Invoice.

18. The total outstanding assessment balance for Respondent is \$12.

Violation

19. That Respondent failed to satisfy its 2016-2017 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or a minimum of \$50, whichever is greater. Therefore I&E's proposed civil penalty for this violation is \$50.⁸ This civil penalty, consistent with past Commission decisions,⁹ is based on Respondent's acceptable history of compliance with the Public Utility Code and Commission's regulations,¹⁰ the amount of Respondent's outstanding assessment balance related to the 2016-2017 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission's regulations pursuant to 52 Pa. Code § 69.1201.¹¹

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$62, which consists of its outstanding assessment balance of \$12 and a total civil penalty of \$50 for the above described violation. Said payment should be made by certified check or money order, made payable to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed, and mailed to the Secretary's Bureau of the Commission; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent; and

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: November 16, 2017

⁸ I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

⁹ See *Pa. Pub. Util. Comm'n v. Juan Genet Enter., LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Hoffman Landscaping & Trucking, LLP*, Docket No. C-2015-2495061 (Order entered September 21, 2017); *Pa. Pub. Util. Comm'n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Order entered October 26, 2017); *Pa. Pub. Util. Comm'n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Order entered October 26, 2017).

¹⁰ A review of the Commission's records for a period of three (3) years prior to the date of the filing of this Complaint demonstrates that Respondent has an acceptable compliance history with the Commission.

¹¹ The Commission promulgated a Policy Statement at 52 Pa. Code § 69.1201 as a guideline that sets forth ten factors that are to be considered when evaluating whether and to what extent a civil penalty for violating a Commission order, regulation, or statute is warranted. Among these factors are the compliance history of the regulated entity that committed the violation, the amount of the civil penalty necessary to deter future violations, and past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(6), (8), (9).

VERIFICATION

I, Yvonne Hess, Chief of Finance and Assessments, Bureau of Administrative Services, Finance and Assessment Section, 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 the Bureau will be able to prove the 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: November 16, 2017

Yvonne Hess, Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administrative Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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 requested relief.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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 requested relief 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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1438. Filed for public inspection September 7, 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 24, 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. Travis J. Asti, t/a Asti Excavating; Docket No. C-2018-3003275

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 Travis J. Asti, t/a Asti Excavating, (respondent) is under suspension effective June 17, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 378 Dill Hill Extension, Johnsonburg, PA 15845.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 06, 2011, at A-8913166.
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-8913166 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: 7/10/2018

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. JL Leasing, Inc., t/a Hire a Hand Moving; Docket No. C-2018-3003356

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 Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to JL Leasing, Inc., t/a Hire a Hand Moving, (respondent) is under suspension effective June 21, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 439 Mill Road, Andalusia, PA 19020.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 13, 2015, at A-8917211.

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-8917211 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:

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 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.

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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.

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ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1439. Filed for public inspection September 7, 2018, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' request concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

September 28, 2018	Geralynn A. Zalinski Disability Issue	10 a.m.
October 1, 2018	Kay S. Chick Service Credit Issue	1 p.m.
October 18, 2018	Michael J. Goldstein Membership Issue	1 p.m.
October 25, 2018	Jennifer McLean Purchase of Service Issue	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,
Secretary

[Pa.B. Doc. No. 18-1440. Filed for public inspection September 7, 2018, 9:00 a.m.]
