

PENNSYLVANIA BULLETIN

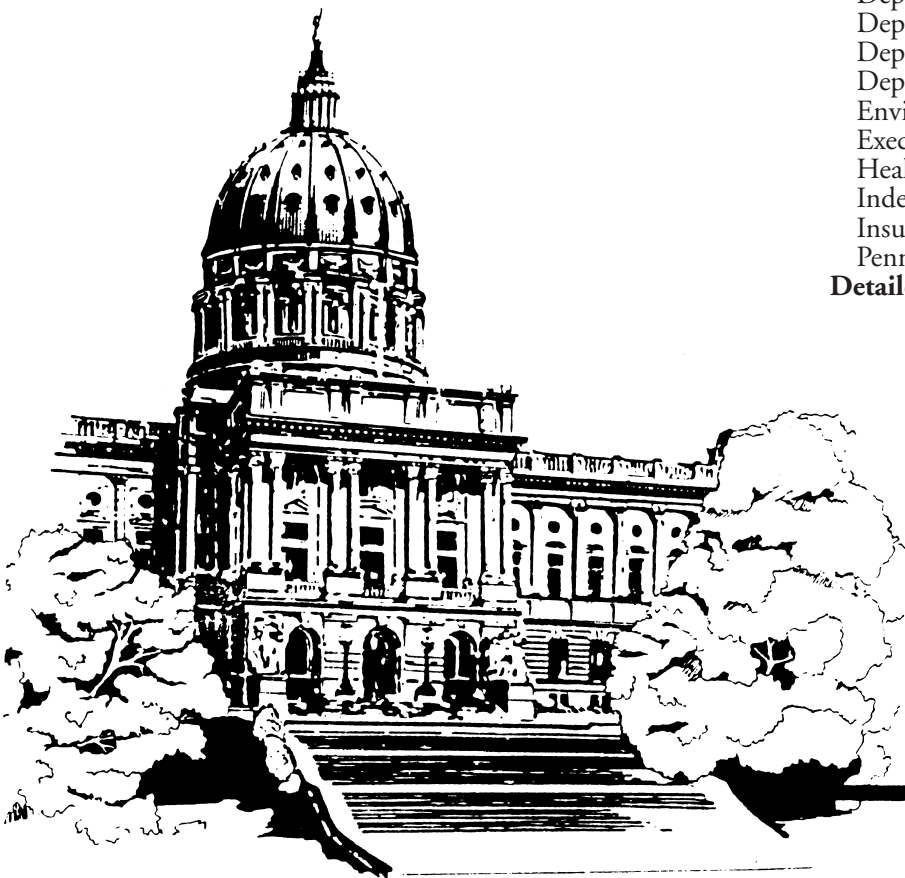
Volume 48
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See Part II page 6487
for the Subject Index for
January—September 2018

Part I

Agencies in this issue

The Governor
The Courts
Department of Agriculture
Department of Banking and Securities
Department of Education
Department of Environmental Protection
Department of Human Services
Department of Labor and Industry
Department of Transportation
Environmental Quality Board
Executive Board
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Detailed list of contents appears inside.



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

No. 527, October 2018

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CONTENTS

THE GOVERNOR

Executive Orders

Perfluoroalkyl and Polyfluoroalkyl substances
(PFAS) Action Team..... 6382

GOVERNOR'S OFFICE

Proclamation

Amendment to proclamation of disaster emergency.. 6384

THE COURTS

JUDICIAL SYSTEM GENERAL PROVISIONS

Amendment of Rule 219(b) of the Rules of Disciplinary Enforcement; No. 169 disciplinary rules doc. . . 6386

Promulgation of Consumer Price Index pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 502 judicial administration doc..... 6385

Proposed amendment to Pennsylvania Bar Admission Rule 202..... 6385

LOCAL COURT RULES

Blair County

Adoption of new rule of criminal procedure uniform rules regarding publicity, broadcasting and recording of proceedings, local rule of criminal procedure; administration; No. 58 of 2018 6386

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

General quarantine order 6390

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications..... 6391

DEPARTMENT OF EDUCATION

Notices

Cyber charter school application; public hearings ... 6393

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Aggregate Advisory Board; Regulatory, Legislative and Technical Committee conference call 6458

Applications, actions and special notices..... 6393

Availability of final erosion and sediment control general permit-3 for earth disturbance associated with oil and gas exploration, production, processing or treatment operations or transmission facilities (ESCGP-3)..... 6458

Laboratory Accreditation Advisory Committee meeting cancellation..... 6458

Planning and household hazardous waste education grant awards under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988 6459

DEPARTMENT OF HUMAN SERVICES

Notices

Medical Assistance dependency payment for high volume special rehabilitation facilities..... 6459

Payment for nursing facility services provided by county nursing facilities; county nursing facility supplementation payment for fiscal year 2018-2019 6460

Payment for nursing facility services provided by nonpublic and county nursing facilities; supplemental ventilator care and tracheostomy care add-on payment for fiscal year 2018-2019 6460

Payment for nursing facility services provided by nonpublic nursing facilities located in a county of the first class; nonpublic nursing facility supplementation payment for fiscal year 2018-2019 6461

Payment for nursing facility services provided by nonpublic nursing facilities located in a county of the eighth class; nonpublic nursing facility supplementation payment for fiscal year 2018-2019 6462

Payment for nursing facility services provided by a special rehabilitation facility located in a city of the third class; special rehabilitation facility payment for fiscal year 2018-2019..... 6462

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Prevailing Wage Appeals Board public meeting 6463

Uniform Construction Code Review and Advisory Council meeting 6463

DEPARTMENT OF TRANSPORTATION

Notices

Findings 6463

Transportation Advisory Committee meeting..... 6465

ENVIRONMENTAL QUALITY BOARD

Notices

Meeting cancellation 6465

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Insurance Department 6388

HEALTH CARE COST CONTAINMENT COUNCIL

Notices

Data submission and collection 6465

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of comments issued 6465

INSURANCE DEPARTMENT

Notices

Application for approval to acquire control of The Reamstown Mutual Insurance Company..... 6469

Available Online at <http://www.pabulletin.com>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Electric generation supplier license cancellations of companies with an expired financial security or insufficient financial security amount 6470

Implementation of section 1329 of the Public Utility Code 6471

Petition of the Retail Energy Supply Association to simplify the financial security 5% renewal process 6478

Service of notice of motor carrier applications 6484

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.

1 Pa. Code (General Provisions)

Adopted Rules

301	2126
303	2126
305	2126
307	2126
309	2126
311	2126
311a	2126
315	2126

4 Pa. Code (Administration)

Adopted Rules

1	210, 1087, 1089, 3708, 4208, 4211
6	212, 214, 4487, 5442, 6382
7a	217
62	1498
64	1499
67	1500
69	1501

Proposed Rules

161	5474
163	5474
167	5474

Statements of Policy

1	4261
9	37, 299, 522, 1423, 1710, 2138, 2388, 2819, 4506, 5504, 5866, 6388
67b	2824
501	879

7 Pa. Code (Agriculture)

Adopted Rules

28a	2623
149	1416

Proposed Rules

59a	4761
-----	------

10 Pa. Code (Banking and Securities)

Adopted Rules

1	389
59	2493
102	389
202	389
203	389
204	389
205	389
206	389
207	389
208	389
209	389
210	389
211	389
301	389
302	389
303	389
304	389
305	389
401	389
404	389
501	389

504	389
513	389
601	389
602	389
603	389
604	389
605	389
606	389
609	389
610	389
701	389
901	389
1001	389

12 Pa. Code (Commerce, Trade and Local Government)

Adopted Rules

151	5457
-----	------

17 Pa. Code (Conservation and Natural Resources)

Proposed Rules

53	515
----	-----

25 Pa. Code (Environmental Protection)

Adopted Rules

93	866
109	2509, 4974
121	1932, 4814
126	1932
129	4814
208	251
210	3711
211	3711
215	5723
217	5723
230	5723
232	5723
250	1503
801	1939

Proposed Rules

77	733
78a	4100
245	1101, 1421
901	255
902	255
903	255

28 Pa. Code (Health and Safety)

Adopted Rules

1141	2767
1151	2767
1161	2793
1171	2801
1181	2806
1191	2810
1210	1508, 4493
1211	5027
1230	2814

31 Pa. Code (Insurance)

Adopted Rules

89	5601
----	------

Proposed Rules

89 517
 146a 4258

34 Pa. Code (Labor and Industry)

Adopted Rules

401 6261
 403 6261

Proposed Rules

231 3731, 4258

37 Pa. Code (Law)

Adopted Rules

33 5358

Proposed Rules

33 297
 301 267, 742
 311 267, 742

Statements of Policy

471 608

40 Pa. Code (Liquor)

Adopted Rules

9 4616
 11 4616

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

40 2947
 42 2136, 2624

Proposed Rules

5 1177
 20 3736
 33 1179
 36 3955
 47 872

52 Pa. Code (Public Utilities)

Proposed Rules

32 3951
 54 1696
 77 6273

Statements of Policy

41 882
 69 3412, 3584, 3739

55 Pa. Code (Human Services)

Proposed Rules

1155 4762
 5240 4762

58 Pa. Code (Recreation)

Adopted Rules

51 1672
 53 5467
 57 1672
 65 1676, 5468
 71 1672
 75 1672
 79 1672
 93 1672
 99a 5472
 111 5472
 135 1677, 3082
 139 3082
 141 3089, 3090, 3325, 5727

147 1677, 1680, 3089, 3091
 801 21
 802 21
 803 21
 804 2631
 805 1513
 806 1513
 807 1513
 808 1513
 809 2544
 810 2550
 811 2631
 812 2631
 813 2550
 814 2631
 815 2631
 817 2550
 818 2631
 1001 29
 1101 1524, 1681
 1102 1524, 1681
 1103 1524, 1681
 1104 1524, 1681
 1105 1524, 1681
 1106 1524, 1681
 1107 1524, 1681
 1108 1524, 1681
 1109 1524, 1681
 1110 1524, 1681
 1111 1524, 1681
 1112 1524, 1681
 1113 1524, 1681
 1114 1524, 1681
 1115 1524, 1681
 1116 1524, 1681
 1117 1524, 1681
 1118 1524, 1681
 1119 1524, 1681
 1120 1524, 1681
 1201 2559
 1202 2559
 1203 2559
 1204 2559
 1205 2559
 1206 2559
 1208 2559
 1209 2559
 1401 3726, 4493, 5728, 5859
 1402 4493
 1403 4493
 1404 4493
 1405 4493
 1406 4493
 1407 5728, 5859
 1408 5728, 5859
 1409 5728, 5859
 1410 5728, 5859
 1411 5728, 5859

Proposed Rules

51 5496, 5497, 5499
 53 2655, 5500
 65 5495
 71 5493
 79 5493
 93 5499
 99a 2654
 111 2654
 133 5608
 135 1688

137	5608
139	1689
141	1682, 1683, 1685, 1686, 2818
147	1685, 1695, 5607, 5742
685a	5860

61 Pa. Code (Revenue)**Adopted Rules**

876	1829
-----	------

67 Pa. Code (Transportation)**Adopted Rules**

441	4624
-----	------

Proposed Rules

441	1563
-----	------

104 Pa. Code (Senate of Pennsylvania)**Statements of Policy**

7	1833
---	------

201 Pa. Code (Rules of Judicial Administration)**Adopted Rules**

5	5714
7	595, 3847
19	3847
40	3403

204 Pa. Code (Judicial System General Provisions)**Adopted Rules**

29	222, 5346, 6385
81	2582, 2756, 4812
82	3076
83	3076, 4094, 6386
89	727
91	727
93	4956
207	5714
213	2113, 2582, 2602, 3077, 3847
221	1092
303	716

Proposed Rules

71	5715, 6385
81	2936
83	1270, 5717, 5830
305	2367

207 Pa. Code (Judicial Conduct)**Adopted Rules**

33	2757
51	2757

210 Pa. Code (Appellate Procedure)**Adopted Rules**

1	461, 3517
5	461, 3517
7	461
9	461, 3517
11	461, 3517
13	461
15	461
17	461
19	461
21	461, 3517
25	461, 3517
27	461

231 Pa. Code (Rules of Civil Procedure)**Adopted Rules**

200	224, 475, 3519
1000	475
1900	477, 3520
1910	477, 1093, 3520, 4960
1915	477, 1095, 3520, 5346
1920	477, 3520, 4960
1930	477, 3520, 6257
1940	1095
1950	477, 3520
2020	475, 3519
Part II	483, 3524, 3573

Proposed Rules

400	4956, 4959
1000	4956, 4959
1910	4214, 5831
1915	1813, 5843
1920	1814
Part II	486, 728, 1271, 3571

234 Pa. Code (Rules of Criminal Procedure)**Adopted Rules**

1	487, 490, 856, 2759, 3575
2	3575
4	224, 3575
5	487, 729, 856, 2759, 3575

Proposed Rules

4	496, 1930
5	507, 4094

237 Pa. Code (Juvenile Rules)**Adopted Rules**

1	2939
4	2615, 3407
6	3407
11	2615
16	3321

Proposed Rules

1	4217
11	1098
15	4218

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

200	511, 3581
300	2617, 3581
500	3581
800	3581
1200	3581

249 Pa. Code (Philadelphia Rules)

Unclassified	10, 227, 731, 732, 1825, 2125, 2940, 3078, 3080, 3322, 3323, 3582, 4219, 4813, 5845, 5846, 5847
--------------	---

252 Pa. Code (Allegheny County Rules)

Unclassified	5857, 6258
--------------	------------

255 Pa. Code (Local Court Rules)

Unclassified	10, 227, 236, 249, 513, 596, 598, 863, 975, 976, 1497, 1827, 2383, 2385, 2619, 2620, 2941, 3080, 3081, 3411, 3582, 3851, 3852, 3947, 3948, 4096, 4097, 4098, 4234, 4256, 4611, 4612, 4967, 4968, 5350, 5351, 5454, 5719, 5721, 5858, 6259, 6386
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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2018-08]

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Action Team

September 19, 2018

Whereas, Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania guarantees the Commonwealth's citizens the right to clean air, pure water and to the preservation of the natural, scenic, historic and aesthetic values of the environment; and

Whereas, Perfluoroalkyl and polyfluoroalkyl substances (PFAS) have been classified by the United States Environmental Protection Agency (EPA) as an emerging contaminant; and

Whereas, PFAS are man-made chemicals and have been used in thousands of processes and products across every sector of the United States' economy; and

Whereas, these substances are stable and persistent chemicals, breaking down very slowly in the environment, and are bioaccumulative and toxic; and

Whereas, there are public health and environmental concerns regarding PFAS chemicals found in our homes and in our environment, including in contaminated soils, surface water and groundwater, at sites across Pennsylvania; and

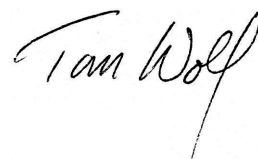
Whereas, in May 2016, the EPA established a lifetime health advisory level (HAL) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) in drinking water of 0.07 micrograms per liter; and

Whereas, a cooperative, coordinated and thorough response is necessary to identify, remediate, and mitigate PFAS sources of contamination in the Commonwealth; and

Whereas, it is necessary to comprehensively assess the potential environmental and health effects of PFAS and recommend strategies to reduce or eliminate these impacts; and

Whereas, it is vital that the Commonwealth of Pennsylvania create and implement a scientifically-sound, thoughtful, holistic and proactive approach to addressing this emerging contaminant.

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



Governor

Fiscal Note: GOV-2018-08. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART 1. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter GGG. PERFLUOROALKYL AND POLYFLUOROALKYL
SUBSTANCES (PFAS) ACTION TEAM

Sec.	
6.711.	Functions.
6.712.	Composition.
6.713.	Effective Date.

§ 6.711. Functions.

The Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Action Team:

- a. Ensure drinking water is safe. Identify impacted locations and resources and create and implement an action plan to assist State and local authorities and public water systems in delivering safe drinking water.
- b. Manage environmental PFAS contamination. Develop and implement environmental response protocols for all positively identified sites.
- c. Develop specialized site plans, engaging the public and other relevant stakeholders, where appropriate.
- d. Reduce risks to drinking water and the environment from firefighting foam and other sources of PFAS. Identify PFAS uses that are most likely to pose a risk to human health and the environment, such as the use of firefighting foam, industrial releases, carpets, food packaging materials and other uses. Develop recommendations and actions that can be taken to limit or control these and other sources of PFAS.
- e. Develop a clearinghouse of information on PFAS. Establish a public information site and protocol to effectively inform and educate the public about PFAS.
- f. Establish a standard process for sharing pertinent information between all members of the Task Force.
- g. Explore avenues of funding for remediation efforts.
- h. Engage with academic institutions and experts in the fields such as public health and environmental remediation, among others, when necessary.

§ 6.712. Composition.

a. The Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Action Team shall consist of:

- (1) the Secretary of the Department of Environmental Protection, who will serve as the Chairperson of the Action Team;
- (2) the Secretary of the Department of Health;
- (3) the Secretary of the Department of Military and Veteran Affairs;
- (4) the Secretary of the Department of Community and Economic Development;
- (5) the Secretary of the Department of Transportation (PennDOT);
- (6) the Secretary of Agriculture; and
- (7) the State Fire Commissioner.

b. The Secretary of the Department of Labor and Industry, the Executive Director of the Fish and Boat Commission, and the Chairperson of the Public Utility Commission may participate in the functions of the PFAS Action Team as requested by the chair.

c. Each agency Secretary, Executive Director, and Chairperson on the PFAS Action Team may designate an appropriate member of their staff to participate on their behalf.

§ 6.713. Effective Date.

This Executive Order shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 18-1551. Filed for public inspection October 5, 2018, 9:00 a.m.]

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

September 24, 2018

Whereas, on January 10, 2018, I declared a disaster emergency due to the opioid crisis that is ravaging the country, including the Commonwealth of Pennsylvania and its citizens;

Whereas, my Proclamation of Disaster Emergency of January 10, 2018, was renewed by Amendment to Proclamation of Disaster Emergency (1st Amendment) on April 4, 2018 for an additional ninety days. The April 4, 2018, 1st Amendment would have automatically expired on July 3, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on June 28, 2018. The June 28, 2018, Amendment to Proclamation of Disaster Emergency (2nd Amendment) is set to expire by operation of law on September 26, 2018, unless further extended by my official renewal;

Whereas, the opioid crisis continues to be of such magnitude or severity that emergency action is necessary to protect the health, safety and welfare of affected citizens in Pennsylvania;

Whereas, the opioid crisis continues to be a public health emergency in Pennsylvania contributing to addiction, overdose emergencies and deaths; and

Whereas, investigations by the Opioid Unified Coordination Group indicate that additional resources of the Commonwealth may be needed to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

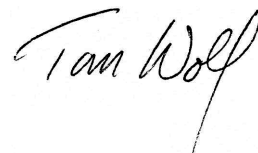
Now Therefore, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), I do hereby order and direct as follows:

1. The Proclamation of Disaster Emergency of January 10, 2018, renewed by Amendments to Proclamation of Disaster Emergency dated April 4, 2018, and June 28, 2018, is renewed for an additional period of ninety days, and shall continue to apply to the Commonwealth of Pennsylvania.

2. All directives, authorized actions and provisions of the January 10, 2018, Proclamation of Disaster Emergency, and the April 4, 2018 and June 28, 2018, Amendments to Proclamation of Disaster Emergency shall remain in full force and effect until either rescinded by me, or terminated by operation of law ninety days following the effective date of this Proclamation Amendment.

3. This Proclamation Amendment shall take effect immediately.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this twenty-fourth day of September two thousand eighteen, the year of the commonwealth the two hundred forty-third.



Governor

[Pa.B. Doc. No. 18-1552. Filed for public inspection October 5, 2018, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 502 Judicial Administration Doc.

Order

Per Curiam

And Now, this 24th day of September, 2018, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2017 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401a. Consumer Price Index—costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2017 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 502 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2017 was 2.1% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, January 25, 2018.)

[Pa.B. Doc. No. 18-1553. Filed for public inspection October 5, 2018, 9:00 a.m.]

TITLE 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA CODE CH. 71]

Proposed Amendment to Pennsylvania Bar Admis- sion Rule 202

Notice is hereby given that the Pennsylvania Board of Law Examiners (Board) is considering recommending to

the Pennsylvania Supreme Court that it amend Rule 202 of the Pennsylvania Bar Admission Rules concerning admission of individuals with Deferred Action for Childhood Arrival (DACA) status as set forth in Annex A. Additions to the text of the rule are shown in bold and underlined, and deletions are in bold and brackets.

The current Pennsylvania Bar Admission Rules are silent regarding an applicant's immigration status as a requirement for the issuance of a license to practice law in Pennsylvania. This leaves individuals with DACA status who are authorized to work in the United States with uncertainty regarding whether they may be admitted if they invest the time, effort and expense of attending law school and sitting for the bar examination. With this rule amendment, the Board seeks to provide clarity in its rules by providing a path to admission for those individuals provided they meet the other requirements for admission.

Article 5, section 10 of the Pennsylvania Constitution provides that the Pennsylvania Supreme Court governs admission to the bar and to the practice of law. See also Pa.B.A.R. 103. The Court has delegated that power to the Board. Pa.B.A.R. 104. The United States Code, 8 U.S.C. § 1621, provides that undocumented immigrants are not eligible for state benefits, including professional licenses, which are provided by an agency of a state or local government or by appropriated funds of a state or local government. 8 U.S.C. § 1621. In Pennsylvania licenses are not provided for by appropriated state funds, but rather from fees generated from applications for admission. Section 1621(d) of the statute allows states by enactment of state law to opt out of the restriction to provide public benefits including licenses. The proposed amendment would provide that 8 U.S.C. § 1621 does not prevent bar admission in Pennsylvania to individuals with DACA status. Thus, making it clear that Pennsylvania is opting out of the restriction under section 1621 regarding admission to the practice of law for those individuals with DACA status.

Under the proposed amendment, it would be clear that section 1621 would not preclude the Pennsylvania Supreme Court from admitting a candidate who is otherwise qualified for admission who has current DACA status and authorization to work in the United States. The proposed amendment would provide clarity that Pennsylvania has invoked section 1621(d) with respect to applicants with current DACA status regarding that individual's application for law licenses.

Interested persons are invited to submit written comments regarding the proposed amendments to the Counsel to the Board, Pennsylvania Board of Law Examiners, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 3600, P.O. Box 62535, Harrisburg, PA 17106-2535, no later than November 7, 2018.

*By The Pennsylvania Board of Law Examiners
Supreme Court of Pennsylvania*

C. ROBERT KEENAN, III,
Chair

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 202. Admission to the bar.

An applicant who complies with the requirements of Rule 203 (relating to admission of graduates of accredited institutions), Rule 204 (relating to admission of domestic attorneys) or Rule 205 (relating to admission of foreign attorneys) and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules.

An applicant who is an undocumented immigrant who has current Deferred Action for Childhood Arrivals (DACA) status, or equivalent status under a successor program, and who has current and valid employment authorization to work in the United States shall be eligible for admission to the Pennsylvania Bar provided that all other requirements of these Rules are otherwise satisfied. This Rule satisfies the requirements of Section 1621(d) of Title 8 of the United States Code. This Rule shall apply to all applications pending at the time of its adoption and thereafter.

[Pa.B. Doc. No. 18-1554. Filed for public inspection October 5, 2018, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rule 219(b) of the Rules of Disciplinary Enforcement; No. 169 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 24th day of September, 2018, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication in the interests of justice pursuant to Pa.R.J.A. No. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 219. Annual registration of attorneys.

* * * * *

(b) The following shall be exempt from paying the annual fee required by subdivision (a):

(1) Justices or judges serving in the following Pennsylvania courts of record shall be exempt for such time as they serve in office: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and justices or judges serving an appointment for life on any federal court;

(2) retired attorneys; and

(3) military attorneys holding a limited certificate of admission issued under Pa.B.A.R. 303 (relating to admission of military attorneys).

Official Note: The exemption created by subdivision (b)(1) does not include [**Philadelphia Traffic Court judges,**] Pittsburgh Municipal Court judges, magisterial district judges, arraignment court magistrates or administrative law judges.

* * * * *

[Pa.B. Doc. No. 18-1555. Filed for public inspection October 5, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BLAIR COUNTY

Adoption of New Rule of Criminal Procedure Uniform Rules Regarding Publicity, Broadcasting and Recording of Proceedings, Local Rule of Criminal Procedure; Administration; No. 58 of 2018

Order

And Now, this 18th day of September, 2018, It Is Hereby Ordered and Decreed that the Blair County Court of Common Pleas adopts the following local rule governing uniform rules regarding broadcasting, Publicity and Recording of proceedings in the hearing room or courtroom or its environs for the 24th Judicial District of the Commonwealth of Pennsylvania:

The Blair County District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy of these Rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

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

3) Publish these Rules on the Blair County Court website at www.blairco.org.

4) File one (1) copy which shall be kept continuously available for public inspection and copying in the Office of Prothonotary of Blair County and the Blair County Law Library.

Said Local Rule of Judicial Administration shall be effective in the 24th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Blair County website.

By the Court

ELIZABETH A. DOYLE,
President Judge

Rule 112. Publicity, Broadcasting, and Recording of Proceedings.

1. No sound recording, photograph, video recording, cellular phone recording, or motion picture of any type may be made or taken of any judicial proceeding, which includes during, immediately before or immediately after said proceeding or in any hearing room or courtroom or in the area immediately surrounding the entrances or exits of such rooms, without the prior permission of the presiding judge, the presiding hearing officer, or the designee of the presiding judge or the presiding hearing officer.

2. All electronic devices, including, but not limited to, cellular phones, tablets, laptops and cameras, shall be powered off (not simply muted) in all hearing rooms, courtrooms and in the area immediately surrounding the entrances and exits of such rooms unless permission to activate such device has been first obtained in advance from the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer. This directive specifically includes the public, parties, witnesses, support staff of participants, and attorneys. This provision does not apply to any Deputy Sheriff.

3. No sound recording, video recording, photograph, cellular phone recording or motion picture of any party, witness, juror, police officer, judge or judicial officer connected to a pending judicial proceeding may be taken or made in the courthouse or in any building housing a courtroom or hearing room, whether or the court is actually in session, without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or presiding hearing officer.

4. The transmission in any form by any means of any conversation or testimony taken by any electronic means during or anytime thereafter any judicial proceeding without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or presiding hearing officer is strictly prohibited.

5. Violation of this Order may constitute contempt of court and result in the confiscation of such device and the deletion of any offending data or material on such device, the imposition of a fine of up to \$1,000.00 and/or imprisonment of up to six (6) months upon a finding of contempt of this rule.

6. The presiding judge, the presiding hearing officer, the District Court Administrator, the designee of the presiding judge, the presiding hearing officer or the District Court Administrator, including the courtroom staff of the presiding judge or presiding hearing officer and the Sheriff of Blair County or his deputy, are authorized to enforce this Order, including taking immediate possession of any offending device.

7. Any device confiscated pursuant to this Order that is not claimed by its lawful owner within seven (7) business days of such confiscation shall be deemed forfeited to the County of Blair.

[Pa.B. Doc. No. 18-1556. Filed for public inspection October 5, 2018, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Insurance Department

The Executive Board approved a reorganization of the Insurance Department effective September 17, 2018.

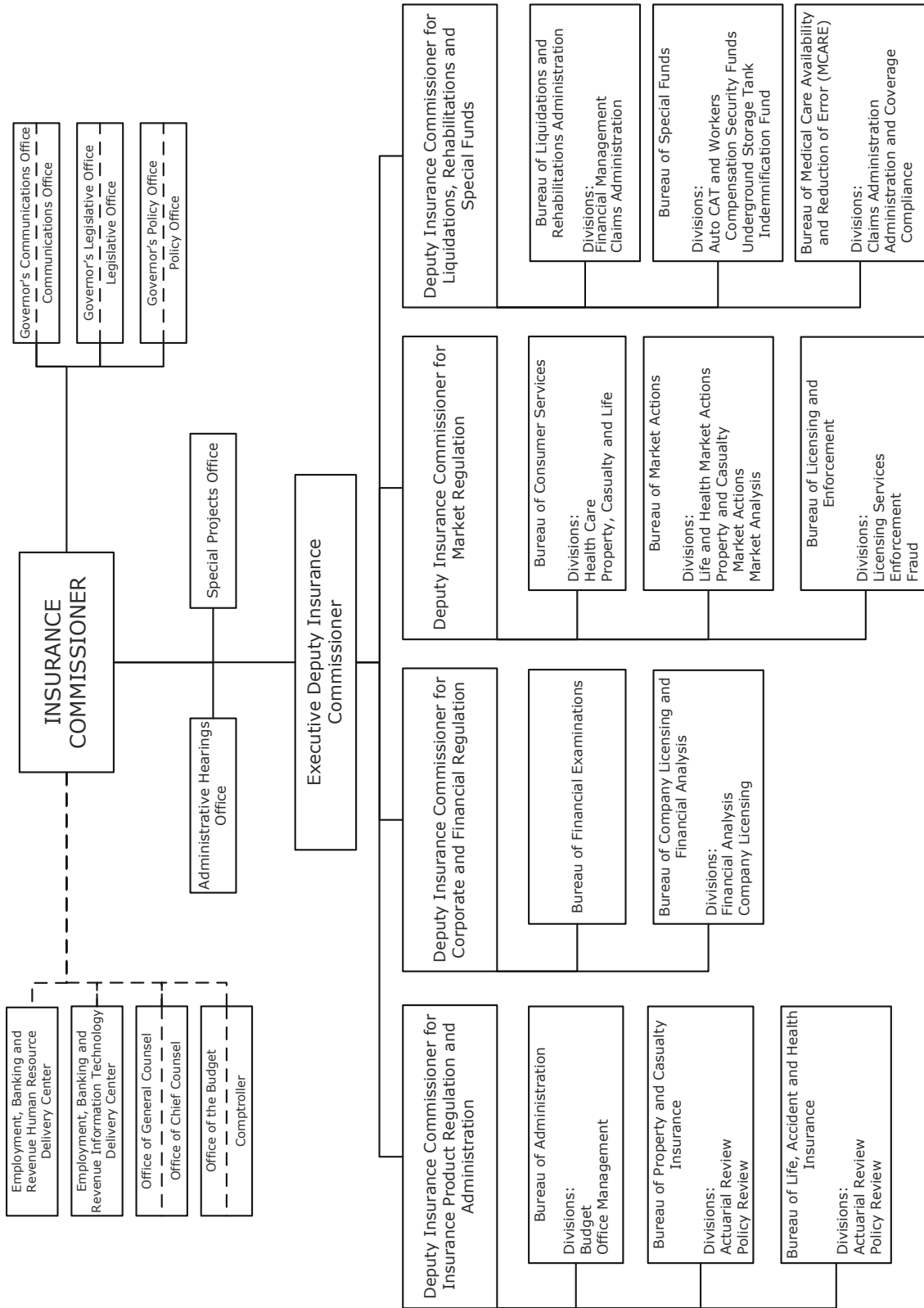
The organization chart at 48 Pa.B. 6389 (October 6, 2018) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 18-1557. Filed for public inspection October 5, 2018, 9:00 a.m.]

OR-18-017
September 17, 2018

INSURANCE DEPARTMENT



NOTICES

DEPARTMENT OF AGRICULTURE

General Quarantine Order

By this Order, the Pennsylvania Department of Agriculture (Department) establishes a general quarantine in the Commonwealth of Pennsylvania to address rabies—a dangerous transmissible disease of animals that is present in this Commonwealth and that poses a threat to humans, domestic animals and wild animals. This Order is authorized under 3 Pa.C.S. §§ 2301—2390 (relating to Domestic Animal Law) (Act).

Background.

Every year several hundred cases of rabies in animals are confirmed in this Commonwealth. The animals include wild animals, livestock and domestic pets. Human exposure can occur through contact with any rabid animal.

The socioeconomic impact of rabies in animals and humans is significant. Infection by the rabies virus is almost always fatal once the virus reaches the central nervous system. The protocol surrounding a single suspected rabid domestic animal or a domestic animal suspected or confirmed to be exposed to rabies virus requires the expenditure of both significant monetary and human resources by the Department of Agriculture. Post-exposure prophylaxis for humans exposed to rabies virus requires a series of injections and is very expensive.

Rabies is designated a “dangerous transmissible disease” of animals under § 2321(a)(7) of the Act (relating to dangerous transmissible diseases). The Department has broad authority under the Act to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases. This includes the authority at § 2329(d) (relating to quarantine) to establish and enforce this General Quarantine Order.

Order.

The Department hereby establishes a General Quarantine under the authority of § 2329(d) of the Act. The terms of this Order are as follows:

1. *Quarantine Area.* This General Quarantine is applicable to the entire Commonwealth of Pennsylvania.

2. *Definitions.* The following terms when used in this Order have the following meanings:

Cat—Members of *Felis catus* species regardless of their location or relationship to humans.

Compendium—The most recent version of *The Compendium of Animal Rabies Prevention and Control* published by The National Association of State Public Health Veterinarians.

Department—The Department of Agriculture of the Commonwealth.

Department of Health—The Department of Health of the Commonwealth.

Direct veterinary supervision—Occurs when a veterinarian is on the premises and has given either oral or written instructions to a certified veterinary technician or noncertified employee and is easily and quickly available to assist the certified veterinary technician or the noncertified employee.

Dog—A domestic subspecies (*Canis lupus familiaris*) of the wolf. Domestic animal hybrids, such as a cross between a dog and a wolf, are not included in this definition.

Domestic animal—An animal maintained in captivity.

Exposed to rabies—A human or domestic animal that has been bitten or scratched so that the skin has been broken by a rabid animal or a suspected rabid animal, or that has had contamination of an open scratch or wound, eye, or mucous membrane with saliva or other potentially infectious material such as neural tissue. An animal with a wound of unknown origin may be considered to have been exposed to rabies virus if it was, in the opinion of a veterinarian or an official representative of the Department or the Pennsylvania Game Commission, likely to have been exposed to rabies virus.

Official rabies test—Fluorescent antibody, animal inoculation or other tests which have been approved by the USDA or the USPHS and which are conducted in a State laboratory or other facility designated by the Secretary.

Person—An individual, partnership, association or corporation.

Quarantine—Departmental restrictions upon the use, movement or other disposition of domestic animals, domestic animal products, equipment, facilities, vehicles, buildings and other articles required to eradicate, contain or otherwise control a dangerous transmissible disease or to control or prevent contamination by hazardous substances.

Rabies—A viral disease affecting the central nervous system of a mammal that is transmitted through contact with saliva or other potentially infectious material such as neural tissue from a rabid animal, including, but not limited to, a bite or scratch that breaks the skin or contact of saliva or other infectious material with a fresh open scratch, wound, an eye, or mucous membranes.

Rabies vaccine—A product used to stimulate an immune response to rabies, licensed by the United States Department of Agriculture and listed in the current version of the National Association of State Public Health Veterinarians Rabies Compendium.

Secretary—The Secretary of Agriculture of the Commonwealth.

Suspected rabid animal—A mammal exhibiting behavior that is suggestive of infection with rabies in the opinion of the veterinarian, public health official or official representative of the department, the Department of Health or the Pennsylvania Game Commission.

Vaccinated against rabies—The status of an animal that:

a. has undergone administration of unexpired rabies vaccine in accordance with the specifications of the vaccine manufacturer:

- i. by a licensed veterinarian; or
- ii. under direct veterinary supervision; and

b. is a member of an animal species with respect to which the rabies vaccine has been approved for use.

Veterinarian—A licensed doctor of veterinary medicine.

3. *Human exposure.* Dogs, cats and other domestic animal bites, as well as other potential rabies virus

exposure of humans, shall be reported to the Department of Health or local health authority.

4. *Reporting of suspected rabid animals.* A veterinarian, public health official, or official representative of the Department, the Department of Health, or the Pennsylvania Game Commission who suspects that a dog, cat or other domestic animal is exhibiting clinical signs consistent with rabies shall report the suspicion to the Department's Bureau of Animal Health and Diagnostic Services.

5. *Dogs, cats and domestic animals exposed to a confirmed or suspected rabid animal.*

a. *Unvaccinated or No Documentation of Vaccination.*

i. *General.* A dog, cat, or other domestic animal which, prior to exposure to a confirmed rabid or suspected rabid animal, was never vaccinated against rabies or where the owner or keeper can produce no proof of a prior vaccination shall be quarantined by the Department for a minimum of 120 days, unless euthanized.

ii. *Ferrets.* Paragraph (i) notwithstanding, a ferret which, prior to exposure to a confirmed rabid or suspected rabid animal, was never vaccinated against rabies or where the owner or keeper can produce no proof of a prior vaccination shall be quarantined by the Department for a minimum of 180 days, unless euthanized.

b. *Vaccinated and Exposed.* A dog, cat, or other domestic animal which has been exposed to a confirmed or suspected rabid animal and has a valid and current vaccination against rabies at the time of exposure, shall be observed for clinical signs of rabies by the owner or keeper for 45 days. Any suspicion of rabies shall be reported to the Department.

c. *Vaccinated within 28 Days of Exposure.* Subsection (b) notwithstanding, a dog, cat or other domestic animal that has received its initial vaccination against rabies within 28 days prior to the exposure or suspected exposure shall be quarantined by the Department for a minimum of 120 days, unless euthanized.

d. *Expired Vaccination.* A dog, cat or other domestic animal that was previously vaccinated against rabies, but where that vaccination has expired prior to exposure or suspected exposure may, at the discretion of the Department, be managed in accordance with either subsection (a) or (b).

e. *Animals for Human Food or Animal Food.* A domestic animal that is to be used as food for human or animal consumption, and which has been exposed to a confirmed

or suspected rabid animal, but which is not exhibiting signs of rabies while under observation or quarantine, may, with the approval of the Department, be moved while under observation or quarantine to a licensed rendering plant or slaughtered for animal consumption if processed by cooking. Consumption of the animals after proper processing does not constitute a rabies exposure.

6. *Suspected rabid animals under quarantine.*

a. *General Restrictions.* A dog, cat or other domestic animal suspected of having rabies may not be released from quarantine until suspicion of rabies is dispelled or until the animal has died or has been euthanized. No tissues or secretions from that animal may be sold, transported, or used for human or animal consumption unless that animal was negative on an official rabies test.

b. *Required Testing of Dead Quarantined Animals.* A dog, cat, or other domestic animal that dies or is euthanized while quarantined for suspicion of having rabies that has exposed a human, dog, cat or another domestic animal shall be subjected to an official rabies test, and disposed of in accordance with Sections 2351—2357 of the Act (relating to disposal of dead domestic animals and animal waste).

7. *Extension of quarantine period.* The Department may, at its discretion, extend a quarantine period as it deems appropriate to protect and assure human or animal health. The Department may use information from the Compendium or other scientific protocols or studies in making this determination.

8. *Violations and Penalties.* Any person violating the requirements of this Order shall be subject to the penalties established at §§ 2383 and 2386 of the Act (relating to enforcement and penalties; civil remedy).

9. *No Restriction on Further Action by the Department.* This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements or take any actions otherwise permitted under applicable statute or regulation.

10. *Effective Date.* This Order is effective October 6, 2018, and shall remain in effect unless rescinded or modified by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 18-1558. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending September 25, 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

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-29-2018	Financial Hybrid Opportunity Fund, LLC Financial Hybrid Opportunity SPV I, LLC FJ Capital Management, LLC McLean, VA Application for approval to acquire more than 5% of the common stock of LINKBANCORP, Inc., Camp Hill.	Withdrawn

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-17-2018	Emclair Financial Corp. Emlenton Venango County Application for approval to acquire 100% of Community First Bancorp, Inc., Reynoldsville, and thereby indirectly acquire 100% of Community First Bank, Reynoldsville.	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-4-2018	Brentwood Bank Bethel Park Allegheny County Application for approval to merge Union Building and Loan Savings Bank, West Bridgewater, with and into Brentwood Bank, Bethel Park.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-12-2018	PeoplesBank, A Codorus Valley Co. York York County	2343 Oregon Pike Lancaster Lancaster County	Opened
8-20-2018	Orrstown Bank Shippensburg Cumberland County	500 Olde Hickory Road Lancaster Lancaster County	Opened
8-31-2018	Penn Community Bank Doylestown Bucks County	200 Manor Avenue Langhorne Bucks County (Limited Service Facility)	Opened
9-10-2018	Mid Penn Bank Millersburg Dauphin County	193 Market Street Pillow Dauphin County	Opened
9-21-2018	Luzerne Bank Luzerne Luzerne County	1320 Wyoming Avenue Forty Fort Luzerne County	Approved
9-21-2018	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	2 Greenville Crossing 4001 Kennett Pike Greenville New Castle County, DE	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-17-2018	PeoplesBank, A Codorus Valley Co. York York County	<i>To:</i> 140 North Main Street Bel Air Harford County, MD <i>From:</i> 126 North Main Street Bel Air Harford County, MD	Effective

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-14-2018	Republic First Bank Philadelphia Philadelphia County	2 Bala Plaza Bala Cynwyd Montgomery County	Closed

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. 18-1559. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF EDUCATION**Cyber Charter School Application; Public Hearings**

The Department of Education (Department) has scheduled five dates for public hearings regarding cyber charter school applications that it received on or before October 1, 2018.

The hearings will be held on November 7, 2018, November 16, 2018, November 26, 2018, November 27, 2018, and November 30, 2018, in Heritage Room A, lobby level, 333 Market Street, Harrisburg, PA 17126, at 9 a.m. on each day.

The hearings pertain to applicants seeking to operate a cyber charter school beginning in the 2019-2020 school year. The purpose of the hearings is to gather information from the applicants about the proposed cyber charter schools as well as receive comments from interested individuals regarding the applications. The names of the applicants, copies of the applications and a listing of the dates and times scheduled for the hearing on each application can be viewed on the Department's web site after October 5, 2018, at www.education.pa.gov.

Individuals who wish to provide comments on an application during the hearing must provide a copy of their written comments to the Department and the applicant on or before October 29, 2018. Comments provided by this deadline and presented at the hearing will become part of the certified record. Failure to comply with this deadline will preclude the individual from providing comments at the hearings. Verbal comments may be limited based on the number of individuals requesting time to provide comments and may be limited if the comments are duplicative or repetitive of another individual's comments. Persons who are unable to attend the hearing may provide the Department and the appli-

cant with written comments on or before October 29, 2018. Any written comments provided to the Department by this deadline will also become part of the certified record.

During the public hearing on an application, the cyber charter applicant will have 30 minutes to present information about the proposed cyber charter school. Each hearing will be conducted by the panel of individuals who have completed an initial review of the application. The panel members may question the applicant on issues identified during their review, as well as issues raised in the written comments filed by the deadline. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicant or the panel members.

Comments sent to the Department should be addressed to the Division of Charter Schools, 333 Market Street, 3rd Floor, Harrisburg, PA 17126-0333. Hearing agendas will be prepared after October 31, 2018, when the Department is aware of the number of individuals who wish to provide verbal comments at each hearing. The hearing agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator.

Hearing agendas will be posted under Charter School Applications on the Department's web site at <http://www.education.pa.gov/K-12/Charter%20Schools/Pages/Charter-Applications.aspx>.

For questions regarding these hearings, contact Division of Charter Schools at (717) 787-9744 or ra-charter-schools@pa.gov.

PEDRO RIVERA,
Secretary

[Pa.B. Doc. No. 18-1560. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS****THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT****APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS**

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062332 (Sewage)	Eaton Hills Development WWTP Grandview Drive Tunkhannock, PA 18657	Wyoming County Eaton Township	Susquehanna River (04G)	Yes
PA0065145 (Sewage)	The Preserve at Dunn Lake WWTP May Road Thompson, PA 18465	Susquehanna County Ararat Township	Unnamed Tributary to East Branch Lackawanna River (05A)	Yes
PA0040487 (Sewage)	Maple Lane Estates MHP 123 Gilpin Drive West Chester, PA 19382-7412	Luzerne County Foster Township	Pond Creek (2-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081884 (Sewage)	Cuttin' Co., LLC 25 Sandoe Road Gettysburg, PA 17325	Adams County/ Straban Township	UNT Beaverdam Creek/7F	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PAS144813 (Storm Water)	Centre Concrete Company 629 E Rolling Ridge Drive Bellefonte, PA 16823-8135	Centre County College Township	Unnamed Tributary to Spring Creek (9-C)	Yes
PA0112381 (Sewage)	Madison Estates MHP 6009 Columbia Boulevard Bloomsburg, PA 17815-8800	Columbia County Madison Township	Little Fishing Creek (5-C)	Yes
PA0115363 (Sewage)	Mazeppa Village Sewer System STP 2188 Johnson Mill Road Lewisburg, PA 17837-7704	Union County Buffalo Township	Unnamed Tributary to Mill Race (10-C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0218502 (Industrial)	USACE Left Bank Concrete Batch Plant 1000 Liberty Avenue William S Moorhead Fed Bldg Pittsburgh, PA 15222-4186	Washington County Charleroi Borough	Monongahela River (19-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.

PA0013021, Industrial, SIC Code 2819, **PQ Corporation**, 1201 W Front Street, Chester, PA 19013-3436. Facility Name: PQ Corporation Chester Plant. This existing facility is located in Chester City, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of stormwater and industrial wastewater.

The receiving stream, Delaware River, is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on an average stormwater flow.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on an average stormwater flow.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 007 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 301 are based on a design flow of 0.075 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 301 are based on a design flow of 0.075 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	1,000	1,750	2,500
Oil and Grease	XXX	XXX	XXX	15	XXX	30

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. Chemical Additives
- F. Stormwater Condition
- G. PCB/PMP Condition

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

The EPA Waiver is in effect.

PA0051713, Industrial, SIC Code 2819, **Evonik Corporation**, 1200 West Front Street, Chester, PA 19013-3438. Facility Name: Evonik Chester PA Facility. This existing facility is located in Chester City, **Delaware County**.

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

The receiving stream, Delaware River, is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	Inst Min	XXX	XXX	110
Total Suspended Solids	1,501	3,002	XXX	100	200	250
Total Dissolved Solids	450,360	480,384	XXX	30,000.0	32,000.0	33,000
Sulfate, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Toxicity, Acute— Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	XXX	8.4	XXX
Pimephales Survival (TUa)	XXX	XXX	XXX	XXX	8.4	XXX

The proposed effluent limits for Outfall 002 are based on an average stormwater flow.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permits Condition
- D. Applicable BAT if Developed
- E. TMDL/WLA Analysis
- F. TSS Removal per DRBC
- G. Thermal Requirement
- H. WET Testing
- I. Chemical Additives
- J. Stormwater Outfall Condition
- K. PCB/PMP Requirement

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

The EPA Waiver is in effect.

PA0030023, Sewage, SIC Code 4952, **Bryn Athyn Borough**, Bryn Athyn, PA 19009-0683. Facility Name: Academy of The New Church STP. This existing facility is located in Bryn Athyn Borough, **Montgomery 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), Huntingdon Valley Creek, is located in State Water Plan watershed 3-J 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 0.065 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	Report	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.4	XXX	0.9
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	7.37	11.6	XXX	13.6	20.4	27.2
May 1 - Oct 31	3.69	5.53	XXX	6.8	10.2	13.6
Total Suspended Solids	5.4	8.1	XXX	10	15	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	5.4	XXX	XXX	10	XXX	20
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	4.56	XXX	XXX	8.4	XXX	16.8
May 1 - Oct 31	1.52	XXX	XXX	2.8	XXX	5.6
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.065 MGD.—Final Limits effective 12 months after permit effective date.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	Report	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.2	XXX	0.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	7.37	11.6	XXX	13.6	20.4	27.2
May 1 - Oct 31	3.69	5.53	XXX	6.8	10.2	13.6
Total Suspended Solids	5.4	8.1	XXX	10	15	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	5.4	XXX	XXX	10	XXX	20
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	2.98	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	0.81	XXX	XXX	1.5	XXX	3
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
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

Sludge use and disposal description and location(s): Biosolids are treated and disposed via onsite reed beds.

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

- No Stormwater to Sewers
- Obtain Necessary Property Rights
- Proper sludge Disposal
- Chlorine Minimization

- Small Stream Discharge
- Fecal Coliform Reporting

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

The EPA Waiver is in effect.

PA0245038, Storm Water, SIC Code 1499, **Gma Garnet (USA) Corp**, 1800 Hughes Landing Boulevard, Suite 350, The Woodlands, TX 77380-1684. Facility Name: Gma Garnet Corporation—Fairless Hills Recycling Facility. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of Stormwater associated with industrial activities.

The receiving stream(s), Delaware River, is located in State Water Plan watershed 2-E 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 101 are based on a stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Barium, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 102 are based on stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Barium, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- BMPs
- Routine Inspections
- PPC Plan
- Stormwater Monitoring Requirements
- Property Rights
- Sludge disposal

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

The EPA Waiver is in effect.

PA0245020, Storm Water, SIC Code 2834,2836, **Janssen Biotech Inc.**, 200 Great Valley Parkway, Malvern, PA 19355-1307. Facility Name: Janssen Biotech Inc. This proposed facility is located in East Whiteland Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Valley Creek and Valley Creek, is located in State Water Plan watershed 3-F and is classified for Exceptional Value Waters 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 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 010 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 011 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 012 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 013 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 014 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX

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

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

Proposed Part C Conditions:

- I. Stormwater Outfalls and Authorized Non-Stormwater Discharges
- II. Best Management Practices (BMPs)
- III. Routine Inspections
- IV. Preparedness, Prevention, and Contingency (PPC) Plan
- V. Stormwater Monitoring Requirements
- VI. Other Requirements
 - A. Acquire Necessary Property Rights
 - B. Sludge Disposal Requirements

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

The EPA Waiver is in effect.

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

PA0027235, Sewage, SIC Code 4952, **Easton Area Joint Sewer Authority**, 50-A South Delaware Drive, Easton, PA 18042. Facility Name: Easton WWTP. This existing facility is located in Easton City, **Northampton County**.

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

The receiving streams, the Delaware River and the Delaware Canal, are located in State Water Plan watershed 2-C and the Delaware River is classified for Warm Water and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 10.0 MGD.

(From Permit Effective Date to Permit Expiration Date)

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	2,085	3,336	XXX	25.0	40.0	50.0
Total Suspended Solids	2,502	3,753	XXX	30.0	45.0	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	1,668	XXX	XXX	Geo Mean 20.0	XXX	40.0
Dissolved Oxygen	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Influent Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Influent Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 10.0 MGD.

(From Permit Effective Date to One Year After Permit Effective Date)

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.84	XXX	2.0

The proposed effluent limits for Outfall 001 are based on a design flow of 10.0 MGD.

(From One Year After Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater).

(From Permit Effective Date to Permit Expiration Date)

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

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD (stormwater).

(From Permit Effective Date to Permit Expiration Date)

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

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD (stormwater).

(From Permit Effective Date to Permit Expiration Date)

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

Sludge use and disposal description and location(s): Sludge is hauled to Chrin Landfill via Chrin Hauling.

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

- POTW Pretreatment Program Implementation
- Solids Management
- Whole Effluent Toxicity (WET)
- TRC Effluent Limits Compliance Schedule
- Requirements Applicable to Stormwater Outfalls

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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

PA0247774, Storm Water, SIC Code 5015, **Mueller's Auto Recycling & Sales Inc.**, 1555 Mill Run Road, Altoona, PA 16601-7607. Facility Name: Mueller's Auto Recycling & Sales Inc. This existing facility is located in Logan Township, **Blair County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of Stormwater Associated with Industrial Activity.

The receiving stream, Unnamed Tributary to Mill Run, is located in State Water Plan watershed 11-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and Outfall 002.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs), including applicable BMPs from Appendix O from the PAG-03.
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements (including Benchmarks for TSS and Oil and Grease)
- Other Requirements

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

The EPA Waiver is in effect.

PAS203502, Storm Water, SIC Code 3462, **Bonney Forge Corporation**, PO Box 330, Mount Union, PA 17066-0330. Facility Name: Bonney Forge Corporation. This existing facility is located in Shirley Township, **Huntingdon County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of Stormwater Associated with Industrial Activity.

The receiving streams, Unnamed Tributary to Juniata River (Outfall 001) is classified for High Quality—Cold Water Fishes, Migratory Fishes; and Juniata River (Outfall 002 and Outfall 003) is classified for Warm Water Fishes, Migratory Fish; and are located in State Water Plan watershed 12-C and are classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs), including applicable BMPs from Appendix U from the PAG-03.
- Routine Inspections

- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements (including Benchmarks for TSS)
- Other Requirements

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

The EPA Waiver is in effect.

PAS203505, Storm Water, SIC Code 3479, **Lane Enterprises Inc.**, 3905 Hartzdale Drive, Suite 514, Camp Hill, PA 17011-7837. Facility Name: Lane Enterprises Inc. Carlisle. This existing facility is located in Middlesex Township, **Cumberland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of Stormwater associated with industrial activity.

The receiving stream(s), Unnamed Tributary to Letort Spring Run, is located in State Water Plan watershed 7-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. Existing Use: High Quality—Cold Water Fishes, Designated Class A Wild Trout. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and Outfall 002.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs), including applicable BMPs from Appendix U from the PAG-03.
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements (including Benchmarks for TSS)
- Other Requirements

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

The EPA Waiver is in effect.

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

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

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

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

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

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD ₅)	350	700	XXX	Report	Report	130
Total Suspended Solids	415	835	XXX	Report	Report	155
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	30

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	XXX	400
Total Nitrogen	XXX	XXX	XXX	134.0	194.0	240
Ammonia-Nitrogen	XXX	XXX	XXX	4.0	8.0	10

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	4.0	8.0	10
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	134	194	240
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen*	Report	19,483	XXX	XXX	XXX	XXX
Net Total Phosphorus*	Report	1,218	XXX	XXX	XXX	XXX

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

The proposed monitoring requirements are for the regulation of industrial stormwater and are as follows for the Outfalls SW01 & SW12

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

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

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

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

The EPA Waiver is not in effect.

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

PA0271691, Sewage, SIC Code 8800, **H. Todd & Susan White**, 749 Lafeil Drive, Manchester, MO 63021. Facility Name: H. Todd & Susan White SRSTP. This proposed facility is located in Farmington Township, **Warren County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min XXX	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0

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

PA0271756, Sewage, SIC Code 8800, **Dona & Joseph Kaba**, 16 Sunnybrook Drive, New Castle, PA 16105. Facility Name: Dona & Joseph Kaba SRSTP. This proposed facility is located in Neshannock Township, **Lawrence County**.

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

The receiving stream, an Unnamed Tributary to the Shenango River, is located in State Water Plan watershed 20-A and is classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location: 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.

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

- Prohibition of Stormwater Discharges
- Right of Way
- Requirement to submit an Annual Maintenance Report
- Solids Handling
- Treatment tank pumping requirement
- Abandonment of the treatment facility for public sewers

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

The EPA Waiver is in effect.

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

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

WQM Permit No. 4818404, Sewage, **Bangor Area School District**, 123 Five Points Richmond Road, Bangor, PA 18013.

This proposed facility is located in Upper Mount Bethel Township, **Northampton County**.

Description of Proposed Action/Activity: This application involves replacement of the existing 0.023 MGD Bangor Area School District wastewater treatment plant with a new package wastewater treatment plant. New process units include: flow equalization tanks, a blower system, aeration tanks with aerobic or oxic zones, a clarifier, a tertiary filter, ultraviolet (UV) radiation disinfection and a sludge holding tank. There are no proposed increases in hydraulic or organic capacities associated with this project and the existing outfall to an unnamed tributary to Jacoby Creek will remain unchanged. The proposed project is located at the District's existing wastewater treatment plant along Five Points Richmond Road, approximately 0.5 mile southeast of the intersection with SR 0512.

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

WQM Permit No. 6518200, Industrial, **Buckeye Terminal LLC**, 134 BP Tank Lane, Greensburg, PA 15601-6420.

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

Description of Proposed Action/Activity: Permit authorizing construction and operation of a mobile treatment system comprised of pre-filters, granulated carbon vessels and post filters.

WQM Permit No. WQG01631802, Sewage, **Southern Amy D**, 9691 Old Steubenville Pike, Bulgar, PA 15019.

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

Description of Proposed Action/Activity: Proposed SRSTP to replace malfunctioning on-lot system.

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

WQM Permit No. 6118404, Sewage, **Jack & Rebecca Urey**, 625 Henderson Station Road, Stoneboro, PA 16153.

This proposed facility is located in Mineral Township, **Venango County**.

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

WQM Permit No. 1618411, Sewage, **Jeffrey Aiello**, 639 Maxwell Road, Clarion, PA 16214.

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

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

WQM Permit No. 1018409, Sewage, **Shelby & William Knight**, 321 Peaceful Valley Road, West Sunbury, PA 16061.

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

Description of Proposed Action/Activity: Small flow treatment facility for Peaceful Valley Campground.

IV. NPDES Applications for Stormwater Discharges from MS4.

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

PAI132269, MS4, Moosic Borough Lackawanna County, 715 Main Street, Moosic, PA 18507-1023. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Moosic Borough, **Lackawanna County**. The receiving stream(s), Lackawanna River, Covey Swamp Creek, Spring Brook, Mill Creek, Unnamed Tributary to Covey Swamp Creek, and Stafford Meadow Brook, is located in State Water Plan watershed 5-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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

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

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

PAI133543, MS4, Clay Township Lancaster County, 870 Durlach Road, Stevens, PA 17578. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Clay Township, **Lancaster County**. The receiving stream(s), Middle Creek and Indian Run, is located in State Water Plan watershed 7-J and is classified for Migratory Fishes, Warm Water Fishes, and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

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

PAI133514, MS4, Silver Spring Township Cumberland County, 8 Flowers Drive, Mechanicsburg, PA 17050-1701. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Silver Spring Township, **Cumberland County**. The receiving stream(s), Unnamed Tributary of Simmons Creek, Hogestown Run, Simmons Creek, Trindle Spring Run, Conodoguinet Creek, and Unnamed Tributary to Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Cold Water Fishes, Migratory Fishes, and Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be

extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

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

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

PAI136147, MS4, **Baldwin Township**, 10 Community Park Drive, Pittsburgh, PA 15234-2402. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Baldwin Township, **Allegheny County**. The receiving stream, Sawmill Run, is located in State Water Plan watershed 20-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Total Maximum Daily Load (TMDL) Plan

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

PAI136102, MS4, **Fox Chapel Borough**, 401 Fox Chapel Road, Pittsburgh, PA 15238-2225. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Fox Chapel Borough, **Allegheny County**. The receiving streams, Stony Camp Run, Campbell Run, Guyasuta Run, Glade Run, Guys Run, Squaw Run, and Allegheny River are located in State Water Plan watershed 18-A and is classified for Warm Water Fishes and High - Quality Waters - Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

PAI136134, MS4, **Peters Township**, 610 East McMurray Road, McMurray, PA 15317-3420. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Peters Township, **Washington County**. The receiving streams, Unnamed Tributaries to Chartiers Creek, Unnamed Tributary to Peters Creek, Chartiers Creek and Piney Fork, are located in State Water Plan Watersheds 20-F and 19-C and are classified for Warm Water Fishes, Trout Stocking, and High - Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plans with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) Plan

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

PAI136135, MS4, **Unity Township**, 154 Beatty County Road, Latrobe, PA 15650-5464. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Unity Township, **Westmoreland County**. The receiving streams, Loyalhanna Creek, Ninemile Run, Sewickley Creek, Monastery Run, Fourmile Run, and Unnamed Tributary to Loyalhanna Creek, is located in State Water Plan watershed 19-D and 18-C and is classified for Warm Water Fishes and High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

PAI136148, MS4, **North Franklin Township**, 620 Franklin Farms Road, Washington, PA 15301-5908. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal

separate storm sewer system (MS4) to waters of the Commonwealth in North Franklin Township, **Washington County**. The receiving streams, Catfish Creek, Unnamed Tributary to Chartiers Creek, and Chartiers Creek, is located in State Water Plan watershed 20-F and is classified for Warm Water Fishes and High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

PAI136149, MS4, **Canton Township**, 655 Grove Avenue, Washington, PA 15301-5321. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Canton Township, **Washington County**. The receiving streams, Georges Run, Unnamed Tributary to Buffalo Creek, Catfish Creek and Chartiers Creek, are located in State Water Plan watershed 20-F and are classified for High Quality and Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

V. Applications for NPDES Waiver Stormwater Discharges from MS4.

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

PAI136146, MS4, **Whitehall Borough Allegheny County**, 100 Borough Park Drive, Pittsburgh, PA 15236-2013. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Whitehall Borough, **Allegheny County**. The receiving streams, Unnamed Tributaries to Sawmill Run, Unnamed Tributary to Streets Run and Streets Run, are located in State Water Plan watershed 19-A and are classified for Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plans with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) Plan

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390101	Wedgewood Land LP 201 King of Prussia Rd Ste 370 Randor, PA 19087	Lehigh	Upper Saucon Twp	UNT to Saucon Creek (CWF, MF) EV Wetlands

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450069	Robert & Christina McFadden 443 Belle Ln Harleysville, PA 19438	Monroe	Stroud Twp Pocono Twp	UNT to Brodhead Creek (HQ-CWF, MF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD520011	Lehman's Pointe Acquisition LLC 700 S Henderson Rd Ste 202 King of Prussia, PA 19406	Pike	Lehman Twp	UNT TO Saw Creek (HQ-CWF, MF) EV Wetlands

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
PAD060021	Column Construction 203 Templin Road Glenmore, PA 19343	Berks	Robeson Township	Hay Creek (EV, 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
PAD630002-1	Washington County Council on Economic Development 273 South Main Street Washington, PA 15301	Washington County	Hanover Township	UNT to Raccoon Creek (WWF)

VII. List of NOIs for NPDES and/or Other General Permit Types.

PAG-12	CAFOs
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CAFO Notices of Intent Received.

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

NPDES Permit No. PAG120009, CAFO, Windy Pine Farm, 410 Barnsley Road, Oxford, PA 19363.

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

Description of size and scope of proposed operation/activity: Swine (Gestating Sows, Sows with Litters, and Gilts): 354.05 AEU's.

The receiving stream, Unnamed Tributary to North East Creek, is in watershed 7-K and classified for: Migratory Fishes and Trout Stocking.

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

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Ryan Snyder Hog Farm, LLC 6 Snyder Lane Lewistown, PA 17044	Mifflin	120.9	726.90	Finisher Swine	NA	renewal

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER
MINOR AMENDMENT**

Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

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

Application No. 363W12-MA2, Minor Amendment.

Applicant	Sugarcreek Water Company
Township or Borough	Sugarcreek Borough
County	Venango County
Responsible Official	Blaine Rhodes
Type of Facility	Public Water Supply

Consulting Engineer	Steven Halmi, P.E. Deiss & Halmi Engineering 105 Meadville Street Edinboro, PA 16412
Application Received Date	September 11, 2018
Description of Action	Replace existing water tank with 10,000 gallon plastic one

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. § 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

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

WA11-621B, Water Allocations. **Greater Johnstown Water Authority**, 640 Franklin Street, Johnstown, PA 15901, **Cambria County**. The applicant is requesting the right to purchase 5,400,000 gallons of water per day, peak day, from the Cambria Somerset Authority.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995
PREAMBLE 1**

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

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

strates 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:

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

Eric and Robyn Rooney Property, 1015 Jones Drive, Spring Brook Township Township, **Lackawanna County**. Eric Rooney, PO Box 1043, Moscow, PA 18444, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an aboveground storage tank located on an adjacent property at 1020 Jones Drive. Future use of the site will be residential. Statewide Health remediation standards are planned for this site. The Notice of Intent to Remediate was published in *The Scranton Times* on September 7, 2018.

RESIDUAL WASTE GENERAL PERMITS

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

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGR096 Base. The Department of Environmental Protection is proposing modifica-

tions to, and renewal of, Residual Waste General Permit No. WMGR096. This permit authorizes the beneficial use of regulated fill as a construction material. Under General Permit No. WMGR096, regulated fill may only be moved to a property that is approved for construction and meets one of the following criteria:

- The property is zoned and used exclusively for commercial and industrial uses, or
- The property is unzoned but exclusively used for commercial and industrial uses (excluding parks, playgrounds, nursing homes, child care facilities, schools or other residential-style facilities or recreation areas).

General Permit No. WMGR096 does not authorize blending or processing of fill with the purpose of meeting the concentration limits specified in Table GP-1 of the permit. This general permit is issued under the authority of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003, The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904). The proposed modifications include the following:

- Re-organizing the general permit for clarity and ease of use, such as utilizing the standard format seen in other general permits for consistency purposes and incorporating standard permit conditions;
- Incorporating and updating the regulated fill limits, derived from the medium specific concentrations in 25 Pa. Code Chapter 250 (Act 2 cleanup standards);
- Clarifying existing definitions and adding additional definitions for terms not currently defined;

Written comments concerning the proposed modifications and renewal should be directed to Chris Solloway, Group Manager, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR096" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received under the Solid Waste Management Act of July 7, 1980, P.L. 380, 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. 100281. Greenridge Reclamation, LLC, 294 Landfill Road, Scottdale, PA 15683. Application for renewal of the permit authorizing operation of a municipal waste landfill located in East Huntingdon

Township, **Westmoreland County** was received by the Department on August 30, 2018.

AIR QUALITY PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

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

OPERATING PERMITS

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

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

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

39-00040: Carpenter Co. (P.O. Box 519, 57A Olin Way, Fogelsville, PA 18051-0519) The Department issued, on 9/5/18, a Title V Operating Permit renewal for operation in Upper Macungie Township, **Lehigh County**. The sources on site include natural gas-fired boilers, heaters, manufacturing processes for EPS and polyurethane foam, a fiber oven, and an emergency diesel fire pump. Control equipment at the facility includes a boiler used to control process emissions. Case-by-case and presumptive RACT II requirements have been incorporated into the Title V Operating Permit. The Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements, as well as RACT II requirements.

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

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

04-00702: United States Gypsum Company (1 Woodlawn Rd., Aliquippa, PA 15001) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TV-04-00702) to United States Gypsum Company (USG) for the operation of the Aliquippa Plant located in Aliquippa, **Beaver County**.

The facility’s major sources of emissions include a kiln, two kettles, two dryer mills, two ball mills, numerous miscellaneous material handling processes including screw conveyors, bins, and hoppers controlled by dust collectors, an end saw system, a natural gas-fired water heater, and fugitive emissions from paved and unpaved roads.

The Aliquippa Plant is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). In 2017, USG reported emitting the following type and quantity of air contaminants (on an annual basis) from the Aliquippa Plant: 43.4 tons of carbon monoxide (CO), 42.7 tons of nitrogen oxides (NO_x), 31.2 tons of particulate matter, 10-micron (PM₁₀), 23.6 tons of particulate matter, 2.5-micron (PM_{2.5}), 0.47 tons of sulfur oxides (SO_x), 19.9 tons of volatile organic compounds (VOC), 2.26 tons of formaldehyde (a hazardous air pollutant or HAP), and 55,161.63 tons of greenhouse gases (GHGs).

The emission restrictions and testing, monitoring, recordkeeping, reporting and work practice conditions of

the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 61, and 70, and 25 Pa. Code, Article III, Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest; identification of the proposed permit issuance being opposed (Title V Operating Permit 04-00702); and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests, and requests for a public hearing should be directed to Nicholas J. Waryanka, Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Nicholas J. Waryanka at (412) 442-4172.

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

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

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

46-00236: Highway Materials, Inc. (1126 Crusher Road, Perkiomenville, PA 18074), for renewal of a State Only, Synthetic Minor Operating Permit in Marlborough Township, **Montgomery County**. Highway Materials operates 360 tons per hour batch asphalt plant with a rotary dryer. A knockout box and baghouse dust collector is used for particulate matter emission controls. The permit includes monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

09-00177: North Penn Polishing and Plating, Inc., (40 West Park Avenue, Sellersville, PA 18960;) for the renewal of a Non-Title V Facility, State-Only, Natural Minor Permit in Sellersville Borough, **Bucks County**. The initial permit was issued on June 27, 2007. North Penn Polishing and Plating, Inc. performs various electroplating and electro-less plating operations. Sources of emissions at this facility include two small boilers, a degreaser, and a multiple electroplating and electro-less plating tanks. The two boilers emit NO_x, CO, PM, SO_x, and VOC. The degreaser emits VOC and HAP. The plating tanks emit PM and HAP. Total allowable emissions from the facility are as follows: 3.97 tons per year (tpy) of NO_x, 2.22 tpy of CO, 8.44 tpy of SO_x, 0.95 tpy of PM, 3.27 tpy of VOC, and 0.25 tpy of HAP. The boilers are not subject to the requirements of 40 CFR 63, Subpart JJJJJJ, as they only burn fuel oil during periods of gas curtailment, gas supply emergencies, or for periodic testing (not to exceed 48 hours during any calendar year). Applicable conditions have been incorporated into the permit renewal. The applicable requirements from 40 CFR Part 63, Subpart N, remain in the operating permit as the Decorative Chrome Tank (Source ID 101) uses a trivalent chrome bath. The requirements of 40 CFR Part 63, Subpart WWWWWW remain in the operating permit renewal, as they apply to various non-chrome electroplating operations. These conditions are addressed under Source ID 103. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within the emission rates and all applicable air quality requirements.

15-00092: Main Line Hospitals, Inc./Paoli Memorial (255 West Lancaster Avenue, Paoli, PA 19301-1792), for the renewal of a State Only, Synthetic Minor Operating Permit in Willistown Township, **Chester County**. This renewal also incorporates General Plan Approval/General Operating Permit No. GP1-15-0106. The facility operates 10 boilers for hot water and heating, and 5 emergency generators for emergency power at this site. Insignificant sources include natural gas stoves, ovens, and grills that are used in the cafeteria kitchen, two (2) ETO sterilizers, and a small parts washer. The proposed renewal of the Operating Permit does not authorize any increase in air emissions, of regulated pollutants, above previously approved levels. The facility maintains a synthetic minor operating status by maintaining total NO_x emissions to less than 24.90 tons per year. The renewed permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, State, and Federal air quality requirements.

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

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

40-00061: International Paper Co. (533 Forest Road, Humboldt Industrial Park, Hazleton, PA 18202) The Department intends to issue a State-Only (Synthetic Minor) Operating Permit renewal for operation of a corrugated and solid fiber box manufacturing operation located in Hazle Township, **Luzerne County**. The sources include two boilers, a storage silo, four presses, a corrugator, and a hogger. Control devices include two baghouses. 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.

40-00076: Wilkes-Barre Materials, LLC (500 Chase Road, Shavertown, PA 18708-9689) The Department intends to issue a State-Only (Synthetic Minor) Operating Permit renewal for operation of an asphalt paving mixture and block manufacturing operation located in Plains Township, **Luzerne County**. The sources include a batch asphalt plant and stone crushing pit. Control devices include a baghouse and water spray system. 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.

48-00062: Haines & Kibblehouse, Inc./Easton Quarry (P.O. Box 196, 2052 Lucon Rd, Skippack, PA 19474-0196) The Department intends to issue a State-Only (Natural Minor) Operating Permit renewal for operation of a crushed and broken limestone mining operation located in Lower Mount Bethel Township, **Northampton County**. The sources include a primary, secondary, and tertiary crusher. Other sources include portable crushers with associated engines. All crushers are controlled by a water spray system. 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.

13-00010: Ametek Corp., Ametek/Westchester Plastics Div. (42 Mountain Avenue, Nesquehoning, PA 18240-2201). The Department intends to issue a renewal State-Only (Natural Minor) Permit for manufacturing of plastics materials and resins facility in Nesquehoning, **Carbon County**. The primary sources at this facility are extruders and production lines. The control devices are Baghouses and a Burnoff Oven. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), and volatile organic compounds (VOC) emissions. The proposed operating 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.

35-00036: Polychemie, Inc. (10 Stauffer Industrial Park, Taylor, PA 18517). The Department intends to issue a renewal State-Only Natural Minor Permit for Polychemie, Inc. located in Taylor Borough, **Lackawanna County**. 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 Elmerston 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.

36-03139: Ross Technology Corp. (104 North Maple Ave., Leola, PA 17540) to issue a State only operating permit for operation of a sandblasting and metal fabrication facility in Upper Leacock Township, **Lancaster County**. Actual VOC emissions from the facility have

historically been around 2.43 tons per year. 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 25 Pa. Code § 129.52d and 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

21-05052: Valk Manufacturing Co. (66 E. Main Street, New Kingstown, PA 17072), to issue a State only operating permit renewal for the New Kingstown Plant in Silver Spring Township, **Cumberland County**. The actual 2017 emissions from the facility are 8.56 tons of VOC and 0.76 ton of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

31-03008: Bradford Forest. (22510 Croghan Pike, Shade Gap, PA 17255) for the operation of a lumber processing facility in Dublin Township, **Huntingdon County**. This is a renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 27.5 tpy PM, 28.9 tpy NO_x, 52.8 tpy CO, 1.6 tpy VOC, and 39.4 tpy SO₂. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

21-03023: The AMES Co., Inc. (465 Railroad Avenue, Camp Hill, PA 17001) for their lawn and garden tool manufacturing facility in Hampden Township, **Cumberland County**. The facility had the following 2017 actual air emissions: 1.77 ton of CO, 2.10 tons of NO_x, 6.2 tons of PM, 0.01 ton of SO_x, 9.75 tons of VOC, and 1.10 ton of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

04-00684: Bet-Tech International, Inc. (6010 Woodlawn Road, Aliquippa, PA 15001), for a renewed facility-wide, synthetic minor, State Only Operating Permit for the operation of a slag reclamation facility, known as the Crows Island and Blacks Run Facility, located in Center and Hopewell Township, **Beaver County**. The facility contains air contamination sources consisting of twelve engines, with the largest engine having a rated power of 220-bhp, four screening systems, and plant roads. Air pollution prevention equipment at the facility includes two engine oxidation catalysts and one water truck for the plant roads. Potential facility emissions are 99 tons of NO_x, 16 tons of CO, 7 tons of VOC, 14 tons of PM₁₀, and 11 tons of PM_{2.5} per year. The facility is subject to 40 CFR Part 63, Subparts A and ZZZZ, and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting and recordkeeping requirements for the facility.

Bet-Tech International's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Thomas Kaminski at thkaminski@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest; identification of the proposed permit issuance being opposed (State Only Operating Permit 04-00684); and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, FAX 412-442-4194).

63-00984: FML Terminal Logistics, LLC (1492 Route 519, Eighty Four, PA 15330-2843) Natural Minor Operating Permit is for a sand transfer terminal and is located in North Strabane Township, **Washington County**. In accordance with 25 Pa. Code § 127.424 and § 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the above-mentioned facility. Operations at the site produce particulate matter (PM) emissions that are controlled by a baghouse. The facility is required to conduct daily surveys of the site to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. Emissions are projected to be 12.03 tons per year (TPY) PM, 8.41 TPY PM₁₀, and 7.73 TPY PM_{2.5}. The air quality permit includes opera-

tion requirements, monitoring requirements, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Bradley Spayd, Air Quality Engineering Trainee, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments; identification of the proposed Operating Permit (63-00984); and a concise statement regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Bradley Spayd, Air Quality Engineering Trainee, at the above address. For additional information concerning the permit or the issuance procedure, contact Bradley Spayd at the same address above or phone at (412) 442-5227.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

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

OP17-000016: Eco-Energy Distribution Services (40999 Columbus Blvd., Philadelphia, PA 19148) for the operation of a denatured ethanol storage and loading terminal in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include two (2) 2.712 MMgal denatured ethanol tanks, one (1) ethanol truck loading rack, one (1) ethanol barge loading rack, two (2) vapor combustion units firing natural gas and propane each rated 55,080 BTU/hr, fugitive emissions from piping components, and railcar unloading purge line. The ethanol truck and barge loading racks vent to the vapor combustion units.

The operating permit will be issued under the *Pennsylvania Code* Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the above operating permit must submit the protest, comments, or public hearing request 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.

OP18-000018: The Vanguard Group Kubach Road Facility (2000 Kubach Road, Philadelphia, PA 19116) for

the operation of an office building facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four (4) 2,340 horsepower diesel emergency generators. The Permittee previously owned a building at 2101 Hornig Road, which housed a fifth emergency generator. This SMOP is a modification that removes that property, and the fifth emergency generator, from the facility's operating permit. Each emergency generator shall operate for a maximum of 100 hours per calendar year for testing, engine tuning, maintenance checks, and readiness testing. The 100-hour limit language is an updated condition being added as part of this modification that combines previously separated tuning, testing and other use cases with individual hour limits.

The operating permit will be issued under the *Pennsylvania Code* Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

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

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

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

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

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

17823701 and NPDES No. PA0617083. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Bigler Coal Refuse Disposal Area No. 1 in Bradford Township, **Clearfield County** and related NPDES permit. No additional discharges. The application was considered administratively complete on September 21, 2018. Application received February 20, 2018.

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

Permit No. 11930102 and NPDES No. PA0212393. E.P. Bender Coal Co., Inc., P.O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Dean Township, **Cambria County** affecting 275.8 acres. Receiving streams: Little Laurel Run & Clearfield Creek classified for the following use: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 14, 2018.

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

24880103 and NPDES Permit No. PA0104779. Energy Resources, Inc. (46226 National Road, St., Clairsville, OH 43950) Renewal of an existing bituminous surface mine in Horton Township, **Elk County** affecting 541.0 acres. Receiving streams: One unnamed tributary to Mead Run and one unnamed tributary to Vineyard Run, classified for the following: CWF. There are no potable surface water intakes within 10 miles downstream. Application for reclamation only. Application received: September 14, 2018.

10120107 and NPDES Permit No. PA0259403. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in Donegal Township, **Butler County** affecting 194.1 acres. Receiving streams: One unnamed tributary to Buffalo Creek, Buffalo Creek, and Buffalo Run classified for the following: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Pine Haven Home, Inc. Application received: September 18, 2018.

37130101 and NPDES Permit No. PA0259438. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA

16001) Renewal of an existing bituminous surface mine and associated NPDES permit in Wayne Township, **Lawrence County**, affecting 82.9 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable surface water supply intake from the point of discharge is Pa. American Water Authority. Application received: September 18, 2018.

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

03070102 and NPDES Permit No. PA0251151. State Industries, Inc. (P.O. Box 1022, Kittanning, PA 16201). Renewal application for continued mining to an existing bituminous surface mine, located in Washington Township, **Armstrong County**, affecting 413 acres. Receiving streams: unnamed tributaries to Limestone Run, classified for the following use: PA American Water, Kittanning Municipal Water Authority and Kittanning Joint Suburban Water Authority are the potable water supply intakes within 10 miles downstream from the point of discharge. Renewal application received: September 14, 2018.

65-18-01 and NPDES Permit No. PA0278319. David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Application for commencement, operation and restoration for a Government Financed Construction Contract, located in Loyalhanna Township, **Westmoreland County**, affecting 82.7 acres. Receiving streams: un-

named tributary to Kiskiminetas River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 20, 2018.

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

Permit No. 40030202R3. Pioneer Equipment Rentals, Inc., (645 Laurel Road, Bear Creek Township, PA 18702), renewal of an existing anthracite coal refuse reprocessing operation in Duryea and Hughestown Boroughs, **Luzerne County** affecting 150.0 acres, receiving streams: Lackawanna and Susquehanna Rivers, classified for the following uses: cold water and migratory fishes and warm water and migratory fishes. Application received: August 27, 2018.

Permit No. 54930102C. Rausch Creek Anthracite Coal, LLC, (978 Gap Street, Valley View, PA 17983), correction to an existing anthracite surface mine operation to decrease the permitted acreage from 594.0 to 564.0 acres, in Porter Township, **Schuylkill County**, receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: August 31, 2018.

Noncoal Applications Received

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

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

Permit No. 21180801. Melvin Hostetler, 51 Country Line Lane, Newburg, PA 17240, commencement, operation, and restoration of a small noncoal (industrial mineral) operation in Hopewell Township, **Cumberland County**, affecting 5.0 acres, receiving streams: unnamed tributary to Paxton Run, Laughlin Run. Application received: September 7, 2018.

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

59120302 and NPDES PA0269522. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803). Renewal for an existing NPDES on a large noncoal surface mining site located in Hamilton and Blossburg Townships, **Tioga County** affecting 89.6 acres. Receiving stream(s): Unnamed Tributary No. 1 to Johnson Creek classified for the following use(s): CWF. Application received: September 12, 2018.

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

Permit No. 58080811. Reid D. Carter, (9948 Route 706, Stevensville, PA 18845), Stage I & II bond release of a quarry operation in Rush Township, **Susquehanna County** affecting 5.0 acres on property owned by Reid D. Carter. Application received: September 10, 2018.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0278271 (Surface Mine Permit No. 65110101), Gary Gioia Coal Company, 319 Karen Drive, Elizabeth, PA 15037, NPDES permit renewal for a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**, affecting 188.2 acres. Receiving stream: unnamed tributaries (UNTs) to the Youghiogheny River, classified for the following use: WWF. Application received: November 27, 2017.

The following treated wastewater outfalls discharge to UNTs to the Youghiogheny River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
004, 005, 006	No	Mine Drainage Treatment Outfall

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

<i>Outfalls: 004, 005, 006</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The following stormwater outfalls discharge to unnamed tributary to: UNTs to the Youghiogheny River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
001, 002, 003, 007	No	Sedimentation Pond

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

<i>Outfalls: 001, 002, 003, 007</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0278271 (GFCC No. 26-17-01), Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, new NPDES permit for a Government Financed Construction Contract (GFCC) reclamation project located in Saltlick Township, **Fayette County**, affecting 28.3 acres. Receiving stream: unnamed tributaries (UNTs) to Little Champion Creek to Little Champion Creek, classified for the following use: CWF. Application received: January 11, 2018.

The following treated wastewater outfalls discharge to UNTs to Little Champion Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
003 and 004	Yes	Mine Drainage Treatment

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

<i>Outfalls: 003 and 004</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The following stormwater outfalls discharge to unnamed tributary to: UNTs to Little Champion Creek and Little Champion Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
001 and 002	Yes	Stormwater

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

<i>Outfalls: 001 and 002</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The proposed effluent limits for the previously listed stormwater outfalls are as follows for precipitation events less than or equal to the 10 year/24 hour storm event:

<i>Outfalls: 001 and 002</i> <i>Parameter</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	7.0
Total Suspended Solids (ml/l)	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times	
Alkalinity must exceed acidity at all times	

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E15-906: Kennett Township, 801 Burrows Run Rd, Kennett Square, PA 19348, Chadds Ford, Kennett Township, **Chester County**, ACOE Philadelphia District.

Kennett Township is proposing to perform the below listed water obstruction and encroachment activities within the floodway and 100-year floodplain of the West Branch Red Clay Creek (TSF-MF):

1. To construct and maintain a 5-foot wide pedestrian-only trail adjacent to Chandler Mill Rd. with portions of the project within the floodway and 100-year floodplain of the West Branch Red Clay Creek (TSF-MF) at five (5) locations. The proposed trail will be supported by Helical Piles and elevated above native soil material resulting in a total of 4,536 square feet of permanent floodway and 7,287 square feet of permanent floodplain impacts.

2. To construct and maintain three (3) culvert extensions carrying flows from unnamed tributaries to West

Branch Red Clasy Creek (TSF-MF) resulting in a total of 829 square feet of permanent floodway impact.

The proposed project is located on Chandler Mill Rd. between Hillendale Rd. and Buck Rd. in Kennett Township, Chester County (USGS PA Kennett Square Quadrangle—Latitude 39.812433 N, Longitude 75.714715 W).

E46-1168: Upper Providence Township, 1266 Black Rock Road, P.O. Box 406, Oaks, PA 19456, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To rehabilitate and maintain approximately 7,400 feet-long existing sanitary sewer access-way and utilize as an 8-foot wide naturally surfaced pedestrian trail within the floodway/floodplain of the Schuylkill River (WWF-MF) associated with the Schuylkill Trail East. The pedestrian trail will require minor grading improvements and five culvert crossings over UNTs to Schuylkill River.

The site is located between Schuylkill Canal Park (lock 60) to Upper Schuylkill Valley Park (USGS Collegeville, PA Quadrangle Latitude 40.151467; Longitude -75.502021).

E09-1024. Quakertown Community School District, 100 Commerce Drive, Quakertown, PA 18951, Quakertown Borough and Richland Township, **Bucks County**, ACOE Philadelphia District.

To rehabilitate and maintain an existing Neidig Elementary School facility including pavilion, playground, parking areas and other related items partially in the floodplain (outside of the 100-year floodway) of the Tohickon Creek (TS-MF) to the north and Licking Creek (TSF-MF) to the south, associated with the Additions and Renovations Project of the School. The project also includes two outfall structures per GP040918305.

The site is located at about 500 feet northeast of Erie Ave and N. Penrose Street (Quakertown, PA USGS Quadrangles Latitude: 40.445733; Longitude: -75.328588).

E51-287. Penn Treaty Homes, LLC, 1749 E. 9th Street, Brooklyn, NY 11223, Philadelphia City, ACOE Philadelphia District.

Penny Treaty Homes, LLC is proposing to construct and maintain six (6) residential housing units with associated site utilities resulting in the occupation of 8,417 square feet (0.019 acre) of previously filled submerged lands of the Commonwealth along the Delaware River (WWF). This project is located at 1143-51 N Delaware Avenue (Pier 53N) in Philadelphia (USGS PA Philadelphia Quadrangle—Latitude 39.965491 N, Longitude 75.129681 W).

E09-1023. Borough of Perkasio, 620 W. Chestnut Street, P.O. Box 96, Perkasio, PA 18944-0096, Borough of Perkasio, **Bucks County**, ACOE Philadelphia District.

To Construct and maintain an additional eight parking Stalls in the 100-year floodplain of the East Branch of Perkiomen Creek near Lenape Park.

The site is located near the intersection of SR 152 & SR 309 (Telford, PA USGS map, Lat: 40.363960; Long: -75.300125).

E15-787. County of Chester—Dept. of Facilities and Parks; 313 West Market Street, Suite 5402, P.O. Box 2748, West Chester, PA 19380-0991, North and East Coventry Townships, **Chester County**, ACOE Philadelphia District.

To amend, construct, repair and maintain the existing Schuylkill River Trail Project.

Joint Permit Application extending 9.62 Miles from Township Line Road (East Pikeland Twp.) and running Parallel to the Schuylkill River to a terminus at the SR 422 Bridge over the Schuylkill River. The new Trail construction (Section 2, 3, 4 and 5) will include the construction of 14-foot-wide, 3.86 miles long paved trail in and along the 100 year floodplain of the Schuylkill River located on the existing railroad bed, existing canal tow-path, Towpath Path Park, and private property; a new 24 ft. by 14 ft. by 7 ft. precast concrete arch bridge and 5 additional minor stream crossings of unnamed tributaries to the Schuylkill River, impacting 1.4 acre of the floodway and 4.0 acres of the floodplain. No net fill is proposed for this project.

This Project is for Phase II, which extends from Linfield Road to SR 422, located in East and North Coventry Townships (Phoenixville, PA USGS Quad, Lat:40.174889; Long: -77.542311).

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

E02-1789, Jeff & Patricia Thomas, 212 Sussex Way, McMurray, PA 15317, Upper St. Clair Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct and maintain:

1. A three conspan bridge across McLaughlin Run (WWF) which will permanently impact 2,542 SF of stream.

2. A 36" pipe under a proposed driveway which will permanently impact 386.7 linear feet of an unnamed tributary to McLaughlin Run (WWF).

3. Structures in accordance with the Departments General Permit 4. These activities will consist a permanent cumulative impact of 63.84 linear feet.

4. Utility line crossings in accordance with the Departments General Permit 5. These activities will consist of a permanent cumulative impact of 10.07 linear feet.

5. A temporary stream crossing in accordance with the Departments General Permit 8. This crossing will be used to construct the aforementioned three conspan bridge. Permanent impacts will consist of 713.85 SF.

The project site is located on the southwest side of McLaughlin Run Road (S.R. 3004) and approximately 2,800 feet north of its intersection with McMillan Road (Bridgeville, PA USGS topographic quadrangle; N: 40°, 20', 57.48"; W: -80°, 05', 12.48"; Sub-basin 20F; USACE Pittsburgh District), in Upper St. Clair Township, Allegheny County.

E02-1790, Diamond Mulch, Inc., 1 Hershey Road, Indianola, PA 15051, Indiana Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

• Construct and maintain an approximately 10 foot long, 12 foot wide riprap apron for a primary spillway and an approximately 12 foot long, 10 foot wide emer-

gency spillway within the floodway, which outlet from a proposed detention basin located outside of the floodway; and

• Construct and maintain a proposed vegetative diversion swale within the floodway;

For the purposes of constructing a staging yard and transfer station building.

The project site is located approximately 915 feet east of the intersection of Gibsonia Road and Bayer Drive (New Kensington West, PA USGS topographic quadrangle; N: 40°, 33', 55.74"; W: -79°, 51', 21.86"; Sub-basin 18A; USACE Pittsburgh District), in Indiana Township, Allegheny County.

E56-391, Shade Creek Watershed Association, 314 Central Avenue, Suite 205, Central City, PA 15926, Shade Township, **Somerset County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain two rock cross vane fish habitat structures within Coal Run (CWF).

2. Construct and maintain a 15" diameter intake structure within Coal Run.

3. Construct and maintain two outfall structures within Coal Run.

For the purpose of constructing a passive acid mine drainage (AMD) treatment system to improve the water quality in Coal Run, a tributary to Dark Shade Creek. The project will permanently impact 90 linear feet of Coal Run. Compensatory mitigation is not proposed due to the nature of the project. The project is located within the Pennsylvania Game Commission's State Game Lands 228 (Central City USGS Topographic Quadrangle, Latitude: 40° 03' 45"; Longitude: -78° 47' 54"; Sub-basin 18-E; Pittsburgh Corps District) in Shade Township, Somerset County.

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

E24-271, City of St. Marys, 11 Lafayette St., St. Marys, PA 15857. Central Park Pedestrian Bridge, in the City of St. Marys, **Elk County**, ACOE Pittsburgh District (St. Marys, PA Quadrangle N: 41°, 25', 41.60"; W: 78°, 33', 27.72").

To install a prefabricated pedestrian bridge over Elk Creek at 294 Depot Street St. in the City of St. Marys, Elk County. The 65' proposed structure is a single span bridge with a low beam elevation of 1661', a rise of 12.88' and a hydraulic opening of 416.57 SF that will connect a vacant lot to a grassy area near the parking garage. It will be set on two 10.33'x2'x9' abutments with 4' wing walls on each side of the stream. The banks will be stabilized with 3 stone retaining walls on the NW, SW, SE sides of the bridges and a concrete landscape wall 74 ft long from the NE corner of the bridge. The structure is designed to pass the 100-year storm without an increase in the flood elevation and will not overtop during the 500-year storm event. The project will also include construction of sidewalks, an amphitheater, benches, lighting, a pavilion, and an exercise space. A majority of the amphitheater and some of the sidewalks will be located within the 100-year floodplain.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0032123 (Sewage)	Promised Land State Park RR 1 Box 96 Rt 390 Greentown, PA 18426-9735	Pike County Greene Township	East Branch Wallenpaupack Creek (1-C)	Yes

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>
PA0081043 (Sew)	Guardian Elder Care, Inc.— Bridges at Brookline 8796 US 219 Brockway, PA 15824	Juniata County/ Fermanagh Township	Big Run/12-A	Y
PA0247936 (SEW)	RV Management Services LLC P.O. Box 222178 Carmel, CA 93923	Union Township Lebanon County	Unnamed Stream in Watershed(s) 7-D	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>
PA0024350 (Sewage)	Dauphin Borough 200 S Church Street Dauphin, PA 17018-0487	Dauphin County/ Dauphin Borough	UNT Susquehanna River/7C	Y
PA0014621 (IW)	Suez Water PA Inc.— Harrisburg Plant 4211 E. Park Circle Harrisburg, PA 17111-2806	Dauphin County/ Susquehanna Township	Susquehanna River/7C	Y
PA0045004 (Sewage)	Lake Meade Municipal Authority 59 Curtis Drive East Berlin, PA 17316-9220	Adams County/ Reading Township	Mud Run/7F	Y
PA0081515 (Sewage)	Lancaster County Career & Tech Center—Brownstown 1730 Hanns Herr Drive P.O. Box 527 Willow Street, PA 17584-0527	Lancaster County/ West Earl Township	Conestoga River/7J	Y
PA0080284 (Sewage)	New Oxford MHP, LLC 524 Meadow Avenue Loop Banner Elk, NC 28604	Adams County/ Mount Pleasant Township	UNT South Branch Conewago Creek/7F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0097306 (Industrial)	Robinson Township WTP 4200 Campbells Run Road Pittsburgh, PA 15205-1306	Allegheny County Robinson Township	Ohio River (20-G)	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>
PA0272582 (Sewage)	Janelle V Kerner & Timothy S Hoderny SRSTP 8275 Williams Road North East, PA 16428-4880	Erie County North East Township	Unnamed Tributary of Twelvemile Creek (15-A)	Yes
PA0030295 (Sewage)	Commodore Perry School District 3002 Perry Highway Hadley, PA 16130	Mercer County Perry Township	Unnamed Tributary of Little Shenango River (Millner Run) 20-A	Yes
PA0029467 (Sewage)	North Warren Municipal STP 4 Hospital Drive Warren, PA 16365	Warren County Conewango Township	Conewango Creek 16-B	Yes
PA0025470 (Sewage)	Fredericksburg STP 17946 Turner Road Meadville, PA 16335	Crawford County Vernon Township	Cussewago Creek 16-D	Yes

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

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

NPDES Permit No. PA0020923, Amen # 2, Sewerage, **New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511.

This proposed facility is located in New Oxford Borough, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to South Branch Conewago Creek in Watershed 7-F.

NPDES Permit No. PA0022209, Amen # 1, Sewerage, **Bedford Borough Municipal Authority**, 244 W. Penn Street, Bedford, PA 15522.

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

Description of Proposed Action/Activity: Authorization to discharge to Raystown Branch Juniata River in Watershed 11-C.

NPDES Permit No. PA0042269, Amen # 3, Sewerage, **Lancaster Area Sewer Auth**, 130 Centerville Road, Lancaster, PA 17603-4007.

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

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Dry Run in Watershed 7-J. *Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

NPDES Permit No. PA0009270, Industrial, SIC Code 2047, **Big Heart Pet Brands, Inc.**, 6670 Low Street, Bloomsburg, PA 17815-8613.

This existing facility is located in South Centre Township, **Columbia County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial wastewater.

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

NPDES Permit No. PA0271527, Sewage, SIC Code 8800, **Garrett L Carulli**, 2607 Old Fryburg Road, Lucinda, PA 16235.

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

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

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

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

QM Permit No. 3518403, Sewage, SIC Code 4952, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: To construct a 218,000-gallon underground storage facility to limit combined sewer overflows at Willow Street and Birch Street.

QM Permit No. 4818403, Sewage, SIC Code 4952, **Bath Borough Authority**, 160 Mill Street, Bath, PA 18014.

This existing facility is located in Bath Borough, **Northampton County**.

Description of Proposed Action/Activity: The project consists of constructing an entirely new sewage treatment system at the existing facility. Major aspects of the project include: construction of a new headworks building and control building, replacement of comminutor with automated mechanical screening system, construction of grit removal system, construction of a wet well with a triplex submersible pumping station, conversion of existing equalization/contact stabilization/clarifier basin to a larger equalization basin, construction of triplex submersible pumping station within equalization basin, construction of two ICEAS pre-cast concrete tanks and two aerobic digester pre-cast concrete tanks, replacement of exiting chlorine disinfection system with ultraviolet light disinfection system, replacement of existing sludge belt filter press with a rotary press dewatering system and the demolition of two contact stabilization/clarifier/digester basins. The facility will remain sized for a hydraulic capacity of 0.51 MGD.

QM Permit No. 6418401, Sewage, **Roamingwood Sewer & Water Association**, P.O. Box 6, Lake Ariel, PA 18436-0006.

This proposed facility is located in Lake Township, **Wayne County**.

Description of Proposed Action/Activity: The project is for the replacement of the gravity sewer lines, manholes and pump stations with a low pressure sanitary sewer system to serve the Hideout section of the service area. All existing wastewater pumping stations will be eliminated while the existing sewer lines will be abandoned in-place.

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

QM Permit No. 0613406, Amen # 1, Sewerage, **Lower Heidelberg Township**, 720 Brownsville Road, Sinking Spring, PA 19608-9717.

This proposed facility is located in Lower Heidelberg Township, **Berks County**.

Description of Proposed Action/Activity:

This permit approves the construction/operation of a new sewage collection system and a new pumping station to serve a 128-unit residential subdivision called Glen Ridge Estates.

QM Permit No. 0494414, Amen # 1, Sewerage, **Washington Township**, 120 Barto Road, Barto, PA 19504-8746.

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

Description of Proposed Action/Activity:

This permit approved the construction/modification for the Swamp Creek Pump Station upgrade.

QM Permit No. 0107402, Amen # 1, Sewerage, **New Oxford Muni Authority**, 409 Water Works Road, New Oxford, PA 17360-1511.

This proposed facility is located in New Oxford Borough, **Adams County**.

Description of Proposed Action/Activity:

This permit approves the construction/operation of an organic loading capacity is adjusted from 4,846 lbs BOD₅/day to 6,681 lbs BOD₅/day and redefine the treatment system from Modified Extended Aeration Process to Modified Combined Carbon Oxidation-Nitrification Process.

WQM Permit No. 0509403, Amen # 1, Sewerage, **Bedford Borough**, 244 W. Penn Street, Bedford, PA 15522-1226.

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

Description of Proposed Action/Activity:

This permit approves the construction/operation to increase the design capacity from 2,100 lbs BOD/day to 3,000 lbs BOD/day.

WQM Permit No. 6791402, Amen # 2, Sewerage, **Penn Township**, 20 Wayne Avenue, Hanover, PA 17331.

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

Description of Proposed Action/Activity:

This permit approves the conversion of existing chlorine disinfection system with an UV disinfection system.

WQM Permit No. 3603202, Amen # 1, Industrial Waste, **Chester County Solid Waste Authority**, 7224 Division Highway, Narvon, PA 17555-9505.

This proposed facility is located in Caernarvon Township, **Berks County**.

Description of Proposed Action/Activity:

This permit approves the construction/modification of industrial waste facilities consisting of the replacement of the existing ultrafiltration (UF) and reverse osmosis (RO) units with a 27 gallon per minute (gpm) tubular UF unit and a 20 gpm RO unit. Replacement of the existing Delpark Fabric Filter with dual basket strainers. Installation of two (2) 10' diameter tanks for RO concentrate storage.

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

WQM Permit No. 6571434 A-1, Sewage, **Westmoreland County Municipal Authority**, P.O. Box 73, Greensburg, PA 15601

This existing facility is located in Youngwood Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Sanitary sewer replacement on Depot and North First Streets.

WQM Permit No. 0418402, Sewage, SIC Code 4952, **Rochester Area Joint Sewer Authority**, 395 Adams Street, Rochester, PA 15074.

The proposed facilities are located in Rochester Borough and Freedom Borough, **Beaver County**.

Description of Proposed Action/Activity: upgrade and expansion of sanitary pump stations, force mains and sanitary sewers.

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

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

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

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

WQM Permit No. 1618406, Sewage, **Garrett L Carulli**, 2607 Old Fryburg Road, Lucinda, PA 16235.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150076	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Marsh Creek Reservoir (POI 1) HQ-TSF-MF
PAD150102	Bentley Homes 1595 Paoli Pike Suite 103 West Chester, PA 19380-6167	Chester	West Vincent Township	Unnamed Tributary to Marsh Creek (POI 2) HQ-TSF-MF Unnamed Tributary to French Creek/French Creek EV-HQ-TSF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD460024	Toll Mid-Atlantic, LP, Company, Inc. 250 Gibraltar Road Horsham, PA 19044	Montgomery	Worcester Township	Unnamed Tributary to Stony Creek TSF-MF
PAD510029	L&M Fishtown Residences LLC 3020 Richmond Street Philadelphia, PA 19134	Philadelphia	City of Philadelphia	Delaware Estuary WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390089	Baker Development Group LLC 1748 Central Park Orefield, PA 18069	Lehigh	Weisenberg Township	UNT to the Lyon Creek— HQ-CWF, MF
PAD390071	Jeffrey A & Ellen Broadhurst 3319 Blacksmith Rd New Tripoli, PA 18066	Lehigh	Weisenberg Twp	UNT to Lyon Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD520008	Mr. Kam S. Shi 113 Miller Road Milford, PA 18337	Pike	Milford Township	Saw Kill Creek (EV, MF)
PAD520014	Pine Hill Partners, L.P. 2178 Loines Avenue Merrick, NY 11566	Pike	Westfall Township	Crawford Branch (HQ-CWF, MF), Cummins Creek (HQ-CWF, MF), UNT to Delaware River (HQ-CWF, MF), Deep Brook (EV, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360037 Issued	Mr. Galen Nolt 222 Little Britain Church Road Peach Bottom, PA 17563	Lancaster	Fulton Township	UNT Conowingo 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.*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD110003	West Hills Community Church 2301 Sunshine Avenue Johnstown, PA 15909	Cambria County	Upper Yoder Township	Mill Creek (EV); UNT to Mill Creek (HQ-CWF)
PAD260007	PennDOT Engineering District 12 825 North Gallatin Avenue Extension Uniontown, PA 15401-2105	Fayette County	Ohiopyle Borough	Youghiogheny River (HQ-CWF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD630025	Peters Township Sanitary Authority 111 Bell Drive McMurray, PA 15317	Washington County	Peters Township	UNT to Little Chartiers Creek (HQ-WWF); Little Chartiers Creek (HQ-WWF); Canonsburg Lake (HQ-WWF); Boone Reservoir (HQ-WWF)

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

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

List of NPDES and/or Other General Permit Types.

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

General Permit Type—PAG-02

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

<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>
Doylestown Township Bucks County	PAC090204	DBD Realty Ltd., LLC 301 Oxford Valley Road Suite 501A Yardley, PA 19067-7711	Unnamed Tributary to Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Aston Township Delaware County	PAC230073	MP 61 LLC 274 Bodley Road Aston, PA 19014	West Branch Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510085	1911 Walnut Street, LLC 45 Rockefeller Plaza Suite 250 New York, NY 10111	Lower Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
City of Philadelphia Philadelphia County	PAC510076	School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130-4015	Tookany/ Taony-Frankford WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

Lackawanna County Conservation District, 1038 Montdale Road, Scott Township, PA 18447.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC350048	City of Scranton 340 N Washington Ave Scranton, PA 18503	Lackawanna	Scranton City	Carter Creek (UNT to Lackawanna River) (CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC390062	Bill Hackett 403 Player Ln Doylestown, PA 18901	Lehigh	Upper Saucon Twp	Laurel Run (CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC450011	Sheila Chen P.O. Box 152 White Plains, NY 10605	Monroe	Eldred Twp	UNT to Borger Creek (CWF, MF)

Schuylkill Conservation District, 1206 AG Center Drive, Pottsville, PA 17901-9733.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC540035	John Delong Delong & Montagner LP 25 S Greenview Rd P.O. Box 381 Orwigsburg, PA 17961	Schuylkill	North Manheim Twp	UNT to Mahonney Creek (CWF, MF)

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

*Facility Location:
Municipality &
County*

<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>
Highland & Hamiltonban Township Adams County Issued	PAC010068	James F. & Cheryl E. McCarthy 84 Brookside Avenue Hanover, PA 17331	UNT Muddy Run (CWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Hollidaysburg Borough Blair County Issued	PAC070033	Holliday Hills, LP 316 Newry Street Hollidaysburg, PA 16648	Beaver Dam Branch (TSF, MF) UNT Beaver Dam Branch Juniata (WWF, MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
Carlisle Borough Cumberland County Issued	PAC210091	Carlisle Construction Materials, Inc. 1285 Ritner Highway P.O. Box 7000 Carlisle, PA 17013	UNT Conodoguinet Creek (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812

*Facility Location:
Municipality &
County*

<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>
Lower Allen Township Cumberland County Issued	PAC210080	West Shore School District 507 Fishing Creek Road P.O. Box 803 New Cumberland, PA 17070	Cedar Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Lower Swatara Township Dauphin County Issued	PAC220119	James A Nardo, Sr P.O. Box 442 Hershey, PA 17033-0442	UNTs Susquehanna River (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County Issued	PAC220113	The Hershey Company 100 Crystal A Drive Hershey, PA 17033	Spring Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Swatara Township Dauphin County Issued	PAC220130	Old Reliance Partnership 1403 Farm House Lane Middletown, PA 17057	UNTs Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Dover Township York County Issued	PAC670182	Patrick & Marie McInerney 1545 Wyndham Drive York, PA 17403	Big Conewago Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Springfield Township York County Issued	PAC670042	Diversified Effective Construction Korp 2159 White Street Suite 3 York, PA 17404	EB Codorus Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Newberry Township York County Issued	PAC670179	Keystone PF Newberry, LLC Todd Schively 210 State Road 1st Floor Camp Hill, PA 17011	Fishing Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

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

*Facility Location and
Municipality*

<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>
Cecil Township	PAC630025	Overlook at Southpointe, LLC 2000 Georgetown Drive Suite 100 Sewickley, PA 15143	UNT to Chartiers Creek (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

NOTICES

6433

<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>
South Strabane Township	PAC630046	J. Angelides Enterprises, LP 20 Carnegie Avenue Staten Island, NY 10314	UNT to Chartiers Creek (WWF)	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>
Millcreek Township Erie County	PAC250055	Whispering Woods Limited Partnership 9010 Stonecreek Drive Erie, PA 16506	Walnut Creek CWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Wayne Township Lawrence County	PAC370026	Pennsylvania American Water David Kaufman 800 W. Hershey Park Drive Hershey, PA 17033	Slippery Rock Creek CWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 727-652-4512
Springfield Township Mercer County	PAC430028	Volant DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Hunters Run TSF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumberland County/ Silver Spring Township	PAG033594	Mechanicsburg Terminal DE LLC P.O. Box 2621 Harrisburg, PA 17105-2621	Trindle Spring Run (Outfalls 001 & 002), Hogestown Run (Outfall 003)/ CWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Donora Borough Washington County	PAG036236	MV Transportation, Inc. 72 E 8th Street Donora, PA 15033	Monongahela River—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
South Huntingdon Township Westmoreland County	PAG036228	Golden Triangle Construction Company, Inc. 8555 Old Steubenville Pike Imperial, PA 15126	Hunters Run—19-D WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
California Borough Washington County	PAG036235	WestRock-USC, Inc. 400 Technology Drive Coal Center, PA 15423	Pike Run and Unnamed Tributary to Pike Run—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-06**Facility Location
Municipality &
County*Arnold City
Westmoreland
County*Permit No.*
PAG066121*Applicant Name & Address*
Arnold City
Westmoreland County
1829 5th Avenue
Arnold, PA 15068*Receiving
Water/Use*Crawford Run and
Allegheny
River—18-A*Contact Office &
Phone No.*DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000*General Permit Type—PAG 08**Facility Location:
Municipality &
County*West Franklin
Township
Armstrong County*Permit No.*
PAG086116*Applicant Name & Address*
Worthington West Franklin
WWTP
102 West Main Street
Worthington, PA 16262*Site Name &
Location*Worthington West
Franklin

WWTP West
Franklin Township
Armstrong County
Pennsylvania*Contact Office &
Phone No.*DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000*General Permit Type—PAG-10**Facility Location &
Municipality*Adams County/
Cumberland
Township*Permit No.*
PAG103579*Applicant Name & Address*
Columbia Gas Trans, LLC
1700 Maccorkle Ave SE
Charleston, WV 25314*Receiving
Water/Use*Rock Creek/
WWF & MF*Contact Office &
Phone No.*DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707Adams County/
Mt. Pleasant
Township

PAG103578

Columbia Gas Trans, LLC
1700 MacCorkle Ave SE
Charleston, WV 25314South Branch
Conewago Creek/
WWF & MFDEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707*General Permit Type—PAG-12**Facility Location
Municipality &
County*Spring Township
Snyder County*Permit No.*
PAG124830*Applicant Name & Address*
Dennis Zimmerman
55 Zimmerman Lane
Beaver Springs, PA 17812-9370*Receiving
Water/Use*Unnamed Tributary
to Middle Creek—
6-A*Contact Office &
Phone No.*DEP Northcentral
Regional Office
Clean Water Program
208 W Third Street
Suite 101
Williamsport, PA
17701-6448
570.327.3636*General Permit Type—PAG-13**Facility Location
Municipality &
County*East Cocalico
Township/
Lancaster County*Permit No.*
PAG133572*Applicant Name & Address*
East Cocalico Township
100 Hill Road
Denver, PA 17517-9148*Receiving
Water/Use*Cocalico Creek,
Little Cocalico
Creek, Muddy Creek,
UNT Little Cocalico
Creek, UNT Stony
Run, UNT Little
Muddy Creek, Stony
Run, UNT Muddy
Creek, UNT Little
Cocalico Creek and
Little Muddy Creek/
TSF, WWF and MF*Contact Office &
Phone No.*DEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717.705.4707

NOTICES

6435

<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>
Ephrata Township/ Lancaster County	PAG133538	Ephrata Township 265 Akron Road Ephrata, PA 17522-2611	Meadow Run, UNT Cocalico Creek, UNT Conestoga River, and Coover Run/ WWF & MF	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
Millersville Borough/ Lancaster County	PAG133587	Millersville Borough 100 Municipal Drive Millersville, PA 17551	Little Conestoga Creek and Conestoga River/WWF & MF	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
Manor Township/ Lancaster County	PAG133537	Manor Township 950 W. Fairway Drive Lancaster, PA 17603	UNT Susquehanna River, Susquehanna River, Stamans Run, UNT to Conestoga River, Little Conestoga Creek and West Branch little Conestoga Creek/ WWF, TSF, MF	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
Daugherty Township Separate Storm Sewer System Beaver County	PAG136158	Township of Daugherty 2182 Mercer Road New Brighton, PA 15066-3446	Unnamed Tributary to Beaver River and Unnamed Tributary to Blockhouse Run 20-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Harmony Township Beaver County	PAG136173	Harmony Township 2501 Woodland Road Ambridge, PA 15003-1341	North Branch Legionville Run, Unnamed Tributary to Ohio River, Big Sewickley Creek and Ohio River 20-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
West View Borough West View Water Authority Allegheny County	PAG136195	West View Borough West View Water Authority 441 Perry Highway Municipal Building Pittsburgh, PA 15229	Girty's Run, Spruce Run, Lowrie's Run—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Turtle Creek Borough Allegheny County	PAG136196	Turtle Creek Borough Allegheny County 125 Monroeville Avenue Turtle Creek, PA 15145-1862	Sawmill Run Thompson Run Unnamed Tributary to Turtle Creek Turtle Creek 19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Wilkinsburg Borough Allegheny County	PAG136197	Wilkinsburg Borough Allegheny County 605 Ross Avenue Pittsburgh, PA 15221	Chalfant Run, Unnamed Tributary to Chalfant Run, Nine Mile Run, Unnamed Tributary to Sawmill Run, Unnamed Tributary to Turtle Creek 19-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>
Richland Township Allegheny County	PAG136309	Richland Township 4011 Dickey Road Gibsonia, PA 15044-9713	West Branch Deer Creek, Crouse Run, Breakneck Creek, and Montour Run— 20-C and 18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
City of Latrobe Westmoreland County	PAG136329	City of Latrobe P.O. Box 829 Latrobe, PA 15650-0829	Loyalhanna Creek, Saxman Run and Unity Run—18-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
J & L Groff Farms, LLC 2906 Dettinger Rd Brogue, PA 17309	York	72.4	469.11	Poultry	NA	Approved
Kieran Buser 49 Buser Farm Lane York, PA 17406	York	3.0	1,031.6	Swine	NA	Approved
Stone Chimney Hollow 3449 Delta Rd Airville, PA 17302	York	108.8	760.64	Swine/ Poultry	NA	Approved
Matthew Nolt 131 Krumstown Road Myerstown, PA 17067	Lebanon	7.3	410.24	Broilers	NA	Approved
Meadow Run Farm 4270 Harvest Road Manheim, PA 17545	Lebanon	107	1,178.84	Swine	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Jeffrey Zuck 135 Fox Road Lebanon, PA 17042	Lebanon	174.2	580.41	Broilers & Dairy Cattle	NA	Approved
Greg Haladay GNH Farms, LLC 224 White Church Road Elysburg, PA 17824	Columbia and Northumberland Counties	657	627.80	Layer Birds, Beef Steer, Ewes, Horse, Finishing Swine	Mugser Run—HQ—CWF	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 4617521, Public Water Supply.

Applicant	North Penn Water Authority 300 Forty Foot Road Lansdale, PA 19446
Township	Multiple
County	Montgomery
Type of Facility	PWS
Consulting Engineer	North Penn Water Authority 300 Forty Foot Road Lansdale, PA 19446

Permit to Construct Issued September 10, 2018

Operations Permit # 4618508 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 **PWS ID # 1460073**, Multiple, **Bucks, Chester, Delaware, Montgomery Counties** on September 10, 2018 for the operation of a mobile bulk water fill station.

Operations Permit # 0918508 issued to **Aqua Pennsylvania**, 762 West Lancaster Avenue, **PWS ID # 1090005**, New Britain Borough, **Bucks County** on September 10, 2018, for the operation of granular activated carbon filtration and backwash water filtration System at Chalfont Well No. 8.

Operations Permit # 4618507 issued to **Aqua PA**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 4618507**, Upper Moreland Township, **Montgomery County** on September 10, 2018 for the operation of granular activated carbon filtration and backwash water filtration system at Hatboro Well No. 9.

Operations Permit # 0916524 issued to: **Doylestown Township Municipal Authority**, 425 Wells Road, Doylestown, PA 18901, **PWS ID # 1090128**, Doylestown Township, **Bucks County** on September 10, 2018 for the operation of upgrades to Ridings Well Station including a new 650 gpm pump at Well No. 5, additional chlorine contact pipe, and revised 4-log certification of viruses.

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

Permit No. 4018518, Public Water Supply.

Applicant	Lake-Lehman School District (Ross Elementary School) P.O. Box 38 Lehman, PA 18627
Municipality	Ross Township
County	Luzerne
Type of Facility	Public Water Supply
Consulting Engineer	Martin J. Gilligan, P.E. Martin J. Gilligan, LLC 52 Westminster Drive Dallas, PA 18612

Permit to Construct Issued September 18, 2018

Permit No. 4518515MA, Minor Amendment, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. (Hamilton Water System) 1 Aqua Way White Haven, PA 18661
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Municipality Hamilton Township
 County **Monroe**
 Type of Facility Public Water Supply
 Consulting Engineer Jonathan W. Morris, P.E.
 GHD, Inc.
 326 East 2nd Street
 Bloomsburg, PA 17815

Permit to Construct Issued September 20, 2018

Permit No. 2400114, 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 Jonathan Morris, PE
 GHD
 1240 North Mountain Road
 Harrisburg, PA 17112

Permit Issued 09/12/2018

Permit. 3518502MA, Public Water Supply.
 Applicant **PA American Water**
 800 W. Hershey Park Drive
 Hershey, PA 17033

[Township or Borough] South Abington Township
Lackawanna County

Responsible Official Mr. David Kaufman
 Vice President-Engineering

Type of Facility Public Water Supply
 Consulting Engineer Mr. Richard C. Dudek, PE
 PA American Water Company
 2699 Stafford Avenue
 Scranton, PA 18505

Operation Permit Issued 08/30/2018

Permit No. 6418505, Public Water Supply.
 Applicant **Aqua PA, Inc.**
 1 Aqua Way
 White Haven, PA 18661

[Township or Borough] Lehigh Township
Wayne County

Responsible Official Patrick R. Burke, PE
 Aqua PA, Inc.
 204 E. Sunbury Street
 Shamokin, PA 17872

Type of Facility PWS
 Consulting Engineer Dan Hopkins, PE
 Entech Engineering Inc.
 P.O. Box 32
 Reading, PA 19603

Application Received Date 08/27/2018

Permit No. 6418509MA, Public Water Supply.
 Applicant **Aqua Pennsylvania, Inc.**
 1775 North Main St.
 Honesdale, PA 18431

[Borough or Township] Waymart Borough
 County **Wayne**

Type of Facility PWS
 Consulting Engineer Mr Charles Hauser PE
 Principal Engineer
 Arcadis US Inc
 1128 Walnut St
 Suite 400
 Philadelphia, PA 19107

Permit to Construct Issued 9/17/2018

Permit No. 2520037, Operations Permit, Public Water Supply.
 Applicant **Aqua Pennsylvania, Inc.**
 1775 North Main Street
 Honesdale, PA 18431

[Borough or Township] Lackawaxen Township
 County **Pike**

Type of Facility PWS
 Consulting Engineer Mr. Steven Riley PE
 Entech Engineering Inc
 201 Penn Street
 P.O. Box 32
 Reading, PA 19603

Permit to Operate Issued 9/10/2018

Permit No. 2450034, Operations Permit, Public Water Supply.
 Applicant **Brodhead Creek Regional Authority**
 410 Mill Creek Rd.
 East Stroudsburg, PA 18301

[Borough or Township] Stroud Township
 County **Monroe**

Type of Facility PWS
 Consulting Engineer Mr. Chris A. Borger, P.E.
 Brodhead Creek Regional Authority
 410 Mill Creek Rd.
 East Stroudsburg, PA 18301

Permit to Operate Issued 9/07/2018

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

Permit No. 6718506, Public Water Supply.
 Applicant **Wrightsville Borough Municipal Authority**

Municipality Wrightsville Borough
 County **York**

Responsible Official Phil Landis, Authority Chairman
 601 Water Street
 P.O. Box 187
 Wrightsville Borough, PA 17368

Type of Facility The river intake pumps will be replaced and relocated to a new concrete vault. The quarry pumps, backwash pumps, and waste pumps will be replaced with pumps of greater capacity.

Consulting Engineer John A. Klinedinst, P.E.
C.S. Davidson, Inc.
38 N. Duke St.
York, PA 17401

Permit to Construct Issued 9/20/2018

Permit No. 0618523, Minor Amendment, Public Water Supply.

Applicant Perry Township Municipal Authority

Municipality Perry Township

County **Berks**

Responsible Official Donald Mast, Chairman
P.O. Box 308
Shoemakersville, PA 19555

Type of Facility Construction of a 300,000-gallon finished water storage tank.

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

Permit to Construct Issued 9/20/2018

Operation Permit No. 6718509 MA issued to: **Exelon Generation Nuclear, Peach Bottom Atomic Power Station (PWS ID No. 7670905)**, Peach Bottom Township, **York County** on 9/19/2018 for facilities approved under Construction Permit No. 6718509 MA.

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

Permit No. 1718504—Construction—Public Water Supply.

Applicant **Houtzdale Municipal Authority**

Township/Borough Gulich Township

County **Clearfield County**

Responsible Official Mr. John Gallagher
Houtzdale Municipal Authority

Type of Facility Public Water Supply—Construction

Consulting Engineer Mr. Jeff Garrigan, P.E.
HRG, Inc.
474 Windmere Drive
State College, PA 16801

Permit Issued September 20, 2018

Description of Action Authorizes replacement of the existing Ginter Booster Pump Station with a similarly-sized pump station, located approximately 2,000 LF northeast of the old site.

Permit No. 1918503—Construction—Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Township/Borough Mifflin Township

County **Columbia County**

Responsible Official Mr. John Klinger II, Engineer
Aqua Pennsylvania, Inc.
204 East Sunbury Street
Shamokin, PA 17872

Type of Facility Public Water Supply—Construction

Consulting Engineer Mr. Rulison Evans
GHD, Inc.
230 Executive Drive, Suite 300
Cranberry Township, PA 16066

Permit Issued September 20, 2018

Description of Action Authorizes Aqua Pennsylvania, Inc. Mifflin Township to repair and repaint the 300,000-gallon Mifflinville water storage tank while using a 20,000-gallon hydro-pneumatic tank system for temporary storage of water from Mifflinville Well state and temporary release of stored water when the 300 gallons per minute flow from the Well Station is not sufficient to meet distribution system demand.

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

Permit No. 3018514-E, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**

P.O. Box 187
1442 Jefferson Road
Jefferson, PA 15344

[Borough or Township] German Township

County **Fayette**

Type of Facility German Township tank mixer

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued September 18, 2018

Permit No. 0314503-A1, Public Water Supply.

Applicant **Ford City Borough**
1000 4th Avenue
Ford City, PA 16226

[Borough or Township] Ford City Borough

County **Armstrong**

Type of Facility Solids separator at the water treatment plant

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit to Construct Issued September 21, 2018

Permit No. 0218519, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] City of McKeesport

County **Allegheny**

Type of Facility Alpine # 1 tank painting; and installation of power ventilation system and mixing system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit to Construct Issued September 14, 2018

Permit No. 6514511-A1, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] Washington Township

County **Westmoreland**

Type of Facility North Washington Tank

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit to Construct Issued September 19, 2018

Permit No. 6514513-A1, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] Leechburg Township

County **Armstrong**

Type of Facility Leechburg water storage tank mixing system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit to Construct Issued September 19, 2018

Permit No. 6518508, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] Kiskiminetas Township

County **Armstrong**

Type of Facility Kiski # 2 water storage tank mixing system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit to Construct Issued September 19, 2018

Permit No. 2614509-A1, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] Hempfield Township

County **Westmoreland**

Type of Facility Greengate water storage tank mixing system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit to Construct Issued September 19, 2018

Permit No. 2618513, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] Unity Township

County **Westmoreland**

Type of Facility Charter Oaks # 2 water storage tank mixing system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit to Construct Issued September 19, 2018

Permit No. 6518505, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] Allegheny Township

County **Westmoreland**

Type of Facility Shearsburg # 1 water storage tank and mixing system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
P.O. Box 853
Latrobe, PA 15650

Permit to Construct Issued September 21, 2018

Permit No. 0218510, Public Water Supply.
 Applicant **Pennsylvania American Water Company**
 800 West Hersheypark Drive
 Hershey, PA 17033
 [Borough or Township] City of Monongahela
 County **Washington**
 Type of Facility Eldora booster pump station
 Consulting Engineer Pennsylvania American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17033
 Permit to Construct Issued September 19, 2018

Permit No. 0218508, Public Water Supply.
 Applicant **Pennsylvania American Water Company**
 800 West Hersheypark Drive
 Hershey, PA 17033
 [Borough or Township] Lincoln Borough
 County **Allegheny**
 Type of Facility Clairton tank and mixing system
 Consulting Engineer Pennsylvania American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17033
 Permit to Construct Issued September 21, 2018

Permit No. 0218518, Public Water Supply.
 Applicant **Pittsburgh Water & Sewer Authority**
 1200 Penn Avenue
 Pittsburgh, PA 15222
 [Borough or Township] City of Pittsburgh
 County **Allegheny**
 Type of Facility Corrosion control
 Consulting Engineer Mott MacDonald
 325 Chestnut Street
 Philadelphia, PA 19106
 Permit to Construct Issued September 24, 2018

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID # 5020038) Shaler Township, **Allegheny County** on September 1, 2018 for the operation of facilities approved under Construction Permit # 0218527MA.

Operations Permit issued to: **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717, (PWSID # 5650069) St. Clair Township, **Westmoreland County** on September 19, 2018 for the operation of facilities approved under Construction Permit # 6517501.

Operations Permit issued to: **Municipal Water Authority of Aliquippa**, 160 Hopewell Avenue, Aliquippa, PA 15001, (PWSID # 5040006) City of Aliquippa, **Beaver County** on September 18, 2018 for the operation of facilities approved under Construction Permit # 0418525MA.

Operations Permit issued to: **Brighton Township Municipal Authority**, 1300 Brighton Road, Beaver, PA

15009, (PWSID # 5040017) Brighton Township, **Beaver County** on September 18, 2018 for the operation of facilities approved under Construction Permit # 0418524MA.

Permit No. 0418517MA, Minor Amendment. Public Water Supply.

Applicant **Center Township Water Authority**
 224 Center Grange Road
 Aliquippa, PA 15001
 [Borough or Township] Center Township
 County **Beaver**
 Type of Facility Beaver Valley Mall Development waterline project
 Consulting Engineer Lennon Smith Souleret Engineering Inc.
 846 Fourth Avenue
 Coraopolis, PA 15108
 Permit to Construct Issued September 21, 2018

Permit No. 0418526MA-E, Minor Amendment. Public Water Supply.

Applicant **Municipal Water Authority of Aliquippa**
 160 Hopewell Avenue
 Aliquippa, PA 15001
 [Borough or Township] City of Aliquippa
 County **Beaver**
 Type of Facility New West Aliquippa tank altitude valve
 Consulting Engineer Lennon Smith Souleret Engineering Inc.
 846 Fourth Avenue
 Coraopolis, PA 15108
 Permit to Construct Issued September 14, 2018

Permit No. 0218526MA, Minor Amendment. Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
 1200 Penn Avenue
 Pittsburgh, PA 15222
 [Borough or Township] City of Pittsburgh
 County **Allegheny**
 Type of Facility Highland Park microfiltration plant
 Consulting Engineer Pittsburgh Water & Sewer Authority
 1200 Penn Avenue
 Pittsburgh, PA 15222
 Permit to Construct Issued September 18, 2018

Permit No. 3015507MA, Minor Amendment. Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
 P.O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344
 [Borough or Township] Whiteley Township

County **Greene**
 Type of Facility Downer/Hook waterline
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024
 Permit to Operate September 18, 2018
 Issued

Permit No. 3015509MA, Minor Amendment. Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
 P.O. Box 187
 1442 Jefferson Road
 Jefferson, PA 15344
 [Borough or Township] German Township
 County **Greene**
 Type of Facility SR 0166 Little Cleveland area waterline
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024
 Permit to Operate September 18, 2018
 Issued

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

Permit No. 4218503, Public Water Supply.

Applicant **Ridgway Borough**
 Township or Borough Ridgway Borough
 County **Elk**
 Type of Facility Public Water Supply
 Consulting Engineer August Mass, P.E.
 Greenman-Pedersen, Inc.
 8 Gibson Street
 North East, PA 16428
 Permit to Construct September 20, 2018
 Issued

Permit No. 2418501, Public Water Supply.

Applicant **Sheetz, Inc.**
 Township or Borough Hamlin Township
 County **McKean**
 Type of Facility Public Water Supply
 Consulting Engineer David Anderson, P.E.
 HF Lenz Company
 1407 Scalp Avenue
 Johnstown, PA 15904
 Permit to Construct September 23, 2018
 Issued

Permit No. 361W4-T1-MA1, Public Water Supply.

Applicant **PA American Water Co**
 Township or Borough City of Butler
 County **Butler**
 Type of Facility Public Water Supply

Consulting Engineer Rachael Beam
 PA American Water Co
 800 West Hershey Park Drive
 Hershey, PA 17033
 Permit to Construct September 24, 2018
 Issued

Permit No. 2518501, Public Water Supply.

Applicant **Erie City Water Authority**
 Township or Borough City of Erie
 County **Erie**
 Type of Facility Public Water Supply
 Consulting Engineer Chad Ellsworth
 Erie City Waterworks
 240 West 12th Street
 Erie, PA 16501
 Permit to Construct September 25, 2018
 Issued

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Green Acres Mobile Home Park, 1038 Cherry Tree Crossing, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of kerosene/heating oil to the soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

Green Acres Mobile Home Park, 8739 Evergreen Circle, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of heating oil to the soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

Green Acres Mobile Home Park, 8823 Max Way, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of kerosene to the soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

Green Acres Mobile Home Park, 8832 Max Way, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of heating oil to the soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

Green Acres Mobile Home Park, 8833 Max Way, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of heating oil to the soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

Green Acres Mobile Home Park, 8902 Cedar Road, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of heating oil to the soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

Green Acres Mobile Home Park, 8867 Breinig Run Circle, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of kerosene to the soil. The

report is intended to document remediation of the site to meet Statewide Health Standards.

Green Acres Mobile Home Park, 8964 Breinig Run Circle, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of kerosene/heating oil to the soil. The report is intended to document remediation of the site to meet Statewide Health Standards.

Holbrook Well Pad, Holbrook Road, Bridgewater Township, **Susquehanna County**. Woodward & Curran, 12 Frear Hill Road, Tunkhannock, PA 18657 on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, has resubmitted a Final Report concerning remediation of site soils contaminated with brine. The report is intended to document remediation of the site to meet Statewide Health Standards.

Eric and Robyn Rooney Property, 1015 Jones Drive, Spring Brook Township, **Lackawanna County**. Eric Rooney, P.O. Box 1043, Moscow, PA 18444, submitted a Final Report concerning remediation of site soils contaminated with heating oil. The report is intended to document remediation of the site to meet Statewide Health Standards.

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

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 Remedial Investigation Report concerning 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.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Former Rouseville Refinery Plant 2 Aboveground Storage Tank Farm, 300 feet south of the southernmost end of McClintockville Road, Cornplanter Township, **Venango County**. AECOM Technical Services, Inc., 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876, on behalf of Shell Oil Products, US, 17 Junction Drive, PMB 399, Glen Carbon, IL 62034, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with 1,1,1,2-tetrachloroethane, 1,1,1-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, 1,1-dichloroethane, 1,1-dichloroethene, 1,1-dichloropropene, 1,2,3-trichlorobenzene, 1,2,4-trichlorobenzene, 1,2,4-trimethylbenzene, 1,2-dichlorobenzene, 1,2-dichloroethane, 1,3,5-trichlorobenzene, 1,3,5-trimethylbenzene, 1,3-butadiene, 1,3-dichlorobenzene, 1,3-dichloropropane, 1,4-dichlorobenzene, 2-butanone, 2-chloroethyl vinyl ether, 2-hexanone, 4-chlorotoluene, 4-methyl-2-pentanone, acetone, acetonitrile, acrylonitrile, benzene, benzyl chloride, bromobenzene, bromochloromethane, bromoform, bromomethane, carbon disulfide, carbon tetrachloride, chlorobenzene, chloroethane, chloromethane, cis-1,2-dichloroethene, cis-1,3-dichloropropene, cyclohexane, cyclohexanone, dibromochloromethane, dibromomethane, dichlorodifluoromethane, ethylbenzene, hexachloro-

butadiene, iodomethane, isopropyl alcohol, isopropylbenzene, m,p-xylene, methyl acetate, methyl tert-butyl ether, methylcyclohexane, methylene chloride, naphthalene, n-butanol, n-butylbenzene, n-propylbenzene, o-chlorotoluene, o-xylene, p-isopropyltoluene, sec-butylbenzene, styrene, tert-butylbenzene, tetrachloroethene, tetrahydrofuran, toluene, trans-1,2-dichloroethene, trans-1,3-dichloropropene, trichlorofluoromethane, vinyl acetate, xylenes total, 1,2,4,5-tetrachlorobenzene, 1,2-diphenylhydrazine, 1,2-diphenylhydrazine (as azobenzene), 1,3-dinitrobenzene, 1,4-dioxane, 1-methylnaphthalene, 2,3,4,6-tetrachlorophenol, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, 2,4-dichlorophenol, 2,4-dimethylphenol, 2,4-dinitrophenol, 2-chloronaphthalene, 2-chlorophenol, 2-methylnaphthalene, 2-methylphenol, 2-nitroaniline, 2-nitrophenol, 3&4-methylphenol, 3-nitroaniline, 4-bromophenyl-phenyl ether, 4-chloro-3-methylphenol, 4-chlorophenyl phenyl ether, 4-nitroaniline, 4-nitrophenol, acenaphthene, acenaphthylene, acetophenone, aniline, anthracene, atrazine, benzaldehyde, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, benzo[k]fluoranthene, benzoic acid, benzyl alcohol, benzyl butyl phthalate, biphenyl, bis[2-chloroethoxy]methane, bis[2-chloroisopropyl] ether, bis[2-ethylhexyl]phthalate, caprolactam, carbazole, chrysene, dibenzo[a,h]anthracene, dibenzofuran, diethyl phthalate, dimethyl phthalate, di-n-butyl phthalate, di-n-octyl phthalate, diphenylamine, fluoranthene, fluorene, hexachloroethane, indeno[1,2,3-cd]pyrene, isophorone, naphthalene, nitrobenzene, n-nitrosodiphenylamine, phenanthrene, phenol, pyrene, pyridiene, arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver and site groundwater contaminated with 1,1,1-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, 1,1-dichloroethene, 1,2,4-trimethylbenzene, 1,2-dichlorobenzene, 1,2-dichloroethane, 1,3,5-trimethylbenzene, 1,3-dichlorobenzene, 1,3-dichloropropane, 2-butanone, 4-methyl-2-pentanone, acetone, benzene, carbon disulfide, chloroethane, chloromethane, cyclohexane, cyclohexanone, ethylbenzene, isopropylbenzene, m,p-xylene, methyl acetate, methyl tert-butyl ether, naphthalene, n-butanol, n-butylbenzene, n-propylbenzene, o-xylene, sec-butylbenzene, styrene, tert-butylbenzene, tetrahydrofuran, toluene, trans-1,2-dichloroethene, trichlorofluoromethane, vinyl acetate, xylenes, 2,3,4,6-tetrachlorophenol, 2,4,5-trichlorophenol, 2,4-dimethylphenol, 2-chloronaphthalene, 2-methylnaphthalene, 2-methylphenol, 2-nitrophenol, 3&4-methylphenol, 4-bromophenyl-phenyl ether, 4-chloro-3-methylphenol, 4-chlorophenyl phenyl ether, 4-nitrophenol, acenaphthene, acenaphthylene, acetophenone, anthracene, benzo[g,h,i]perylene, benzo[k]fluoranthene, benzoic acid, benzyl alcohol, benzyl butyl phthalate, bis[2-chloroisopropyl]ether, bis[2-ethylhexyl]phthalate, carbazole, chrysene, diethyl phthalate, dimethyl phthalate, di-n-butyl phthalate, di-n-octyl phthalate, diphenylamine, fluoranthene, fluorene, isophorone, naphthalene, n-nitrosodiphenylamine, phenanthrene, phenol, pyrene, arsenic, barium, chromium, lead, and selenium. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

4137 Bakerstown Road Site, 4136 Bakerstown Road, Richland Township, **Allegheny County**. Penn Environmental & Remediation, Inc., 111 Ryan Court, Pittsburgh, PA 15205, on behalf of 4137 Bakerstown Road LLC, 4136 Bakerstown Road, Gibsonia, PA 15044 has submitted a combined Remedial Investigation, Risk Assessment, and

Cleanup Plan Report concerning the remediation of Site soil using the Statewide Health Standard, Background Standard, and Site Specific Standard. The combined report was published in the *Pittsburgh Post-Gazette* on September 5, 2018.

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.

J. Arnone Pad 1/J. Foltz Pad 2, Zicks Hill Road, Brooklyn 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 Statewide Health Standards and was approved by the Department on September 20, 2018.

Diaz Manufacturing Company LLC, formerly Donald Dean and Sons Property, 747 Grow Avenue, Bridgewater Township, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of Diaz Manufacturing, 747 Grow Avenue, Montrose, PA 18801, submitted a final report concerning remediation of a release of heating oil to groundwater. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on September 20, 2018.

Green Acres Mobile Home Park, 1038 Cherry Tree Crossing, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of kerosene/heating oil to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on September 24, 2018.

Green Acres Mobile Home Park, 8739 Evergreen Circle, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of heating oil to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on September 24, 2018.

Green Acres Mobile Home Park, 8823 Max Way, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of kerosene to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on September 24, 2018.

Green Acres Mobile Home Park, 8832 Max Way, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of heating oil to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on September 24, 2018.

Green Acres Mobile Home Park, 8833 Max Way, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606,

submitted a revised Final Report concerning remediation of a release of heating oil to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on September 24, 2018.

Green Acres Mobile Home Park, 8902 Cedar Road, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of heating oil to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on September 24, 2018.

Green Acres Mobile Home Park, 8867 Breinig Run Circle, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of kerosene to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on September 24, 2018.

Green Acres Mobile Home Park, 8964 Breinig Run Circle, Upper Macungie Township, **Lehigh County**. Light-Heigel & Associates, 430 East Main Street, Palmyra, PA 17078, on behalf of Equity Lifestyle Properties, Inc., 2 North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a revised Final Report concerning remediation of a release of kerosene/heating oil to the soil. The report documented remediation of the site to meet Statewide Health Standards and was approved by the Department on September 24, 2018.

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

Lanco Sheds, Incorporated, 154 & 164 Orlan Road, New Holland, PA 17557, Earl Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Lanco Sheds, Inc., 150 Commerce Drive, New Holland, PA 17557; JaLyn Builders & Developers, 148 Brick Church Road, Leola, PA 17540; and Alert-All Corporation, 164 Orlan Road, New Holland, PA 17602; submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil, diesel fuel and lubricating oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on September 20, 2018.

H.B. McClure Fuel Oil Release/Hyle Property, 6920 Parkway East, Harrisburg, PA 17112, Lower Paxton Township, **Dauphin County**. Environmental Products & Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of H.B. McClure, 600 South 17th Street, P.O. Box 1745, Harrisburg, PA 17105-1745, and Christine Hyle, 6920 Parkway East, Harrisburg, PA 17112, submitted a Final Report concerning site soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Health Standards and was disapproved on September 21, 2018.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Hazardous Waste Transporter License Issued

Citiwaste, LLC, 893 Shepherd Avenue, Brooklyn, NY 11208. License No. PA-AH 0870. Effective Sep. 25, 2018.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Renewal Applications Received

Cole Care, Inc., 1001 East Second Street, Coudersport, PA 16915. License No. PA-HC 0178. Effective Sep. 18, 2018.

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

Cole Care, Inc., 1001 East Second Street, Coudersport, PA 16915. License No. PA-HC 0178. Effective Sep. 18, 2018.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Registration No. WMGR123NC037: JKLM Energy, LLC, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143. Registration to operate under General Permit No. WMGR123NC037 for the beneficial use of oil and gas liquid waste for use as a water supply to develop or hydraulically fracture an oil or gas well. This permit registration was approved by Northcentral Regional Office on August 28, 2018.

Persons interested in obtaining more information about the general permit application may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 101720. TC Recycling, LLC, 120 Hutchman Road, Mars, PA 16046. On September 17, 2018, the Department issued a municipal waste transfer station permit to TC Recycling, LLC. This is a new municipal waste transfer station permit (Hutchman Road Transfer Station) is for the storage and transfer of municipal waste. The facility may also process and transfer waste electronics and construction demolition waste. The Hutchman Road Transfer Station was permitted with an 800 tons per day waste daily average and maximum. The proposed operating hours are 24 hours/day and 7 days/week. The application was received August 3, 2017 and a LMIP meeting was conducted on November 8, 2017. The application was found to be administratively complete by the Northwest Regional Office on November 16, 2017.

Persons interested in commenting on the permit may contact Christina S. Wilhelm, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. 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.

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP14-15-0034: Brandywine Green DBA Pet Memorial Services (126 Turner Lane, West Chester, PA 19380) On September 21, 2018 for a new six (6) chamber animal crematory in West Goshen Township, **Chester County**.

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

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

GP3-53-123: Alvin J. Coleman & Son, Inc. (9 NH Route 113, Conway, NH 03818) on September 13, 2018, for the authorization to construct and operate a Terex Cedarapids Co. manufactured model COBRATRACK 1100 Series II mobile crushing plant pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)) at the Big Level Wind Energy Project located in Harrison & Hector Townships, **Potter County**.

GP11-53-123: Alvin J. Coleman & Son, Inc. (9 NH Route 113, Conway, NH 03818) on September 13, 2018, to construct and operate one Cummins model QSL9 CM554 325 brake-horsepower diesel-fired engine to power the

Terex crusher pursuant to the General Plan Approval and/or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Big Level Wind Energy Project located in Harrison & Hector Townships, **Potter 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.

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

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

46-0301: PECO (263 Flint Hill Road, King of Prussia, PA 19406) On September 21, 2018 issued for the installation of a new portable non-metallic processing plant and supporting engine at the facility located in Upper Merion Township, **Montgomery County**.

23-0038G: Delaware County Regional Water Quality Control Authority (DELCORA) (P.O. Box 999, Chester, PA 19016) September 21, 2018 issued for the revision of the allowable pressure drop range across the Belt Filter Press Room Process Scrubber (BFPRPS) at the Western Regional Treatment Plant located in the City of Chester, **Delaware County**.

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

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

10-079F: BNZ Materials, Inc. (191 Front St., Zelienople, PA 16063), on September 19, 2018 issued a Plan Approval for the re-permitting of Kiln # 3 in Zelienople Borough, **Butler County**. This is a Title V facility.

43-273A: Metal Litho and Laminating LLC (242 Reynolds Industrial Park Dr., Greenville, PA 16125), on September 17, 2018 issued a Plan Approval for the installation of a coating line and associated RTO, which will control emissions from the proposed coating line and existing coating lines in Hermitage City, **Mercer County**. This is a State Only facility.

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.

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

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

23-0038F: Delaware County Regional Water Quality Control Authority (DELCORA) (P.O. Box 999, 100 E. 5th Street, Chester, PA 19016-0999) On September 24, 2018 for the extension for the construction and operation of a new air pollution control system for each of the two multiple hearth incinerators, comprising quench, multi-venturi scrubber, wet electrostatic precipitator and regenerative thermal oxidizer in Chester City, **Delaware County**.

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

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

49-00064B: Milton Sewer Regional Authority (5585 State Route 405, P.O. Box 433, Milton, PA 17847), on August 30, 2018, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from September 18, 2018 to March 17, 2019 at their facility located in West Chilisquaque Township, **Northumberland County**. The plan approval has been extended.

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

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

20-037B: US Bronze Foundry & Machine Inc. (18649 Brakeshoe Rd., P.O. Box 458, Meadville, PA 16335) on September 18, 2018, effective September 30, 2018, has issued a plan approval extension to construct, modify or operate two (2) 2,000 lb. capacity electric induction furnaces, two (2) 80 lb. aluminum/bronze crucible furnaces, grinding operations, a sand handling system, and a rotary drop media surface abrader in Woodcock Township, **Crawford County**. This will expire March 31, 2019. This is a State Only facility.

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.

15-00027: Johnson Matthey Inc.—Wayne Facility (456 Devon Park Dr., Wayne, PA 19087) On September 24, 2018, issued the renewal of their Title V Operating Permit. The facility is in Tredyffrin Township, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerston 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.

06-05044: PA Department of Human Services/Wernersville State Hospital (160 Main Street, Wernersville, PA 19565-9490) on September 14, 2018, for the boilers and generators at the Wernersville State Hospital in South Heidelberg Township, **Berks County**. The Title V permit was renewed.

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

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

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

15-00051: Allan A. Myers, L.P. d/b/a Allan Myers Materials, Devault Asphalt Plant (Rte. 29, (Devault) Charlestown Twp., PA 19432) On September 21, 2018, for the renewal of the State Only Operating Permit was issued. This non-Title V facility is in Charlestown Township, **Chester County**.

46-00254: Campania International, Inc. (2452 Quakertown Rd., Pennsburg, PA 18073) On September 24, 2018, for the renewal of a State Only Operating Permit to operate a concrete products manufacturing facility in Upper Hanover Township, **Montgomery County**.

15-00108: Refractory Minerals Co., Inc. (150 South Jennersville Road, West Grove, PA 19390-9430) On September 20, 2018 for the renewal of the State-Only Operating Permit for their facility located in Penn Township, **Chester County**.

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

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

13-00009: Weatherly Casting and Machine Co. (300 Commerce St, Weatherly, PA 18255-1200) The Department issued, on 9/19/18, a State-Only (Natural Minor) Operating Permit renewal for operation of an iron foundry located in Weatherly Borough, **Carbon County**. The sources include sand handling/casting shakeout process, mold coating process, inoculation, pouring/casting, induction furnace, sand reclamation, molding lines, annealing, and grinding. Sand reclamation systems, a molding line, grinding area, and casting shakeout are controlled by three dust collectors and a baghouse. 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.

40-00050: Pioneer Aggregates/White Haven Red Rock Sales (220 S River St, Plains, PA 18705-1137) The Department issued, on 9/19/18, a State-Only (Natural Minor) Operating Permit renewal for operation of a crushed and broken stone mining operation located in Dennison Township, **Luzerne County**. The sources include a jaw crusher and three cone crushers controlled by a water spray system. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerston 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.

36-05073: Bollman Hat Co. (110 E. Main Street, Adamstown, PA 19501-5009) on September 12, 2018, for the hat manufacturing facility in Adamstown Borough, **Lancaster County**. The State-only permit was renewed.

67-03132: Voith Hydro, Inc. (P.O. Box 712, York, PA 17405-0712) on September 14, 2018, for the hydro-electric turbine equipment manufacturing and refurbishing facility in West Manchester Township, **York County**. The State-only permit was renewed.

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

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

41-00050: Appellation Construction Services, LLC (999 N. Loyalsock Ave., Ste. C, Montoursville, PA 17754) on September 19, 2018 was issued a renewal State only

operating permit for the Williamsport Plant located in Woodward Township, **Lycoming County**. The State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00070: Baronick Funeral Home & Crematorium, Inc. (211 South Main Street, DuBois, PA 15801) was issued on September 17, 2018, a State Only operating permit for their crematory facility located in the City of DuBois, **Clearfield County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

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

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

63-00908: Ross Mould LLC (259 S College Street, Washington, PA 15301) on September 21, 2018 a State Only Operating Permit (SOOP) renewal to Ross Mould LLC to authorize the operation of their mould manufacturing facility in Washington, **Washington County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

09-00068: Orchard Hill Memorial Park dba Abby Glen Pet Memorial (80 Kelly Road, Quakertown, PA 18951) September 14, 2018 is a non-Title V facility located in Richland Township, **Bucks County**. The Synthetic Minor Operating Permit has been amended to incorporate General Permit Nos. GP14-09-0136 (Source ID 106) and GP14-09-0144 (Source IDs 108, 109, and 110). The Synthetic Minor Operating Permit contains additional monitoring, recordkeeping, and operating conditions designed to keep the facility operating within all applicable air quality requirements.

46-00031: Glaxosmithkline (1250 S. Collegeville Road, Upper Providence Township, **Montgomery County**) On September 21, 2018, Minor modification of TVOP No. 46-00031 is issued under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code § 127.462.

The following change was made to the permit:

The purpose of the modification was to reduce the minimum pressure drop limit on Condition No. 003b from 3 inches w.g. to a pressure drop range between 0.4 to 3.0 inches w.g.

The condition reads as follows:

b. Scrubber C102 (Labeled as XP-2410), used as a backup, shall be operated to maintain a pressure drop range between 0.4 to 3.0 w.g. and a minimum scrubbing solution flow rate of 52 gpm when acid and/or base gas emissions are being generated from the process equipment.

The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

46-00124: Montgomery Chemicals, LLC (901 Conshohocken Road, Conshohocken, PA 19428) On September 21, 2018, for an Administrative Amendment of the Title V Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit was opened for cause to incorporate the EPA approved Alternative Monitoring Request—that is allowing the facility to monitor scrubber water flow and pressure drop in lieu of scrubber liquid density as required by 40 CFR 63.990(c)(1). The permit contains all applicable requirements including monitoring, recordkeeping and reporting. The Title V Operating Permit is in the Township of Plymouth Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerston 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.

36-05005: Birch Holdings of PA, LLC dba Rutt Handcrafted Cabinetry (215 Diller Avenue, New Holland, PA 17557-1611) on September 18, 2018, for the wood cabinet manufacturing facility located in Earl Township, **Lancaster County**. The Title V permit was administratively amended to reflect a change of ownership.

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

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

08-00003: JELD-WEN, Inc. (825 Shiner Road, P.O. Box 311, Towanda, PA 18848-0311) on September 21, 2018, for the significant modification to the Title V operating permit TVOP 08-00003 for the incorporation of Reasonable Available Control Technology (RACT II) requirements pursuant to 25 Pa. Code §§ 129.96—129.100 at the Towanda facility located in Wysox Township, **Bradford County**. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

Permit No. 56120110 and NPDES No. PA0269069. Northern Son, Inc., 1022 Treasure Lake, Dubois, PA 15801, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 231 acres. Receiving stream: unnamed tributary to Miller Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2018. Permit Issued: September 17, 2018.

Permit No. 11130103 and NPDES No. PA0269204. Laurel Sand & Stone Inc., P.O. Box 556, Ligonier, PA 15658, permit renewal for reclamation only of a bituminous surface and auger mine in Jackson Township, **Cambria County**, affecting 264 acres. Receiving streams: unnamed tributaries to and South Branch of Blacklick Creek and unnamed tributaries to and Bracken Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 11, 2018. Permit issued: September 17, 2018.

Permit No. 56120201 and NPDES No. PA0268933. Robindale Energy Services, Inc., 224 Grange Hall Road, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface mine in Conemaugh Township, **Somerset County**, affecting 145.2 acres. Receiving streams: unnamed tributaries to and Kaufman Run and Stonycreek River classified for the following uses: cold water fishes, warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 4, 2018. Permit issued: September 17, 2018.

Permit No. 05070101 and NPDES No. PA0262544. J&J Svonavec Excavating Inc., 110 Windermere Lane, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine to add 5.5 acres to the permit area for the modification and utilization of the existing passive treatment system in Broad Top Township, **Bedford County**, affecting 110.0 acres. Receiving stream: East Fork Brewster Hollow Run, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is the Saxton Municipal Authority on Raystown Branch Juniata River. Application received: May 25, 2018. Permit issued: September 20, 2018.

Permit No. 56070106. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for reclamation only of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 36.3 acres. Receiving streams: unnamed tributaries to Hays Run and unnamed tributaries to Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 18, 2018. Permit issued: September 20, 2018.

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

43020103. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Sandy Lake Township, **Mercer County**, affecting 95.4 acres. Receiving streams: South Sandy Creek and unnamed tributary to Sandy Creek. This renewal is issued for reclamation only. Application received: July 11, 2018. Permit Issued: September 13, 2018.

16130103. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) Renewal of an existing

bituminous surface mine in Monroe & Porter Townships, **Clarion County**, affecting 34.0 acres. Receiving streams: Unnamed tributary to Leatherwood Creek and unnamed tributary to West Fork Leatherwood Creek. This renewal is issued for reclamation only. Application received: July 20, 2018. Permit Issued: September 19, 2018.

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

17030107 and NPDES PA0243485. Swisher Contracting, Inc. (P.O. Box 1223, Clearfield, PA 16830). Permit renewal for reclamation only on a bituminous surface coal and auger mine and reduce permitted acreage from 50.2 acres to 3.5 acres for an existing passive treatment system located in Lawrence Township, **Clearfield County** affecting 3.5 acres. Receiving stream(s): Unnamed Tributary to Moose Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: July 25, 2018. Permit issued: September 17, 2018.

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

Permit No. 54991302R3 and NPDES Permit No. PA0223972. S & S Coal Co., LLC, (66 Snyder Lane, Hegins, PA 17938), renewal for reclamation activities only on an anthracite underground mine operation and renewal of NPDES Permit for discharge of treated mine drainage in Barry, Foster and Hegins Townships, **Schuylkill County** affecting 8.0 acres, receiving stream: Hans Yost Creek. Application received: April 6, 2015. Renewal issued: September 18, 2018.

Permit No. 54803203R5 and NPDES Permit No. PA0123862. Rausch Creek Fuel, LLC, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Hegins Township, **Schuylkill County** affecting 76.0 acres, receiving stream: East Branch Rausch Creek. Application received: October 9, 2015. Renewal issued: September 20, 2018.

Permit No. 54803203T3 and NPDES Permit No. PA0123862. Rausch Creek Fuel, LLC, (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Hegins Township, **Schuylkill County** affecting 76.0 acres, receiving stream: East Branch Rausch Creek. Application received: December 8, 2017. Transfer issued: September 20, 2018.

Permit No. 54020201T. Locust Valley Coal Co., Inc., (P.O. Box 279, St. Clair, PA 17970), transfer of an existing anthracite coal refuse reprocessing and preparation plant operation in Mahanoy Township, **Schuylkill County** affecting 69.0 acres, receiving stream: unnamed tributary to Mill Creek. Application received: October 31, 2017. Transfer issued: September 20, 2018.

Permit No. 54020201R3. Locust Valley Coal Co., Inc., (P.O. Box 279, St. Clair, PA 17970), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Mahanoy Township, **Schuylkill County** affecting 69.0 acres, receiving stream: unnamed tributary to Mill Creek. Application received: October 31, 2017. Renewal issued: September 20, 2018.

Permit No. PAM117054. Locust Valley Coal Co., Inc., (P.O. Box 279, St. Clair, PA 17970), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54020201 in Mahanoy Township, **Schuylkill County**,

receiving stream: unnamed tributary to Mill Creek. Application received: October 31, 2017. Permit issued: September 20, 2018.

Permit No. 54-305-042GP12. Locust Valley Coal Co., Inc., (P.O. Box 279, St. Clair, PA 17970), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54020201 in Mahanoy Township, **Schuylkill County**. Application received: October 31, 2017. Permit issued: September 20, 2018.

Permit No. 54930102T5 and NPDES Permit No. PA0223492. Rausch Creek Anthracite Coal, LLC, (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 594.0 acres, receiving stream: unnamed tributary to East Branch Rausch Creek. Application received: December 8, 2017. Transfer issued: September 20, 2018.

Noncoal Permits Issued

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

PAM613006. Diversified Environmental Reclamation, LLC (P.O. Box 233, West Middlesex, PA 16159) Renewal of the General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37970304 in Pulaski Township, **Lawrence County**. Receiving streams: Shenango River. Application received: September 10, 2018. Permit Issued: September 19, 2018.

PAM618059. Robert C. See (15122 North Goodwill Road, Titusville, PA 16354) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 20022802 in Oil Creek Township, **Crawford County**. Receiving streams: Unnamed tributary to McLaughlin Run. Application received: September 4, 2018. Permit Issued: September 19, 2018.

PAM618061. Fiesler Sand & Gravel, LLC (3853 Knoyle Road, Erie, PA 16510) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 25030302 in Greene Township, **Erie County**. Receiving streams: Unnamed tributary to Fourmile Creek. Application received: September 6, 2018. Permit Issued: September 19, 2018.

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

57120301 and NPDES PA0257133. Insinger Excavating, Inc. (11099 Route 220, Dushore, PA 18614). Renewal for an existing NPDES on a large noncoal surface mining site located in Forks Township, **Sullivan County** affecting 38.3 acres. Receiving stream(s): UNT to Black Creek and Black Creek classified for the following use(s): CWF, MF. Application received: March 21, 2018. Permit issued: September 20, 2018.

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

PAM113030R. Johnson Quarries, Inc., (P.O. Box 136, LeRaysville, PA 18829), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58132802 in Rush Township, **Susquehanna County**, receiving stream: unnamed tributary to the North Branch of the Wyalusing Creek. Application received: March 29, 2018. Renewal issued: September 18, 2018.

PAM113034R. F.S. Lopke Contracting Co., Inc., (3430 State Route 434, Apalachin, NY 13732), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58130301 in Harford Township, **Susquehanna County**, receiving stream: East Branch Martins Creek. Application received: August 6, 2018. Renewal issued: September 19, 2018.

Permit No. 54150301. Rausch Creek Aggregates, LLC, (978 Gap Street, Valley View, PA 17983), commencement, operation and restoration of a quarry operation in Porter Township, **Schuylkill County** affecting 83.4 acres, receiving stream: unnamed tributary to East Branch Rausch Creek. Application received: June 2, 2015. Permit issued: September 20, 2018.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

Permit No. 23184104. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Androssan Farms in Radnor Township, **Delaware County** with an expiration date of October 31, 2019. Permit issued: September 17, 2018.

Permit No. 46184111. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Higher Rock in Montgomery Township, **Montgomery County** with an expiration date of September 5, 2019. Permit issued: September 17, 2018.

Permit No. 46184112. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Stone Mill in Lower Moreland Township, **Montgomery County** with an expiration date of October 31, 2019. Permit issued: September 17, 2018.

Permit No. 46184113. Ed Wean Drilling & Blasting, Inc., (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for SEI Investments Building 12 Phase 1 in Upper Providence Township, **Montgomery County** with an expiration date of June 1, 2019. Permit issued: September 17, 2018.

Permit No. 58184106. DW Drilling & Blasting, (2042-B S. Brentwood Boulevard, Suite 115, Springfield, MO 65804) construction blasting for Burke G Pad and Tank Farm in Auburn Township, **Susquehanna County** with an expiration date of August 1, 2019. Permit issued: September 17, 2018.

Permit No. 15184114. Brubacher Excavating, Inc., (825 Reading Road, Bowmansville, PA 17507), construction blasting for Greystone Project in West Chester Borough, **Chester County** with an expiration date of September 7, 2019. Permit issued: September 20, 2018.

Permit No. 15184115. Valley Rock Solutions, LLC, (P.O. Box 246, Macungie, PA 18062), construction blasting for 825 East Lancaster Avenue in East Caln Township, **Chester County** with an expiration date of August 30, 2019. Permit issued: September 20, 2018.

Permit No. 39184103. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Kohler Tract in Upper Milford Township, **Lehigh County** with an expiration date of September 17, 2019. Permit issued: September 20, 2018.

Permit No. 06184111. Schlouch, Inc., (P.O. Box 69, Blandon, PA 19510), construction blasting for Hamburg Commerce Highway Occupancy Permit (Route 61) in Perry Township, **Berks County** with an expiration date of September 18, 2019. Permit issued: September 21, 2018.

Permit No. 15184112. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Main Street at Exton in West Whiteland Township, **Chester County** with an expiration date of August 16, 2019. Permit issued: September 21, 2018.

Permit No. 23184105. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Garnet Reserve in Bethel Township, **Delaware County** with an expiration date of October 31, 2019. Permit issued: September 21, 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.

E35-471. Theta Land Corporation, 400 Mill Street, Dunmore, PA 18512. Roaring Brook Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a road crossing of a tributary to Stafford Meadow Brook (HQ-CWF, MF) consisting of a 22'-9" long aluminum arch culvert with concrete headwalls and rip rap aprons having a span of 13'-1" and an underclearance of approximately 3'-11", with the invert depressed 1-foot below streambed elevation.

The project is located approximately 315 feet east of State Route 307 (Olyphant, PA Quadrangle, Latitude: 41°22'52"; Longitude: -75°36'52"). Subbasin 5A.

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

E06-714: Borough of Topton, 205 South Callowhill Street, Topton, PA 19562 in Borough of Topton, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To install and maintain 21 rock cross-vanes permanently impacting approximately 780 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF) and permanently impacting 0.01 acre of Exceptional Value (EV) Palustrine Emergent (PEM) wetland and temporarily impacting 0.03 acre of EV PEM wetland, 2) install and maintain insert biologists in 8 different areas with riprap bank protection permanently impacting approximately 380 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF) and permanently impacting 0.01 acre of EV PEM wetland, 3) install, repair and maintain rip rap bank protection in 4 locations permanently impacting approximately 270 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF) and its floodway, 4) perform channel cleaning for bridge/culvert maintenance at 2 locations permanently impacting approximately 100 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF) and its associated floodway and permanently impacting 0.01 acre of EV PEM wetland, 5) construct and maintain an imbricated riprap stream bank wall permanently impacting 58 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF), 6) repair and maintain concrete stream bank protection at 1 location impacting approximately 100 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF), 7) to install, repair, and maintain streambank stabilization geocells re-fill geocells with riprap at 2 locations permanently impacting approximately 468 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF) and temporarily impacting 40 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF), and temporarily impacting 0.01 acre of EV PEM wetland, 8) construct and maintain floodway grading permanently impacting approximately 0.1 acre of the floodway of a

UNT to Little Lehigh Creek (HQ-CWF, MF) and temporarily impacting 38 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF), 9) install and maintain riprap rock toe on an existing concrete wall permanently impacting 70 linear feet of a UNT to Little Lehigh Creek (HQ-CWF, MF), and 10) install and remove temporary construction entrances, material storage and staging areas temporarily impacting 0.15 acre of the floodway of a UNT to Little Lehigh Creek (HQ-CWF, MF), all beginning at Latitude 40.497987 N; Longitude 75.704241 W and continuing to Latitude 40.503983 N; Longitude 75.700498 W in a UNT to Little Lehigh Creek (HQ-CWF, MF) (locally known as Toad Creek) Topton Borough, Berks County, and all for the purpose of stream restoration/enhancement of Toad Creek and implementation of the Borough's Master Plan. The permit was issued on September 19, 2018.

E50-266: New Bloomfield Fire Company, P.O. Box 22, New Bloomfield, PA 17068, in New Bloomfield Borough, **Perry County**, U.S. Army Corps of Engineers Baltimore District.

To remove an existing stream enclosure and relocate and maintain it in two 49 inch x 22 inch parallel arch-pipe conduits, one 77 inch x 52 inch arch-pipe and three inlet boxes all depressed 6 inches permanently impacting 250 linear feet and temporarily impacting 10 linear feet of a UNT to Trout Run (CWF, MF) for the purpose of improving safety and relocating the existing structure. The project is located along South Carlisle Street (Latitude 40.417448, Longitude -77.185246) in Bloomfield Borough, Perry County. The Permit was issued on September 20, 2018.

E22-641: Penbrook Borough, 150 South 28th Street, Penbrook, PA 17103, Susquehanna Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To remove an existing sanitary sewer line and to

1.) install and maintain a 12.0-inch PVC sanitary sewer line in the floodway of Asylum Run (WWF, MF), permanently impacting 113 square feet of floodway;

2.) install and maintain a 12.0-inch PVC sanitary sewer line in Asylum Run (WWF, MF) and its floodway, permanently impacting 66 linear feet of stream and 203 square feet of floodway;

3.) install and maintain a permanent access road and 12.0-inch PVC sanitary sewer line along Asylum Run (WWF, MF), permanently impacting 227 linear feet of stream and 14,092 square feet of floodway;

4.) install and maintain a permanent access road and 12.0-inch PVC sanitary sewer line in palustrine emergent wetlands, permanently impacting 173 square feet of wetland;

5.) install and maintain a 12.0-inch PVC sanitary sewer line in the floodway of Asylum Run (WWF, MF), and palustrine emergent wetlands, permanently impacting 67 square feet of floodway and 1 square foot of palustrine emergent wetlands;

6.) install and maintain a 12.0-inch PVC sanitary sewer line in the floodway of Asylum Run (WWF, MF) and palustrine emergent wetlands, permanently impacting 167 square feet of floodway and 82 square feet of wetlands;

7.) install and maintain a 12.0-inch PVC sanitary sewer line in Asylum Run (WWF, MF), its floodway and palustrine emergent wetlands, permanently impacting 27 linear feet of stream, 240 square feet of floodway and 191 square feet of wetland;

8.) install and maintain a 12.0-inch PVC sanitary sewer line in palustrine emergent wetlands, permanently impacting 30 square feet of wetland;

9.) install and maintain streambank stabilization permanently impacting 282 linear feet of stream;

10.) install and maintain a 12.0-inch PVC sanitary sewer line and permanent access road in the floodway of Asylum Run (WWF, MF), permanently impacting 88 square feet of floodway;

11.) install and maintain a 12.0-inch PVC sanitary sewer line and permanent access road in the floodway of Asylum Run (WWF, MF), permanently impacting 2,044 square feet of floodway;

12.) install and maintain streambank stabilization, a 12.0-inch PVC sanitary sewer line, and permanent access road in and along Asylum Run (WWF, MF), permanently impacting 71 linear feet of stream and 4,908 square feet of floodway;

13.) install and maintain a 12.0-inch PVC sanitary sewer line and permanent access road in an unnamed tributary to Asylum Run (WWF, MF) and its floodway, permanently impacting 42 linear feet of stream and 493 square feet of floodway;

14.) install and maintain a 12.0-inch PVC sanitary sewer line and permanent access road in palustrine emergent wetlands, permanently impacting 973 square feet of wetland;

15.) install and maintain a 12.0-inch PVC sanitary sewer line, permanent access road, and streambank stabilization in and along Asylum Run (WWF, MF), permanently impacting 64 linear feet of stream and 6,583 square feet of floodway;

16.) install and maintain a 12.0-inch PVC sanitary sewer line and permanent access road in and along an unnamed tributary to Asylum Run (WWF, MF), permanently impacting 104 linear feet of stream and 2,717 square feet of floodway;

17.) install and maintain a 12.0-inch PVC sanitary sewer line and permanent access road in the floodway of an unnamed tributary to Asylum Run (WWF, MF), permanently impacting 377 square feet of floodway;

18.) install and maintain a 12.0-inch PVC sanitary sewer line in palustrine emergent wetlands, permanently impacting 71 square feet of wetland;

19.) install and maintain a 12.0-inch PVC sanitary sewer line in Asylum Run (WWF, MF) and its floodway, permanently impacting 79 linear feet of stream and 78 square feet of floodway;

20.) install and maintain a 12.0-inch PVC sanitary sewer line in an unnamed tributary to Asylum Run (WWF, MF) and its floodway, permanently impacting 98 linear feet of stream and 158 square feet of floodway, all for the purposes of correcting inflow and infiltration issues and reducing the frequency of untreated sewage discharges to the streams.

The project begins at Latitude: 40° 16' 55.77" N; Longitude: 76° 52' 25.35" W, and ends at Latitude: 40°17'13.94"N; Longitude: 76°51'40.62"W in Susquehanna Township, Dauphin County. Wetland impacts are de minimus and replacement is not required. The permit was issued on September 20, 2018.

E06-726: PA Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown,

PA 18101 in Jefferson Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To remove an existing structure and to install and maintain a 54.0-foot long by 44-foot, 0.5in wide bridge over an unnamed tributary to Little Northkill Creek (CWF, MF) for the purpose of improving traffic safety. The project will permanently impact 188 linear feet of stream channel and 0.08 ac of PEM wetlands and temporarily impact 217 linear feet of stream channel and 0.01ac of PEM wetlands. The project is located at the intersection of SR 0183 and SR 4016 (40.4539°, -76.1419°) in Jefferson Township, Berks County. The permit was issued on September 20, 2018.

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

E02-1733, Frank Bryan, Inc., 100 South Third Street, Pittsburgh, PA 15219, City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct, operate, and maintain 321 LF of river retaining wall along 273 LF of the left descending bank of the Monongahela River (WWF, N), with a maximum height of 10-feet above the normal water line.

2. Operate and maintain a mooring facility, 545 feet long and 86 feet wide along the aforementioned wall and existing wall.

3. Operate and maintain a facilities area, 512 feet long and 27 feet wide along the aforementioned wall and existing wall.

For the purpose of providing additional space for the expansion of Frank Bryan, Inc.'s barge unloading operations and to increase the length of their existing wall for the safe mooring of barges at the landing. This project will permanently impact approximately 273 LF of water-course (0.225 acre of fill). The total floodway facilities area for the existing and proposed facilities is 0.32 acre and the total mooring area for the existing and proposed mooring is 1.08 acre. Mitigation for the project will be located upstream of the project site, at Approximately Monongahela River Mile 8.5, and will consist of placing riprap along the left descending bank to stabilize the bank and provide fish habitat. The project is located along the southern shore of the Monongahela River just downstream of the Liberty Bridge (Pittsburgh East, PA USGS topographic quadrangle; Latitude 40° 25' 54.230"; Longitude -79° 59' 53.815"; Sub-basin 19A; Pittsburgh Corps District), in the City of Pittsburgh, Allegheny County. The mitigation area is located upstream of the projects site (Pittsburgh East, PA USGS topographic quadrangle; Latitude 40° 24' 52.251"; Longitude -79° 53' 57.103"; Sub-basin 19A; Pittsburgh Corps District), in Munhall Borough, Allegheny County.

E02-1769, Cavalier Land Partners, LP; 2585 Washington Road, Building 100, Suite 130, Pittsburgh, PA 15241; Pine Township; **Allegheny County**; Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain 58' of a 36" culvert in an unnamed tributary (UNT) to Breakneck Creek (WWF),

2. Construct and maintain 53' of a 48" culvert in the aforementioned UNT,

3. Construct and maintain 47' of a 36" culvert in the aforementioned tributary

4. Construct and maintain 24" sewer pipe which will impact approximately 50' of the aforementioned UNT,

5. Place and maintain fill in approximately 0.07 acre of PEM/POW wetland,

6. Within the aforementioned wetland fill, construct and maintain the following utility lines: 4" PVC Electric Conduit, 8" Ductile iron water, 3" plastic gas, and 24" and 15" SLCPP StormSewer.

For the purpose of constructing an access road and building lots and walking trails in association with the Laurel Grove residential development. In addition to the above impacts, this project will also permanently impact 0.48 acre of floodway. Compensatory mitigation will be accomplished onsite through the construction of an 0.11 acre PSS wetland and conducting riparian planting of 202 LF of the aforementioned UNT to Breakneck Creek. The project is located at the intersection of Babcock Boulevard and Bakerstown-Warrendale Road (Mars, PA USGS Topographic Quadrangle; Latitude: 40° 39' 42"; Longitude: -80° 0' 32"; USACE: Pittsburgh District; Sub-basin 20C), In Pine Township, Allegheny County.

E04-363, Tri-State River Products, LLC; 334 Insurance Street, P.O. Box 218, Beaver, PA 15009; Ambridge Borough, South Heights Borough, Hopewell Township, and Aliquippa Township; **Beaver County,** Pittsburgh ACOE District.

Has been given consent to:

Continue performing commercial sand and gravel dredging in the following areas of the Ohio River (WWF), from Ohio River Mile 15.9 to Ohio River Mile 16.35, (Upstream beginning point: Ambridge, PA Quadrangle N:14.5 inches W: 15.0 inches; Latitude: 40° 34' 49", Longitude: -80° 14' 0". Downstream end point: Ambridge, PA Quadrangle N: 15.6 inches W: 15.3 inches; Latitude: 40° 35' 10", Longitude: -80° 14' 7"; originally permitted as E02-584-A18), right and left descending banks; from Ohio River Mile 16.35 to Ohio River Mile 16.4 (Upstream beginning point: Ambridge, PA Quadrangle N: 15.6 inches W: 15.3 inches; Latitude: 40° 35' 10", Longitude: -80° 14' 7". Downstream end point: Ambridge, PA Quadrangle N: 15.8 inches W:15.4 inches; Latitude: 40° 35' 14", Longitude: -80° 14' 9"; originally permitted as E02-584-A18), left descending bank; in the Boroughs of Ambridge and South Heights, the Township of Hopewell and the City of Aliquippa, Beaver County. As mitigation for the proposed activities as well as the activities proposed under E04-361, the applicant proposes to elevate the river bottom in a scoured area approximately 1 mile downstream of Phyllis Island in order to improve river habitat, within the Montgomery Pool of the Ohio River (WWF).

E63-702, Muirfield Land Partners, LLC, 2585 Washington Road, Building 100, Suite 130, Pittsburgh, PA 15241 North Strabane Township, **Washington County,** Pittsburgh ACOE District.

Has been given consent to:

Construct a 163-lot single family home subdivision with associated infrastructure. The site includes two (2) culvert crossings, and two (2) utility crossings over an unnamed tributary to Little Chartiers Creek (HQ-WWF). Culvert # 1 will consist of 72 linear feet of 66" reinforced concrete pipe. Culvert # 2 will consist of 91 linear feet of 54" reinforced concrete pipe. Utility crossings will include two (2) separate 8" gravity sanitary sewer lines crossing an unnamed tributary to Little Chartiers Creek in two (2) locations. These utility line crossings will also temporarily impact approximately 3,800 square feet of wetlands.

Mitigation for the temporary impacts will be restoration and for the stream impacts for culvert placement will be to depress the invert to facilitate aquatic life passage. The site will also include associated roadways, utilities, storm water management facilities, and all other necessary appurtenances.

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

E37-202FP, Pennsylvania America Water, 800 W. Hershey Park Dr, Hershey, PA 17033. Ellwood City Water Treatment Plant Site Restoration (Beaver Falls, PA Quadrangle N: 40.858333; W: -80.255833) in Wayne Township, **Lawrence County.** To remove existing buildings, structures, and lagoons, and re-grade and stabilize approximately 2 acres of the 100-year floodplain of Slippery Rock Creek at the existing Pennsylvania American Water Ellwood Water Treatment Plant at 907 Lundys Lane, Ellwood City, PA 16117.

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

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

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

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

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

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

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

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

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

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

8. 644 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access

crossing (Meshoppen, PA Quadrangle, Latitude: N41°31' 32.11", Longitude: W76°06'41.35").

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

ENVIRONMENTAL ASSESSMENTS

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

EA36-050: East Lampeter Township, 2250 Old Philadelphia Pike, Lancaster, PA 17602 in East Lampeter, Paradise, & Strasburg Townships, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a stream along 920 feet of Pequea Creek including 901 feet of bank grading and 22,150 square feet of floodplain bench creation, all for the purpose of reducing sediment loading to the stream. The project is located near the intersection of South Ronks Road and South Soudersburg Road (Latitude: 40° 00' 38.44" N; Longitude: 76° 09' 40.80" W) in East Lampeter, Paradise and Strasburg Townships, Lancaster County. No wetlands will be impacted by this project. Permit was issued September 20, 2018.

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

EA1010-004. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, P.O. Box 69205, Harrisburg, PA 17106. Abandoned Mine Land Reclamation Project, in Clay Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a 0.95 acre hazardous waterbody

and a 12.51 acre spoil pile. (West Sunbury Quadrangle N: 41° 01' 11.88", W: 79° 56' 31.73")

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.

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

<i>ESCP No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00011170001(1)	DTE Midstream Appalachia, LLC 333 Technology Drive Canonsburg, PA 15317	Berks	Union Township Amity Township Oley Township Rockland Township Birdsboro Borough	Hay Creek (CWF, MF) UNT Schuylkill River (WWF, MF) Schuylkill River (WWF, MF) UNT Monocacy Creek (WWF, MF) Monocacy Creek (WWF, MF) UNT Limekiln Creek (WWF, MF) UNT Manatawny Creek (CWF, MF) UNT Little Manatawny Creek (CWF, MF) Manatawny Creek (CWF, MF) Furnace Creek (CWF, MF) UNT Bieber Creek (EV, MF)

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C.A. § 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-2 # ESX12-125-0032
 Applicant Name Range Resources—Appalachia, LLC
 Contact Person Karl Matz
 Address 3000 Town Center Blvd
 City, State, Zip Canonsburg, PA 15317

County Washington County
 Township(s) Robinson Township
 Receiving Stream(s) and Classification(s) UNTs to St. Patrick Run (WWF) & Raccoon Creek (WWF)
 ESCGP-2 # ESX18-129-0005
 Applicant Name Huntley & Huntley Energy Exploration, LLC
 Contact Person Brian Dillemath
 Address 501 Technology Drive, Suite 1200
 City, State, Zip Canonsburg, PA 15317
 County Westmoreland County
 Township(s) Upper Burrell Township
 Receiving Stream(s) and Classification(s) UNTs To Chartiers Run (TSF) And Chartiers Run (TSF)/ Allegheny River Watershed;
 Secondary Receiving Water—Chartiers Run (TSF)

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

McKean County Conservation District 17137 Route 6, Smethport, PA 16749, 814-887-4001.

<i>ESCGP -2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00083170001(1) Major Modification	National Fuel Gas Supply Corporation Wayne Graham 1100 State Street Erie, PA 16501	McKean	Hamlin, Wetmore, Sergeant, Jones & Shippen Townships	Glad Run HQ-CWF UNT Glad Run HQ-CWF Lanigan Brook CWF UNT Lanigan Brook CWF West Branch Clarion River CWF UNT West Branch Clarion River CWF UNT Windfall Run HQ-CWF Sicily Run CWF UNT Sevenmile Run HQ-CWF Sevenmile Run HQ-CWF UNT Martin Run HQ-CWF Warner Brook HQ-CWF Gum Boot Run HQ-CWF UNT Buck Run CWF UNT Doe Run HQ-CWF Doe Run HQ-CWF UNT County Line Run HQ-CWF County Line Run HQ-CWF Wellendorf Branch HQ-CWF East Branch Clarion River HQ-CWF

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESG14-019-0070B—Pajer Compressor Site & Harvey to Pajer Meter Pipeline Major Modification
 Applicant Mountain Gathering, LLC
 Contact Dewey Chalos
 Address 810 Houston Street
 City Forth Worth State TX Zip Code 76102
 County Butler Township(s) Buffalo
 Receiving Stream(s) and Classification(s) UNT to McDowell Run TSF

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

ESCGP-2 # ESX29-115-18-0052
 Applicant Name Cabot Oil and Gas Corporation
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Harford
 Receiving Stream(s) and Classification(s) UNT to East Branch of Martins Creek (CWF, MF)

ESCGP-2 # ESG29-115-18-0041
 Applicant Name SWN Production Company, LLC
 Contact Person Nicki Atkinson
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna County
 Township(s) Silver Lake Township
 Receiving Stream(s) and Classification(s) UNT to Fall Brook (EV, CWF-MF)

ESCGP-2 # ESX29-015-18-0043
 Applicant Name SWN Production Company, LLC
 Contact Person Nicki Atkinson
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657

County Bradford County
 Township(s) Herrick Township
 Receiving Stream(s) and Classification(s) Camp Creek (WWF/MF), UNT to Rummerfield Creek (EEF/MF)
 Secondary: Rummerfield Creek and Wyalusing Creek

ESCGP-2 # ESG29-081-18-0041
 Applicant Name ARD Operating LLC
 Contact Person Stephen Barondeau
 Address 33 W Third St, Suite 300
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cascade
 Receiving Stream(s) and Classification(s) UNT to Slacks Run (HW-CWF, MF); Slacks Run (HQ-CWF, MF)

**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>
18-20-004	Suit-Kote Corporation 10965 McHenry Street Meadville, PA 16334-9067 Attn: Josh Lynn	Crawford	West Mead Township	2 ASTs storing asphalt emulsion	59,000 gallons total

SPECIAL NOTICES

DRINKING WATER STATE REVOLVING FUND

Special Notice Under the Federal Safe Drinking Water Act (42 U.S.C. 300f, et. seq.)

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Hazleton City Authority	400 E. Arthur Gardner Parkway Hazleton, PA 18201-7395	Luzerne County Schuylkill County

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project, known as the Hazleton City Authority (HCA) 2019 Tank and Pump Station Upgrade Project. HCA proposed project consists primarily of rehabilitating their Park Place Tank, Drifton Pump Station and Barnes Run Pump Station as well as the purchase of a fixed base leak detection system. The Department of Environmental Protection's (Department) review of the project and the information received for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves a Categorical Exclusion for the project.

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

Notice of Projects under the Environmental Good Samaritan Act

The Environmental Good Samaritan Act (27 PA.C.S.A. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection, Moshannon District Office, 186 Enterprise Road, Philipsburg, PA 16866, Attention: Watershed Manager.

The following request for coverage proposal has been received by the Department of Environmental Protection (Department). A copy of the proposal is available for inspection at the office indicated. Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication. Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

Environmental Good Samaritan Project Coverage Request Received

EGS 17014. Trout Unlimited, Inc., 1777 N. Kent Street, Suite 100, Arlington, VA 22209.

Trout Unlimited is providing the necessary funding to design and construct a passive Acid Mine Drainage treatment system for the Potts Run No. 3 deep mine

discharges in Knox Township, **Clearfield County**. Four discharges enter unnamed tributary (UNT) 26197 approximately half a mile upstream from Potts Run, tributary to Clearfield Creek. Treatment system construction is being carried out in conjunction with a Bureau of Abandoned Mine Reclamation project to remove coal refuse material from 9 acres, incorporate alkaline material and otherwise reclaim 27 total acres. Treatment system will consist of two synthetically lined vertical flow ponds and a rock lined channel to UNT 26197. Potts Run has natural alkalinity. This project will bolster that alkalinity and extend attaining designated use segments in the waterway.

Coverage request received September 5, 2018.

[Pa.B. Doc. No. 18-1561. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Aggregate Advisory Board; Regulatory, Legislative and Technical Committee Conference Call

The Aggregate Advisory Board's Regulatory, Legislative and Technical Committee will hold a conference call on Wednesday, October 24, 2018, at 10 a.m.

Questions concerning the conference call can be directed to Daniel E. Snowden, DEd, at dsnowden@pa.gov or (717) 783-8846. The agenda for the conference call will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Aggregate Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden, DEd, at (717) 783-8846 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1562. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Final Erosion and Sediment Control General Permit-3 for Earth Disturbance Associ- ated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Trans- mission Facilities (ESCGP-3)

The Department of Environmental Protection (Department) by this notice is publishing as final the Erosion and Sediment Control General Permit-3 (ESCGP-3) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. This general permit is issued under

the authority of 25 Pa. Code § 102.5(m) (relating to permit requirements) as well as The Clean Streams Law (35 P.S. §§ 691.1—691.1001), 58 Pa.C.S. §§ 3201—3274 (relating to development) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20). This general permit will be effective October 6, 2018, and will expire on October 6, 2023.

Oil and gas activities conducted in compliance with 25 Pa. Code Chapter 102 (relating to erosion and sediment control), including activities conducted under ESCGP-3, comply with water quality standards in this Commonwealth.

The Department published at 48 Pa.B. 4176 (July 14, 2018) the availability of the proposed revisions to ESCGP-3 for public review and comment. The Department prepared a Comment and Response Document that summarizes the comments submitted to the Department from 19 individuals and organizations during the 30-day public comment period.

The Department will continue to accept applications for ESCGP-2 until October 15, 2018. Due to the expiration of ESCGP-2, the Department must act on all Notices of Intent (NOI) submitted for coverage under ESCGP-2 by December 29, 2018. Additionally, any project that was authorized for coverage under ESCGP-2 prior to this date will have coverage administratively extended under the terms and conditions of ESCGP-2 for the remainder of the time period of the original coverage.

When warranted due to project characteristics, including Federal Energy Regulatory Commission-regulated pipelines, the Department will publish notice of receipt of NOI for coverage in the *Pennsylvania Bulletin* and provide a public comment period. The Department will publish notice of every approval of coverage under the ESCGP-3 in the *Pennsylvania Bulletin*.

A copy of the final ESCGP-3 permit with related documents, including the Comment and Response Document, is available by contacting the Department of Environmental Protection, Office of Oil and Gas Management, P.O. Box 8460, Harrisburg, PA 17105-8460, (717) 772-2199. The documents are also available on the Department's web site at <http://www.depgreenport.state.pa.us/elibrary/> (select "Permit and Authorization Packages," then "Oil and Gas," then "Erosion and Sediment Control General Permit ESCGP-3").

Questions about the final ESCGP-3 should be directed to Joseph Kelly, Chief, Division of Well Development and Surface Activities, at josephkel@pa.gov or (717) 772-2199.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1563. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Laboratory Accreditation Advisory Committee Meeting Cancellation

The October 16, 2018, meeting of the Laboratory Accreditation Advisory Committee meeting is cancelled. The next meeting is scheduled for Wednesday, December 5,

2018, at 9 a.m. at the Department of Environmental Protection, Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17110.

Questions concerning the December 5, 2018, meeting should be directed to Aaren S. Alger at aaalger@pa.gov or (717) 346-8212. The agenda and meeting materials for the next scheduled meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aaren Alger at (717) 346-8212 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1564. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Planning and Household Hazardous Waste Education Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection hereby announces the following grants to Centre County and Lawrence County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HWW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 at mvottero@pa.gov or (717) 772-5719.

Act 101, Section 901 Planning and HHW Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Northcentral	Centre	Centre County	Planning	\$75,000
Northwest	Lawrence	Lawrence County	HHW Education	\$53,716

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1565. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Dependency Payment for High Volume Special Rehabilitation Facilities

The Department of Human Services (Department) provides advance notice that the Department intends to make a supplemental payment in Fiscal Year (FY) 2018-2019 to certain special rehabilitation facilities (SRF) with high Medical Assistance (MA) and total facility occupancy levels.

Background

SRFs specialize in providing care and services to adults who have a neurological/neuromuscular diagnosis and severe functional limitations. See 55 Pa. Code § 1187.2 (relating to definitions). Because of the complex needs of their residents, SRFs generally incur staffing and specialized medical equipment costs that are much higher than the costs of other MA nursing facility providers. Further, SRFs with high MA and total facility occupancy levels are particularly dependent on MA payments to ensure continued operations. This is particularly the case for SRFs that

care for a large number of MA residents. To help offset the higher costs incurred by these high-volume, high-MA occupancy SRFs while those SRFs reconfigure to home and community-based services, the Department intends to make a supplemental payment to these facilities to assure that the unique services they provide continue to be available to MA beneficiaries.

Payment Qualifications

The determination of whether a nursing facility qualifies for a MA dependency payment and the nursing facility's payment amount is based on the nursing facility's 12-month MA cost report with a reporting period ending either December 31, 2014, or June 30, 2015, and accepted on or before April 1, 2016. To qualify for a MA dependency payment a nursing facility must meet the following requirements:

- 1) Be classified as an SRF as of the cost report end date.
- 2) Have MA occupancy greater than or equal to 94% as reported on Schedule A, Column A, Line 5 of the cost report.
- 3) Have an overall nursing facility occupancy greater than or equal to 95% as reported on Schedule A, Column A, Line 4 of the cost report.

4) Have at least 200 MA certified nursing facility beds as of the cost report end date.

Payments

The Department will calculate the MA dependency payment for FY 2018-2019 by multiplying the supplementation per diem by the number of paid MA facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year.

The Department will submit a Medicaid State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the Department will have the authority to make the supplemental payments to nonpublic nursing facilities for FY 2018-2019.

Fiscal Impact

The fiscal impact of this change is estimated at \$1.000 million (\$0.478 million in State funds) for FY 2018-2019.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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-1270. (1) General Fund; (2) Implementing Year 2018-19 is \$478,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$1,099,000,000; 2016-17 Program—\$1,082,000,000; 2015-16 Program—\$968,083,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1566. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by County Nursing Facilities; County Nursing Facility Supplementation Payment for Fiscal Year 2018-2019

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain county nursing facilities in Fiscal Year (FY) 2018-2019.

Proposed Payment

The Department intends to make a county nursing facility supplementation payment to each qualified county nursing facility. To qualify, a county nursing facility must be located in a home rule county that was formerly a county of the second class A, have more than 725 beds

and a Medicaid acuity of 0.79 as of August 1, 2015. The number of beds will be the number of licensed beds as of August 1, 2015, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2015, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

If the nursing facility qualifies, then the Department would calculate that qualified county nursing facility's supplementation payment for FY 2018-2019 by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$4.188 million (\$2.000 million in State funds) for FY 2018-2019.

Public Comment

Interested persons are invited to submit written comments regarding the county nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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-1272. (1) General Fund; (2) Implementing Year 2018-19 is \$2,000,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$1,099,000,000; 2016-17 Program—\$1,082,000,000; 2015-16 Program—\$968,083,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1567. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Add-on Payment for Fiscal Year 2018-2019

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment in Fiscal Year (FY) 2018-2019 to nonpublic and county nursing facilities that

qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015.

Proposed Payment

The Department intends to make an additional supplemental ventilator care and tracheostomy care payment to qualified nonpublic and county nursing facilities. This additional payment will be made to nonpublic and county nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015 with a percentage of Medical Assistance residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

If the facility qualifies, then the Department would calculate each qualified nonpublic and county nursing facility's add-on payment for FY 2018-2019 by dividing the total funds for the supplemental ventilator care and tracheostomy care payment by the number of qualified nonpublic and county nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$1.571 million (\$0.750 million in State funds) for FY 2018-2019.

Public Comment

Interested persons are invited to submit written comments regarding this supplemental ventilator care and tracheostomy care add-on payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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-1274. (1) General Fund; (2) Implementing Year 2018-19 is \$750,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$1,099,000,000; 2016-17 Program—\$1,082,000,000; 2015-16 Program—\$968,083,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1568. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the First Class; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2018-2019

This announcement provides advance notice that the Department of Human Services (Department) intends to

continue to make an additional payment to certain nonpublic nursing facilities in a county of the first class in Fiscal Year (FY) 2018-2019 to ensure access to necessary nursing care in that county.

Proposed Payment

The Department intends to make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. To qualify, a nonpublic nursing facility must be located in a county of the first class, have more than 395 beds and a Medicaid acuity of 1.14 as of August 1, 2017. The number of beds will be the number of licensed beds as of August 1, 2017, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2017, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

If the facility qualifies, the Department will calculate the supplementation payment for FY 2018-2019 by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$2.094 million (\$1.000 million in State funds) for FY 2018-2019.

Public Comment

Interested persons are invited to submit written comments regarding the nonpublic nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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-1271. (1) General Fund; (2) Implementing Year 2018-19 is \$1,000,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$1,099,000,000; 2016-17 Program—\$1,082,000,000; 2015-16 Program—\$968,083,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1569. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities Located in a County of the Eighth Class; Nonpublic Nursing Facility Supplementation Payment for Fiscal Year 2018-2019

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make an additional payment to certain nonpublic nursing facilities in a county of the eighth class in Fiscal Year (FY) 2018-2019 to ensure access to necessary nursing home care in that county.

Proposed Payment

The Department intends to make a nonpublic nursing facility supplementation payment to each qualified nonpublic nursing facility. To qualify, a nonpublic nursing facility must be located in a county of the eighth class, have more than 119 beds and a Medicaid acuity of 1.02 as of August 1, 2017. The number of beds will be the number of licensed beds as of August 1, 2017, and the Medicaid acuity will be determined using the Case Mix Index Report for the August 1, 2017, Picture Date in accordance with 55 Pa. Code § 1187.33 (relating to resident data and picture date reporting requirements).

If the facility qualifies, then the Department would calculate that nonpublic nursing facility's supplementation payment for FY 2018-2019 by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$10.471 million (\$5.000 million in State funds) for FY 2018-2019.

Public Comment

Interested persons are invited to submit written comments regarding the nonpublic nursing facility supplementation payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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-1275. (1) General Fund; (2) Implementing Year 2018-19 is \$5,000,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0;

(4) 2017-18 Program—\$1,099,000,000; 2016-17 Program—\$1,082,000,000; 2015-16 Program—\$968,083,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1570. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by a Special Rehabilitation Facility Located in a City of the Third Class; Special Rehabilitation Facility Payment for Fiscal Year 2018-2019

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment to a special rehabilitation facility in peer group 13 (PG 13) located in a city of the third class in Fiscal Year (FY) 2018-2019.

Proposed Payment

The Department intends to make a payment to a qualified special rehabilitation facility in PG 13. To qualify, the special rehabilitation facility must be located in a city of the third class with a population between 115,000 and 120,000 based on 2010 census data.

If the facility qualifies, then the Department would calculate the supplementation payment for FY 2018-2019 by multiplying the supplementation per diem by the number of paid Medical Assistance (MA) facility and therapeutic leave days for the prior fiscal year. The supplementation per diem will be calculated by dividing the total funds available by the total number of paid MA facility and therapeutic leave days for the prior fiscal year for qualifying facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this payment within 30 days of the date it receives notice from CMS.

Fiscal Impact

This change will result in a cost of \$1.780 million (\$0.850 million in State funds) for FY 2018-2019.

Public Comment

Interested persons are invited to submit written comments regarding the special rehabilitation facility payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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-1273. (1) General Fund; (2) Implementing Year 2018-19 is \$850,000; (3) 1st Succeeding Year

2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$1,099,000,000; 2016-17 Program—\$1,082,000,000; 2015-16 Program—\$968,083,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 18-1571. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Monday, October 22, 2018, at 10 a.m. at 1171 South Cameron Street, Conference Room 326, 3rd Floor, Harrisburg, PA 17104.

The Americans with Disability Act contact is Gina Meckley, (717) 783-9276.

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 18-1572. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Wednesday, October 17, 2018, at 10 a.m. at the Department of Labor and Industry, 651 Boas Street, Room E-100, 1st Floor, Harrisburg, PA 17121.

The Americans with Disability Act contact is Joseph Marchioni, Jr. at (717) 783-6304.

Questions concerning this meeting may be directed to Cindy Holtry at (717) 783-4560.

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 18-1573. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Findings

Under section 2002(b) of the Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning the following listed projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to

evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize such effects.

- **SR 0073, Section MS2—Perkiomen Township, Montgomery County.**

Project Description: The proposed project is a bridge replacement for Skippack Pike Bridge, which carries SR 0073, Section MS2 over Skippack Creek.

Environmental Documents: CE 1b Evaluation approved on April 6, 2018, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on August 29, 2017.

Proposed Use of Section 4(f)/2002 Resource: The project will require approximately 0.45 acre of right-of-way (ROW) from the 3,349-acre Evansburg State Park, which qualifies as a Section 4(f)/Section 2002 resource.

- **SR 0094, Section 026—Reading Township, Adams County.**

Project Description: The project involves intersection safety improvements at the intersection of SR 0094 and SR 0234. The project includes the widening of the roadway approaches to accommodate turning lanes and traffic signal updates.

Environmental Documents: CE 1b Evaluation approved on April 11, 2018, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties on February 17, 2015.

Proposed Use of Section 4(f)/2002 Resource: The 97-acre Jacob Miller Farm was determined to be eligible for listing on the National Register of Historic Places (NRHP). Approximately 0.23 acre of ROW will be required from the resource.

- **SR 7413, Section BRG—Mount Joy Borough, Lancaster County.**

Project Description: The proposed project is a bridge removal of the existing bridge, SR 7413, Section BRG, carrying South Jacob Street over Amtrak Keystone Corridor.

Environmental Documents: CE 2 Evaluation approved on March 20, 2018, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on May 24, 2018.

Proposed Use of Section 4(f)/2002 Resources: The South Jacob Street Bridge was determined to be eligible for listing on the NRHP as a contributing resource to the Pennsylvania Railroad Main Line Historic District.

- **SR 3014, Section 153—State College Borough, Centre County.**

Project Description: The proposed project involves reconstruction of pavement and drainage along SR 3014 (Atherton Street), Section 153. The project will also include ADA ramps and minor traffic signal upgrades.

Environmental Documents: CE BRPA Evaluation approved on June 18, 2018, and a Determination of Section

4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on June 7, 2018.

Proposed Use of Section 4(f)/2002 Resources: The Farmers' High School Historic District is listed on the NRHP. Approximately 0.091 acre of ROW will be required from the resource.

• **SR 0119, Section 559—Punxsutawney Borough, Jefferson County.**

Project Description: The proposed project is the removal of the existing Indiana Hill Bridge that carries SR 0119 over the Mahoning Shadow Trail. The bridge will be replaced with fill. A box culvert will be constructed to allow the trail to cross under SR 0119. The trail will also be rerouted. An emergency access road will be constructed and a drainage system will be installed with the project.

Environmental Documents: CE 1b Re-evaluation approved on August 6, 2018, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on February 24, 2017.

Proposed Use of Section 4(f)/2002 Resources: The project will require 0.5 acre of ROW from the Mahoning Shadow Trail, which qualifies as a Section 4(f)/2002 resource.

• **SR 1017, Section 012—Briar Creek Township, Columbia County.**

Project Description: This project involves replacing the SR 1017 bridge with a box culvert. The project also includes updating guiderail, approach work and drainage improvements.

Environmental Documents: ED BRPA Evaluation approved on May 8, 2018, and a Nationwide/Programmatic Section 4(f) Evaluation for Transportation Projects that have Net Beneficial Use approved on April 27, 2018.

Proposed Use of Section 4(f)/2002 Resources: Approximately 0.191 acre of ROW are required from the 52-acre Briar Creek Lake Park, a Fish and Boat Commission (Commission) managed property, which qualifies as a Section 4(f)/2002 resource.

• **SR 3002, Section A01—Fermanagh Township, Juniata County.**

Project Description: The project proposes to replace the existing bridge carrying SR 3002, Section A01 over Horning Run. The project also includes updating guiderail, approach work and minor grading and drainage improvements.

Environmental Documents: CE BRPA Re-evaluation approved on June 26, 2018, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on June 22, 2018.

Proposed Use of Section 4(f)/2002 Resources: The project will require approximately 0.2 acre of ROW from the 1.8-acre property, a boat launch owned by the Commission, which qualified as a Section 4(f)/2002 resource.

• **SR 1004, Section 03S—Catasauqua Borough, Lehigh County.**

Project Description: The project includes the widening of the SR 1004 (Race Street)/SR 1007 (Lehigh Street) Intersection. The project also includes the addition of

turning lanes, bridge widening, bridge replacement, curb and sidewalk installation, drainage improvements and paving.

Environmental Documents: CE 2 Evaluation approved on May 14, 2018, an Individual Section 4(f) Evaluation, and an FHWA legal sufficiency memorandum, dated May 3, 2018.

Proposed Use of Section 4(f)/2002 Resource: Approximately 0.035 acre of ROW are required from the George Taylor House property, a National Historic Landmark owned by the Borough of Catasauqua, which qualifies as a Section 4(f)/2002 resource. Approximately 0.013 acre of ROW are required from the Lehigh Canal property, which qualifies as a Section 4(f)/2002 resource.

• **SR 7220, Section C12—North Strabane and Peters Townships, Washington County.**

Project Description: The project proposes to replace the existing bridge carrying McDowell Lane (T-717) over Canonsburg Lake. The project will include approach roadway and causeway work.

Environmental Documents: CE 2 Evaluation approved on May 14, 2018, and a Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land, dated June 19, 2017.

Proposed Use of Section 4(f)/2002 Resource: There will be a De Minimis Use of Canonsburg Lake, which is a Section 4(f) source per 23 CFR 774 (relating to parks, recreation areas, wildlife and waterfowl refuges, and historic sites (section 4(f))) since it is designated as a public recreational watercourse owned by the Commission. Approximately 0.58 acre of Canonsburg Lake is within the Project Limit of Disturbance based on the Ordinary High Water Mark from wetland and watercourse delineation occurring on December 2, 2015.

• **SR 0309, Section QCL—Richland Township and Quakertown Borough, Bucks County.**

Project Description: The project includes upgrade and replacement of the traffic signals in the project area. In addition, each intersection will include ADA ramps, pedestal poles for pedestrian signal heads and push buttons.

Environmental Documents: CE 1b Reevaluation approved on May 30, 2018, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, dated August 29, 2014.

Proposed Use of Section 4(f)/2002 Resource: There are several project intersections within the Quakertown Historic District and adjacent to historic resources. Historic properties adjacent to project intersections are the National Register eligible William Green Store and House, Edward Foulke House, and Red Lion Inn, and the National Register listed Liberty Hall. As the proposed ADA ramps are design-build, the contractor will be required to coordinate with the Department Cultural Resource Professionals and the Public Health Management Corporation concerning the ramp design at locations where historic properties are present.

BRIAN G. THOMPSON, PE,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 18-1574. Filed for public inspection October 5, 2018, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Advisory Committee Meeting

The Transportation Advisory Committee will hold a meeting on Thursday, October 11, 2018, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact the Office of the State Transportation Commission, (717) 783-2262, RA-PennDOTSTC@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 18-1575. Filed for public inspection October 5, 2018, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The October 16, 2018, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is scheduled for Tuesday, November 13, 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 November 13, 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. 18-1576. Filed for public inspection October 5, 2018, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Data Submission and Collection

Under section 6(a)(2) of the Health Care Cost Containment Act (act) (35 P.S. § 449.6(a)(2)), the Health Care Cost Containment Council is required to publish a list of

diseases, procedures and medical conditions, not to exceed 35, for which data under subsections 6(c)(21) and (d) of the act shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat
5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy
19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal
24. Stomach and Small Intestine Repair
25. Kidney Failure
26. Kidney and Urinary Tract Infection
27. Prostatectomy
28. Medical Back
29. Major Joint Repair
30. Neck/Back Repair
31. Breast Cancer
32. Hysterectomy
33. Infectious Disease
34. Ventilation for Respiratory Disease
35. Tracheostomy

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 18-1577. Filed for public inspection October 5, 2018, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
12-106	Department of Labor and Industry Minimum Wage 48 Pa.B. 3731 (June 23, 2018)	8/22/18	9/21/18

**Department of Labor and Industry
Regulation # 12-106 (IRRC # 3202)**

Minimum Wage

September 21, 2018

We submit for your consideration the following comments on the proposed rulemaking published in the June 23, 2018 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) (RRA) directs the Department of Labor and Industry (Department) to respond to all comments received from us or any other source.

1. RRA Section 2—Reaching of consensus.

The Department states that between September 29, 2017 and November 20, 2017, the Governor’s Middle Class Task Force held six meetings which included workers and students along with representatives of businesses, labor unions, workforce development programs, institutions of higher education and other post-secondary training. During these forums, workers expressed concern about low or stagnant wages, according to the Department.

In addition, the Department sought the expertise of legal counsel, economists, and a policy analyst on the issue of overtime regulations in the development of this proposal and solicited input on a draft regulation from the Minimum Wage Advisory Board (Board). The Board is comprised of representatives of labor organizations, an established recognized association of employers and members of the general public. (RAF # 14)

The regulation has generated a great deal of interest from legislators, local governments, nonprofit organizations, human resource management associations and professionals, educational institutions, businesses (including small businesses), labor organizations, economic development councils, representatives of the recreational and tourism industry, and private citizens.

We commend the Department for extending the public comment review period from 30 days to 60 days to allow many individuals, associations, and businesses to participate in the rulemaking process. As a result of the efforts of the Department, a large number of written comments have been received and substantial testimony has been submitted on the rulemaking. While there is support for the Department’s proposal, there are also hundreds of comments highlighting numerous and significant outstanding concerns.

Section 2 of the RRA sets forth why the General Assembly established a regulatory review process. Given the interest this proposal has generated, we believe it is appropriate to highlight the following provision of Section 2(a) of the RRA. The provision states, “To the greatest extent possible, this act is intended to encourage the resolution of objections to a regulation and the reaching

of a consensus among the commission, the standing committees, interested parties and the agency.” 71 P.S. § 745.2(a).

Based on the range of commentators and volume of comments, it appears that the Department’s regulatory language has not yet achieved consensus on many issues. We believe the issues raised deserve careful contemplation because the Department’s responses will affect approximately 460,000 salaried Pennsylvanians (by 2022), 230,000 businesses (of which 225,400 are small businesses) and 108,491 nonprofit organizations.

The Department stated that its intent is to use the regulatory review process to gain additional input from the public, including businesses and any other interested parties. We encourage the Department to continue its work with the Board, but also engage in dialogue with those individuals and representatives of those programs and employment sectors that were part of the initial Governors Middle Class Task Force meeting as it moves forward with this rulemaking.

2. RRA Section 5.2(a)—Legislative comments.

Some state lawmakers suggest that the alignment issue should be addressed through legislation rather than regulation. One proposed legislative solution would align federal and state law so that employers would follow just one set of rules, while continuing to allow the state legislature to determine if and when a different approach should apply. Several members of the House and Senate have urged the Department to withdraw its proposal and wait for the federal government to issue its overtime rule first.

Other legislators have expressed their ardent support for the Department’s proposal. They view it as a much needed restoration of the overtime pay requirement that has eroded over the past few decades. They assert the Department’s rulemaking is long overdue and is needed to protect salaried employees. We encourage the Department to work with the standing committees and state lawmakers to address their issues as the final rulemaking is developed. We will review the Department’s responses to legislative concerns to determine if the final-form regulation is in the public interest and consistent with the criteria in the RRA.

3. RRA Section 5.2(a)—Whether the regulation is in the public interest.

Section 5.2 of the RRA directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest. 71 P.S. § 745.5b. When making this determination, IRRC considers criteria such as economic or fiscal impact and reasonableness. To make that determination, IRRC must analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language. IRRC also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis

Form (RAF). See 71 P.S. § 745.5(a). The explanation of the regulation in the Preamble to the proposed rule-making is not sufficient to allow IRRC to determine if the regulation is in the public interest.

For example, the changes to Section 231.83(2) add language to clarify that administrative personnel must regularly exercise discretion and independent judgment in matters of significance. The description of the amendment does not explain why it is needed. The Department specifies that certain sections are being deleted to comply with federal rules, but does not state if the proposed new language is an alignment with federal requirements or is a new state requirement. In the Preamble to the final-form regulation, the Department should provide more detailed information for each section of the regulation and explain why the amendments are required.

4. RRA Section 5.2(b)(1) and (2)—Economic or fiscal impacts of the regulation; Protection of the public health, safety and welfare.

The Department estimates the increase in payroll costs for business to be “well under one-tenth of one-percent of total U.S. payroll costs. . . .” The Department explains that it used the estimated impact of the enjoined 2016 U.S. federal rule which used a 40th percentile threshold as a milestone for determining costs for Pennsylvania. (RAF # 19, # 23)

However, the estimated costs of compliance that were provided by nonprofit and higher education employment sectors appear to contradict the Department’s estimates. For instance, the following higher education institutions provided these estimates:

- Holy Family University (\$134,000);
- Susquehanna University (over \$550,000);
- Lackawanna College (2nd year: \$16,172 and 3rd year: \$24,232); and
- University of Sciences (over \$200,000 per year).

The following estimated costs for compliance were provided by nonprofit organizations:

- Pennsylvania Association of Community Health Centers (Health Center 1: \$276,179; Health Center 2: \$52,000)
- Carson Valley Children’s Aid (\$230,566 cumulative cost through 2022; \$152,732 per year after 2022)
- Bair Foundation (Fiscal Year (FY) 2019-20: \$403,560; FY 2020-21: \$741,504; and FY 2021-22: \$1,140,024)

Commentators from the nonprofit sector and local governments also challenge the Department’s assertion that the impact of the rulemaking can be mitigated by their own decision making and that implementation of it should not have a disruptive effect on Pennsylvania’s economy. (RAF # 23) Many commentators point out that unlike businesses that can make adjustments, such as raising prices, to offset the costs of higher minimum wage or paying additional overtime, nonprofit organizations rely mostly on private donations and government grants as their primary sources of revenue. Similarly, local governments also rely on limited funding sources, namely state and local tax dollars. Nonprofit organizations, human service advocates and local governments are concerned that this ‘unfunded mandate’ will result in the disruption or elimination of critical services for our most fragile populations. We ask the Department to consult with the regulated community to gain a thorough under-

standing of the fiscal impacts of this proposal and address those findings in the RAF and Preamble submitted with the final-form regulation.

While many commentators applaud the Department’s effort to modernize the minimum wage regulations, the general consensus among most employers that commented on the proposal is that the salary levels are “unprecedented,” “extreme,” and “unsustainable.” One commentator provided the following chart to illustrate the “domino effect” of the proposed phase in:

- Year one: \$23,660/yr. to \$31,720/yr. represents 34.1% increase;
- Year two: \$31,720/yr. to \$39,832/yr. represents a 25.6% increase; and
- Year three: \$39,832/yr. to \$47,892/yr. represents a 20.2% increase.

It has been noted that the national average for salary increases has been about 3 percent for the past five years. The difference between the national average for salary increases and the Department’s proposed salary increase is significant, even with a three-year phase-in. Employers question the feasibility of absorbing such drastic increases. The Department should explain the reasonableness of the proposed salary thresholds.

Many employers shared it is unlikely that they will be able to increase salaries to the proposed levels. Instead, they may have to convert currently-exempt salaried employees to hourly workers, reduce employee hours and/or benefits, restructure bonus/incentive programs or lay off employees. These options may negatively impact employee morale and workplace flexibility.

The Department projects that by 2022, approximately 460,000 Pennsylvanians will “benefit from increased income and/or improved quality of life” as a result of the implementation of this rulemaking. However, the Department does not address in its RAF response the potential negative consequences that have been reported by employers. The Department should revise its response to RAF # 15 to account for these potential impacts on individuals. It should also address the commentator concerns noted above in the Preamble to the final-form regulation.

5. RRA Section 5.2(b)(3)—Clarity, feasibility and reasonableness; Possible conflict with or duplication of statutes or existing regulations.

Alignment with federal regulations/Provide clarity to employers and employees—

The Department explains that this rulemaking is necessary to align the duties tests for the Executive, Administrative and Professional (EAP) exemptions in Pennsylvania minimum wage regulations with the duties test found in the United States Department of Labor (USDOL) regulations interpreting the EAP exemptions found in the Fair Labor Standards Act (FLSA).

Several commentators have remarked that the proposal does not fully align with the federal regulations because significant provisions are not included in the Department’s proposal. Specifically, they identify the following exemptions that are not part of the Department’s proposal, but are part of the federal overtime rule:

- Highly compensated employee;
- Outside sales;
- Certain computer employees;
- Business owners under the executive exemption; and

- Employees of educational establishments under the administrative exemption.

A concern among commentators is that the omission of these significant provisions will only add to the inconsistencies between the state and federal regulations thereby making compliance more complicated and increasing the likelihood of litigation. For instance, several commentators from the health care industry have remarked that the Department's proposal does not include the 8/80 method of overtime calculation. (Act 109 of 2012) They want to avoid what they refer to as "non-deliberate inconsistencies" with federal law that can lead to compliance challenges. Other commentators note the absence of a "concurrent duties test" as applied to executive employees and key terms such as "primary duty" and "salary basis" in the Definitions section.

Many of these same commentators, including state legislators, have noted that the USDOL is in the process of seeking public input on the federal overtime rule. (29 CFR Part 541) They are concerned that the state regulations and the federal regulations will once again be misaligned if the state's final rulemaking is adopted in advance of the federal changes. The Department should explain in the Preamble and RAF why it is in the public interest to proceed with this rulemaking in advance of the federal changes. If the Department continues with promulgation of the regulation, it should address how it will handle future misalignment with revised federal regulations. It should also explain its plans to review the state's regulations once the federal overtime rule is adopted and how it will communicate with the regulated community regarding any changes.

Applicability

There appears to be some confusion as to whether this proposal applies to public employers. We have received many comments from counties that included their estimated costs for compliance with the proposed rulemaking. For example:

- Franklin County (\$61,826 by 2022);
- Berks County (2nd year: \$58,972; 3rd year: \$194,964);
- Blair County (1st year: \$14,647; 2nd year: \$85,875; 3rd year: \$1,136,527);
- Forest County (1st year: \$19,178; 2nd year: \$52,032); and
- Lycoming County (\$261,032 by 2022).

A representative of local governments notes that a clear exemption for public employers, based on their coverage under the FLSA, that was once in the state's Minimum Wage Act (Act) has been amended out of the law. The commentator explains that a 1970s interpretation of the Act indicated that the definition of "employer" should not be construed to include the Commonwealth and its political subdivisions. The commentator asks the Department to clearly carve out the exemptions so that there is no confusion about the applicability of the regulations.

The Department's responses to RAF # 15, # 19, and # 20 do not include information pertaining to local government. Are the proposed changes applicable to the Commonwealth and its political subdivisions? If so, the Department should provide the number of employers and explain how they will be affected by the regulation or state why these public employers are exempt from the requirements. The Department's response to RAF # 20 should be revised to include specific costs and/or savings

to local governments, if this rulemaking applies. If this rulemaking does not apply, the Department should explicitly identify the types of employers which are exempt from the requirements of the rulemaking.

6. RRA Section 5.2(b)(3)(iv)—Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors.

Another concern that has been expressed is the amount of time that employers will need to familiarize themselves with the new rules, analyze their workforce and determine how to comply. This may require employers to evaluate employee salaries, consider reclassifying some employees, draft new compensation plans, and modify bonus and benefit plans.

The Department identifies the three-year phase-in as a special provision that will assist businesses to adapt to the changes. (RAF # 25) The Department also believes that this timeframe will give nonprofit organizations the ability to adjust operationally and strategically with their funding requests. (RAF # 15)

As proposed, the first threshold increase would immediately become effective upon publication in the *Pennsylvania Bulletin*, with subsequent increases phased-in over the following two years. The Department anticipates that the expected date of delivery of the final regulation is 2019. (RAF # 29)

One state lawmaker requests that the Department consider delaying the initial implementation for a period of time that would allow for notification to employers about their responsibilities. The Department should explain how the implementation schedule provides sufficient time for compliance and is reasonable for employers to make necessary adjustments to their business practices. It should also describe the process the Department will undertake to communicate with the regulated community about the new requirements and implementation schedule.

Special Definitions

7. Section 231.82. Executive.

Section 231.83. Administrative.

Section 231.84. Professional.—Whether regulation is supported by acceptable data; Reasonableness of requirements, implementation procedures and timetables for compliance; Statutory authority; Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review.

Salary Threshold Phase-In and Automatic Reset

The Department is proposing to raise the current salary thresholds for EAPs from \$250 per week under the "short test" or \$155—\$170 per week under the "long test" to \$610 per week (\$31,720 annually) effective upon the date of publication of the final regulation in the *Pennsylvania Bulletin*; \$766 per week (\$39,832) effective one year later; and \$921 per week (\$47,892) effective one year later.

The Department is also proposing a triennial automatic reset to adjust the salary level (beyond the initial three-year phase-in period) that is based on the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast Census region in the second quarter of the prior year as published by the USDOL, Bureau of Labor Statistics exclusive of board, lodging or other facilities. The proposal requires the Department to publish the new

salary level figure on its website and in the *Pennsylvania Bulletin*. §§ 231.82(5)(iv), 231.83(3)(iv) and 231.84(4)(iv).

Commentators have asked the following questions regarding this provision:

- Why did the Department use the data based on the 30th percentile of weekly earnings of full-time nonhourly workers in the Northeast regions rather than data from neighboring states?

- With regard to the automatic reset of the salary threshold every third year, what happens in times of economic downturn?

- What opportunities exist for the regulated community to have input or provide feedback to the Department regarding a new salary threshold?

- What is the Department's statutory authority to implement an automatic reset of the salary threshold?

As noted by many commentators, the Department's proposal is similar to an attempt by the USDOL in 2016 to increase the salary threshold. It uses an almost identical methodology for setting the salary threshold that includes an automatic escalator provision. The Department explains that a district court in Texas issued an injunction on the grounds that the salary threshold level, set at 40% of salaried workers in the lowest census region, was so high it rendered the duties test for the EAP exemptions irrelevant. How does the Department's proposal differ from the USDOL attempt to enact a similar regulation two years ago? How does it avoid the same legal challenges in Pennsylvania? Did the Department consider using other data or another methodology? The Department should explain why it is reasonable to pursue this option.

Whether this regulation represents a policy decision of such a substantial nature that it should receive legislative review

While there are some lawmakers that fully support the Department's approach, others question whether this regulation represents a policy decision of such a substantial nature that it should be reviewed by the legislature. In their view, the proposal is not "a mere clarification or adjustment for value lost to inflation." Instead, they contend, the proposal goes beyond any reasonable inflationary adjustment and is too significant of a consideration to be left to unelected department officials. Has the Department sought input from the legislature? The Department should clarify to what extent it has engaged the legislature in developing this regulatory package. We would encourage the Department to work with legislators and the standing committees as it advances this rule-making to the final stage of regulatory review.

We will review the Department's response to these questions and commentators' concerns in our determination of whether this rulemaking is the public interest.

Inclusion of bonus pay

Under the proposed regulation, an employer may satisfy up to ten percent of the salary threshold with nondiscretionary bonuses, incentives and commissions that are paid quarterly or more frequently. (§§ 231.82(6); 231.83(4); 231.84(5)) One commentator observes that while this approach recognizes the way that many employees are paid, it doesn't take into account "the burden of making quarterly adjustments." Employers could potentially be adjusting payroll up to four times every year for every exempt employee for which a non-discretionary bonus, incentive or commission is used to satisfy the

salary threshold. The Department should explain the reasonableness of and rationale for this provision and how it aligns with federal regulations.

In addition, commentators urge the Department to increase the percentage or remove the percentage cap altogether for nondiscretionary bonuses and incentive payments (such as incentives tied to productivity and profitability) to satisfy the salary level test. They explain that nondiscretionary bonuses and incentive programs are an integral part of employment packages and recruiting efforts in a wide range of industries. They are concerned that companies may raise salaries to meet the threshold, but eliminate bonus and incentive programs altogether. How did the Department determine that 10 percent was an appropriate cap? The Department should explain, in the Preamble to the final rulemaking, its rationale for establishing a percentage cap for nondiscretionary bonuses and incentive payments as part of the salary level test.

8. Section 231.83. Administrative.—Clarity, feasibility and reasonableness; Possible conflict with or duplication of statutes or existing regulations.

In existing Paragraph (2), the phrase "customarily and regularly" is used to describe the discretion and independent judgment that an individual working in an administrative capacity must possess to qualify for an exemption from the overtime rule. Several commentators have remarked that this phrase does not appear in the Administrative section of the federal regulations at 29 CFR § 541.200. The Department should delete the phrase in this paragraph or explain why it is needed and how it aligns the state regulations with the federal regulations.

9. Miscellaneous.

We note that in Section 231.1 (relating to Definitions) that the term "Handicapped worker" appears. We encourage the Department to take this opportunity to update this term to reflect "people first" approach and replace it with a term such as "worker with a disability."

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 18-1578. Filed for public inspection October 5, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of The Reamstown Mutual Insurance Company

Goodville Mutual Casualty Company, a domestic mutual casualty insurance company, has filed an application for approval to acquire control of The Reamstown Mutual Insurance Company, a domestic mutual property insurance company. The filing was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the

statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1579. Filed for public inspection October 5, 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
September 20, 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 September 11, 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-2012-2337640	BROADWAY ENERGY SOLUTIONS, INC.	8/29/2018	Yes
A-2011-2276723	ENERCOM, INC.	9/1/2018	Yes
A-2012-2327584*	ENERGY.ME MIDWEST, LLC	9/1/2018	No
A-2016-2575063*	FREEPOINT ENERGY SOLUTIONS, LLC	8/18/2018	Yes
A-2011-2220388*	RESCOM ENERGY, LLC	9/3/2018	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 compliance 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 That:

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. 18-1580. Filed for public inspection October 5, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of Section 1329 of the Public Utility Code

Public Meeting held
September 20, 2018

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

Implementation of Section 1329 of the Public Utility Code;
M-2016-2543193

Tentative Supplemental Implementation Order

By the Commission:

On April 14, 2016, Governor Wolf signed into law Act 12 of 2016, which amended Chapter 13 of the Pennsylvania Public Utility Code by adding a new Section 1329 to become effective June 13, 2016. 66 Pa.C.S. § 1329. On July 21, 2016, the Commission issued a Tentative Implementation Order regarding Section 1329 and on October 27, 2016, issued the Final Implementation Order (FIO) to guide stakeholders in the application of provisions of Section 1329. The Commission will not reiterate the FIO here or re-open that Order except to the extent discussed herein.

While Section 1329 has encouraged the sale of public water and wastewater assets for at market rates, our experience to date in adjudicating these Section 1329 applications indicates that our procedures and guidelines can be improved in order to create more certainty in the process, to improve the quality of valuations, to ensure that the adjudication process is both fair and efficient and, ultimately, to reduce litigation regarding the Commission's final determinations.

Aside from fundamental stakeholder disagreement over appropriate utility valuation principles, there are difficulties related to the six-month consideration period made available to the applicants under Subsection 1329(d)(2). That is, the six-month statutory deadline comes at the price of an accelerated litigation schedule for the applicant, interested parties, and ultimately the Commission itself. In addition, the Commission has observed, in some cases, substantial variances in valuations and in the underlying assumptions related to the same property. In

this regard, further guidance can provide more consistency in the final valuations as well as the direct testimony submitted in support of the valuations. Lastly, to aid in the fair and efficient adjudication of Section 1329 applications, the initial application should include enough relevant information so that statutory advocates and other stakeholders can examine the application and present their cases within the strict statutory timelines under Section 1329.

To help address these issues, the Commission staff and affected stakeholders have worked informally to develop proposed revisions to the standard materials required for applications seeking Section 1329 treatment, guidelines for utility valuations and testimony, and procedural guidelines to assist the Commission and stakeholders to better manage the demands of an appropriate review within the limited time frame for the litigation of Section 1329 applications.

Accordingly, the Commission issues this Tentative Supplemental Implementation Order with the benefit of approximately two years' experience applying Section 1329 to applicable transfers of control under Chapters 11 and 13 of the Public Utility Code and Commission regulations, as well as the revisions proposed informally by the Commission staff and stakeholders. The Commission invites interested persons to provide formal comments and to offer recommendations for consideration on its proposals to improve the processes, evidence and guidelines for Section 1329 applications.

Background and Purpose of 66 Pa.C.S. § 1329

Section 1329 addresses the sale of water and wastewater systems owned by "Selling Utilities," which are defined as water or wastewater companies owned by municipal corporations or authorities. 66 Pa.C.S. § 1329(g). Section 1329 contemplates that Selling Utility transfers of control will occur with either an "Acquiring Public Utility" or an "Entity." These are respectively defined as a regulated public utility or person, partnership, or corporation seeking to become a regulated public utility subject to Chapter 11 of the Public Utility Code. *Id.* Section 1329 does not alter the requirements of Chapter 11 of the Public Utility Code in that all proposed transfers of control between a Seller and a Buyer must be necessary or proper for the service, accommodation, convenience or safety of the public, i.e., be in the public interest. 66 Pa.C.S. § 1103(a). To avoid tedious repetition the Acquiring Public Utility or Entity is hereafter generally referred to as the Buyer. Likewise, the Selling Utility is generally referred to as the Seller. While questions of whether any proposed transaction is in the public interest is not entirely dependent on the value of the proposed transfer, there can be no reasoned argument that valuation does not play a significant role in such considerations.

It is not necessary for the Commission to make a final determination on valuation before approving or denying a transfer of control application under Chapter 11 as determinations on valuation are often reserved for subsequent base rate proceedings subject to Chapter 13 of the Public Utility Code. However, parties to Chapter 11 proceedings are often eager to resolve this pivotal issue because the value of acquired jurisdictional property is determinative in rate setting proceedings conducted pursuant to Chapter 13. That is, until valuation is settled, the Buyer will not know if it can earn a return of and on capital used to acquire the property of the Seller.

Prior to the promulgation of Section 1329, Public Utility Code Section 1311(b), method of valuation, man-

dated that the Commission use only the original cost of the jurisdictional property when first devoted to public service less applicable accrued depreciation to establish such value. 66 Pa.C.S. § 1311(b). In practice, unless a Chapter 11 acquisition application was filed and consolidated with a base rate filing under Chapter 13, neither the buyer nor seller would know if the agreed-to sale price was accepted for purposes of Section 1311(b). For the reasons explained below, Section 1311(b) worked to discourage the sale of public water and wastewater assets even when such sales might otherwise be in the long-term public interest.

The General Assembly promulgated Section 1329 to provide a procedure by which a Seller and Buyer could voluntarily propose a Chapter 13 ratemaking value concurrent with Commission consideration of the public interest benefits of the proposed acquisition under Chapter 11 and established a six-month timeframe under which these considerations would occur. Section 1329 works to: (1) provide certainty as to the value of acquired utility property; (2) remove regulatory barriers to the prudent sale of public water and wastewater assets; (3) protect a Seller from having to offer public assets for sale at below-market rates; and (4) allow a Buyer to recover market-based investment in those public assets through regulated rates.

The development of water and wastewater service throughout the Commonwealth over the years has led to the creation of large numbers of geographically dispersed water and wastewater systems owned by municipal corporations or authorities. For these systems, sale to a larger, well-capitalized and well-run regulated public utility or entity can be prudent because it can facilitate necessary infrastructure improvements and access to capital markets, and, ultimately, it can ensure the long-term provision of safe, reliable service to customers at reasonable rates.

Prior to the enactment of Section 1329, however, the Public Utility Code worked to discourage the acquisition of these systems because Section 1311(b) requires, for rate setting purposes, that the Commission value acquired property at the original cost of construction less accumulated depreciation, in short, at depreciated original cost. In the context of utility acquisitions, Section 1311(b) discourages utilities from paying more than depreciated original cost for acquired systems because the Public Utility Code greatly restricts return of or on acquisition investment on water or wastewater systems above depreciated original cost. 66 Pa.C.S. § 1327; 52 Pa. Code § 69.711(b)(2).

As to municipalities and authorities, applying the “depreciated original cost” valuation method is problematic for multiple reasons. First, the municipality or authority is an extension of state government and generally does not use depreciation deductions for tax avoidance because it has no tax expense. Also, these systems are not required to employ regulated cost-plus-profit rate setting methods like investor-owned public utilities. As a result, a Seller will not generally have records on which to base a depreciated original cost valuation. In any event, the value of the post hoc depreciated original cost valuation, i.e., the original cost study conducted for purpose of sale, has been subject to considerable debate. 52 Pa. Code § 69.721; Final Policy Statement on Acquisitions of Water and Wastewater Systems, Docket No. M-00051926, 251 P.U.R. 4th 187 (Order Entered August 17, 2006).

Next, the assets and book value of most every Seller are inextricably linked to the historical development of

the political subdivision it serves. That is, most municipal systems in the Commonwealth are of vintages that would be nearly, if not fully, depreciated if an accurate original cost study were used to establish system valuation. Also, municipalities and authorities will often have used government grants or contributions in aid of construction (both excluded from rate base) as tools to finance system expansions and improvements over that time. Because of this lack of rate base eligible infrastructure, traditional ratemaking principles would dictate a low net tangible asset value, and thus, little regulatory yield at sale.

In contrast to mandating depreciated original cost valuation, Section 1329 seeks to examine valuation from a market-based perspective. As a business, a municipal or authority system is often a viable concern able to generate adequate future cash flow to provide essential utility service to its customers in the near term. Section 1329 recognizes that no reasoned argument would propose that these public assets are of marginal value simply because the book value and the Commission’s traditional rate setting methodology dictate as much. Rather, the valuation methods of Section 1329 provide municipalities and authorities with a wholistic recognition of the fair market value of the public assets they seek to sell based on a balancing of accepted business valuation principles, specifically, the cost, market, and income approaches. 66 Pa.C.S. § 1329(a). Thus, for sale purposes, Section 1329 works to value public assets as the businesses they are as opposed to what their value might be under regulatory accounting for depreciated utility assets.

From the perspective of the Buyer, paying more than depreciated original cost for these public assets has been problematic. Except under the limited circumstances noted above, if a regulated public utility paid a fair market value for these public assets, the Public Utility Code and precedent argued against recovery of what was arguably an investment that did not benefit all its ratepayers. *Middletown Twp. v. Pa. Public Utility Commission*, 482 A.2d 674, 683 (1984). Thus, the Public Utility Code and applicable precedent would put the Seller and Buyer at loggerheads over valuation, and therefore, price. That is, a municipality could know that a sale was prudent long-term but could not justify selling its assets at what appeared to be a “fire sale” depreciated original cost, and the regulated utility could do no more than pay depreciated original cost for fear of experiencing a financial loss in a subsequent Chapter 13 rate proceeding.

Section 1329 mitigates these risks to both the Seller and to the Buyer. Section 1329 enables a Seller to price its public assets at a market value based on reasonable business valuation principles and enables a Buyer to recover its investment in those public assets at that market-based value. In sum, Section 1329 encourages a realistic approach to the sale of public assets based upon the fair market value of those assets.

The Commission issues this Tentative Supplemental Implementation Order in support of the goals of Section 1329 and to refine and improve on the procedures developed in the FIO.

Discussion

After nearly two years and the experience of approximately seven Section 1329 applications submitted to the Commission, the Commission has determined to incrementally improve its approach to its Section 1329 procedures. This Tentative Supplemental Implementation Order proposes refinements to the procedures outlined in

the FIO. The requirements of the FIO remain intact, subject to modifications herein and in any Final Supplemental Implementation Order issued after the receipt of stakeholder comments. In line with this approach, this Tentative Supplemental Implementation Order will address only those areas subject to modification or revision. It will also organize its proposed revisions in sequential order, that is, in the timeline stakeholders would normally experience events in an application submitted under the provisions of Section 1329.

Checklist for Applications Requesting Section 1329 Approval

Subsections 1329(d)(1)(i)—(v) enumerate categories of information that a Buyer is obligated to provide as a part of a Section 1102 application requesting Section 1329 approval. The Commission will not accept such an application, which would initiate the six-month consideration period of Section 1329(d)(2), until the Buyer has shown that the application is complete. In short, an applicant must demonstrate that it qualifies for expedited consideration under Section 1329(d) before it is able to obtain that regulatory relief. To assist applicants in this process the Commission developed an Application Filing Checklist, which it requires applicants to attach to the application at the time of filing. The current iteration of the Application Filing Checklist may be found at the Commission's website.¹

A proposed revised Application Filing Checklist is attached to this Order as Appendix A. General changes include formatting for ease of future edits and the sequencing of checklist items to reflect the chronology in which checklist items may be compiled. Checklist instructions also clarify that an individual document may be used to satisfy more than one checklist item, but appropriate cross-references must be used to direct attention to exactly where the required information may be found in the filing. The general instructions also provide that service of an accepted filing on affected political subdivisions may be accomplished electronically if the recipient can accept electronic service. While stakeholders should review the entire attached Checklist for individual areas of concern, specific revisions include:

- Item 2. Authorized employees may verify information contained in the proposed application
- Item 3. Hand delivery of the proposed application to statutory advocates constitutes acceptable service
- Item 4. Modified to address responses to Standard Data Requests
- Item 7. Support for Utility Valuation Expert (UVE) fee amounts
- Item 8. Verification of UVE independence
- Item 9. Verifications from buyer and seller UVE of no affiliation with either buyer or seller, fair market valuation performed in compliance with most recent edition of the Uniform Standards of Professional Appraisal Practice, and that appropriate jurisdictional exceptions applied to submitted appraisal.
- Item 10. Estimate of transaction and closing costs buyer will propose to include in rate base.

- Item 13. Seller to provide testimony supporting transaction, if any. Unless the Buyer and Seller agree otherwise, the Seller will be responsible for its own testimony.
- Item 14. Buyer to provide testimony supporting transaction. Unless the Buyer and Seller agree otherwise, the Buyer will be responsible for its own testimony.
- Item 17. Current, five year, and if available ten year, projections of customers by class and gallons treated
- Item 18. Notice sent to affected customers describing the filing and the anticipated effect on rates
- Item 19. Two most recent audited financial statements, adopted budgets, and seller's most recent annual report filed with DCED
- Item 20. Address distinction between DEP violations and Notices of Violation
- Item 22. Municipal and county comprehensive plan information if application proposes to expand service footprint beyond existing plant.
- Item 25. Copies of municipal and affiliate contracts assumed by buyer and a list and dollar value of other contracts.

While not listed above, the Commission would clarify Item 5 of the Application Checklist addressing UVE appraisals of the fair market value of the Seller business. Sellers and Buyers must independently sponsor their respective UVE report and supporting data pursuant to Subsections 1329(a)(2) and 1329(b)(1)(i)-(ii). The validity of the market-derived value contemplated by Section 1329 is premised on arm's length negotiation and two wholly independent UVE evaluations. 66 Pa.C.S. § 1329(c)(2). Other than a shared interest in closing the proposed transaction, Sellers and Buyers choosing to proceed under Section 1329 are independent actors regarding the validity of the two proposed fair market values or the value the Commission may ultimately adopt. Also, a Seller and Buyer may have differing views as to the acceptability of any "conditions of approval" the Commission may impose. 66 Pa.C.S. § 1329(d)(3)(ii). Therefore, while Sellers and Buyers may proceed jointly, each party is expected to retain appropriate independent representation in accordance with both the expectations of Section 1329 and Commission regulations. 52 Pa. Code § 1.21.

Despite apparent similarity, Item 8 and 9 are distinct. Item 8 is addressed to the Buyer and Seller regarding the UVE selection process. Item 9.a through 9.f are addressed to the respective UVEs. Each is expected to submit a verification supporting their independence and submitted appraisal.

Items 13 and 14 make clear that, if Buyer and Seller wish to submit individual direct testimony in support of the proposed acquisition, the testimony must be filed concurrent with the application. Each party must sponsor their individual testimony unless the Buyer and Seller expressly agree otherwise and include that agreement with the application. The six-month consideration period of Section 1329(d)(2) justifies requiring direct testimony to be filed concurrent with the application. Also, as is discussed in more detail below, the Seller and Buyer UVE will submit written direct testimony in support of their respective appraisals. Absent a showing of extenuating and extraordinary hardship late-filed direct testimony will not be considered in support of an application seeking Section 1329 valuation. A request to submit

¹ The Application Filing Checklist—Water/Wastewater may be accessed from the Commissions website at http://www.puc.pa.gov/filing_resources/issues_laws_regulations/section1329_applications.aspx.

late-filed direct testimony shall be considered a request to extend the six-month consideration period to provide for appropriate due process.

Item 17 is revised to account for the five-year planning horizon municipalities use to estimate Act 537 planning modules. Item 18 is revised to make clear that Section 1329 applicants are to provide notice to affected customers contemporaneously with the proposed application, not after closing, such that affected customers receive adequate notice of the proposed transaction and have the opportunity to participate in the proceeding. Item 19 is revised to reflect the reality that a Selling Utility may not have annual audited financial statements or budgets.

Item 20 is revised to recognize the distinction between substantiated violations of DEP regulations and Notices of Violation which may not in fact be substantiated violations of law. Item 22 is revised to reflect the reality that, while an expansion of the existing footprint of a water or wastewater plant is of concern to the Commission regarding municipal or county comprehensive planning, the existing footprint of the plant is less subject to Commission review on that basis. Item 25 is revised to account for production of jurisdictional municipal and affiliate contracts as opposed to simple identification and description of contracts adopted in the normal course of business.

The Commission requests that interested stakeholders provide comments on the attached revised checklist. Commenters are requested to provide comment on whether the attached revised checklist is too broad, is complete, or should be expanded to include additional items. As is noted elsewhere in this Order, the Commission has retained all those elements of the FIO not addressed herein.

Public Meetings and The Section 1329(d)(2) Six-Month Consideration Period

Statutory Advocates have stated that Section 1329 procedural schedules are particularly difficult because of the relationship between the mandatory Section 1329(d)(2) six-month consideration period and the investigation, analysis and effort demanded to provide competent representation in these proceedings. The Commission understands that this affects litigants and the OALJ alike. An additional concern is caused by the relationship between the mandatory six-month consideration period and the Public Meeting calendar to which that consideration period is applied. Regarding that period, Section 1329(d)(2) provides:

The commission shall issue a final order on an application submitted under this section within six months of the filing date of an application meeting the requirements of subsection (d)(1).

66 Pa.C.S. § 1329(d)(2). These types of statutory deadlines require the presiding Administrative Law Judge and stakeholders to “back-into” a procedural schedule to coordinate the Section 1329 filing date with the last Public Meeting that falls within the proscribed six-month window. Problems may arise if there is only one public meeting in a month or if a public meeting is rescheduled or canceled. The Commission understands that these considerations may produce a litigation schedule as much as 30 days short of what is an already ambitious consideration period.

The Commission proposes several options as a remedy. First, applicants should consider the effect of any specific filing date including consideration of the ten-day review of the Application Checklist established in the FIO.

Publication deadlines at the *Pennsylvania Bulletin* present additional time constraints. Mundane considerations such as filing on a Wednesday, as opposed to a Friday, will assist in avoiding days wasted awaiting publication in the *Pennsylvania Bulletin*. Similarly, applicants should avoid submitting filings on dates where the six-month consideration period stands to run afoul of scheduled Public Meetings. In addition, applicants may also consider extending the consideration period to avoid undue time pressure for either litigants or Commission bureaus charged with evaluating the proceeding.

Next, the Commission acknowledges that the duration of the Application Checklist review, and thus the filing date, is not entirely within the control of applicants. To that end, while the Bureau of Technical Utility Services (TUS) will generally review applications requesting Section 1329 valuations within ten days, the Commission will permit TUS to hold accepting an application for up to an additional (5) calendar days if doing so will avoid the problem of establishing a consideration period of 170 days or less.

Lastly, there may be circumstances in which the above measures fail to produce a consideration period in excess of 170 days. The Commission invites comment regarding whether it should consider using planned notational voting to consider and adjudicate Section 1329 applications to permit the use of the entire six-month period that Section provides. See 4 Pa. Code § 1.43(c).

Public Notice of Accepted Section 1329 Applications

The Commission understands that stakeholders may have been unaware that certain Section 1329 applications had been accepted for filing by the Commission and that those stakeholders could not fully commence review of the applications before that time. The Commission also understands that this relates to the fact that the Commission does not assign a docket number to an acquisition application seeking Section 1329 valuation until after TUS determines that the applicant(s) has satisfied the Application Checklist and that the application is suitable to accept for filing. Once accepted for filing, the mandatory six-month consideration period of Section 1329 begins to toll as addressed above. The Commission understands that Stakeholders interested in monitoring or participating in applications seeking Section 1329 valuation would like to learn that the Commission has accepted a Section 1329 filing and that the six-month consideration period has begun to run.

The Commission understands that this notice issue is an artifact of the Application Checklist process. Because no docket is assigned until acceptance, interested stakeholders and potential parties cannot enter a notice of appearance until after the filing is accepted by the Commission and a docket number is assigned. Even then, e-filing and e-service are unavailable to notify some stakeholders e.g., the statutory advocates, as e-service requires at least pending party status at a discrete docket. These stakeholders have no timely way to know that they can file a notice of appearance and that tolling of the six-month consideration period has begun. The Commission understands that a three or four-day delay in notice of acceptance can make a palpable difference in the context of the six-month consideration period.

To address this situation the Commission would direct stakeholders to make full use of the generic aspects of the Commission’s e-filing system. After obtaining an e-filing account a stakeholder (or member of the public for that matter) may create generic e-filing subscriptions that will

provide the user with an electronic email alert when the Commission accepts a Section 1329 filing. The key to creating a generic Section 1329 e-filing alert is to create what would otherwise appear to be an incomplete e-filing subscription request.

For example, a generic Section 1329 subscription will focus on the type of document and not on a docket number. When creating a custom New Subscription, e-filing users should leave the Docket Number input box blank, while specifying the Document Type as Transfer of Assets and/or Control. Users seeking email notices for all accepted Section 1329 filings should establish a New Subscription for each Utility Type under which such a filing may be registered by an applicant: Water (Private), Water (Municipal), or Wastewater. The staff of the Secretary's Bureau is available during Commission office hours to assist members of the public who wish to use the Commission's e-filing system and are specifically aware of the instruction contained here.

Standard Data Requests for Applications Seeking Section 1329 Valuation

Based on its experience with Section 1329 proceedings, the Commission understands that the pressure of the mandatory six-month consideration period of Section 1329(d)(2) is particularly acute regarding information that the applicant(s) may have to produce upon request of TUS pursuant to 66 Pa.C.S. §§ 503—505 or as a part of discovery practice pursuant to 66 Pa.C.S. § 333 and Commission regulations at 52 Pa. Code §§ 5.321—5.372. Indeed, the process of obtaining relevant information, or such information that will lead to relevant and admissible information, is a frequent cause of concern for stakeholders in the six-month proceedings envisioned by Section 1329.

The Commission would clarify here that the Bureau of Technical Utility Services does not review the veracity or substantive quality of information that an applicant may submit to fulfill the threshold requirements of the Application Checklist. The Bureau of Technical Utility Services is to evaluate only whether the Application Checklist is complete and responsive to the data requested. It shall not refuse to perfect an application on the basis that the Bureau is dissatisfied with the quality of items submitted in response, or whether additional information may later be required.

Rather, in accordance with the FIO, TUS reviews whether the applicant has included, in good faith, the information required by the Commission for the initial filing such that the six-month consideration period of Section 1329(d)(2) may begin without causing (1) the applicant to suffer a summary rejection if the application were to remain under TUS review and (2) due process and other procedural concerns before the Office of Administrative Law Judge if the application is to proceed to an initial decision. Applicants should also note that TUS is not precluded from asking subsequent data requests, provided that these are issued before the Commission receives a protest or opposition filing regarding the application.

Nevertheless, to accommodate the process outlined in the FIO and here, the Commission will incorporate TUS standard data requests into Item No. 4 of the Application Checklist. These standard data requests are based, in large measure, on the initial data requests that are propounded by the statutory advocates. Rather than to await formal acceptance of the Section 1329 filing and the parties' agreement to discovery protocols, responses to

these standard data requests are designed to make the process of investigation and analysis of the Section 1329 application more efficient by providing this key information at the outset of the application proceeding.

The Section 1329 Application Standard Data Requests shall replace the previous language of Item No. 4 which required the applicant to provide electronic working documents (i.e., Excel spreadsheets) for the filing's schedules, studies, and working papers. To the extent that responses to these Standard Data Requests may be found elsewhere within the filing applicants should clearly indicate where with appropriate cross-references. The proposed Section 1329 Application Standard Data Requests, along with instructions, are attached as Appendix B. As explained herein, the Commission believes that the submission of this data at the time of filing will, along with other initiatives discussed here, work to address issues created by the six-month consideration period of Section 1329(d)(2).

As to additional discovery, the Commission is receptive to the voluntary modification of its discovery regulations at 52 Pa. Code §§ 5.321—5.372 due to the six-month consideration period. While the Commission is hesitant to establish a standard whereby all Section 1329 discovery responses have a deadline of, perhaps, five days, and objections within two days, the Commission strongly encourages applicants to propose discovery rules and conditions suitable for Section 1329 proceedings. Likewise, the Office of Administrative Law Judge should not hesitate to impose appropriate discovery modifications on parties to Section 1329 valuation requests if applicants do not propose such modifications on their own.

The Uniform Standards of Professional Appraisal Practice

The fair market value provision of Section 1329(a) is a significant departure from the Commission's current depreciated original cost rate base valuation principle. Section 1329 provides for three (3) data points to confirm that the acquisition price for a Seller is a reasonable approximation of the fair market value of the business being sold: (1) the arms-length price negotiated between the Seller and the Buyer; (2) an independent market-based appraisal of the Seller's system by the Utility Valuation Expert hired by the Seller; and (3) an independent market-based appraisal of the Seller's system by the Utility Valuation Expert hired by the Buyer. Section 1329(g) defines UVEs as persons independently hired by a Seller and Buyer to conduct the required economic valuation of the Selling Utility's system to determine its fair market value.

Section 1329(c) mandates that the valuation of the Seller that may be incorporated into the ratemaking rate base of the Buyer is the lesser of: (1) the arms-length price negotiated between the Seller and Buyer or (2) the fair market value of the Seller. However, Section 1329(g) further defines Fair Market Value for that comparison as the average of the two independent UVE valuations. 66 Pa.C.S. § 1329(g). Therefore, three mandatory market-based valuations are ultimately reduced to two data points, the lesser of which is incorporated in the Buyer's ratemaking rate base.

The Commission expects that Buyers will use UVE valuations to serve as a confirmation of sound business judgement particularly on the part of an Acquiring Public Utility. In this regard, the quality of the fair market appraisals represents the most important feature of the Section 1329 process and key driver for the fairness of the price to be paid by the Acquiring Public Utility. The

Commission has observed substantial variances, in some case, for the fair market valuation of the same properties due to inconsistent assumptions and flaws in the appraisal methodology. As such, to the extent that the Commission can establish appropriate guidelines and consistent assumptions for Section 1329 appraisals by the UVEs, it can be expected that any future variances in the fair market value appraisals for the same property can be reduced and, concomitantly, the Commission and stakeholders can have a greater degree of confidence in the fairness and reasonableness of the negotiated purchase price.

As a related matter, stakeholders are invited to discuss the range of values Section 1329 proceedings have developed to date and to provide comment on whether the Commission should use that data as a check on the reasonableness of the negotiated purchase price. For example, if an Acquiring Public Utility's average rate base cost per customer were approximately \$3,500, what multiple of that amount represents a reasonable acquisition price given that a Section 1329 fair market value implicitly endorses that some subsidy will occur?

As is briefly discussed above, the two independent UVEs are to appraise the Seller's business through the application of three distinct business valuation methods—the cost, market, and income approaches. In addition, Section 1329(a)(3) mandates that each UVE develop these three approaches in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP). The USPAP are developed by the federally authorized Appraisal Standards Board comprising entities involved with federally guaranteed lending. The USPAP seek to professionalize the appraisal industry and are designed to foster integrity in various types of property and business appraisals. However, the Appraisal Standards Board is not a government entity and lacks the power to make, judge, or enforce law.

Nevertheless, regarding Section 1329, all UVEs must comply with all USPAP standards as a matter of law because Section 1329(a)(3) mandates as much. To be clear, the Commission does not interpret Section 1329 to require that a UVE be a state-licensed or certified appraiser within the meaning of Banks and Banking provisions of United States Code, 12 U.S.C. § 3345. Rather, Section 1329 mandates that the valuations submitted by UVEs must be USPAP compliant.

The Commission understands that the Appraisal Standard Board updates the USPAP every two years and that the revisions take effect on January 1 of even numbered years. Because of this frequent revision, the Commission interprets the language of Section 1329(a)(3) to mandate that UVEs verify the use of the USPAP, i.e., the edition effective when the UVE developed the submitted appraisal. Appraisals based on outdated or expired USPAP versions cannot support valuations under Section 1329 and will not be accepted as competent evidence.

Jurisdictional Exceptions

The USPAP contain a Jurisdictional Exception Rule as a form of a saving or severability clause intended to preserve the balance of the USPAP if compliance with one or more of its parts is, in this instance, in conflict with Pennsylvania law. See Uniform Standards of Professional Appraisal Practice, 2016-2017 Edition, page 16. In short, a Section 1329 appraisal is compliant with the USPAP, and thus Section 1329, when it resolves a conflict between the USPAP and Pennsylvania law by giving preference to Pennsylvania law. For the purposes of requests for

a Section 1329 valuation, Pennsylvania law includes the Pennsylvania Constitution, statutes, regulations, court precedent, and administrative rules and orders issued by Pennsylvania administrative agencies.

In order to establish appropriate guidelines and consistent assumptions for Section 1329 appraisals by the UVEs, in order to comply with Commission precedent and to reduce variances in the fair market value appraisals for the same property in further Section 1329 applications, the Commission, through this Tentative Order, and a subsequent Final Supplemental Implementation Order, proposes to establish several jurisdictional exceptions that UVEs will apply when developing the cost, market, and income valuation approaches pursuant to the USPAP as required of Section 1329 appraisals. These jurisdictional exceptions are summarized in Appendix C and address each of the valuation approaches authorized by Section 1329: the cost approach, the income approach and the market approach.

Cost approach measures value by determining the amount of money required to replace or reproduce future service capability of the system; this approach develops the total cost less accrued depreciation. Regarding the cost approach, the Seller and Buyer UVE may measure value by:

- a. determining investment required to replace or reproduce future service capability
- b. developing total cost less accrued depreciation for Selling Utility assets
- c. determining the original cost of the system

In addition, cost approach materials must:

- a. explain the choice of reproduction cost vs. replacement cost
- b. not adjust the cost of land by the ENR index
- c. exclude overhead costs, future capital improvements, and going concern value
- d. use consistent rate of inflation for all classes of assets, unless reasonably justified

The income approach is based on the principle that capitalizing or discounting a future income stream to a present value can indicate the value of a business; two methods can be used: (1) capitalization of earnings or cash flow and (2) discounted cash flow (DCF) method. Regarding the income approach, UVEs should measure value by:

- a. Capitalization of earnings or cash flow
- b. Discounted cash flow (DCF) method

UVEs should exclude from the income approach:

- a. Going concern value
- b. Future capital improvements
- c. Erosion of cash flow
- d. Rate base/rate of return estimates

The market approach is based on the principle that the value of the system to be acquired can be estimated by comparison to: (1) the market value of companies in the same or similar line of business (market multiples method) or (2) by comparisons to purchases or sales of businesses in the same or similar line of business (selected transactions method). When calculating valuation under the market approach, UVEs should use the current customer count of the Selling Utility, should exclude capital improvements anticipated to occur after sale, and

should exclude any type of adjustment or adder in the nature of a “going concern” or goodwill.

In addition, there are other minor examples of jurisdictional exceptions applicable to utility water service. An example is the recovery of public fire hydrant costs in utility rates pursuant to 66 Pa.C.S. § 1328. Under that section, political subdivisions of the Commonwealth are assessed twenty-five percent of the total cost of regulated utility fire hydrants with the remaining seventy-five percent recovered as a part of the service charge applicable to customers of the utility. A Selling Utility, as a political subdivision, may or may not have recognized these types of revenues as payable to itself. While this type of cost allocation may not be unique to Pennsylvania, UVEs should nevertheless be cognizant of the peculiar facets of Pennsylvania law and adjust appraisals accordingly. As mentioned above, where the valuations are based on reasonable and consistent assumptions and where flaws in the methodology are eliminated, the Commission and stakeholders can expect more consistency in the appraisals and purchase price.

UVE Direct Testimony

Another area of stakeholder concern involves the supporting data and process employed by the Seller and Buyer UVE to develop valuations. The Commission notes that its regulations mandate that expert witnesses file written direct testimony when testifying in rate cases. 52 Pa. Code § 5.412. While not a rate case, no principled argument would conclude that Section 1329 applications do not directly and substantially involve rate cases in that Section 1329 definitively sets the value of certain rate base components, a role traditionally reserved to the rate case.

Competent expert testimony submitted in response to Section 5.412 not only describes conclusions drawn by the expert, but also discusses how the expert arrived at a conclusion and details the data used to support the conclusion. Similarly, Section 1329 requires experts to present detailed evidence in specific categories before the Commission may approve a Buyer’s request for the fair market valuation of rate base assets that will be used to establish rates. To this end, the Commission concludes that, as experts testifying to the valuation of rate base assets, UVEs must submit written direct testimony in support of any appraisal completed pursuant to Section 1329(a)(5) and submitted in support of a request for fair market valuation for rate setting purposes.

UVE direct testimony should describe the conclusions drawn by the UVE, how the UVE arrived at those conclusions, and details on the data used to support conclusions consistent with the USPAP. In particular, the direct testimony should explain the weightings applied to each valuation approach and, most important, the reasons for the weighting chosen by the UVE. To the extent that any single approach is weighted in excess of 50%, we expect a strong and reasoned justification in the direct testimony to accord such significant weight to a single valuation approach.

UVE direct testimony must be filed as a part of the Application and will be a part of the Application Checklist. The Commission will not accept untimely direct testimony, or untimely testimony in the nature of direct, regarding a UVE appraisal. To assist potential Sellers, Buyers, and UVEs, the Commission has included a direct testimony template as Appendix D that UVEs may follow to develop suitable direct testimony.

UVE direct testimony should be provided in the form established by 52 Pa. Code § 5.412. The testimony should

identify itself on its coversheet with a statement number and have line numbers in the left-hand margin on each page containing narrative text. The testimony should provide the name of the UVE and business address and clearly indicate the party on whose behalf the UVE prepared the appraisal.

UVEs should provide other mandatory information as a part of the UVE direct testimony. This may include items required in the Application Checklist, such as responses to Application Standard Data Requests, a copy of the UVE individual appraisal, UVE fees and fee arrangements, and various required verifications. If items from the Application Checklist are included in UVE direct testimony the Application Checklist should indicate the testimony page and line number where the information may be found.

In addition to providing a format that UVEs may use to structure their direct testimony, Appendix D also provides examples of the types of substantive issues that UVEs should address in direct testimony. To this end, the UVE direct testimony will be a narrative accompaniment to the appraisal required by Section 1329(a)(5). Using Appendix D as a prerequisite for minimum compliance will greatly assist applicants and UVEs as it will cut down on the need for discovery (and related discovery litigation) on the topics addressed. As is discussed above, UVE direct testimony may also be used to satisfy items in the Application Checklist and Standard Data Requests. Stakeholders are asked to examine Appendix D and to provide useful comments on how it may be improved to make Section 1329 applications more efficient for applicants, litigants, and the Commission.

Conclusion

While 66 Pa.C.S § 1329 has proven useful as a tool to ensure that the price paid for public business assets by private interests reflect market rates, it is not without its challenges. As explained previously, the Commission seeks to create more certainty in the Section 1329 application process, to improve the quality of UVE valuations, to ensure that the adjudication process is both fair and efficient and, ultimately, to reduce litigation regarding the Commission’s final determinations.

To that end, the Commission seeks formal stakeholder input and comment on the proposals contained herein. The Final Implementation Order issued at the above-referenced docket will remain in effect subject to modification in a Final Supplemental Implementation Order issued after the receipt of stakeholder comment; *Therefore,*

It is Ordered That:

1. The Commission hereby tentatively adopts the procedures and guidelines as set forth herein.
2. The Commission hereby tentatively adopts the Application Checklist attached as Appendix A and as set forth herein.
3. The Commission hereby tentatively adopts the Standard Data Requests attached as Appendix B and as set forth herein.
4. In addition to others as may be appropriate, the Commission hereby tentatively adopts the jurisdictional exceptions to the Uniform Standards of Professional Appraisal Practice attached as Appendix C and as set forth herein.
5. The Commission tentatively concludes that Utility Valuation Experts registered pursuant to 66 Pa.C.S.

§ 1329(a)(1) shall submit written direct testimony substantially in the form of Appendix D, and at a minimum, addressing the topics contained in Appendix D to accompany all applications for fair market valuation pursuant to Section 1329.

6. Any interested party may submit comments regarding this Tentative Supplemental Implementation Order within thirty (30) days of publication in the *Pennsylvania Bulletin* and reply comments fifteen (15) days thereafter.

7. All pleadings, comments, or other filings shall be filed in Microsoft Word-compatible format with the Commission's Secretary Bureau at Docket No. M-2016-2543193.

8. A copy of this Tentative Implementation Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website at www.puc.pa.gov.

9. A copy of this Tentative Supplemental Implementation Order be served on all jurisdictional water and wastewater companies, the National Association of Water Companies—Pennsylvania Chapter, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Boroughs, the Pennsylvania Municipal Authorities Association, the Pennsylvania Rural Water Association, the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

ROSEMARY CHIAVETTA,
Secretary

**Statement of Commissioner
Norman J. Kennard**

The Pennsylvania Public Utility Commission (Commission) is requesting comments on its Tentative Supplemental Implementation Order regarding Section 1329 of the Public Utility Code (Code). Section 1329 of the Code, 66 Pa.C.S. § 1329, allows for the acquisition of public water and wastewater assets to be valued at market value for ratemaking purposes. On October 27, 2016, the Commission issued a Tentative Implementation Order to guide stakeholders in the application of provisions of this section of the Code.

Since the issuance of our Tentative Implementation Order, the Commission's experience in adjudicating Section 1329 applications indicates that our procedures and guidelines can be improved to provide more regulatory certainty to the parties and to increase the efficiency of the application process. To this end, Commission staff and affected stakeholders have worked informally to propose changes to the standard materials required in Section 1329 applications and have developed additional guidelines to help allow for a thorough review of such applications within the quick six-month time frame. I would like to thank the water companies, I&E, OCA, OSBA, and Commission staff, particularly the Law Bureau, for the collaboration and hard work that was done to help us move forward with these applications in a more predictable manner.

I look forward to reviewing the comments on the proposals set for in this Tentative Supplemental Implementation Order and welcome further proposals for how Section 1329 applications and the six-month review process can be improved.

NORMAN J. KENNARD,
Commissioner

[Pa.B. Doc. No. 18-1581. Filed for public inspection October 5, 2018, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

**Petition of the Retail Energy Supply Association to
Simplify the Financial Security 5% Renewal Process**

Public Meeting held
September 20, 2018

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

*Petition of the Retail Energy Supply Association to
Simplify the Financial Security 5% Renewal Process;*
P-2017-2608078

Tentative Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration is the Petition of the Retail Energy Supply Association (RESA) to Simplify the process for electric generation suppliers (EGSs) to seek a reduction in the financial security requirements in accordance with 52 Pa. Code § 54.40. For the reasons that follow, the Commission will grant the requested relief subject to the terms and conditions set forth in this Order.

Background

Section 2809 of the Public Utility Code (Code), 66 Pa.C.S. § 2809(c), and the regulations promulgated thereunder, 52 Pa. Code § 54.40, require EGSs doing business in Pennsylvania to maintain financial security at levels meant to ensure the financial responsibility of the EGS. The specific purposes of the security requirement are (1) to ensure payment of the Gross Receipts Tax (GRT) owed to the Department of Revenue;¹ (2) to ensure the supply of electricity at the retail level in accordance with contracts, agreements, or arrangements;² and (3) to ensure payment of any alternative compliance payments owed to the Pennsylvania Sustainable Energy Funds under the Alternative Energy Portfolio Standards Act of 2004 (AEPS Act).³

The Commission's authority to establish financial security requirements for EGSs is set forth in the Code. See 66 Pa.C.S. § 2809. Section 2809(c) provides, in pertinent part:

In order to ensure the safety and reliability of the generation of electricity in this Commonwealth, no energy supplier license shall be issued or remain in force unless the holder . . . [f]urnishes a *bond or other security approved by the Commission in form and amount* to ensure the financial responsibility of the electric generation supplier and the supply of electricity at retail in accordance with contracts, agreements or arrangements.

66 Pa.C.S. § 2809(c)(1)(i) (emphasis added). As emphasized above, the General Assembly granted the Commission authority to determine the "form and amount" of the security.

The Commission's regulations at 52 Pa. Code § 54.40 provide specific details regarding the amount and form of

¹ See 66 Pa.C.S. §§ 2809(c)(1)(ii) & 2810; 52 Pa. Code § 54.40(f)(2).

² See 66 Pa.C.S. § 2809(c)(1)(i); 52 Pa. Code § 54.40(f)(2).

³ See 73 P.S. § 1648.3(f) & (g).

bonds or other security for EGSs. The initial security level for each EGS operating in Pennsylvania is \$250,000.⁴ 52 Pa. Code § 54.40(c). After the first year of an EGS' operation, its security level is reviewed annually and modified primarily based on its reported annual gross receipts. 52 Pa. Code § 54.40(d). The default security level that an EGS must maintain after its first year of operation is 10% of its reported annual gross receipts or \$250,000, whichever is higher.

During the Investigation of Pennsylvania's Retail Electric Market (Docket No. I-2011-2237952), a risk assessment working group comprising representatives from the Commission's Office of Competitive Market Oversight, EGSs, electric distribution companies (EDCs) and RESA, was formed in April of 2013 to examine, among other things, security requirements that EGSs must comply with to participate in Pennsylvania's retail electric market. Specifically, the working group was tasked with studying the feasibility of reducing the security amount EGSs were required to maintain after their first year of operation from 10% of annual gross receipts to 5% of annual gross receipts.⁵

Comments received as part of the investigation overwhelmingly endorsed efforts to reduce the EGSs' financial security requirements. The general feeling was that the 10% security level was excessive to the point that it could serve as a barrier to an EGS' entry into Pennsylvania's retail electric market, potentially stifling the very competition the Commonwealth was attempting to foster in that market. Commenters noted that the 10% security level far exceeded the potential risk the security was intended to cover—the GRT, which is set at 5.90% of gross receipts—and that a 5% security level was more than adequate to cover an EGS' GRT liability.⁶

In the Final Security Order, the Commission permitted an EGS, after its first year of operation, to seek a security level of 5% of its most recent 12 months of revenue⁷ or \$250,000, whichever is higher. The Commission found that the 10% security level for EGSs after their first year of operation may be excessive in relation to the risk the security is intended to secure, which would unnecessarily burden EGSs and present a potential barrier to entry into Pennsylvania's retail electric market. The Commission agreed with commenters who noted that the cost of the higher security level is passed on to consumers in the form of higher prices. Ultimately the Commission felt that the 5% security level was adequate in most circumstances to cover the liabilities the security was meant to insure.⁸

The Commission did not engage in a formal rulemaking proceeding to implement the change in security level from 10% of annual gross receipts to 5%. Instead, the Commission relied on (1) its discretionary authority under Section 2809 of the Code, 66 Pa.C.S. § 2809(c), to approve the "form and amount" of an EGS' security instrument and (2) the regulations at 52 Pa. Code § 54.40(d) that allow

an EGS to seek an alternative level of security appropriate for the nature and scope of its operations.⁹

To implement the change, the Commission required an EGS seeking to reduce its security level to 5% of gross receipts to file a formal petition with the Commission "so that the most updated and approved bond/security is documented on the record at the EGS' Application docket number."¹⁰ The EGS was to work informally with Commission staff during the filing process to obtain guidance regarding the information staff would require to process the petitions. The Commission delegated its authority to review uncontested petitions to the Bureau of Technical Utility Services (TUS), which would approve or deny the petitions through a Secretarial Letter. Contested petitions were to be transferred to the Office of Administrative Law Judge for a determination.¹¹

In the Final Security Order, the Commission required an EGS seeking to reduce its security level to 5% of its most recent 12 months of revenue to provide to TUS, at a minimum, the following information along with its petition: (1) its gross revenue from the sale of electricity to retail customers in Pennsylvania for the most recent 12 months; (2) the amount of gross receipts taxes the EGS has prepaid toward its estimated revenue for the current calendar year; (3) AEPS compliance data from the most recent 12 months; and (4) copies of all Department of Revenue documents that support the EGS' request. The Commission made clear that submission of this information alone would not result in automatic approval of the EGS' petition. The EGSs would have to provide any additional information requested by TUS and would still have to comply with all other requirements of the Code and Commission regulations.¹²

On April 8, 2016, TUS, via Secretarial Letter (2016 Guidance Letter), offered guidance to EGSs regarding the process for renewing their security level at 5% of gross receipts. The Letter noted that a reduction in an EGS' security level to 5% is effective only for one year, subject to annual renewal by the Commission. To renew its 5% security level, an EGS must provide—each year at least 90 days prior to the current security's expiration date—documentation, including but not limited to the following:

- A petition for renewal to be filed with the Commission's Secretary's Bureau.
- A \$350 filing fee.
- Proof of service of the petition on the statutory advocates and all affected EDCs.
- A Tax Status Letter of Good Standing from the Department of Revenue.
- The EGS' gross receipts for the most recent four quarters.¹³

On June 6, 2017, RESA filed a Petition (Petition) requesting that the annual process for an EGS to renew its 5% security level be streamlined. The Commission received no comments or replies in response to that Petition.

Summary of Petition

RESA, a trade association representing member retail energy suppliers, including EGSs, filed its Petition to request that the Commission simplify the process for an

⁴ Under the applicable regulations, the Commission has routinely approved waivers requesting a reduced financial security level in the amount of \$10,000 for brokers/marketers, who do not take title to electricity, do not pay gross receipts taxes, and do not make payments on behalf of clients. See Application of Advisors Energy Group LLC for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Broker/Marketer, Order at Docket No. A-2017-2625563.

⁵ In Re: Public Utility Commission Bonding/Security Requirements for Electric Generation Suppliers; Acceptable Security Instruments, Final Order at Docket No. M-2013-2393141 (entered July 24, 2014) (Final Security Order) at 2-3.

⁶ Final Security Order at 5—7.

⁷ The Commission had previously based the calculation on the EGS' reported gross receipts from the last annual reporting period; however, the Commission changed that to the "most recent 12 months of revenue" because the Commission found that measure was more accurate and more likely to protect against default risk in light of the reduced security requirement. Final Security Order at 10-11.

⁸ Final Security Order at 10-11.

⁹ Final Security Order at 11-12.

¹⁰ Final Security Order at 12.

¹¹ Final Security Order at 12-13.

¹² Final Security Order at 16.

¹³ Guidance on Electric Generation Supplier Licensee Financial Security, Docket No. M-2013-2393141, Secretarial Letter dated April 8, 2016.

EGS to renew its 5% security level. Ultimately, RESA proposes a streamlined 5% renewal process where the Commission “permits EGSs who have already been approved for the 5% level to submit a compliance template (with appropriate supporting documents) to continue the 5% level,”¹⁴ as opposed to having to submit a formal petition each year. According to RESA, that change would make the 5% security renewal process simpler and more efficient for both EGSs and Commission staff.¹⁵ RESA notes that an EGS is not required to submit a formal petition each year to renew its security at 10% of its gross receipts. However, for an EGS to renew its security level at 5% of gross receipts it must submit a formal petition to the Commission each year.¹⁶

According to RESA, the requirements for an EGS to renew its security at the 5% level as outlined by the Commission in its 2016 Guidance Letter are difficult to meet. Specifically, the filing deadline, considering the documentation that must be submitted along with the petition, is difficult for an EGS to meet. Failure to meet the deadline could cause the EGS’ security instrument (bond, letter of credit, etc.) to expire, which in turn could result in the cancelation of the EGS’ license to operate in Pennsylvania.¹⁷

RESA expresses support for the Commission’s 2014 decision to allow for a 5% security level and notes that it is unaware of any situation in which that level has been insufficient to cover an EGS’ obligations or in which the Commission experienced any problems in making a claim on a 5% security. RESA states, however, that a number of its members find the Commission’s requirement for annual renewal petitions to be cumbersome and in need of simplification.¹⁸

The primary issue RESA has with the Commission’s process for renewing an EGS’ 5% security level is the 90-day time frame between the due date for the renewal petition and the expiration of the current security instrument. Within that time frame, the EGS must file its petition to renew the 5% security level, wait to receive approval from TUS, then submit an appropriately dated new financial security instrument. That time frame is difficult for an EGS to manage and any delays can cause problems for the EGS. Although an EGS can take steps to resolve those problems, those steps may be expensive and time consuming.¹⁹

The timing issue arises when the petition to renew is approved just before the current security expires or when the petition is not approved until after the current security expires. When that happens, the EGS may have to renew its security instrument at the 10% level then adjust it back down to 5% after approval is secured. The EGS can manage such a situation using a short-term security instrument; however, that fix can be expensive and time consuming.²⁰

Some EGSs operate in multiple jurisdictions, each having varying security requirements. The EGSs can gain efficiencies—saving both time and money—by consolidating their varying security instruments; however, the coordination necessary to achieve that consolidation is made more difficult by the timing problem. In addition,

because the amount of security is based on the EGS’ most recent 12 months of gross receipts, the timing issue—that is, the petition being due 90 days before the current security expires—creates uncertainty about the appropriate amount of security. Furthermore, EGSs that maintain several financial securities with different renewal dates must put considerable effort into managing the renewals and deadlines. Finally, it can take a significant amount of time for an EGS to meet the Commission’s requirement that it obtain from the Department of Revenue a Tax Status Letter of Good Standing (Letter of Good Standing). Delays in obtaining that letter, through no fault of the EGS, can delay the submission and approval of the EGS’ 5% security renewal petition.²¹

To alleviate these problems, RESA proposes a streamlining of the 5% security renewal process. If adopted, RESA claims that its process would ultimately benefit consumers as it would allow EGSs to “focus their resources on developing and offering more attractive products and services.” In addition, RESA asserts its proposal would benefit the EGSs and the Commission by reducing the time and resources each must dedicate to 5% renewal requests.²²

Ultimately, RESA proposes a simplified filing process—a less burdensome “compliance filing” as opposed to a formal petition—for an EGS that was already approved for a 5% security level in a prior year and is now simply attempting to renew its authorization for that level. As proposed by RESA, the EGS would have to provide the following information with its compliance filing:

- Its most recent 12 months of gross receipts and a 5% gross receipt calculation.
- An original financial security instrument covering 5% of its most recent 12 months of gross receipts or evidence that the original security instrument has been sent to the Commission.
- If the EGS has on file with the Commission a security instrument containing an automatic renewal provision and the amount of that instrument is enough to cover the new 5% gross receipt calculation, a letter so advising the Commission.
- An attestation signed by an officer of the EGS that the EGS will pay all taxes it is subject to in Pennsylvania.²³

RESA proposes that the compliance filing be due 30 days before the expiration of an EGS’s security instrument, which it believes will give TUS enough time to review the filing and communicate any deficiencies to the EGS for correction. In addition, RESA proposes that an EGS’s 5% security level automatically be continued upon submission of its compliance filing “unless the Commission issues a disapproval requiring the [EGS] to renew its security at the 10% level.”²⁴

RESA notes several advantages to its proposed 5% security level renewal process. First, it would provide some level of assurance to an EGS—provided the EGS submits its compliance filing and the Commission does not act to the contrary—that its security level will continue at the 5% level, which will facilitate the EGS’s dealings with its surety. Second, it relies on existing Commission notification procedures (i.e., 60-day letter) regarding filing deadlines, so no changes will be required in that regard. Third, it would streamline the renewal

¹⁴ Petition of the Retail Energy Supply Association to Simplify the Financial Security 5% Renewal Process, Docket No. P-2017-2608078, at 2 (emphasis original) (RESA Petition). A copy of RESA’s proposed compliance template is attached to the Petition as “Attachment A.”

¹⁵ RESA Petition at 2.
¹⁶ RESA Petition at ¶¶ 6–9.
¹⁷ RESA Petition at 6-7.
¹⁸ RESA Petition at ¶ 16-17.
¹⁹ RESA Petition at ¶ 18.
²⁰ RESA Petition at ¶ 19.

²¹ RESA Petition at ¶¶ 20–24.

²² RESA Petition at ¶ 25.

²³ RESA Petition at ¶ 26.

²⁴ RESA Petition at ¶ 26.

process—making that process more efficient for both the EGS and Commission staff—by providing all the currently required information (i.e., the supporting documentation and the updated security instrument) at one time with the compliance filing, as opposed to providing the information separately as is done now.²⁵

According to RESA, the Commission has the legal authority to implement the proposed changes to the 5% security level renewal process. Section 501 of the Code authorizes the Commission to carry out, by its regulations and orders, all provisions of the Code. 66 Pa.C.S. § 501. Commission regulations allow an EGS to request approval for “an alternative level of bonding”—other than the standard 10% security level—appropriate to the nature and scope of its operations. 52 Pa. Code § 54.40(d). Given that discretion and the fact that the Commission, via Secretarial Letter and Order, has already established procedures for EGSs to gain and renew approval for a 5% security level, RESA believes the Commission has the authority to implement the proposed modifications to that renewal process.²⁶

Further, RESA asserts that implementation of its proposal would not frustrate the Commission’s objectives to ensure payment of the Gross Receipts Tax and the supply of electricity in accordance with contracts, agreements, or arrangements. RESA asserts that it would also maintain the Commission’s ability to increase the security level of an EGS if the Commission finds it necessary to do so to ensure the its financial responsibility.²⁷

For the reasons identified above, RESA recommends that the Commission (1) issue an Order granting its Petition to Simplify the Financial Security 5% Renewal Process and (2) adopt the procedures it proposed to streamline that process.²⁸

Discussion

A. Petition For Renewal Of Bond Reduction

The Commission’s Final Security Order requires an EGS seeking a 5% financial security reduction to file a formal petition with the Commission. The Commission delegated authority to review uncontested petitions to TUS and required the bureau to approve or deny the reduction petition through the issuance of a Secretarial Letter.²⁹ RESA, through its Petition, seeks an amendment to the Final Security Order entered July 24, 2014 at Docket No. M-2013-2393141. The Code establishes a party’s right to seek relief following the issuance of our final decisions pursuant to Subsections 703(f) and (g), 66 Pa.C.S. § 703(f) and § 703(g), relating to rehearings, as well as the rescission and amendment of orders. Such requests for relief must be consistent with Section 5.572 of our Regulations, 52 Pa. Code § 5.572, relating to petitions for relief following the issuance of a final decision.

1. RESA Proposals

In its Petition, RESA requests that the Commission modify the process for EGSs to renew their 5% financial security reduction. RESA proposes that the Commission authorize EGSs (with a previously approved 5% Financial Security Reduction Petition) to submit an annual compliance filing with supporting documentation, instead of a petition to renew its 5% Financial Security Reduction Petition approval. Additionally, RESA proposes that the

annual compliance filing be due 30 days prior to the expiration/anniversary date of an EGS’s financial security. RESA further proposes that upon filing of the annual compliance filing, an EGS’s 5% financial security reduction should be continued unless the Commission issues a denial requiring the EGS to renew its security at the previously required 10% level.

2. Disposition

We agree with RESA that requiring EGSs to file annual petitions to maintain a previously approved security reduction may be cumbersome and present unnecessary challenges that could be addressed through a more simplified process that would improve administrative efficiencies for both EGSs and Commission staff. As such, we approve RESA’s suggestion that an EGS, with an approved 5% reduction to their financial security, may provide an annual compliance filing in lieu of an annual petition to renew its reduced security level.

However, we do not agree with RESA’s proposal that the annual compliance filing be submitted 30 days prior to the expiration of an EGS’ financial security. In its Petition, RESA asserts that 30 days provides Commission staff ample opportunity to review filings and communicate any deficiencies. RESA states that the current 60-day Financial Security Renewal Secretarial Letter sent by Commission staff³⁰ to notify each EGS about its upcoming financial security expiration date could serve the purpose of providing notice to EGSs with already approved security level reductions of the due date to submit a 5% annual compliance filing.

We find that submission of the annual compliance filing 30 days prior to the EGS’ financial security expiration date does not provide adequate time for the Commission to administratively process the filing. The 2016 Guidance Letter stated that to be eligible for the renewal, an EGS must provide annual documentation of its eligibility for a financial security reduction at least 90-days prior to the current security’s expiration date.³¹ Commission staff review the filing may involve some or all of the following; a request for additional data if the filing is not complete or clear; request the EGS to correct any deficiencies in language or amount on the financial security; and potentially issue a formal decision to deny the 5% renewal. We find that submission of the annual compliance filing at least 90 days prior to the expiration of an EGS’ financial security is reasonable and necessary for Commission staff to process the renewal request prior to the expiration of the EGS’ current security. Therefore, we affirm the directive provided in the 2016 Guidance Letter that a 5% financial security renewal request must be filed at least 90 days prior to the expiration date of the EGS’ current financial security.

In addition, RESA proposes that a timely and properly filed annual compliance filing would not require a formal approval, by Secretarial Letter, but result in an EGS’ 5% financial security reduction being continued unless the Commission formally acts to deny the renewal. We agree and will adopt RESA’s proposal as the requirement that an EGS file its annual compliance filing at least 90 days prior to the expiration of its current financial security provides sufficient time for Commission staff to work with an EGS to correct any deficiencies in the filing or reject the renewal and require the EGS to renew its security at the 10% level. We note that under this renewal process,

²⁵ RESA Petition at ¶¶ 27–30.

²⁶ RESA Petition at ¶¶ 31–32.

²⁷ RESA Petition at ¶¶ 33–34.

²⁸ RESA Petition at 15.

²⁹ Final Security Order at 12–13.

³⁰ Since May 2017, the Commission staff has sent a 90-day Financial Security Renewal Secretarial Letter to EGSs.

³¹ Guidance on Electric Generation Supplier Licensee Financial Security, Docket No. M-2013-2393141, Secretarial Letter dated April 8, 2016.

the EGS is to provide an original bond, letter of credit, rider, amendment, or other financial instrument in an amount equal to 5% of the EGS' most recent 12-months of gross receipts. Acceptance of this financial instrument, without request for modification or rejection, we find is adequate to inform the EGS that its renewal was approved. Accordingly, we rescind the requirement set forth in the Final Security Order that TUS issue a Secretarial Letter approving the bond reduction renewal.

B. Annual Compliance Filing

The Commission's Final Security Order requires an EGS seeking a 5% financial security reduction to provide information in five specific subject areas and noted that Commission staff may seek more information from the EGS.³²

1. RESA Proposal

As previously noted, RESA proposes that an EGS would provide certain information with its Annual Compliance filing. First, RESA proposes that an EGS would include its most recent 12 months of gross receipts and a 5% gross receipt calculation in its filing. Additionally, RESA proposes that the Commission allow EGSs to file an original financial security instrument covering the 5% of the most recent 12 months of gross receipts at the time of the filing. RESA further submits that if an EGS has a financial security instrument on file with the Commission that contains an automatic renewal provision and the amount of the instrument is enough to cover the 5% gross receipt calculation, the EGS would advise the Commission of such in its filing. Finally, RESA proposes that an EGS is to include an attestation signed by an officer of the EGS, verifying that it will pay all taxes it is subject to in Pennsylvania.

2. Disposition

The Final Security Order required an EGS to provide its gross revenues for the sale of electricity to retail customers in Pennsylvania for the most recent 12 months.³³ RESA's proposal to continue this reporting requirement and add the additional step of calculating and presenting the 5% gross receipt figure has merit and we adopt it. Since the financial security amount is based on the 5% gross receipt figure, we believe that it is important for both the Commission and the EGS to clearly understand and agree upon the data and calculations that underpin the financial security amount.

Additionally, RESA proposes that EGSs be allowed to file the financial security covering the 5% gross receipt amount at the time of the its filing. The current protocol requires the EGS to submit the financial security after Commission approval of the 5% bond reduction renewal petition. RESA further proposes that if an EGS has a financial security instrument on file with the Commission that contains an automatic renewal provision and the amount continues to cover the 5% gross receipts calculation, the EGS must state this in its filing and not be required to submit a new financial instrument.

Since we are replacing the annual 5% bond reduction renewal petition and associated approval via Secretarial Letter with an annual compliance filing, we find the RESA proposal reasonable and we adopt it. We note that the financial security submitted with the annual compliance filing must have an effective date that coincides with the expiration/anniversary date of the EGS' current financial security.

Finally, regarding RESA's request that an EGS be permitted to include an attestation signed by a corporate officer verifying that it will pay all taxes it is subject to in Pennsylvania in lieu of providing any documentation from the Department of Revenue as required by the Final Security Order³⁴ and the 2016 Guidance Letter, we find that an attestation is inadequate. The 2016 Guidance Letter detailed several items that must be filed to be eligible for a 5% financial security reduction renewal. One of the items was the Letter of Good Standing from the Department of Revenue. RESA submits that the process for EGSs to obtain the Letter of Good Standing has been lengthy and tedious for some EGSs. RESA states that some EGSs without any outstanding tax issues, wait months for a response from the Department of Revenue to the request for a Letter of Good Standing. RESA avers that while the process for obtaining the letter appears to be more streamlined recently, suppliers should not be subject to Department of Revenue impediments that create unnecessary delays and administrative burdens for EGSs.

We do not agree that an attestation signed by an officer of an EGS verifying compliance with Pennsylvania gross receipt tax obligations is sufficient. We find that Department of Revenue compliance documentation is necessary. In addition to the Letter of Good Standing, TUS staff has required that an EGS requesting a 5% financial security reduction file the Department of Revenue's REV-423 PA Corporation Specialty Tax Estimated Payment form (REV-423 form). This form is used to verify the requirement in the Final Security Order that an EGS provide the amount of gross receipts taxes it has prepaid toward its estimated taxes for the current year.³⁵

As the specific purposes of the security requirement are (1) to ensure payment of the GRT owed to the Department of Revenue; (2) to ensure the supply of electricity at the retail level in accordance with contracts, agreements, or arrangements; and (3) to ensure payment of any alternative compliance payments owed to the Pennsylvania Sustainable Energy Funds under the AEPS Act, a Letter of Good Standing and a recent REV-423 form from the Department of Revenue demonstrates that the EGS has substantially meet its GRT obligations. We note that the GRT is 5.90% of the EGS' gross receipts. Obviously, a 5% bond alone, would not cover the entire 5.90% and may not cover the EGS' AEPS obligations if it were to default on those obligations. We find that having a Letter of Good Standing and a recent REV-423 form from the department of Revenue demonstrates that the EGS is in substantial compliance with its GRT obligations and that the EGS is has substantially met its financial obligations pursuant to its business operations and practices. Such a business practice makes it more likely than not that a 5% bonding level will cover any remaining financial liability related to GRT, supply of electricity at retail and the AEPS Act obligations that may arise.

Regarding RESA's assertion that acquiring the necessary documentation from the Department of Revenue is difficult and time consuming, we find, even if true, eliminating such inconvenience does not outweigh the requirement that the bonding levels must be in the form and amount to meet the EGS' financial obligations related to GRT, supply of electricity at the retail, and the AEPS Act. We also find it significant that, as RESA acknowledges,³⁶ the process for obtaining the Letters of Good Standing from the Department of Revenue has improved,

³² Final Security Order at 16.

³³ Final Security Order at 16.

³⁴ Final Security Order at 16.

³⁵ Final Security Order at 16.

³⁶ RESA Petition at ¶ 24.

reducing any inconvenience the EGSs may have experienced in the past. Accordingly, we will require both a Letter of Good Standing and the most recent REV-423 form from the Department of Revenue to demonstrate past and present gross receipt tax compliance in order to maintain a 5% bonding level.

C. Summary Of Annual Compliance Filing Requirements

As this Order modifies, but does not vacate, the filing requirements set forth in the Final Security Order, we require an EGS seeking to maintain a previously approved 5% financial security reduction, the EGS must make an annual compliance filing at least 90-days prior to the EGS's current financial security expiration date. We also direct that the annual compliance filing must include the following information and documentation:

- Intent to renew 5% Financial Security Reduction.
- EGS' licensed name, docket number, and utility code.
- EGS' contact information (name, address, email, and phone number).
- The expiration/anniversary date of its current Financial Security.
- Certificate of Service showing that the 5% annual compliance filing was served on the statutory advocates and all affected EDCs.
- A recent Department of Revenue Tax Status Letter of Good Standing.
- EGS' most recent Department of Revenue REV-423 PA Corporation Specialty Tax Estimated Payment form.
- EGS' most recent 12-months of gross receipts.
- EGS' 5% gross receipts calculation using the EGS' most recent 12-months of gross receipts.
- An original bond, letter of credit, rider, amendment, or other financial instrument in an amount equal to 5% of the EGS' most recent 12-months of gross receipts (effective on the expiration/anniversary date of the EGS' current financial security).

As noted in the Final Security Order, Commission staff may seek more information from an EGS as required.

Conclusion

The Commission adopts RESA's financial security renewal proposal as modified by this Order. The Commission notes that, the process and fee set forth in the Final Security Order³⁷ for obtaining an initial reduction in financial security to 5% is not being revised by this Order and remains in effect.

For EGSs that have received approval for a reduced financial security amount of 5%, the Commission is amending the Final Security Order in accordance with our authority under Section 703(g) of the Code, 66 Pa.C.S. § 703(g)³⁸ and will no longer require a petition for renewal to be filed with the Commission's Secretary's Bureau or a \$350 filing fee. The Commission will, however, require EGSs that wish to maintain the reduced security amount to submit an annual compliance filing containing the information and documentation required by this Order at least 90 days prior to the expiration/anniversary date of the EGS' current financial security. In the event the EGS fails to make the required annual compliance filing 90 days prior to the EGS's financial

security expiration/anniversary date, the EGS' financial security requirement will revert to 10% of its most recent 12-months of gross receipts, pursuant to 52 Pa. Code § 54.40(d); *Therefore,*

It Is Ordered That:

1. The Petition of the Retail Energy Supply Association to Simplify the Financial Security 5% Renewal Process is granted as modified by this Order.

2. The Commission's Final Order in Public Utility Commission Bonding/Security Requirements for Electric Generation Supplier; Acceptable Security Instruments at Docket No. M-2013-2393141 entered on July 24, 2014 is amended as set forth in this Order.

3. This Tentative Opinion and Order be served on all Electric Distribution Companies, all licensed Electric Generation Suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, the Pennsylvania Department of Revenue, the Retail Energy Supply Association, and the Energy Association of Pennsylvania.

4. The Law Bureau shall deposit a copy of this Tentative Opinion and Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. A copy of this Tentative Opinion and Order shall be posed on the Commission's website at the Office of Competitive Market Oversight's web page.

6. The Office of Competitive Market Oversight shall electronically serve a copy of this Tentative Opinion and Order on all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

7. If no adverse comments are received within ten days of publication in the *Pennsylvania Bulletin*, this Tentative Opinion and Order shall become final without further Commission action.

8. The contact information for this Opinion and Order is the Bureau of Technical Utility Services, Energy Section, (717) 783-5242.

9. This proceeding at Docket No. P-2017-2608078 be closed if no adverse comments are received and upon this Tentative Opinion and Order becoming final.

ROSEMARY CHIAVETTA,
Secretary

Statement of Vice Chairperson Andrew G. Place

Before the Commission today is a Tentative Order regarding the Petition of the Retail Energy Supply Association (RESA) to Simplify the Financial Security 5% Renewal Process. On June 6, 2017 RESA petitioned the Commission to make changes to reduce processing time and effort for both the Commission and the EGS community. The petition proposes a simplified filing process using a less burdensome compliance filing rather than a formal petition process, in addition to more streamlined document submission requirements. Commission staff recommends a partial approval of RESA's petition, which makes strides towards improving processes, and reducing the burden for annual security reduction renewals. While this Tentative Order does not address all the issues RESA raised and the relief requested, I believe this is a step in the right direction and given the vintage of this petition believe it's important to set into motion the changes approved therein. That being said, the Commission should and will continue to look for process improvement and continue to examine tools and options to aid in

³⁷ Final Security Order at pgs. 12-13.

³⁸ Section 703(g) provides that the Commission may amend its prior orders after notice and opportunity to be heard. Accordingly, the Commission is issuing this order as a Tentative Opinion and Order so as to provide interested persons with notice and an opportunity to file comments for our consideration before it becomes final.

fulfilling our oversight whilst improving customer service and coordination with both the public and members of the regulated community.

ANDREW G. PLACE,
Vice Chairperson

[Pa.B. Doc. No. 18-1582. Filed for public inspection October 5, 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 October 22, 2018. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers for transportation of persons* as described under the application.

A-2018-3004834. Student Shuttle Services, LLC (153 West Main Street, Bloomsburg, Columbia County, PA 17815) in paratransit service, from points in Columbia County, to points in the Counties of Luzerne, Lackawanna and Bucks.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1583. Filed for public inspection October 5, 2018, 9:00 a.m.]

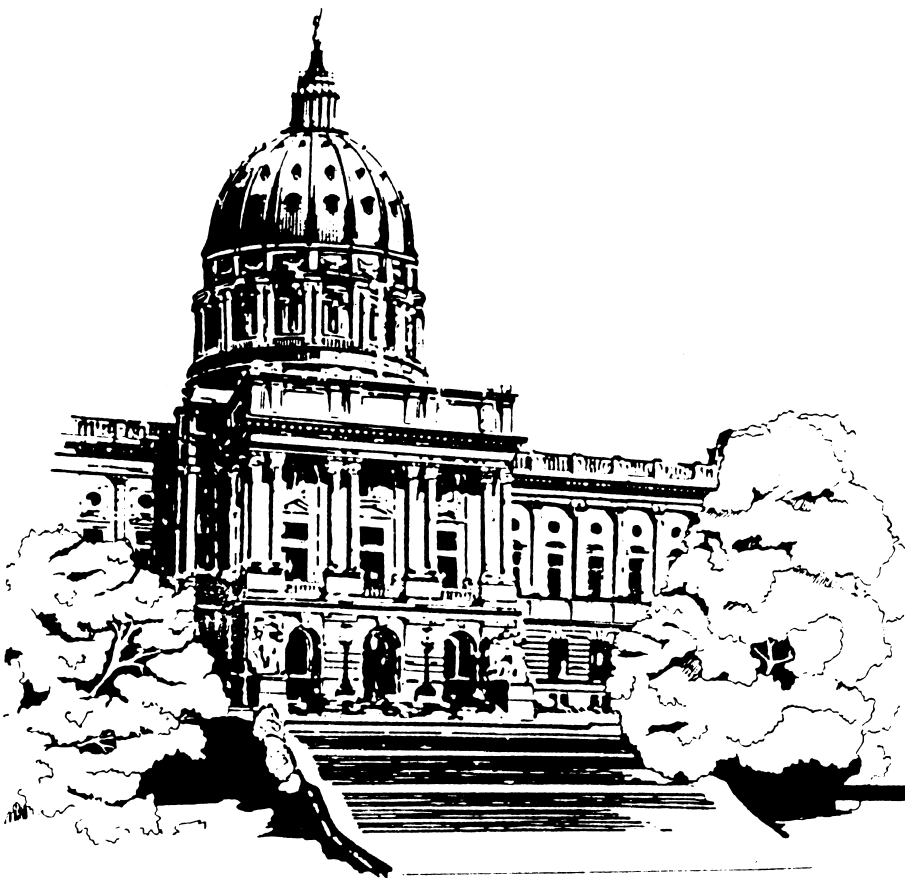
PENNSYLVANIA BULLETIN

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Part II

This part contains the
SUBJECT INDEX
for January—September 2018



This index to the *Pennsylvania Bulletin* covers the contents of issues published from January to September 2018. The next cumulative subject index will be published in January.

Title headings of the *Pennsylvania Code* are generally used to group documents published by executive and independent agencies. Agency and subject matter cross-references direct readers to major headings.

Court rules published in Titles 201—246 of the *Pennsylvania Code* are indexed at the chapter level.

Entries indicate the page where a document begins; permit entries under “Environmental Protection” indicate the page where the permit heading is shown.

The *Pennsylvania Bulletin* web site provides full text search capabilities at www.pabulletin.com/search.asp.

Following the subject index is a numerical codification guide of chapters and sections of the *Pennsylvania Code* affected by matters published in the *Pennsylvania Bulletin* from January to September 2018. This list will be published on the same quarterly and annual basis as the subject index.

ATVs

Snowmobiles and all-terrain vehicles, see CONSERVATION AND NATURAL RESOURCES, this index.
 Special permits, see GAME COMMISSION, this index.

ABORTION FACILITIES

HEALTH AND SAFETY, this index.

ABUSE

Actions pursuant to the Protection From Abuse Act, see CIVIL PROCEDURE, RULES OF, this index.
 STATE BOARD OF DENTISTRY, this index.

ACCOUNTANTS

STATE BOARD OF ACCOUNTANCY, this index.

ACTS

Recent actions, see GENERAL ASSEMBLY, this index.

ACUTE CARE FACILITIES

HEALTH AND SAFETY, this index.
 PATIENT SAFETY AUTHORITY, this index.

ADAMS COUNTY

Courts:
 Rules of civil procedure—Court 5719
 Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice 1653, 3668
 Department of Transportation finding—Notice 2257, 3494

ADMINISTRATION*

BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION, this index.
 Catalog of nonregulatory documents—Notice 5943
 EXECUTIVE BOARD, this index.
 Executive orders, see GOVERNOR'S OFFICE, this index.
 GENERAL SERVICES, this index.
 GOVERNOR'S OFFICE, this index.
 Minimum wage:
 See also:
 GOVERNOR'S OFFICE, this index.
 LABOR AND INDUSTRY, this index.
 Minimum wage for employees of the Commonwealth and of organizations receiving State contracts; increase under Executive Order 2016-02—Notice 1243
 OFFICE OF OPEN RECORDS, this index.

ADMINISTRATION—Continued

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY, this index.
 Proclamations, see GOVERNOR'S OFFICE, this index.
 Regulatory agenda—Notice 1368
 STATE CIVIL SERVICE COMMISSION, this index.
 STATE EMPLOYEES' RETIREMENT BOARD, this index.

ADMINISTRATIVE CIRCULARS

GOVERNOR'S OFFICE, this index.

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

See also JUDICIAL SYSTEM GENERAL PROVISIONS, this index.
 Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts—Court 20

ADULT EDUCATION

EDUCATION, this index.

AGING*

Catalog of nonregulatory documents—Notice 5943
 Regulatory agenda—Notice 1369, 4729
 Reorganization—Statement of Policy 37

AGRICULTURE*

Agricultural research project contractors—Notice 5361
 Catalog of nonregulatory documents—Notice 5943
 Dogs; commercial kennel canine health—Rule 2623
 Fertilizer nutrient values—Notice 3750
 Fireworks; application period for temporary structure consumer facility licenses—Notice 3326
 Frozen desserts standards; intent to rescind—Proposed Rulemaking 5742
 Independent Regulatory Review Commission:
 Action taken—Notice 2029, 6359
 Filing of final rulemakings—Notice 1405, 4940
 MILK MARKETING BOARD, this index.
 Milk sanitation—Proposed Rulemaking 4761
 Parking meters; certified inspectors; training and certification order—Notice 610
 Pennsylvania Malt and Brewed Beverage Industry Promotion Board; grant solicitation and application procedures—Notice 4277

*Denotes title designation of the *Pennsylvania Code*.

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>		<i>Page</i>
AGRICULTURE—Continued		ALLEGHENY COUNTY—Continued	
Pennsylvania Vegetable Marketing and Research Program:		Air quality— <i>Continued</i>	
Referendum on continuation—Notice.....	984	Pittsburgh-Beaver Valley area; summertime low Reid vapor pressure gasoline volatility requirements and supporting noninterference demonstration:	
Referendum and order—Notice	2278	Removal; public hearing—Notice.....	
Pennsylvania Wine Marketing and Research Program Board; grant solicitation and application procedures—Notice	1273, 1720 (correction)	Suspension of enforcement—Notice	
Regulatory agenda—Notice	1369, 4729	Certification of district attorney—Court	
Spotted lanternfly; quarantine and treatment order:		Department of Transportation finding—Notice.....	
Berks County—Notice.....	3094	Electric and energy:	
Bucks County—Notice	3094	Substation upgrade; prehearing conference—Notice.....	
Carbon County—Notice	3094	Transmission line project; prehearing conference—Notice	
Chester County—Notice.....	3094	Ignition interlock fees; increase—Court.....	
City of Philadelphia—Notice.....	3094	NPDES permit; public hearing—Notice.....	
Delaware County—Notice	3094	Oil and gas lease for publicly-owned streambeds by the Department of Conservation and Natural Resources—Notice	
Lancaster County—Notice	3094	Orphan gas well cleaning and plugging; bid opportunity—Notice.....	
Lebanon County—Notice	3094	Right-of-way; application for lease made to the Department of Transportation—Notice	
Lehigh County—Notice.....	3094	Sale of land no longer needed for transportation purposes by the Department of Transportation—Notice.....	
Monroe County—Notice	3094	Water obstruction and encroachment permit and erosion and sediment control permit; public hearings—Notice.....	
Montgomery County—Notice	3094		
Northampton County—Notice.....	3094		
Schuylkill County—Notice.....	3094		
STATE CONSERVATION COMMISSION, this index.		ALLEGHENY COUNTY RULES	
STATE HORSE RACING COMMISSION, this index.		Re-establishment of magisterial districts within the 5th judicial district—Court	
		III	
AIR QUALITY		ALTERNATIVE FUELS	
ENVIRONMENTAL PROTECTION, this index.		Storage tanks, see ENVIRONMENTAL QUALITY BOARD, this index.	
ENVIRONMENTAL QUALITY BOARD, this index.			
AIRPORTS		AMBULANCES	
Interactive gaming; see PENNSYLVANIA GAMING CONTROL BOARD, this index.		Emergency medical services, see HEALTH AND SAFETY, this index.	
ALCOHOL		AMBULATORY SURGICAL FACILITIES	
Breath testing devices, see HEALTH AND SAFETY, this index.		HEALTH AND SAFETY, this index.	
DRUG AND ALCOHOL PROGRAMS, this index.			
LIQUOR CONTROL BOARD, this index.			
Wine; see AGRICULTURE, this index.			
ALL-TERRAIN VEHICLES		ANNULMENT OF MARRIAGE	
Snowmobiles and all-terrain vehicles, see CONSERVATION AND NATURAL RESOURCES, this index.		Actions of divorce or for annulment of marriage, see CIVIL PROCEDURE, RULES OF, this index.	
Special permits, see GAME COMMISSION, this index.			
ALLEGHENY COUNTY		APPELLATE PROCEDURE*	
Air quality:		Rules of Appellate Procedure:	
Annual Monitoring Network Plan—Notice.....	2722	Appellate procedure:	
		Appeals from Commonwealth Court and Superior Court; adopted—Court	
		461, 3517	

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>		<i>Page</i>
APPELLATE PROCEDURE—Continued		AUDITOR GENERAL	
Rules of Appellate Procedure— <i>Continued</i>		Auditee reporting requirements—Statement of Policy	879
Appellate procedure— <i>Continued</i>		Low-Income Home Energy Assistance Program:	
Appeals from lower courts; adopted—		Audit report—Notice	4381
Court	461, 3517	PUBLIC WELFARE, this index.	
Briefs and reproduced record; adopted—		Weatherization Assistance Program:	
Court	461, 3517	Audit report—Notice	4381
Effect of appeals; supersedeas and stays; adopted—Court	461	COMMUNITY AND ECONOMIC DEVELOPMENT, this index.	
Fees and costs in appellate courts and on appeal; adopted—Court	461		
Interlocutory appeals by permission; adopted—Court	461	AUTISM	
Judicial review of governmental determinations; adopted—Court	461	INSURANCE, this index.	
Post-submission proceedings; adopted—			
Court	461, 3517	AUTOMATED RED LIGHT ENFORCEMENT	
Preparation and transmission of record and related matters; adopted—Court	461	TRANSPORTATION, this index.	
Preliminary provisions:		AUTOMOBILES	
Courts to which appeals shall be taken; adopted—Court	461	See VEHICLES, this index.	
General provisions; adopted—Court	461, 3517	BAG LIMITS	
Persons who may take or participate in appeals; adopted—Court	461, 3517	Seasons and bag limits, see GAME COMMISSION, this index.	
		BANKING AND SECURITIES*	
ARCHERY		Actions on applications—Notice	42,
See generally GAME COMMISSION, this index.		309, 526, 612, 746, 884, 987, 1187, 1274, 1427,	
ARCHITECTS		1565, 1721, 1836, 1942, 2140, 2281, 2390, 2661,	
STATE ARCHITECTS LICENSURE BOARD, this index.		2826, 2953, 3098, 3326, 3420, 3587, 3750, 3853,	
		3978, 4107, 4280, 4519, 4630, 4842, 5033, 5363,	
		5506, 5610, 5745, 5869, 6279	
ARMSTRONG COUNTY		Catalog of nonregulatory documents—Notice	5943
Air quality; Pittsburgh-Beaver Valley area; summer-time low Reid vapor pressure gasoline volatility requirements and supporting noninterference demonstration:		Mortgage servicing—Rule	2493
Removal; public hearing—Notice	1481	Regulatory agenda—Notice	1370,
Suspension of enforcement—Notice	2347	4730	
Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice	3668	Reorganization—Statement of Policy	1423
Courts:		Residential mortgages; maximum lawful rate of interest:	
Central booking system fee—Court	596	February 2018—Notice	527
Water; proposed total maximum daily load; request for comments—Notice	3168	March 2018—Notice	988
		April 2018—Notice	1566
		May 2018—Notice	2141
		June 2018—Notice	2953
		July 2018—Notice	3588
		August 2018—Notice	4281
		September 2018—Notice	5034
		October 2018—Notice	5746
ASSISTED LIVING		Securities regulations omnibus amendments—	
HUMAN SERVICES, this index.		Rule	389
ATTORNEY GENERAL		Trust accounts of attorneys, see:	
OFFICE OF ATTORNEY GENERAL, this index.		DISCIPLINARY BOARD OF THE SUPREME COURT, this index.	
		SUPREME COURT, this index.	
ATTORNEYS			
DISCIPLINARY BOARD OF THE SUPREME COURT, this index.			

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BANKS

BANKING AND SECURITIES, this index.
DISCIPLINARY BOARD OF THE SUPREME COURT, this index.
SUPREME COURT, this index.

BEAR

See generally GAME COMMISSION, this index.

BEAVER COUNTY

Air quality; Pittsburgh-Beaver Valley area; summer-time low Reid vapor pressure gasoline volatility requirements and supporting noninterference demonstration:
Removal; public hearing—Notice 1481
Suspension of enforcement—Notice 2347
Department of Transportation finding—Notice 2257
Water obstruction and encroachment permit and erosion and sediment control permit; public hearings—Notice 1476

BEDFORD COUNTY

Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice 1653, 3668
Courts:
Judicial administration rules—Court 1497
Department of Transportation finding—Notice 2257, 3494

BEER

AGRICULTURE, this index.

BEHAVIORAL HEALTH

Medical Assistance, see HUMAN SERVICES, this index.

BERKS COUNTY

Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice 1653, 3668
Courts:
Civil rules—Court 227
Judicial administration rules—Court 227
Department of Transportation:
Finding—Notice 2257, 3494
Sale of land no longer needed for transportation purposes—Notice 6358
Spotted lanternfly; quarantine and treatment order—Notice 3094
Water; proposed total maximum daily load; request for comments—Notice 4353

BIDS

See CONTRACTS, this index.

BIG GAME

See generally GAME COMMISSION, this index.

BIODIESEL

Storage tanks, see ENVIRONMENTAL QUALITY BOARD, this index.

BIOSOLIDS

ENVIRONMENTAL PROTECTION, this index.

BIRDS

See generally GAME COMMISSION, this index.

BLAIR COUNTY

Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice 1653, 3668
Courts:
Judicial administration rules—Court 4096
Local rules—Court 3080

BLASTING ACTIVITY

ENVIRONMENTAL PROTECTION, this index.

BLOOD TESTING

See generally HEALTH AND SAFETY, this index.

BOARD OF COAL MINE SAFETY

Sensitive ground fault—Rule 251

BOARD OF PROBATION AND PAROLE

Regulatory agenda—Notice 1389
Reorganization—Statement of Policy 2388

BOATS AND BOATING

See generally FISH AND BOAT COMMISSION, this index.
Alcohol and controlled substance content, see HEALTH AND SAFETY, this index.

BOND RELEASE

ENVIRONMENTAL PROTECTION, this index.

BRADFORD COUNTY

Courts:
Judicial administration rules—Court 863
Sale of land no longer needed for transportation purposes by the Department of Transportation—Notice 1913

BREATH TESTING DEVICES

Alcohol, see HEALTH AND SAFETY, this index.

	<i>Page</i>
BREWED BEVERAGES	
AGRICULTURE, this index.	
BREWERIES	
AGRICULTURE, this index.	
BROKERS	
Mortgages, see BANKING AND SECURITIES, this index.	
Motor carriers, see PUBLIC UTILITIES, this index.	
Securities, see BANKING AND SECURITIES, this index.	
BUCKS COUNTY	
Air quality plan approval; public hearing—Notice . . .	5090
Courts:	
District court diversionary program—Court	2941
Department of Transportation finding—Notice	2257
Hazardous sites cleanup:	
Prompt interim response; action—Notice	3364
Proposed consent order and agreement—Notice . . .	5404
Proposed interim response; action—Notice	3365
Municipal waste; planning grant award—Notice . . .	1480
Spotted lanternfly; quarantine and treatment order—Notice	3094
BUDGET	
OFFICE OF THE BUDGET, this index.	
BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION	
Electronic voting system examination; revised directive—Notice	2256
Nomination petitions; extension of deadline for withdrawal; executive order No. 2018-02—Governor	1928
Regulatory agenda—Notice	1395, 4747
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS	
Regulatory agenda—Notice	4747
STATE ARCHITECTS LICENSURE BOARD, this index.	
STATE BOARD OF ACCOUNTANCY, this index.	
STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS, this index.	
STATE BOARD OF CHIROPRACTIC, this index.	
STATE BOARD OF CRANE OPERATORS, this index.	
STATE BOARD OF DENTISTRY, this index.	
STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS, this index.	
STATE BOARD OF FUNERAL DIRECTORS, this index.	

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS—Continued	
STATE BOARD OF LANDSCAPE ARCHITECTS, this index.	
STATE BOARD OF MASSAGE THERAPY, this index.	
STATE BOARD OF MEDICINE, this index.	
STATE BOARD OF NURSING, this index.	
STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE, this index.	
STATE BOARD OF OPTOMETRY, this index.	
STATE BOARD OF OSTEOPATHIC MEDICINE, this index.	
STATE BOARD OF PHARMACY, this index.	
STATE BOARD OF PHYSICAL THERAPY, this index.	
STATE BOARD OF PODIATRY, this index.	
STATE BOARD OF PSYCHOLOGY, this index.	
STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS, this index.	
STATE BOARD OF VETERINARY MEDICINE, this index.	
STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS, this index.	

BUTLER COUNTY	
Abandoned mine reclamation project; bid opportunity—Notice	1234
Abandoned oil and gas wells; cleaning and plugging; bid opportunity—Notice	1234, 3376
Air quality:	
Pittsburgh-Beaver Valley area; summertime low Reid vapor pressure gasoline volatility requirements and supporting noninterference demonstration:	
Removal; public hearing—Notice	1481
Suspension of enforcement—Notice	2347
Reasonably available control technology plan; public hearings—Notice	3375
Community Services Block Grant Program; request for applications to operate—Notice	4520
Courts:	
Civil rules—Court	4097
Clerk of courts fee schedule—Court	2619
Credit for prison work programs—Court	3947
Guardian-ad-litem policies in custody matters—Court	4611
Judicial administration rules—Court	596, 975
Register of wills/clerk of the orphans' court; access to records—Court	3081
Hazardous sites cleanup; proposed consent and order agreement; action—Notice	4685
Municipal waste; planning grant award—Notice . . .	3010
CAFOs	
ENVIRONMENTAL PROTECTION, this index.	

	<i>Page</i>		<i>Page</i>
CAFOs—Continued		CHARTER SCHOOLS	
STATE CONSERVATION COMMISSION, this index.		STATE CHARTER SCHOOL APPEAL BOARD, this index.	
CPAs		CHEMOTHERAPEUTIC WASTE	
STATE BOARD OF ACCOUNTANCY, this index.		Regulated medical and chemotherapeutic waste, see ENVIRONMENTAL PROTECTION, this index.	
CRNPs		CHESTER COUNTY	
STATE BOARD OF NURSING, this index.		Courts:	
CAMBRIA COUNTY		Judicial administration rules—Court	5454
Abandoned mine reclamation project; bid opportunity—Notice	1477	Department of Transportation finding—Notice	2257
Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice	1653, 3668	Erosion and sediment control permit; public hearing—Notice	2340
Department of Transportation finding—Notice	2257	Municipal waste; planning grant award—Notice	3010
CANCER		NPDES permit; public hearing—Notice	3640
STATE BOARD OF PHARMACY, this index.		Spotted lanternfly; quarantine and treatment order—Notice	3094
CARBON COUNTY		CHILD ABUSE	
Abandoned mine reclamation project; bid opportunity—Notice	1477	STATE BOARD OF DENTISTRY, this index.	
Municipal solid waste; request for proposals—Notice	4351	CHILD SUPPORT	
Spotted lanternfly; quarantine and treatment order—Notice	3094	Actions for support, see CIVIL PROCEDURE, RULES OF, this index.	
CASINOS		CHILDREN	
PENNSYLVANIA GAMING CONTROL BOARD, this index.		See generally:	
CASUALTY INSURANCE		CIVIL PROCEDURE, RULES OF, this index.	
Property and casualty insurance, see INSURANCE, this index.		JUVENILE RULES, this index.	
CENTRE COUNTY		STATE BOARD OF DENTISTRY, this index.	
Department of Transportation finding—Notice	2257	STATE BOARD OF EDUCATION, this index.	
Municipal waste; planning grant award—Notice	1480	Trout, see FISH AND BOAT COMMISSION, this index.	
Water; proposed total maximum daily load; request for comments—Notice	3166	Women, Infants and Children (WIC) Program, see HEALTH AND SAFETY, this index.	
CERTIFIED PUBLIC ACCOUNTANTS		CHIROPRACTORS	
STATE BOARD OF ACCOUNTANCY, this index.		STATE BOARD OF CHIROPRACTIC, this index.	
CERTIFIED REAL ESTATE APPRAISERS		CHRONIC WASTING DISEASE	
STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS, this index.		GAME COMMISSION, this index.	
CERTIFIED REGISTERED NURSE PRACTITIONERS		CIGARETTES	
STATE BOARD OF NURSING, this index.		OFFICE OF THE BUDGET, this index.	
		CITY OF PHILADELPHIA	
		Air quality:	
		Annual Monitoring Network Plan—Notice	2722
		State Implementation Plan revision to meet the requirements of Reasonably Available Control Technology under the Clean Air Act—Notice	2201

	<i>Page</i>
CITY OF PHILADELPHIA—Continued	
Coastal Zone Management Act; Department of Environmental Protection review of project for Federal consistency—Notice	685
Courts, see PHILADELPHIA RULES, this index.	
Department of Transportation finding—Notice	2257
PHILADELPHIA PARKING AUTHORITY, this index.	
Spotted lanternfly; quarantine and treatment order—Notice	3094
 CIVIL PROCEDURE, RULES OF*	
Actions; adopted—Court	475
Actions for custody of minor children:	
Adopted—Court	477, 1095, 3520, 5346
Proposed—Court	1813, 5843
Actions of divorce or for annulment of marriage:	
Adopted—Court	477, 3520
Proposed—Court	1814
Actions for domestic relations:	
—Adopted—Court	6257
Actions pursuant to the Protection From Abuse Act; adopted—Court	477, 3520
Actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act; adopted—Court	477, 3520
Actions for support:	
Adopted—Court	477, 1093, 3520, 4960
Proposed—Court	4214, 5831
Business of courts; adopted—Court	224, 475, 3519
Minors as parties; adopted—Court	475, 3519
Orphans' court rules:	
Accounts, objections and distributions:	
Adopted—Court	483, 3573
Proposed—Court	1271, 3571
Format and service of legal paper by parties and court; electronic filing; proposed—Court	1271
Forms:	
Adopted—Court	3524
Proposed—Court	486
Guardianships of incapacitated persons; adopted—Court	3524
Petition practice and pleading:	
Adopted—Court	483, 3573
Proposed—Court	3571
Preliminary rules:	
Adopted—Court	483, 3524, 3573
Proposed—Court	728, 3571
Reconsideration; adopted—Court	483, 3573
Register of wills; proposed—Court	728, 3571
Rules governing specific types of petitions:	
Adopted—Court	3524
Proposed—Court	3571

*Denotes title designation of the *Pennsylvania Code*.

CIVIL PROCEDURE, RULES OF—Continued	
Orphans' court rules— <i>Continued</i>	
Rules relating to pre-hearing and hearing procedure:	
Adopted—Court	483, 3573
Proposed—Court	1271
Supreme Court; review and vacatur of local orphans' court rules—Court	3582
Rules relating to domestic relations matters generally; adopted—Court	477, 3520
Service of original process—Proposed	
Rulemaking	4956, 4959
Voluntary mediation in custody actions; adopted—Court	1095

CIVIL SERVICE

STATE CIVIL SERVICE COMMISSION, this index.

CLARION COUNTY

Abandoned strip mine reclamation project; bid opportunity—Notice	823
Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice	3668

CLEARFIELD COUNTY

Abandoned mine reclamation project; bid opportunity—Notice	4016, 6336
Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice	1653, 3668
Gas well cleaning and plugging; bid opportunity—Notice	684, 1899
Municipal waste; planning grant award—Notice . . .	4915

CLINTON COUNTY

Municipal waste; planning grant award—Notice . . .	3010
Orphan gas well cleaning and plugging; bid opportunity—Notice	684, 1899

COAL MINING

BOARD OF COAL MINE SAFETY, this index.	
ENVIRONMENTAL QUALITY BOARD, this index.	
Mining, see ENVIRONMENTAL PROTECTION, this index.	

COLLEGES

EDUCATION, this index.	
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, this index.	
STATE SYSTEM OF HIGHER EDUCATION, this index.	

	<i>Page</i>		<i>Page</i>
COLUMBIA COUNTY		COMMONWEALTH FINANCING AUTHORITY	
Central Susquehanna Wild Pheasant Recovery Area; wild pheasant youth hunt executive order—Notice.....	3496	Commonwealth Financing Authority certification by the Office of the Budget for fiscal year 2018-2019—Notice	4372
COMMERCE, TRADE AND LOCAL GOVERNMENT*		COMMUNITY AND ECONOMIC DEVELOPMENT	
COMMUNITY AND ECONOMIC DEVELOPMENT, this index.		Action Plan:	
HOUSING FINANCE AGENCY, this index.		2016 amendment—Notice	1427
		2017 amendment—Notice	1427
		2018 draft; public hearing—Notice	3099
		2019 draft; public hearing—Notice	5746
		Catalog of nonregulatory documents—Notice.....	5943
COMMERCIAL KENNELS		COMMONWEALTH FINANCING AUTHORITY, this index.	
Dogs, see AGRICULTURE, this index.		Community Development Block Grant—Disaster Recovery; 2012 and 2013 allocations; public hearing—Notice.....	2142
		Community Services Block Grant Program; request for applications to operate in Butler County—Notice.....	4520
COMMERCIAL MOTOR VEHICLES		Consolidated Plan; 2017 annual performance and evaluation report:	
See MOTOR CARRIERS, this index.		Additional public comment period—Notice.....	2282
		Draft—Notice.....	1428
		Consolidated Plan; 2019—2023:	
		Public hearing—Notice.....	5746
		Emergency Solutions Program; grant applications—Notice.....	2141
COMMISSION ON CRIME AND DELINQUENCY		HOUSING FINANCE AGENCY, this index.	
Administration of the First Chance Trust Fund—Statement of Policy	608	Independent Regulatory Review Commission:	
Catalog of nonregulatory documents—Notice.....	5943	Action taken—Notice.....	4752
Opioid crisis; proclamation of disaster emergency—Governor.....	458, 4090	Filing of final rulemakings—Notice	3673
Regulatory agenda—Notice.....	1389, 4743	Industrialized housing; adoption of 2015 codes—Notice.....	4520
Sentence risk assessment instrument; proposed—The General Assembly	5445	Local earned income tax—Rule	5457
		Manufactured Home Community Rights Act; maximum relocation fees payable in the event of community closure—Notice.....	613
COMMISSION ON SENTENCING		Pennsylvania Housing Advisory Committee meeting—Notice.....	3589
2018 meeting schedule—General Assembly	460	Regional Housing Advisory Committee meetings—Notice.....	5034
Criminal sentencing:		Regulatory agenda—Notice	1371, 4730
See DRUGS, this index.		Reorganization—Statement of Policy	37, 4506
Sentence risk assessment instrument; proposed—General Assembly.....	2367	STATE TAX EQUALIZATION BOARD, this index.	
Sentencing guidelines; adopted—General Assembly.....	716	Weatherization Assistance Program:	
Meeting—General Assembly	855, 2754, 4811	AUDITOR GENERAL, this index.	
		State Plan; public hearing—Notice	1943
COMMON CARRIERS		CONCENTRATED ANIMAL FEEDING OPERATIONS	
See MOTOR CARRIERS, this index.		CAFOs, see ENVIRONMENTAL PROTECTION, this index.	
		STATE CONSERVATION COMMISSION, this index.	
COMMON LEVEL RATIOS			
See TAXES, this index.		CONGRESSIONAL DISTRICTS	
STATE TAX EQUALIZATION BOARD, this index.		DEPARTMENT OF STATE, this index.	
COMMON PLEAS			
See LOCAL COURT RULES, this index.			
COMMONWEALTH COURT			
APPELLATE PROCEDURE, this index.			
Marcellus Shale Coalition v. Department of Environmental Protection of the Commonwealth of Pennsylvania and Environmental Quality Board of the Commonwealth of Pennsylvania—Notice	4175		
Request for bids—Court.....	865		

*Denotes title designation of the *Pennsylvania Code*.

Page

Page

CONSERVATION AND NATURAL RESOURCES*

Catalog of nonregulatory documents—Notice 5943
 Community Conservation Partnerships Program;
 grant application period—Notice 613
 Conservation and Natural Resources Advisory
 Council meeting—Notice . . 310, 1566, 2954, 4108, 5610
 Environmental engineering firms; request for pro-
 posals—Notice 1943
 Independent Regulatory Review Commission:
 Comments issued—Notice 2030
 Filing of final rulemakings—Notice 5933
 Interpretive wayside exhibit and publication produc-
 tion firms; request for proposals—Notice 2143
 Oil and gas lease for publicly-owned streambeds:
 Allegheny County—Notice 1722
 Fayette County—Notice 1722, 2954
 Greene County—Notice 1722, 2390, 2954
 Lycoming County—Notice 3100
 Washington County—Notice 1722, 2390
 Westmoreland County—Notice 1722
 Regulatory agenda—Notice 1371, 4730
 Reorganization—Statement of Policy 522
 Riparian forest buffer installation; grants—
 Notice 4281
 Snowmobiles and all-terrain vehicles:
 Grants:
 —Notice 4281
 —Proposed Rulemaking 515
 Snowmobile and ATV Advisory Committee meet-
 ing—Notice 4108
 State parks:
 Price schedule revision—Notice 43
 Transfer and funding for acquisition of land;
 Turnpike Commission—Notice 2827
 Surveying firms; request for proposals—Notice 1837
 Wild Resource Conservation Program meeting—
 Notice 4282

CONSTRUCTION

See generally:
 ENVIRONMENTAL PROTECTION, this index.
 GENERAL SERVICES, this index.
 HEALTH AND SAFETY, this index.
 LABOR AND INDUSTRY, this index.

CONTINUING LEGAL EDUCATION

See generally JUDICIAL SYSTEM GENERAL PRO-
 VISIONS, this index.
 Suspensions, see DISCIPLINARY BOARD OF THE
 SUPREME COURT, this index.

CONTRACEPTION

Sexual assault, see HEALTH AND SAFETY, this
 index.

CONTRACT CARRIERS

Motor carriers, see PUBLIC UTILITIES, this index.

CONTRACTS

GENERAL SERVICES, this index.
 Executive orders, see GOVERNOR'S OFFICE, this
 index.
 Minimum wage, see ADMINISTRATION, this index.
 Requests for bids and proposals:
 See generally ENVIRONMENTAL PROTECTION,
 this index.
 COMMONWEALTH COURT, this index.
 CONSERVATION AND NATURAL RESOURCES,
 this index.
 THADDEUS STEVENS COLLEGE OF TECH-
 NOLOGY, this index.

CONTROLLED SUBSTANCES

See DRUGS, this index.

CORRECTIONS

Catalog of nonregulatory documents—Notice 5943
 COMMISSION ON CRIME AND DELINQUENCY,
 this index.
 Regulatory agenda—Notice 1371, 4730
 Reorganization—Statement of Policy 1423

COURTS

See LOCAL COURT RULES, this index.
 ADMINISTRATIVE OFFICE OF PENNSYLVANIA
 COURTS, this index.
 ALLEGHENY COUNTY RULES, this index.
 APPELLATE PROCEDURE, this index.
 CIVIL PROCEDURE, RULES OF, this index.
 COMMONWEALTH COURT, this index.
 CRIMINAL PROCEDURE, RULES OF, this index.
 DISCIPLINARY BOARD OF THE SUPREME
 COURT, this index.
 JUDICIAL ADMINISTRATION, RULES OF, this
 index.
 JUDICIAL CONDUCT, this index.
 JUDICIAL SYSTEM GENERAL PROVISIONS, this
 index.
 JUVENILE RULES, this index.
 MINOR COURT CIVIL RULES, this index.
 PHILADELPHIA RULES, this index.
 SUPERIOR COURT, this index.
 SUPREME COURT, this index.

CRANE OPERATORS

STATE BOARD OF CRANE OPERATORS, this
 index.

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>	<i>Page</i>
CRAWFORD COUNTY		
Courts:		
Judicial administration—Court	4967	
Municipal waste; planning grant award—Notice . . .	1480	
Sale of land no longer needed for transportation purposes by the Department of Transportation—Notice	4729	
CREDIT UNIONS		
BANKING AND SECURITIES, this index.		
DISCIPLINARY BOARD OF THE SUPREME COURT, this index.		
SUPREME COURT, this index.		
CRIMINAL PROCEDURE, RULES OF*		
Investigations; adopted—Court	3575	
Pretrial procedures in court cases:		
Adopted—Court	487, 729, 856, 2759, 3575	
Proposed—Court	507, 4094	
Procedures in summary cases:		
Adopted—Court	224, 496, 3575	
Proposed—Court	1930	
Scope of rules, construction and definitions, local rules; adopted—Court	487, 490, 856, 2759, 3575	
CRIMINAL SENTENCING		
COMMISSION ON SENTENCING, this index.		
CUMBERLAND COUNTY		
Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice		
	1653, 3668	
Courts:		
Local rules—Court	513	
Department of Transportation finding—Notice	2257	
CUSTODY		
See generally CIVIL PROCEDURE, RULES OF, this index.		
DAIRY INDUSTRY		
MILK MARKETING BOARD, this index.		
DAMS		
ENVIRONMENTAL PROTECTION, this index.		
DAUPHIN COUNTY		
Courts:		
Criminal rules—Court	598	
Local rules—Court	598, 3948, 5454	
Department of Transportation finding—Notice	2257	
DAUPHIN COUNTY—Continued		
Sale of tangible property; Pennsylvania Public Utility Commission—Notice		
	5934	
Storage tanks; underground product and tank removal project; bid opportunity—Notice		
	3899	
DEER		
See generally GAME COMMISSION, this index.		
DELAWARE COUNTY		
Air quality permit; public hearing—Notice	2305	
Courts:		
Criminal rules—Court	975	
Judicial administration rules—Court	236, 4234	
Local rules—Court	4612	
Department of Transportation finding—		
Notice	2257, 3494	
Erosion and sediment control permit; public hearing—Notice		
	2340	
Spotted lanternfly; quarantine and treatment order—Notice		
	3094	
DELAWARE RIVER BASIN COMMISSION		
Natural gas development activities; administrative manual and special regulations; public hearing—		
Proposed Rulemaking	255	
Public hearing and business meeting—		
Notice	743, 2658, 4627	
DENTAL ASSISTANTS		
STATE BOARD OF DENTISTRY, this index.		
DENTAL HYGIENISTS		
STATE BOARD OF DENTISTRY, this index.		
DENTISTS		
STATE BOARD OF DENTISTRY, this index.		
DEPARTMENT OF AGING		
AGING, this index.		
DEPARTMENT OF AGRICULTURE		
AGRICULTURE, this index.		
STATE CONSERVATION COMMISSION, this index.		
STATE HORSE RACING COMMISSION, this index.		
DEPARTMENT OF THE AUDITOR GENERAL		
AUDITOR GENERAL, this index.		
DEPARTMENT OF BANKING AND SECURITIES		
BANKING AND SECURITIES, this index.		

*Denotes title designation of the *Pennsylvania Code*.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

COMMONWEALTH FINANCING AUTHORITY, this index.
 COMMUNITY AND ECONOMIC DEVELOPMENT, this index.
 STATE TAX EQUALIZATION BOARD, this index.

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

CONSERVATION AND NATURAL RESOURCES, this index.

DEPARTMENT OF CORRECTIONS

CORRECTIONS, this index.

DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

DRUG AND ALCOHOL PROGRAMS, this index.

DEPARTMENT OF EDUCATION

EDUCATION, this index.
 PROFESSIONAL STANDARDS AND PRACTICES COMMISSION, this index.
 STATE BOARD OF EDUCATION, this index.
 STATE BOARD OF PRIVATE ACADEMIC SCHOOLS, this index.
 STATE BOARD OF PRIVATE LICENSED SCHOOLS, this index.
 STATE CHARTER SCHOOL APPEAL BOARD, this index.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ENVIRONMENTAL PROTECTION, this index.
 ENVIRONMENTAL QUALITY BOARD, this index.
 STATE CONSERVATION COMMISSION, this index.

DEPARTMENT OF GENERAL SERVICES

GENERAL SERVICES, this index.
 JOINT COMMITTEE ON DOCUMENTS, this index.

DEPARTMENT OF HEALTH

HEALTH AND SAFETY, this index.

DEPARTMENT OF HUMAN SERVICES

HUMAN SERVICES, this index.

DEPARTMENT OF LABOR AND INDUSTRY

LABOR AND INDUSTRY, this index.

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

MILITARY AND VETERANS AFFAIRS, this index.

DEPARTMENT OF REVENUE

REVENUE, this index.

DEPARTMENT OF STATE

BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION, this index.
 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, this index.
 Congressional districts; textual description of Pennsylvania Supreme Court's Remedial Plan—
 Notice..... 1360
 Electronic voting system examinations; revised directive—Notice 3918
 Notaries public; implementation of the Revised Uniform Law of Notarial Acts—Proposed
 Rulemaking 5474
 Regulatory agenda—Notice 1393, 4746

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION, this index.
 TURNPIKE COMMISSION, this index.

DIESEL

Pennsylvania State Clean Diesel Grant Program, see ENVIRONMENTAL PROTECTION, this index.
 Storage tanks, see ENVIRONMENTAL QUALITY BOARD, this index.

DIETICIANS

STATE BOARD OF NURSING, this index.

DISABILITIES

EDUCATION, this index.
 HUMAN SERVICES, this index.
 Special permits, see GAME COMMISSION, this index.

DISASTER EMERGENCIES

Proclamations, see GOVERNOR'S OFFICE, this index.

DISBARMENTS

DISCIPLINARY BOARD OF THE SUPREME COURT, this index.

DISCIPLINARY BOARD OF THE SUPREME COURT

Collection fee and late payment penalty for the 2018-2019 registration year—Court 2621

	<i>Page</i>		<i>Page</i>
DISCIPLINARY BOARD OF THE SUPREME COURT—Continued		DURABLE MEDICAL EQUIPMENT	
Continuing legal education; administrative suspension—Court	20, 2621	HUMAN SERVICES, this index.	
Disbarment—Court	514, 981, 1497, 2387, 2944, 3411, 4256	EARLY LEARNING	
JUDICIAL SYSTEM GENERAL PROVISIONS, this index.		Executive orders, see GOVERNOR'S OFFICE, this index.	
List of financial institutions—Court	5352	ECONOMIC DEVELOPMENT	
Suspension—Court	1671, 1828, 2766, 3710, 4256, 4257, 5354, 5456	COMMUNITY AND ECONOMIC DEVELOPMENT, this index.	
Transfer to disability inactive status; notice of—Court	5354	EDUCATION*	
Trust accounts of attorneys; financial institutions approved as depositories—Court	978, 2941	See SCHOOLS, this index.	
DIVORCE		Adult basic education; availability of grants—Notice	988
Actions of divorce, see CIVIL PROCEDURE, RULES OF, this index.		Catalog of nonregulatory documents—Notice	5943
DOCTORS		Colleges and universities; applications to amend articles of incorporation—Notice	310, 1428, 3979
STATE BOARD OF MEDICINE, this index.		Distance learning technical assistance; availability of grants—Notice	988
STATE BOARD OF OSTEOPATHIC MEDICINE, this index.		Index calculation required by Special Session Act 1 of 2006—Notice	5748
STATE BOARD OF PODIATRY, this index.		Individuals with Disabilities Education Act; proposed grant application under Part B for Federal fiscal year 2018—Notice	1275
STATE BOARD OF PSYCHOLOGY, this index.		Integrated English literacy and civics education programs; availability of grants—Notice	988
DOGS		PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, this index.	
AGRICULTURE, this index.		PROFESSIONAL STANDARDS AND PRACTICES COMMISSION, this index.	
Pheasant special permit, see GAME COMMISSION, this index.		PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD, this index.	
DOMESTIC RELATIONS		PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM, this index.	
CIVIL PROCEDURE, RULES OF, this index.		Regulatory agenda—Notice	1372, 4731
DRINKING WATER		Reinstatement of teaching certificates, see PROFESSIONAL STANDARDS AND PRACTICES COMMISSION, this index.	
ENVIRONMENTAL PROTECTION, this index.		STATE BOARD OF EDUCATION, this index.	
ENVIRONMENTAL QUALITY BOARD, this index.		STATE BOARD OF PRIVATE ACADEMIC SCHOOLS, this index.	
PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY, this index.		STATE BOARD OF PRIVATE LICENSED SCHOOLS, this index.	
DRUG AND ALCOHOL PROGRAMS		STATE CHARTER SCHOOL APPEAL BOARD, this index.	
See DRUGS, this index.		STATE SYSTEM OF HIGHER EDUCATION, this index.	
Opioid crisis; proclamation of disaster emergency—Governor	458, 4090	ELECTIONS	
Regulatory agenda—Notice	1372, 4731	BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION, this index.	
DRUGS		DEPARTMENT OF STATE, this index.	
See generally HEALTH AND SAFETY, this index.		Executive orders, see GOVERNOR'S OFFICE, this index.	
DRUG AND ALCOHOL PROGRAMS, this index.			
Executive orders, see GOVERNOR'S OFFICE, this index.			
Sentencing guidelines, see COMMISSION ON SENTENCING, this index.			

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>		<i>Page</i>
ELECTRICITY		ENVIRONMENTAL PROTECTION*	
PUBLIC UTILITIES, this index.		Aggregate Advisory Board:	
ELK		2018 meeting schedule—Notice	93
See generally GAME COMMISSION, this index.		Meeting—Notice	3641
EMERGENCY CONTRACEPTION		Agricultural Advisory Board:	
Sexual assault, see HEALTH AND SAFETY, this index.		Meeting cancellation—Notice	950, 3642
EMERGENCY MANAGEMENT AGENCY		Meeting change—Notice	4913
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY, this index.		Air quality:	
EMERGENCY MEDICAL SERVICES		See also ENVIRONMENTAL QUALITY BOARD, this index.	
HEALTH AND SAFETY, this index.		Annual Ambient Air Monitoring Network Plan—Notice	3643
EMERGENCY RESPONSE AND RESPONDERS		Annual Monitoring Network Plan:	
Emergency medical services, see HEALTH AND SAFETY, this index.		Allegheny County—Notice	2722
EMISSIONS		City of Philadelphia—Notice	2722
Air quality, see:		Emission reduction credits in the emission reduction credit registry; special notices—Notice	671, 2460, 4581
ENVIRONMENTAL PROTECTION, this index.		Interstate pollution transport reduction; 2018 ozone season nitrogen oxide emission limits for nonelectric generating units—Notice	1621, 2343
ENVIRONMENTAL QUALITY BOARD, this index.		Plan approval; intent to issue; special notices—Notice	353
ENERGY		Reasonably available control technology plan:	
Low-Income Home Energy Assistance Program, see:		Public hearings; special notices:	
AUDITOR GENERAL, this index.		Butler County—Notice	3375
HUMAN SERVICES, this index.		Special notices—Notice	1896, 3165
PUBLIC UTILITIES, this index.		State Implementation Plan revisions:	
ENGINEERS		Certification of reasonably available control technology for control techniques guidelines under the 2008 8-hour ozone National Ambient Air Quality Standards; incorporation of 25 Pa. Code Chapter 122; public hearings—Notice	3644
CONSERVATION AND NATURAL RESOURCES, this index.		City of Philadelphia; requirements of Reasonably Available Control Technology under the Clean Air Act—Notice	2201
STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS, this index.		Oxides of nitrogen and volatile organic compounds; special notices—Notice	353, 572, 3008
ENVIRONMENTAL ASSESSMENTS		Public Hearings:	
ENVIRONMENTAL PROTECTION, this index.		Special Notices:	
PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY, this index.		Forest County—Notice	5922
ENVIRONMENTAL HEARING BOARD		McKean County—Notice	5561
Appeal—Notice	373, 837, 1064, 1241, 1914, 2917, 3496, 4932, 5095, 5425, 5807, 5930	Pittsburgh-Beaver Valley area; summertime low Reid vapor pressure gasoline volatility requirements and supporting noninterference demonstration:	
Catalog of nonregulatory documents—Notice	5943	Removal; public hearing—Notice	1481
Regulatory agenda—Notice	1374, 4733	Suspension of enforcement—Notice	2347
		Regional Haze Five-Year Progress Report; public hearing—Notice	1624
		Air quality permits:	
		Actions—Notice	85, 346, 565, 663, 816, 934, 1026, 1223, 1334, 1466, 1607, 1772, 1887, 2000, 2189, 2333, 2450, 2711, 2881, 3001, 3156, 3368, 3474, 3630, 3799, 3890, 4006, 4158, 4341, 4569, 4691, 4904, 5079, 5406, 5554, 5648, 5795, 5915, 6326

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>
ENVIRONMENTAL PROTECTION—Continued	
Air quality permits— <i>Continued</i>	
Applications—Notice	55, 324, 542, 631, 778, 903, 1004, 1199, 1300, 1440, 1581, 1735, 1854, 1966, 2163, 2303, 2417, 2680, 2855, 2969, 3120, 3339, 3438, 3604, 3769, 3866, 3989, 4124, 4304, 4542, 4663, 4865, 5049, 5376, 5521, 5626, 5766, 5887, 6297
Exemptions list (275-2101-003)—Notice	1902
Public hearings; applications:	
Bucks County—Notice	5090
Delaware County—Notice	2305
Lackawanna County—Notice	57
Special notices—Notice	572, 2459, 3008, 4171, 5561, 5922
Air Quality Technical Advisory Committee:	
Meeting cancellation—Notice	1780, 5924
Alternate Fuels Incentive Grant Program; Availability of Rebates—Notice 5564	
Applications, actions and special notices—	
Notice	44, 311, 527, 614, 747, 885, 990, 1187, 1276, 1429, 1566, 1723, 1834, 1954, 2146, 2282, 2391, 2662, 2830, 2955, 3101, 3328, 3421, 3589, 3751, 3854, 3979, 4108, 4282, 4521, 4631, 4843, 5035, 5364, 5506, 5611, 5748, 5869, 6281
Biosolids permits:	
Actions—Notice	930
Applications—Notice	3768, 4123
Beneficial use of biosolids by land application (PAG-08); general permit—Notice	1780
Beneficial use of exceptional quality biosolids by land application (PAG-07); general permit—Notice	1780
Blasting activity permits:	
Actions—Notice	89, 350, 570, 668, 820, 941, 1031, 1227, 1339, 1471, 1613, 1776, 1891, 2005, 2195, 2336, 2455, 2714, 2886, 3004, 3161, 3371, 3480, 3635, 3804, 3895, 4009, 4164, 4346, 4575, 4696, 4908, 5085, 5358, 5411, 5651, 5800, 5918, 6330
BOARD OF COAL MINE SAFETY, this index.	
Bond release and permit termination:	
Actions—Notice	1026
Bond release proposal:	
Actions—Notice	3155
CAFO NPDES permits:	
Actions—Notice	76, 340, 558, 657, 1765, 1879, 1994, 2444, 2702, 2876, 2995, 3150, 3468, 3792, 4002, 4330, 4562, 4896
Applications—Notice	53, 320, 539, 629, 899, 1003, 1196, 1293, 1436, 1732, 1848, 1963, 2160, 2300, 2676, 2852, 2965, 3335, 3434, 3599, 3765, 3862, 3986, 4119, 4296, 4538, 4659, 4863, 5515, 6293
NPDES for operation of concentrated animal feeding operations (PAG-12); general permit—	
Notice	575, 1898

	<i>Page</i>
ENVIRONMENTAL PROTECTION—Continued	
CAFO notices of intent:	
Applications—Notice	50, 536, 770, 1573, 1731, 1847, 2415, 2675, 2964, 3114, 3335, 3862, 3985, 4119, 4296, 4658, 4862, 5515
Catalog of nonregulatory documents—Notice	5943
Citizens Advisory Council:	
Meeting cancellation—Notice	2011
Clean Water State Revolving Fund, see PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY, this index.	
Climate Change Advisory Committee:	
Meeting cancellation—Notice	5090
Coastal zone grants; 2019 grant opportunity—	
Notice	4914
CONSERVATION AND NATURAL RESOURCES, this index.	
Dam safety:	
Actions—Notice	1034
Applications—Notice	1977, 5897, 5390
DELAWARE RIVER BASIN COMMISSION, this index.	
Drinking Water State Revolving Fund:	
See also PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY, this index.	
Special notices—Notice	2463
Driving PA Forward Initiative:	
DC Fast Charging and Hydrogen Fueling Grant Program; availability of grants—Notice	6336
Level 2 Electric Vehicle Charging Rebate Program; availability of rebates—Notice	6336
Environmental assessments:	
See also PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY, this index.	
Actions—Notice	90, 1341, 1473, 1893, 2007, 2199, 2889, 3373, 3483, 3603, 3897, 4350, 4578, 5413, 5652
Applications—Notice	68, 552, 648, 793, 1207, 1451, 1593, 1869, 1977, 2691, 2866, 3457, 3616, 3780, 3877, 4554, 4882, 5390, 5533, 5897
Environmental Good Samaritan Act projects:	
Special notices—Notice	1475, 1620, 1898, 3009, 5563
ENVIRONMENTAL HEARING BOARD, this index.	
Environmental Justice Advisory Board:	
Meeting change—Notice	4915
Rescheduled conference call—Notice	1479
Rescheduled meeting—Notice	2343
ENVIRONMENTAL QUALITY BOARD, this index.	
Erosion and sediment control permits:	
Actions—Notice	91, 352, 571, 670, 822, 943, 1034, 1230, 1341, 1473, 1616, 1778, 1894, 2007, 2199, 2338, 2457, 2719, 2889, 3007, 3164, 3373, 3484, 3637, 3809, 3897, 4012, 4169, 4350, 4579, 4697, 4911, 5088, 5560, 5413, 5653, 5802, 5920, 6333
Applications—Notice	648, 1451, 2173, 5063

	<i>Page</i>
ENVIRONMENTAL PROTECTION—Continued	
Erosion and sediment control permits— <i>Continued</i>	
Erosion and sediment control general permit for earth disturbance associated with oil and gas exploration, production, processing or treatment operations or transmission facilities (ESCGP-3); general permit—Notice	4176, 5804
Public hearings; special notices:	
Allegheny County—Notice	1476
Beaver County—Notice	1476
Chester County—Notice	2340
Delaware County—Notice	2340
Washington County—Notice	1476
Special notices—	
Notice	949, 1036, 1343, 2339, 2721, 6335
Gas:	
Abandoned well cleaning and plugging; bid opportunity:	
Butler County—Notice	1234, 3376
Jefferson County—Notice	1234
McKean County—Notice	3009
Commonwealth Court Order; Marcellus Shale Coalition v. Department of Environmental Protection of the Commonwealth of Pennsylvania and Environmental Quality Board of the Commonwealth of Pennsylvania—Notice	4175
Erosion and sediment control general permit for earth disturbance associated with oil and gas exploration, production, processing or treatment operations or transmission facilities (ESCGP-3); general permit—Notice	4176
Natural gas compressor stations, processing plants and transmission stations (BAQ-GPA/GP-5); general permit—Notice	1902, 3491
Orphan gas well cleaning and plugging; bid opportunity:	
Allegheny County—Notice	4017
Clinton County—Notice	684, 1899
Potter County—Notice	4017
Unconventional natural gas well site operations or remote pigging stations (BAQ-GPA/GP-5A); general permit—Notice	1902, 3491
Well cleaning and plugging; bid opportunity:	
Clearfield County—Notice	4585
Well project proposal; special notice:	
Warren County—Notice	1476
Wells, see also:	
ENVIRONMENTAL QUALITY BOARD, this index.	
PUBLIC UTILITIES, this index.	
Growing Greener Plus Grant Programs; availability of funding—Notice	2893
Hazardous sites cleanup:	
Bid opportunity:	
Lancaster County—Notice	93
Prompt interim response; action:	
Bucks County—Notice	3364

ENVIRONMENTAL PROTECTION—Continued	
Hazardous sites cleanup— <i>Continued</i>	
Prompt interim response and public hearing; action:	
Lycoming County—Notice	1219
Proposed consent and order agreement; action:	
Bucks County—Notice	5404
Butler County—Notice	4685
Lawrence County—Notice	5563
Washington County—Notice	5076
Proposed interim response; action:	
Bucks County—Notice	3365
Lawrence County—Notice	1217
Proposed prospective agreement:	
Bucks County—Notice	5403
Hazardous waste educations awards:	
Mercer County—Notice	5416
Wyoming County—Notice	5416
Hazardous waste transporter licenses:	
Actions—Notice	83, 345, 564, 662, 815, 933, 1222, 1333, 1465, 1606, 1771, 1887, 1999, 2188, 2332, 2449, 2881, 3001, 3155, 3630, 3797, 4158, 4340, 4568, 4690, 4903, 5079, 5406, 5553, 5795, 5915, 6326
Hazardous waste treatment, storage and disposal facilities permits:	
Actions—	
Notice	662, 1999, 2450, 2710, 3798, 4690, 4903
Applications—	
Notice	2163, 2303, 3120, 3438, 4864, 5375
Industrial minerals; authorization to extract:	
Special notices—Notice	3376, 4353
Land recycling and environmental remediation plans and reports:	
See also ENVIRONMENTAL QUALITY BOARD, this index.	
Actions—Notice	80, 343, 560, 660, 814, 930, 1023, 1219, 1331, 1463, 1603, 1769, 1883, 1997, 2187, 2330, 2447, 2706, 2879, 2999, 3152, 3366, 3471, 3628, 3796, 3888, 4003, 4156, 4335, 4566, 4686, 4900, 5076, 5404, 5551, 5646, 5793, 5913, 6323
Applications—Notice	55, 322, 540, 630, 777, 901, 1197, 1298, 1439, 1579, 1734, 1852, 1965, 2162, 2302, 2416, 2678, 2855, 2968, 3118, 3338, 3437, 3603, 3768, 3865, 3987, 4123, 4301, 4541, 4662, 4864, 5048, 5374, 5518, 5549, 5625, 5765, 5792, 5886, 5913, 6295
Mining:	
See also ENVIRONMENTAL QUALITY BOARD, this index.	
2018 Mine Map Grant Program; application announcement—Notice	357
Abandoned mine reclamation project; bid opportunities:	
Allegheny County—Notice	5805
Butler County—Notice	1234
Cambria County—Notice	1477, 5654
Carbon County—Notice	1477
Clearfield County—Notice	4016

	<i>Page</i>
ENVIRONMENTAL PROTECTION—Continued	
Mining— <i>Continued</i>	
Abandoned mine reclamation project; bid opportunities— <i>Continued</i>	
Indiana County—Notice	1621
Jefferson County—Notice	684
Luzerne County—Notice	1477, 5654
Washington County—Notice	4914
Abandoned strip mine reclamation project; bid opportunity:	
Clarion County—Notice	823
Venango County—Notice	823
Bond rate guidelines for the calculation of land reclamation bonds on coal mining operations—Notice	1899, 3812
Bond schedule for the calculation of bond amounts on noncoal mining operations—Notice	1478
Mine Reclamation; Invitation to bid Clearfield County—Notice	5923, 6336
Rates to be used for calculating long-term operation and maintenance cost bonds for water supply replacement-mining operations—Notice	950
Reclamation fee report for fiscal year 2016-2017—Notice	5805
Mining activity NPDES permits:	
Applications—Notice	63, 329, 547, 638, 785, 910, 1009, 1203, 1307, 1445, 1587, 1743, 1861, 1974, 2168, 2310, 2425, 2687, 2861, 2977, 3126, 3345, 3444, 3611, 3775, 3872, 3991, 4132, 4311, 4548, 4668, 4873, 5053, 5528, 5629, 5773, 5894, 6305
Mining activity permits:	
Actions—Notice	88, 349, 569, 666, 820, 940, 1029, 1225, 1337, 1469, 1612, 1775, 1890, 2003, 2193, 2335, 2453, 2713, 2885, 3004, 3160, 3370, 3478, 3634, 3802, 3894, 4008, 4164, 4344, 4573, 4695, 4907, 5083, 5411, 5556, 5651, 5799, 5917, 6329
Applications—Notice	61, 328, 546, 637, 783, 908, 1007, 1202, 1306, 1444, 1585, 1741, 1860, 1972, 2167, 2309, 2424, 2686, 2860, 2975, 3125, 3344, 3442, 3610, 3773, 3869, 3990, 4130, 4309, 4547, 4666, 4871, 5051, 5382, 5527, 5629, 5771, 5892, 6303
Mining and Reclamation Advisory Board:	
Conference call—Notice	5924
Meeting—Notice	3643
Regulatory, Legislative and Technical Committee meeting—Notice	1624, 5924
Municipal Recycling Program; performance grant applications for calendar year 2017—Notice	2341
Municipal separate storm sewer systems notices of intent:	
Applications—Notice	50, 318, 536, 628, 772, 898, 1002, 1195, 1294, 1435, 1575, 1732, 1848, 1961, 2159, 2300, 2852, 2965, 3434, 3985, 4538, 4659

	<i>Page</i>
ENVIRONMENTAL PROTECTION—Continued	
Municipal solid waste:	
Processing and beneficial use of course or fine aggregate from municipal solid waste incinerator ash for use as an aggregate in construction material (WMGM061); general permit—Notice	1999
Request for proposals:	
Carbon County—Notice	4351
Lackawanna County—Notice	2720
Municipal waste:	
Plan revision approval:	
Jefferson County—Notice	2891
Warren County—Notice	4351
Planning grant awards:	
Bucks County—Notice	1480
Butler County—Notice	3010
Centre County—Notice	1480
Chester County—Notice	3010
Clearfield County—Notice	4915
Clinton County—Notice	3010
Crawford County—Notice	1480
Lehigh County—Notice	576
Mercer County—Notice	576
Venango County—Notice	1480
Warren County—Notice	1480
Request for proposals:	
Northampton County—Notice	4698
Westmoreland County—Notice	2721
Residual and municipal waste composting (WMGR025); general permit—Notice	2009
Municipal waste permits:	
Actions—Notice	934, 1607, 2333, 3798, 4005, 4158, 4341, 4904
Applications—Notice	778, 1299, 1440, 5049, 5625
Special Notices—Notice	5090
NPDES and other general permits:	
Actions—Notice	71, 338, 556, 654, 800, 924, 1016, 1210, 1317, 1455, 1596, 1758, 1873, 1984, 2178, 2323, 2438, 2695, 2871, 2986, 3139, 3357, 3462, 3621, 3784, 3881, 4000, 4144, 4324, 4558, 4676, 4887, 5068, 5393, 5534, 5538, 5779, 5782, 5903, 6313
Applications—Notice	3599, 5763, 5871, 6293
NPDES for discharges from petroleum product contaminated groundwater remediation systems (PAG-05)—Notice	4586
NPDES for discharges from aquatic animal production facilities (PAG-11); general permit—Notice	1343
Special notices—Notice	574
NPDES permits:	
Actions—Notice	69, 334, 553, 650, 794, 920, 1014, 1208, 1315, 1452, 1593, 1751, 1870, 1978, 2174, 2320, 2434, 2692, 2867, 2983, 3135, 3353, 3458, 3617, 3781, 3878, 3996, 4138, 4320, 4555, 4672, 4883, 5064, 5391, 5535, 5634, 5637, 5778, 5899, 6310

Page

Page

ENVIRONMENTAL PROTECTION—Continued

NPDES permits—*Continued*

Applications—Notice . 45, 311, 528, 615, 747, 886, 991, 1188, 1276, 1429, 1567, 1723, 1840, 1954, 2147, 2283, 2391, 2663, 2831, 2955, 3102, 3328, 3422, 3590, 3752, 3854, 3980, 4109, 4283, 4521, 4631, 4844, 5036, 5365, 5507, 5611, 5749, 5870, 6281

Public hearing; special notices:

Allegheny County—Notice 1779

Chester County—Notice 3640

Greene County—Notice 4015

York County—Notice 1779

Special notices—Notice 684, 3641

NPDES stormwater discharges associated with construction activities permits:

Actions—Notice 70, 337, 556, 654, 800, 923, 1015, 1209, 1316, 1455, 1595, 1755, 1872, 1982, 2177, 2322, 2437, 2694, 2870, 2985, 3137, 3357, 3460, 3620, 3783, 3881, 3999, 4142, 4322, 4557, 4675, 4886, 5067, 5393, 5536, 5538, 5637, 5781, 5902, 6312

Applications—Notice 49, 318, 535, 626, 768, 897, 1001, 1194, 1291, 1434, 1573, 1730, 1847, 1959, 2158, 2297, 2414, 2674, 2850, 2963, 3113, 3334, 3433, 3598, 3765, 3862, 4118, 4295, 4537, 4657, 4862, 5046, 5371, 5514, 5621, 5762, 5882, 6292

Special notices—Notice 684

NPDES stormwater discharges from municipal separate storm sewer systems permits:

Actions—Notice 70, 336, 554, 651, 798, 922, 1015, 1209, 1315, 1454, 1594, 1754, 1872, 1981, 2177, 2322, 2437, 2694, 2869, 2985, 3137, 3356, 3460, 3620, 3782, 3880, 3999, 4141, 4322, 4885, 5066, 5393, 5536, 5546, 5780, 5901, 6312

Applications—Notice 768, 1000, 1572, 1730, 1846, 1959, 2297, 2849, 2963, 3113, 3597, 3765, 4294, 4656, 5045, 5513, 5761

Non-regulatory agenda; availability—
Notice 1038, 4015

Nutrient Credit Trading Program:

Actions—Notice 2893, 6338

Credit certification requests—Notice 3814, 6338

Oil wells:

Abandoned well cleaning and plugging; bid opportunity:

Butler County—Notice 1234, 3376

Jefferson County—Notice 1234

McKean County—Notice 3009

Commonwealth Court Order; Marcellus Shale Coalition v. Department of Environmental Protection of the Commonwealth of Pennsylvania and Environmental Quality Board of the Commonwealth of Pennsylvania—Notice 4175

Erosion and sediment control general permit for earth disturbance associated with oil and gas exploration, production, processing or treatment operations or transmission facilities (ESCGP-3); general permit—Notice 4176

ENVIRONMENTAL PROTECTION—Continued

Oil wells—*Continued*

Project proposal; special notice:

Warren County—Notice 1476

Wells, see also ENVIRONMENTAL QUALITY BOARD, this index.

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY, this index.

Pennsylvania State Clean Diesel Grant Program; application acceptance period—Notice 3010

Primary Alternate Bonding System Program Update—Notice 5655

Radiation Protection Advisory Committee:

Rescheduled meeting—Notice 2011, 4017

Radon-related activities; certification to perform in this Commonwealth; special notices—Notice 356, 1035, 1618, 2202, 2891, 3638, 4171, 4912, 5803

Recycling Fund Advisory Committee:

Meeting—Notice 94

Regulated medical and chemotherapeutic waste transporter licenses:

Actions—Notice 83, 564, 662, 816, 933, 1465, 1607, 1771, 1887, 1999, 2189, 2881, 3630, 3798, 3890, 4341, 4569, 5406, 6326

Regulated medical waste permits:

Actions—Notice 5553

Regulations, see generally ENVIRONMENTAL QUALITY BOARD, this index.

Regulatory agenda—Notice 1374, 4733

Reorganization—Statement of Policy 1423, 5866

Residential septage; beneficial use of residential septage by land application (PAG-09); general permit—Notice 1781

Residual waste permits:

Actions—Notice 84, 346, 565, 662, 816, 1025, 1222, 1333, 1465, 1607, 1772, 2000, 2189, 2332, 2449, 2710, 3001, 3155, 3367, 3474, 3798, 3890, 4005, 4158, 4341, 4691, 4904, 5079, 5553, 5648, 6326

Applications—Notice 323, 778, 902, 1004, 1299, 1580, 1735, 1854, 1966, 2163, 2969, 3120, 3604, 3769, 3988, 4304, 4542, 4865, 5376, 5520, 5766, 5886, 6296

Processing and beneficial use of tree stumps, roots, leaf waste, stump grindings, grubbing material, freshwater dredged material from seyferts basin, spent mushroom substrate, leaf waste, water treatment residual and waste foundry sand (WMGR103); general permit—Notice 2339

Residual and municipal waste composting (WMGR025); general permit—Notice 2009

Safe drinking water permits:

Actions—Notice 77, 341, 559, 657, 810, 926, 1022, 1215, 1327, 1459, 1601, 1766, 1880, 1995, 2185, 2328, 2445, 2702, 2877, 2996, 3151, 3362, 3469, 3627, 3793, 3886, 4003, 4150, 4330, 4563, 4683, 4896, 5073, 5401, 5548, 5645, 5788, 5910, 6321

	<i>Page</i>	
ENVIRONMENTAL PROTECTION—Continued		
Safe drinking water permits— <i>Continued</i>		
Applications—Notice	54, 321, 540, 630, 775, 900, 1003, 1196, 1295, 1437, 1576, 1733, 1849, 1964, 2161, 2301, 2415, 2677, 2853, 2966, 3115, 3336, 3435, 3600, 3766, 3883, 3986, 4120, 4298, 4539, 4660, 5048, 5372, 5517, 5623, 5764, 5884	
Sewage Advisory Committee:		
Cancelled or rescheduled meeting—		
Notice	2203, 5656	
Sewage Facilities Act plans:		
Actions—Notice	80, 342, 659, 813, 929, 1217, 1331, 1462, 1603, 1883, 1997, 2187, 2329, 2447, 2706, 2878, 2998, 3152, 3363, 3471, 3795, 3888, 4333, 4566, 4685, 4900, 5075, 5549, 5792, 5911, 6322	
Small Business Advantage Grant Program; grant availability—Notice	4354	
Small Business Compliance Advisory Committee:		
Meeting cancellation—Notice	2012	
Small Water Systems Technical Assistance Center Board:		
Meeting cancellation—Notice	4699	
Solar energy; Finding Pennsylvania’s Solar Future Plan; public comment—Notice	4017	
STATE CONSERVATION COMMISSION, this index.		
Storage Tank Advisory Committee:		
Meeting cancellation—Notice	950, 5091	
Rescheduled meeting—Notice	2346	
Storage tanks:		
See also:		
ENVIRONMENTAL QUALITY BOARD, this index.		
INSURANCE, this index.		
Permits:		
Actions—Notice	92, 353, 572, 944, 1232, 2201, 3485, 3638, 4014, 4171, 5089, 5654, 6335	
Applications—Notice	2433, 3995, 5898	
Underground product and tank removal project; bid opportunity:		
Dauphin County—Notice	3899	
SUSQUEHANNA RIVER BASIN COMMISSION, this index.		
Technical Advisory Committee on Diesel-Powered Equipment:		
Meeting—Notice	4176	
Technical guidance:		
Availability—Notice	574, 823, 1476, 2342, 3490, 3642, 3811, 3899, 4016, 4174, 4585, 4914, 5564, 6337	
Extension of public comment period—Notice	2011	
Rescission—Notice	1344	
Volkswagen settlement; beneficiary mitigation plan—Notice		2892
Waste processing or disposal area or site permits:		
Actions—Notice	85, 662, 816, 934, 1466, 1887, 2189, 2333, 2710, 2881, 3001, 3155, 3339, 3474, 3798, 4341, 4569, 4904, 5079	

	<i>Page</i>	
ENVIRONMENTAL PROTECTION—Continued		
Waste processing or disposal area or site permits— <i>Continued</i>		
Applications—Notice	1199, 1299, 1440, 1580, 2417, 2680, 3438, 3988, 5049, 5376, 5520, 5625, 6297	
Water:		
See also ENVIRONMENTAL QUALITY BOARD, this index.		
Coastal Zone Management Act; Department re- view of projects for Federal consistency:		
Ashtabula County, Ohio—Notice	824	
City of Philadelphia—Notice	685	
Erie County—Notice	1480, 4699, 5564	
Great Lakes-St. Lawrence River Basin Water Resources Council; Great Lakes-St. Lawrence River Water Resources Regional Body; feedback on draft procedures—Notice		3376, 5654
Partnership for the Delaware Estuary; draft re- vision to the Comprehensive Conservation and Management Plan; availability for public com- ment—Notice		3489
Total maximum daily loads; request for comments on proposed; special notices:		
Armstrong County—Notice	3168	
Berks County—Notice	4353	
Centre County—Notice	3166	
Fayette County—Notice	3167	
Fulton County—Notice	2009	
Greene County—Notice	948	
Indiana County—Notice	948, 3168	
Juniata County—Notice	2010, 3166	
Perry County—Notice	4173	
Water allocations:		
Actions—Notice	813, 1023, 1330, 1769, 1882, 1997, 2446, 2706, 2998, 3152, 4155, 4333, 4565, 4900, 5075, 5549, 5646, 5792, 6322	
Applications—Notice	54, 322, 1004, 1579, 1734, 2416, 3436, 3603, 3768, 4123, 5374, 5518, 5765, 5885	
Water obstructions and encroachments permits:		
Actions—Notice	89, 351, 570, 669, 821, 942, 1031, 1227, 1340, 1471, 1613, 1777, 1892, 2005, 2195, 2336, 2455, 2715, 2887, 3005, 3162, 3372, 3481, 3635, 3804, 3896, 4010, 4165, 4346, 4575, 4697, 4909, 5086, 5412, 5559, 5652, 5801, 5919, 6331	
Applications—Notice	67, 333, 549, 642, 787, 916, 1012, 1310, 1447, 1590, 1748, 1867, 1975, 2170, 2316, 2431, 2690, 2864, 2980, 3133, 3351, 3455, 3613, 3779, 3876, 3993, 4136, 4318, 4552, 4670, 4882, 5060, 5384, 5532, 5633, 5777, 5896	
General Chapter 105 permit—Notice	1234	
Public hearings; special notices:		
Allegheny County—Notice	1476	
Beaver County—Notice	1476	
Washington County—Notice	1476	
Special notices—Notice	574, 1036, 1897, 3376, 4172, 5415	
Water quality assessment methodologies; availabil- ity of draft for public comment—Notice		3643

	<i>Page</i>
ENVIRONMENTAL PROTECTION—Continued	
Water quality certifications:	
Actions—Notice	3808
Applications—Notice	1312
Special notices—Notice	574, 945, 1232, 1474, 1619, 1897, 3376, 3485, 3640, 4014, 4172, 4352
Water quality improvement projects along the Mariner East 2 pipeline corridor; grant funding—	
Notice	2346
Water quality management permits:	
Actions—Notice	70, 335, 554, 651, 796, 922, 1208, 1315, 1453, 1594, 1752, 1871, 1980, 2176, 2321, 2436, 2693, 2868, 2984, 3136, 3355, 3459, 3618, 3782, 3879, 3997, 4140, 4321, 4557, 4673, 4885, 5066, 5392, 5535, 5635, 5780, 5900, 6312
Applications—Notice	48, 317, 534, 626, 767, 895, 1000, 1194, 1290, 1433, 1571, 1729, 1845, 1958, 2158, 2296, 2413, 2673, 2848, 2962, 3112, 3333, 3432, 3597, 3764, 3861, 3985, 4118, 4294, 4535, 4655, 4861, 5045, 5370, 5512, 5621, 5761, 5881, 6292
Public meeting; special notices:	
Potter County—Notice	93
Water quality standards:	
Manganese; advanced notice of proposed rulemaking—Proposed Rulemaking	605
Stream evaluations—Notice	3491, 5416
Stream redesignation evaluations—	
Notice	3645, 4174, 5924
Water Resources Advisory Committee:	
Meeting cancellation—Notice	1482, 3814

ENVIRONMENTAL QUALITY BOARD

Air quality:	
See generally ENVIRONMENTAL PROTECTION, this index.	
Control of VOC emissions from industrial cleaning solvents; general provisions; aerospace manufacturing and rework; additional RACT requirements for major sources of NO _x and VOCs—Rule	
	4814
Gasoline volatility requirements—Rule	1932
ENVIRONMENTAL PROTECTION, this index.	
Explosives; handling and use—Rule	3711
Independent Regulatory Review Commission:	
Action taken—Notice	1482, 2731, 4189, 5576
Comments issued—Notice	2030, 2263, 2732, 5931
Filing of final rulemakings—	
Notice	837, 2032, 3184, 4590, 6360
Land recycling:	
See also ENVIRONMENTAL PROTECTION, this index.	
Land Recycling Program; administration—Rule	1503
Meeting:	
Cancellation—Notice	373, 1482, 3919, 5676

ENVIRONMENTAL QUALITY BOARD—Continued

	<i>Page</i>
Mining:	
See also ENVIRONMENTAL PROTECTION, this index.	
Noncoal Mining Program fees—Proposed	
Rulemaking	733
Oil and gas wells:	
Commonwealth Court Order; Marcellus Shale Coalition v. Department of Environmental Protection of the Commonwealth of Pennsylvania and Environmental Quality Board of the Commonwealth of Pennsylvania—Notice	4175
Gas, see also:	
ENVIRONMENTAL PROTECTION, this index.	
PUBLIC UTILITIES, this index.	
Oil wells, see also:	
ENVIRONMENTAL PROTECTION, this index.	
PUBLIC UTILITIES, this index.	
Unconventional well permit application fees—	
Proposed Rulemaking	4100
Storage tanks:	
See also:	
ENVIRONMENTAL PROTECTION, this index.	
INSURANCE, this index.	
Storage Tank and Spill Prevention Program; administration—Proposed Rulemaking	1101, 1421 (correction)
U.S. Nuclear Regulatory Commission consistency rule—Rule	5723
Water:	
See generally ENVIRONMENTAL PROTECTION, this index.	
Safe drinking water; disinfection requirements rule—Rule	2509
Safe drinking water; general update and fees—	
Rules	4974
Water quality standards:	
Approval of recommendations for no change—	
Notice	954
Stream redesignations (Sobers Run, et al.)—	
Rule	866

ENVIRONMENTAL REMEDIATION

Land recycling and environmental remediation, see ENVIRONMENTAL PROTECTION, this index.

EQUAL PAY

See MINIMUM WAGE, this index.
Executive orders, see GOVERNOR'S OFFICE, this index.

ERIE COUNTY

Coastal Zone Management Act; Department of Environmental Protection review of project for Federal consistency—Notice 1480, 4699

ERIE COUNTY—Continued

Lake Erie:
 Walleye and yellow perch:
 Daily limits for 2018—Notice 2351
 Total allowable commercial catch for 2018—
 Notice 2351
 Walnut Creek Marina; fees for seasonal slips—
 Notice 4590

EROSION AND SEDIMENT CONTROL

ENVIRONMENTAL PROTECTION, this index.

ETHICS

STATE ETHICS COMMISSION, this index.

EXECUTIVE BOARD

Reorganizations:
 Board of Probation and Parole—Statement of
 Policy 2388
 Department of Aging—Statement of Policy 37
 Department of Banking and Securities—State-
 ment of Policy 1423
 Department of Community and Economic Devel-
 opment—Statement of Policy 37, 4506
 Department of Conservation and Natural Re-
 sources—Statement of Policy 522
 Department of Corrections—Statement of Policy . 1423
 Department of Environmental Protection—State-
 ment of Policy 1423, 5866
 Department of Health—Statement of Policy 4506
 Department of Human Services—Statement of
 Policy 299, 1710, 4506
 Department of Revenue—Statement of Policy 522
 Department of Transportation—Statement of
 Policy 37
 Liquor Control Board—Statement of Policy . . 522, 5504
 Office of the Budget—Statement of Policy . . 2138, 4506
 Office of Inspector General—Statement of Policy . 2819
 Pennsylvania Emergency Management Agency—
 Statement of Policy 2819
 Public School Employees’ Retirement System—
 Statement of Policy 2819, 5866
 State Civil Service Commission—Statement of
 Policy 2819
 State Police—Statement of Policy 37
 Resolutions filed but not published—
 Notice 1659, 2353, 3053, 3674

EXECUTIVE ORDERS

GOVERNOR’S OFFICE, this index.

EXPANDED FUNCTION DENTAL ASSISTANTS

STATE BOARD OF DENTISTRY, this index.

EXPLOSIVES

ENVIRONMENTAL QUALITY BOARD, this index.

EXPORT LISTS

Surplus lines, see INSURANCE, this index.

FALCONRY

See generally GAME COMMISSION, this index.

FAMILY THERAPISTS

STATE BOARD OF SOCIAL WORKERS, MAR-
 RIAGE AND FAMILY THERAPISTS AND PRO-
 FESSIONAL COUNSELORS, this index.

FANTASY CONTESTS

PENNSYLVANIA GAMING CONTROL BOARD,
 this index.

FARMLANDS

AGRICULTURE, this index.

FAST PLAY GAMES

Lottery, see REVENUE, this index.

FAYETTE COUNTY

Air quality; Pittsburgh-Beaver Valley area; summer-
 time low Reid vapor pressure gasoline volatility
 requirements and supporting noninterference
 demonstration:
 Removal; public hearing—Notice 1481
 Suspension of enforcement—Notice 2347
 Oil and gas lease for publicly-owned streambeds by
 the Department of Conservation and Natural
 Resource—Notice 1722, 2954
 Water; proposed total maximum daily load; request
 for comments—Notice 3167

FENTANYL

Controlled substances, see HEALTH AND SAFETY,
 this index.

Proclamations, see GOVERNOR’S OFFICE, this
 index.

Sentencing guidelines, see COMMISSION ON SEN-
 TENCING, this index.

FERTILIZER

AGRICULTURE, this index.

FINANCIAL INSTITUTIONS

BANKING AND SECURITIES, this index.

DISCIPLINARY BOARD OF THE SUPREME
 COURT, this index.

PENNSYLVANIA HIGHER EDUCATION ASSIS-
 TANCE AGENCY, this index.

FINANCIAL INSTITUTIONS—Continued

SUPREME COURT, this index.

FIREARMS

See generally GAME COMMISSION, this index.

FIREWORKS

AGRICULTURE, this index.

FISH AND BOAT COMMISSION

Boats and boating:

Boat and marine forfeiture; maximum amount—
Notice 1652

Boating safety education; approved courses—
Notice 4189

Capacity plates:

—Proposed Rulemaking 2654
—Rule 5472

Special regulations counties:

—Proposed Rulemaking 2654
—Rule 5472

Walnut Creek Marina, Erie County; fees for sea-
sonal slips—Notice 4590

Commission property; off-highway vehicles, snow-
mobiles and mobility devices:

—Proposed Rulemaking 2655
—Rule 5467

Contact information; updates—Rule 1672

Fishing:

Lake Erie; walleye and yellow perch:

Daily limits for 2018—Notice 2351
Total allowable commercial catch for 2018—
Notice 2351

Mentored Youth Fishing Day Program; designa-
tion of days:

Catfish—Notice 4729
Panfish—Notice 4936
Trout—Notice 1652

Propagation and introduction of fish into Com-
monwealth waters—Proposed Rulemaking 5493

Reptiles and amphibians—Proposed Rulemaking . 5493

Special fishing regulations:

Catch and release fly-fishing only—Rule 1676

Special regulation designations and redesigna-
tions:

Catch-and-Release Artificial Lures Only Pro-
gram—Notice 4367
—Proposed Rulemaking 5495
Miscellaneous—Rule 5468
Panfish—Notice 1653, 2918
Stocked trout waters; proposed—Notice 5575

Temporary changes to fishing regulations—
Notice 2918

General provisions:

—Proposed Rulemaking 5496

FISH AND BOAT COMMISSION—Continued

General provisions—*Continued*

Administrative provisions—Proposed

Rulemaking 5497

Boating—Proposed Rulemaking 5499

Commission property—Proposed Rulemaking 5500

Triploid grass carp permit application—

Notice 4589, 4940

Trout:

Class A wild trout waters; changes 1064,
1069, 2917, 2729, 4589, 4937

Mentored Youth Fishing Day Program; designa-
tion of days for trout—Notice 1652

Special regulation redesignations; approved—
Notice 1074

Wild trout streams list; additions, revisions and
removals—Notice 1065, 2725, 2918, 4589, 4932

FISHING

Alcohol and controlled substance content, see
HEALTH AND SAFETY, this index.

FISH AND BOAT COMMISSION, this index.

FOOD

AGRICULTURE, this index.

Women, Infants and Children (WIC) Program, see
HEALTH AND SAFETY, this index.

FRANKLIN COUNTY

Chronic wasting disease; designation of disease
management areas and endemic states and Cana-
dian provinces—Notice 1653, 3668

Transmission line project; prehearing conference—
Notice 585, 3679

FUEL

Air quality, see:

ENVIRONMENTAL PROTECTION, this index.

ENVIRONMENTAL QUALITY BOARD, this
index.

Storage tanks; see ENVIRONMENTAL QUALITY
BOARD, this index.

TRANSPORTATION, this index.

FULTON COUNTY

Chronic wasting disease; designation of disease
management areas and endemic states and Cana-
dian provinces—Notice 1653, 3668

Water; proposed total maximum daily load; request
for comments—Notice 2009

FUNERAL DIRECTORS

STATE BOARD OF FUNERAL DIRECTORS, this
index.

FURBEARERS AND FURTAKING

See generally GAME COMMISSION, this index.

GAMBLING AND GAMING

PENNSYLVANIA GAMING CONTROL BOARD, this index.

REVENUE, this index.

STATE HORSE RACING COMMISSION, this index.

GAME COMMISSION

Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces:

Adams County—Notice	1653, 3668
Armstrong County—Notice	3668
Bedford County—Notice	1653, 3668
Berks County—Notice	1653, 3668
Blair County—Notice	1653, 3668
Cambria County—Notice	1653, 3668
Clarion County—Notice	3668
Clearfield County—Notice	1653, 3668
Cumberland County—Notice	1653, 3668
Franklin County—Notice	1653, 3668
Fulton County—Notice	1653, 3668
Huntingdon County—Notice	1653, 3668
Indiana County—Notice	3668
Jefferson County—Notice	1653, 3668
Juniata County—Notice	3668
Lancaster County—Notice	1653, 3668
Lebanon County—Notice	1653, 3668
Mifflin County—Notice	3668
Perry County—Notice	3668
Somerset County—Notice	1653, 3668

Hunting and trapping:

Big game:

Bear:

—Proposed Rulemaking	1682
—Rule	3325

Deer:

—Proposed Rulemaking	1682
—Rule	3325

Elk:

—Proposed Rulemaking	1682
—Rule	3325

Hunting hours:

—Proposed Rulemaking	1683
—Rule	3089

Small game:

Mourning doves:

—Proposed Rulemaking	2818
—Rule	5727

GAME COMMISSION—Continued

Hunting and trapping—*Continued*

Small game—*Continued*

Wild pheasant recovery areas:

Central Susquehanna Wild Pheasant Recovery Area; wild pheasant youth hunt executive order—Notice	3496
—Proposed Rulemaking	1686
—Rule	3090

Special regulations areas:

—Proposed Rulemaking	1685
—Rule	3089

Lands and buildings:

Shooting ranges:

—Proposed Rulemaking	1688
—Rule	3082

State game lands:

Disabled person access permit; mobility devices—Rule	1677
--	------

Seasons and bag limits:

2018-2019 hunting/trapping license year:

—Proposed Rulemaking	1689
—Rule	3082

Special permits:

Deer control; deer attractant permit:

—Proposed Rulemaking	1685, 5607
—Rule	3089

Disabled person access permit; mobility devices—

Rule	1677
----------------	------

Falconry—Rule	1680
-------------------------	------

Guiding permit—Proposed Rulemaking	5742
--	------

Pheasant permit:

—Proposed Rulemaking	1695
—Rule	3091

Wildlife:

Wildlife classification

—Proposed Rulemaking	5608
--------------------------------	------

GAMING CONTROL BOARD

PENNSYLVANIA GAMING CONTROL BOARD, this index.

GAS AND GAS WELLS

CONSERVATION AND NATURAL RESOURCES, this index.

DELAWARE RIVER BASIN COMMISSION, this index.

ENVIRONMENTAL PROTECTION, this index.

ENVIRONMENTAL QUALITY BOARD, this index.

PUBLIC UTILITIES, this index.

GASOLINE

See FUEL, this index.

	<i>Page</i>		<i>Page</i>
GREENE COUNTY—Continued		HEALTH AND SAFETY—Continued	
Oil and gas lease for publicly-owned streambeds by the Department of Conservation and Natural Resources—Notice	1722, 2390, 2954	Ambulatory surgical facilities:	
Water; proposed total maximum daily load; request for comments—Notice	948	Decisions on requests for exceptions from health care facility regulations—Notice	2205, 4700
GUNS		Guidelines for Design and Construction of Outpatient Facilities; adoption of 2018 edition—Notice	2347
See FIREARMS, this index.		Requests for exceptions from health care facility regulations—Notice	94, 576, 686, 1038, 1235, 1345, 1625, 2012, 2463, 2895, 3011, 3169, 3647, 3899, 4018, 4586, 5091, 5417, 6339
HIV		Catalog of nonregulatory documents—Notice	5943
HEALTH AND SAFETY, this index.		Controlled substances:	
HARNESS RACING		Fentanyl-related substances; temporary scheduling as a Schedule I controlled substance—Notice	1237, 1628
PENNSYLVANIA GAMING CONTROL BOARD, this index.		Laboratories approved to determine:	
STATE HORSE RACING COMMISSION, this index.		Analyses of blood or serum, or both—Notice	3019
HAZARDOUS SITES		Urine content—Notice	3029
ENVIRONMENTAL PROTECTION, this index.		Opioid crisis; proclamation of disaster emergency—Governor	458, 4090
HAZARDOUS WASTE		DRUG AND ALCOHOL PROGRAMS, this index.	
ENVIRONMENTAL PROTECTION, this index.		Drugs; approval for use in practice of optometry—Notice	2348
HEALTH CARE		Emergency medical services; approved and required medications lists for agencies and providers—Notice	2012
See generally HEALTH AND SAFETY, this index.		Health Advisory Board meeting—Notice	4354, 5805
HEALTH CARE COST CONTAINMENT COUNCIL, this index.		HEALTH CARE COST CONTAINMENT COUNCIL, this index.	
HEALTH CARE COST CONTAINMENT COUNCIL		Health Policy Board meeting—Notice	4354
Meeting—Notice	108, 1405, 2731, 4021, 5576	Health Research Advisory Committee meeting—Notice	1345, 1625
Special reports and requests for data—Notice	1789	Hospitals:	
HEALTH AND SAFETY*		Decisions on requests for exceptions from health care facility regulations—Notice	2205, 4700
See HEALTH CARE, this index.		Guidelines for Design and Construction of Hospitals; adoption of 2018 edition—Notice	2347
Abortion facilities; decisions on requests for exceptions from health care facility regulations—Notice	2205	Requests for exceptions from health care facility regulations—Notice	95, 577, 687, 1039, 1345, 1625, 2018, 2464, 2896, 3019, 3170, 3648, 4018, 4588, 6339
Abortion facilities; requests for exceptions from health care facility regulations—Notice	6339	Human Immunodeficiency Virus Community Prevention Planning Committee meeting—Notice	1235, 2348, 3815
Acute care facilities; draft recommendations to ensure accurate patient weights—Notice	4191	Infant Hearing Screening Advisory Committee meeting—Notice	3900
Alcohol:		Lead; laboratories approved to perform blood lead and/or erythrocyte protoporphyrin determinations—Notice	3046
Breath testing; approved prearrest and evidential devices—Notice	3011	Long-term care nursing facilities:	
Laboratories approved to determine blood alcohol content—Notice	3021	Decisions on requests for exceptions from health care facility regulations—Notice	4700
		Requests for exceptions from health care facility regulations—Notice	96, 357, 687, 824, 1041, 1235, 1235, 1346, 1346, 1781, 1903, 2019, 2239, 2349, 2465, 2898, 3170, 3649, 3900, 4019, 4176, 4355, 4708, 5093, 5423, 5565, 5925, 6340

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>
HEALTH AND SAFETY—Continued	
Medical marijuana:	
Academic clinical research centers and clinical registrants:	
Applications; time period to submit—Notice . . .	1781
Certified academic clinical research centers—Notice	3051
Temporary regulations:	
Adopted—Rule	1508
Rescission—Rule	4493
Dispensaries; temporary regulations—Rule	2793
Fees for second and subsequent replacement identification cards—Notice	688
General provisions; temporary regulations—Rule	2767
Growers/ processors; temporary regulations—Rule	2767
Laboratories; temporary regulations—Rule	2801
Medical Marijuana Advisory Board:	
2018 and 2019 meeting schedule—Notice	3649
Academic clinical research center and clinical registrant applications; availability of—Notice	5423
Meeting—Notice	824, 1627, 2349
Meeting change—Notice	4915
Report and the Secretary of Health’s decision to effectuate the recommendations—Notice	2898
Patients and caregivers; temporary regulations—Rule	2810
Permits; number and locations to be issued in Phase II—Notice	1782
Physicians and practitioners; temporary regulations—Rule	2806
Practice and procedure; temporary regulations—Rule	2814
Qualifications for financial hardship—Notice	688
Temporary regulations; clinical registrants and academic clinical research centers—Rule	5027
Newborn Hearing Screening Program; change in reporting requirements—Notice	1627, 2900
Newborn Screening and Follow-Up Technical Advisory Board meeting—Notice	2239, 5424
Nursing Home Patient Safety Trust Fund:	
Surcharge assessment procedure—Notice	1236
Surcharge for fiscal year 2017-2018 as provided for under the Medical Care Availability and Reduction of Error (MCARE) Act—Notice	1237
Organ Donation Advisory Committee meeting—Notice	96, 1627, 3377, 5925
Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board meeting—Notice	358
Public Health Council meeting—Notice	4355, 4916
Rare Disease Advisory Council meeting—Notice	825, 1628, 2901, 3377, 5926
Regulatory agenda—Notice	1384, 4739
Renal Disease Advisory Committee meeting—Notice	358, 1783, 3815, 6341
Reorganization—Statement of Policy	4506

HEALTH AND SAFETY—Continued	
Sexual assault; Victim emergency services; hospitals that may not provide emergency contraception and hospitals that may not provide any sexual assault emergency services—Notice	951
Special Pharmaceutical Benefits Program Advisory Council meeting—Notice	2019, 4177, 5926
Traumatic Brain Injury Advisory Board meeting—Notice	96, 2239, 4177
Women, Infants and Children (WIC) Program; Special Supplemental Nutrition Program:	
Maximum allowable prices and competitive prices—Notice	2020, 3815, 6341
Meeting—Notice	2349

HIGHER EDUCATION
See COLLEGES, this index.

HIGHWAYS
TRANSPORTATION, this index.

HOLDING COMPANIES
BANKING AND SECURITIES, this index.

HORSE RACING
PENNSYLVANIA GAMING CONTROL BOARD, this index.
STATE HORSE RACING COMMISSION, this index.

HOSPITALS
See generally:
 HEALTH CARE COST CONTAINMENT COUNCIL, this index.
 HEALTH AND SAFETY, this index.
 HUMAN SERVICES, this index.

HOUSE OF REPRESENTATIVES
GENERAL ASSEMBLY, this index.

HOUSING
See generally:
 COMMUNITY AND ECONOMIC DEVELOPMENT, this index.
 HOUSING FINANCE AGENCY, this index.
Homeowners policies, see INSURANCE, this index.

HOUSING FINANCE AGENCY
See TAXES, this index.
Low Income Housing Tax Credit Allocation Plan:
 2019; proposed; public hearing—Notice 1658
 2019-2020; public comment—Notice 3833
Regulatory agenda—Notice 1390

Page

HUMAN IMMUNODEFICIENCY VIRUS
HEALTH AND SAFETY, this index.

HUMAN SERVICES*

Assisted living residences per bed fee adjustment—
Notice..... 3493

Catalog of nonregulatory documents—Notice..... 5943

Child care; income limits and co-payments for the
Subsidized Child Care Program—Notice..... 3172

Community Intellectual Disability Base-Funded
Program:
Fee schedule rates—Notice 3827
Fee schedule rates and Department-established
fees—Notice 688

Durable medical equipment designated excep-
tional—Notice 4019

Federal Poverty Income Guidelines for 2018—
Notice..... 2240

Low-Income Home Energy Assistance Program:
AUDITOR GENERAL, this index.
State Plan and public hearings—Notice 3171

Medical Assistance:
Fee schedule:
Clinical laboratory improvement amendments
excluded laboratory services update—Notice . 1239
Healthcare Common Procedure Coding System;
2018 updates—Notice 3901
Vaccine administration—Notice 1346

Hospitals:
Direct payments—Notice 951
Disproportionate share payments—Notice 951,
1041, 1783, 1784, 1785, 1786, 1787, 1903
(correction), 2350, 2723, 2724, 3171, 3378, 3492,
3493, 3650, 3823, 4355, 4356, 4357, 4589, 5094,
5806, 5926, 5928
Supplemental payments—Notice 951, 1787

Intensive behavioral health services—Proposed
Rulemaking 4762

Nursing facility payments:
County nursing facilities—Notice 97,
952, 1904, 3052, 3824, 3825, 3826, 4357
Disproportionate share incentive payments
posted for cost reports—Notice..... 5565
Medical Assistance Pay one incentive pay-
ments—Notice..... 5927
Nonpublic nursing facilities—Notice..... 358,
952, 953, 1904, 1905, 2724, 3825, 3826, 4357
Special rehabilitation facilities—Notice..... 954
Supplemental ventilator care and tracheostomy
care payment—Notice 5564

Nursing Facility Assessment Program for fiscal year
2018-2019—Notice 3378

Opioid crisis; proclamation of disaster emergency—
Governor..... 458, 4090

Regulatory agenda—Notice 1385, 4740

HUMAN SERVICES—Continued

Reorganization—Statement of Policy 299, 1710, 4506

Targeted services management; fee schedule rates
and Department-established fees—Notice..... 688

Temporary assistance for needy families state plan,
availability—Notice 5656

Waivers:
Community living:
Amendments—Notice 3823
Fee schedule rates—Notice 3827, 4358
Methodology—Notice..... 4358

Consolidated:
Amendments—Notice 3823
Fee schedule rates—Notice 3827
Fee schedule rates and Department-established
fees—Notice 688
Rate-setting methodology; services for individu-
als participating in the Office of Developmen-
tal Programs Service System—Notice 701

Person/family directed support:
Amendments—Notice 3823
Fee schedule rates—Notice 3827
Fee schedule rates and Department-established
fees—Notice 688
Rate-setting methodology; services for individu-
als participating in the Office of Developmen-
tal Programs Service System—Notice 701

HUNTING
See generally GAME COMMISSION, this index.
Alcohol and controlled substance content, see
HEALTH AND SAFETY, this index.

HUNTINGDON COUNTY
Chronic wasting disease; designation of disease
management areas and endemic states and Cana-
dian provinces—Notice 1653, 3668
Department of Transportation finding—Notice 3494

IRRC
INDEPENDENT REGULATORY REVIEW COM-
MISSION, this index.

iGAMING
See generally PENNSYLVANIA GAMING CON-
TROL BOARD, this index.
Lottery, see REVENUE, this index.

IMMUNIZATIONS
HUMAN SERVICES, this index.

**INDEPENDENT REGULATORY REVIEW
COMMISSION**
Action taken:
Department of Agriculture—Notice..... 2029, 6359

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>
INDEPENDENT REGULATORY REVIEW COMMISSION—Continued	
Action taken— <i>Continued</i>	
Department of Community and Economic Development—Notice	4752
Department of General Services—Notice	1482
Department of Labor and Industry—Notice	6359
Department of Transportation—Notice	4189, 6359
Environmental Quality Board— Notice	1482, 2731, 4189, 5576
Insurance Department—Notice	4752
Liquor Control Board—Notice	4189
Pennsylvania State Police—Notice	4189
State Board of Occupational Therapy Education and Licensure—Notice	1482, 2029
State Board of Physical Therapy—Notice	2731
Comments issued:	
Department of Conservation and Natural Resources—Notice	2030
Department of Revenue—Notice	373
Department of Transportation—Notice	3181
Environmental Quality Board—Notice	2030, 2263, 2732, 5931
Insurance Department—Notice	2030, 6359
Pennsylvania Public Utility Commission— Notice	955, 4021, 5087
State Board of Certified Real Estate Appraisers— Notice	5807
State Board of Chiropractic—Notice	2732
State Board of Dentistry—Notice	2732
State Board of Massage Therapy—Notice	5577
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors—Notice	2351
Filing of final rulemakings:	
Conservation of Pennsylvania Native Wild Plants—Notice	5933
Department of Agriculture—Notice	1405, 4940
Department of Community and Economic Development—Notice	3673
Department of Conservation and Natural Resources—Notice	5933
Department of General Services—Notice	837
Department of Human Services—Notice	5677
Department of Labor and Industry—Notice	5425
Department of Revenue—Notice	6360
Department of Transportation—Notice	3497, 4940
Environmental Quality Board—Notice	837, 2032, 3184, 4590, 6360
Liquor Control Board—Notice	3053
Pennsylvania State Police—Notice	3184
State Board of Occupational Therapy Education and Licensure—Notice	837, 1405
State Board of Physical Therapy—Notice	1796
General revisions—Rule	2126

INDEPENDENT REGULATORY REVIEW COMMISSION—Continued	
Joint Committee on Documents:	
Action taken on Independent Regulatory Review Commission final rulemaking—Notice	1658
Department of Transportation publication 282— review of classification of section 2.2; extension of time—Notice	2737
Filing of final rulemaking by the Independent Regulatory Review Commission—Notice	959

INDIANA COUNTY

Abandoned mine reclamation project; bid opportunity—Notice	1621
Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice	3668
Courts:	
Booking center fee—Court	976
Sale of land no longer needed for transportation purposes by the Department of Transportation— Notice	3181
Water; proposed total maximum daily load; request for comments—Notice	948, 3168

INDUSTRIAL MINERALS

ENVIRONMENTAL PROTECTION, this index.

INDUSTRIALIZED HOUSING

COMMUNITY AND ECONOMIC DEVELOPMENT, this index.

INFRASTRUCTURE INVESTMENT AUTHORITY

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY, this index.

INSPECTION STATIONS

TRANSPORTATION, this index.

INSPECTOR GENERAL

OFFICE OF INSPECTOR GENERAL, this index.

INSTANT LOTTERY GAMES

Lottery, see REVENUE, this index.

INSURANCE*

Agency contract termination—Notice . . .	2032, 5426, 5578
Alleged violations of insurance laws—Notice	3673
Applications—Notice	109, 374, 375, 578, 838, 958, 1075, 1241, 1658, 1797, 2033, 2352, 2479, 2918, 3185, 3387, 3919, 4367, 4368, 5809
Autism spectrum disorders coverage; maximum benefit adjustment; notice 2018-04—Notice	2352

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>		<i>Page</i>
INSURANCE—Continued		INSURANCE—Continued	
Automobile insurance:		Storage tanks:	
2017 private passenger automobile data call	4369	See also:	
Cancellation or refusal of insurance hearings—		ENVIRONMENTAL PROTECTION, this index.	
Notice	703, 1242, 1405, 2736, 3387, 3498, 3834, 4024, 4370, 5426	ENVIRONMENTAL QUALITY BOARD, this index.	
Catalog of nonregulatory documents—Notice	5943	Storage Tank and Spill Prevention Act appeal—	
Consumer financial information; privacy—Proposed		Notice	3386, 5933
Rulemaking	4258	Surplus lines:	
Grandfathered filing—Notice	5809	Eligible surplus lines insurer list—Notice	375
Homeowners policy; Unfair Insurance Practices Act		Export list of insurance coverages:	
hearings—Notice	959, 1243, 2919, 3673, 3835, 4370, 5426, 5579	Eligible for export—Notice	3497
Independent Regulatory Review Commission:		Request for comments—Notice	2918
Action taken—Notice	4752	Surplus lines agents and interested parties; ex- port list of insurance coverages—Notice	1405
Comments issued—Notice	2030, 6359	Transitional filing—Notice	5809
License denial appeals—Notice	1485, 2352, 2479, 5095, 5677, 5809	Waiver denial appeal—Notice	2353
License revocation appeal—Notice	4368	Workers' compensation:	
Long-term care benefit trigger determinations; certi- fication as an independent review organization;		See also LABOR AND INDUSTRY, this index.	
notice 2018-05—Notice	3834	Notice to insurance carriers; Special Schedule "W" data call—Notice	958
Medicare supplement insurance minimum stan- dards—Proposed Rulemaking	517	Workers' Compensation Security Fund assess- ment; notice 2018-03—Notice	2033
Medicare supplement insurance minimum stan- dards—Rule	5601	INTELLECTUAL DISABILITIES	
Motor carriers of passengers, see PUBLIC UTILI- TIES, this index.		HUMAN SERVICES, this index.	
Pennsylvania Assigned Risk Plan appeal—Notice	1074	INTERACTIVE GAMING	
Pennsylvania Compensation Rating Bureau; rule filing for rate and rule manual revisions:		Lottery, see REVENUE, this index.	
Coal mining—Notice	5096	PENNSYLVANIA GAMING CONTROL BOARD, this index.	
Fence erection contractors and kitchenware— Notice	5097	INVASIVE SPECIES	
Per diem charges:		Executive orders, see GOVERNOR'S OFFICE, this index.	
Financial examinations conducted by the Insur- ance Department; notice 2018-06—Notice	3919	JEFFERSON COUNTY	
Market conduct examinations of insurance compa- nies; notice 2018-07—Notice	3919	Abandoned mine reclamation project; bid opportu- nity—Notice	684
Property and casualty insurance companies; notice concerning proper notice of cancellation:		Abandoned oil and gas wells; cleaning and plugging; bid opportunity—Notice	1234
Notice 2018-01—Notice	578	Chronic wasting disease; designation of disease management areas and endemic states and Cana- dian provinces—Notice	1653, 3668
Rescission of notice 2018-01; notice 2018-02— Notice	838	Municipal waste; plan revision approval—Notice	2891
Rate filing—Notice	109, 110, 578, 702, 703, 838, 958, 1074, 1242, 2264, 2265, 3053, 3185, 3833, 4022, 4023, 4369, 4369, 4370, 4590, 4941, 5096, 5426, 5578, 5579, 5581, 5677, 5678, 5679, 5933	JOINT COMMITTEE ON DOCUMENTS	
Rate filing appeal—Notice	1484	Department of Transportation publication 282— review of classification of section 2.2; extension of time—Notice	2737
Regulatory agenda—Notice	1387, 4741	Independent Regulatory Review Commission final rulemaking:	
Reinsurers; qualified jurisdictions for certified rein- surers—Notice	1797	Action taken—Notice	1658
Short-term limited duration insurance—guidance for compliance filings—Notice	5580	Filing—Notice	959

	<i>Page</i>
JUDGES	
See COURTS, this index.	
JUDICIAL ADMINISTRATION, RULES OF*	
Assignment of judges; adopted—Court	595, 3847
Guardianship tracking system; adopted—Court	5714
Miscellaneous administrative provisions; adopted— Court	3847
Uniform rules governing court reporting and tran- scripts; adopted—Court	3403
JUDICIAL CONDUCT*	
Conduct standards:	
Code of Judicial Conduct; adopted—Court	2757
Standards of conduct of magisterial district judges; adopted—Court	2757
JUDICIAL OFFICERS	
See COURTS, this index.	
JUDICIAL SYSTEM GENERAL PROVISIONS*	
See also ADMINISTRATIVE OFFICE OF PENN- SYLVANIA COURTS, this index.	
Administrative Office of Pennsylvania Courts:	
Court interpreters for persons with limited Eng- lish proficiency and for persons who are deaf or hard of hearing; adopted—Court	1092
Court records policies; adopted—Court	2113, 2582, 2602, 3077 (correction), 3847
Transmitting remittances; adopted—Court	5714
Admission to practice law:	
Pennsylvania Bar Admission Rules; proposed— Court	5715
Criminal sentencing:	
Sentence risk assessment instrument; proposed— General Assembly	2367
Sentencing guidelines; adopted—General Assem- bly	716
General administration:	
Miscellaneous provisions; adopted—Court	222, 5346
Professional ethics and conduct:	
Disciplinary Board of the Supreme Court of Penn- sylvania:	
Formal proceedings; adopted—Court	727
Miscellaneous matters; adopted—Court	727
Disciplinary enforcement:	
Pennsylvania Rules of Disciplinary Enforce- ment:	
Adopted—Court	3076, 4094, 4956
Proposed—Court	1270, 5717, 5830

*Denotes title designation of the *Pennsylvania Code*.

JUDICIAL SYSTEM GENERAL PROVISIONS—Continued	
Professional ethics and conduct— <i>Continued</i>	
Professional responsibility:	
Continuing legal education; adopted—Court	3076
Rules of Professional Conduct:	
Adopted—Court	2582, 2756, 4812
Proposed—Court	2936
JUNIATA COUNTY	
Chronic wasting disease; designation of disease management areas and endemic states and Cana- dian provinces—Notice	3668
Sale of land no longer needed for transportation purposes by the Department of Transportation— Notice	1913
Water; proposed total maximum daily load; request for comments—Notice	2010, 3166
JUVENILE RULES*	
Delinquency matters:	
Adjudicatory hearing; adopted—Court	2615, 3407
General provisions:	
Adopted—Court	2939
Proposed—Court	4217
Post-dispositional procedures; adopted—Court	3407
Dependency matters:	
Dispositional hearing; proposed—Court	4218
General provisions:	
Adopted—Court	2615
Proposed—Court	1098
Post-dispositional procedures; adopted—Court	3321
KENNELS	
Dogs, see AGRICULTURE, this index.	
KENO	
Lottery, see REVENUE, this index.	
LIHEAP	
AUDITOR GENERAL, this index.	
HUMAN SERVICES, this index.	
LPNs	
STATE BOARD OF NURSING, this index.	
LABOR AND INDUSTRY*	
Catalog of nonregulatory documents—Notice	5943
Independent Regulatory Review Commission:	
Actions taken—Notice	6359
Filing of final rulemaking—Notice	5425

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>	<i>Page</i>
LABOR AND INDUSTRY—Continued		
Minimum wage:		
See also:		
GOVERNOR'S OFFICE, this index.		
LABOR AND INDUSTRY, this index.		
Extension of public comment period—Proposed		
Rulemaking	4258	
—Proposed Rulemaking	3731	
Prevailing Wage Act; debarments—		
Notice	2027, 3650, 5095	
Prevailing Wage Appeals Board meeting—Notice . . .	3905	
Regulatory agenda—Notice	1388, 4742	
Unemployment compensation; work registration re-		
quirement—Notice	5424	
Uniform Construction Code Review and Advisory		
Council meeting—Notice	2350, 4177	
Workers' compensation:		
See also INSURANCE, this index.		
Range of fees and average fee charged by utiliza-		
tion review organizations and peer review orga-		
nizations for services performed under the		
Workers' Compensation Act—Notice	1788	
LABORATORIES		
Alcohol and controlled substance content, see		
HEALTH AND SAFETY, this index.		
Medical Assistance, see HUMAN SERVICES, this		
index.		
LACKAWANNA COUNTY		
Air quality permit; public hearing—Notice	57	
Courts:		
Judicial administration rules—Court	10	
Municipal solid waste; request for proposals—		
Notice	2720	
LAKE ERIE		
ERIE COUNTY, this index.		
LANCASTER COUNTY		
Access route approval by the Department of Trans-		
portation—Notice	2257	
Chronic wasting disease; designation of disease		
management areas and endemic states and Cana-		
dian provinces—Notice	1653, 3668	
Courts:		
Civil rules—Court	3851	
Criminal Rules—Court	5350	
Judicial administration rules—Court	3852	
Department of Transportation finding—Notice	2257	
Hazardous sites cleanup project; bid opportunity—		
Notice	93	
Right-of-way; applications for lease made to the		
Department of Transportation—Notice	5806	
LANCASTER COUNTY—Continued		
Spotted lanternfly; quarantine and treatment		
order—Notice	3094	
LAND RECYCLING		
ENVIRONMENTAL PROTECTION, this index.		
ENVIRONMENTAL QUALITY BOARD, this index.		
LAND SURVEYORS		
STATE REGISTRATION BOARD FOR PROFES-		
SIONAL ENGINEERS, LAND SURVEYORS AND		
GEOLOGISTS, this index.		
LANDSCAPE ARCHITECTS		
STATE BOARD OF LANDSCAPE ARCHITECTS,		
this index.		
LANTERNFLY		
AGRICULTURE, this index.		
LAW*		
BOARD OF PROBATION AND PAROLE, this		
index.		
COMMISSION ON CRIME AND DELINQUENCY,		
this index.		
CORRECTIONS, this index.		
MUNICIPAL POLICE OFFICERS' EDUCATION		
AND TRAINING COMMISSION, this index.		
STATE POLICE, this index.		
LAWRENCE COUNTY		
Courts:		
Civil rules—Court	2383	
Hazardous sites cleanup; proposed interim response;		
action—Notice	1217	
LAWYERS		
DISCIPLINARY BOARD OF THE SUPREME		
COURT, this index.		
LEAD		
HEALTH AND SAFETY, this index.		
LEBANON COUNTY		
Chronic wasting disease; designation of disease		
management areas and endemic states and Cana-		
dian provinces—Notice	1653, 3668	
Department of Transportation finding—Notice	2257	
Spotted lanternfly; quarantine and treatment or-		
der—Notice	3094	
LEGISLATION		
BUREAU OF COMMISSIONS, ELECTIONS AND		
LEGISLATION, this index.		

*Denotes title designation of the *Pennsylvania Code*.

LEGISLATION—Continued

Recent actions, see GENERAL ASSEMBLY, this index.

LEGISLATIVE REFERENCE BUREAU

Documents filed but not published:

- Executive Board; resolutions—
Notice 1659, 2353, 3053, 3674, 5810
- Governor’s Office:
 - Administrative circulars—
Notice 579, 1659, 2353, 3674, 4371, 5097
 - Management directives—
Notice 579, 1659, 2353, 3053, 3674, 5097, 5810
 - Manuals—Notice 1075, 2353, 3053, 5097, 5810

LEGISLATURE

GENERAL ASSEMBLY, this index.

LEHIGH COUNTY

- Access route approval by the Department of Transportation—Notice 5425
- Courts:
 - Civil rules—Court 863
 - Criminal rules—Court 4968
- Department of Transportation finding—
Notice 2257, 3494
- Municipal waste; planning grant award—Notice 576
- Spotted lanternfly; quarantine and treatment order—Notice 3094

LICENSED PRACTICAL NURSES

STATE BOARD OF NURSING, this index.

LIQUOR CONTROL BOARD*

- Independent Regulatory Review Commission:
 - Action taken—Notice 4189
 - Filing of final rulemakings—Notice 3053
- Reorganization—Statement of Policy 522, 5504
- Return of liquor—Rule 4616

LITERACY

EDUCATION, this index.

LOCAL COURT RULES

- ADAMS COUNTY, this index.
- ARMSTRONG COUNTY, this index.
- BEDFORD COUNTY, this index.
- BERKS COUNTY, this index.
- BLAIR COUNTY, this index.
- BRADFORD COUNTY, this index.
- BUCKS COUNTY, this index.
- BUTLER COUNTY, this index.

LOCAL COURT RULES—Continued

- CHESTER COUNTY, this index.
- CRAWFORD COUNTY, this index.
- CUMBERLAND COUNTY, this index.
- DAUPHIN COUNTY, this index.
- DELAWARE COUNTY, this index.
- GREENE COUNTY, this index.
- INDIANA COUNTY, this index.
- LACKAWANNA COUNTY, this index.
- LANCASTER COUNTY, this index.
- LAWRENCE COUNTY, this index.
- LEHIGH COUNTY, this index.
- LUZERNE COUNTY, this index.
- MIFFLIN COUNTY, this index.
- MONROE COUNTY, this index.
- MONTGOMERY COUNTY, this index.
- PHILADELPHIA RULES, this index.
- POTTER COUNTY, this index.
- SCHUYLKILL COUNTY, this index.
- SNYDER COUNTY, this index.
- SUSQUEHANNA COUNTY, this index.
- WASHINGTON COUNTY, this index.

LONG-TERM CARE

- See generally HUMAN SERVICES, this index.
- HEALTH AND SAFETY, this index.
- STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS, this index.

LOTTERY GAMES

REVENUE, this index.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

- AUDITOR GENERAL, this index.
- HUMAN SERVICES, this index.

LUZERNE COUNTY

- Abandoned mine reclamation project; bid opportunity—Notice 1477
- Courts:
 - Civil rules—Court 976
 - Judicial procedure rules—Court 249
 - Juvenile restitution fund—Court 2385

LYCOMING COUNTY

- Department of Transportation finding—
Notice 2257, 3494
- Hazardous sites cleanup; prompt interim response and public hearing; action—Notice 1219
- Oil and gas lease for publicly-owned streambeds by the Department of Conservation and Natural Resource—Notice 3100

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>	<i>Page</i>
MAGISTERIAL DISTRICTS AND MAGISTERIAL DISTRICT JUDGES See COURTS, this index.		
MALT BEVERAGES AGRICULTURE, this index. LIQUOR CONTROL BOARD, this index.		
MANAGEMENT DIRECTIVES GOVERNOR'S OFFICE, this index.		
MANGANESE Water quality standards, see ENVIRONMENTAL PROTECTION, this index.		
MANUALS GOVERNOR'S OFFICE, this index.		
MANUFACTURED HOUSING COMMUNITY AND ECONOMIC DEVELOPMENT, this index.		
MARCELLUS SHALE See GAS AND GAS WELLS, this index.		
MARIJUANA HEALTH AND SAFETY, this index.		
MARRIAGE Actions of divorce or for annulment of marriage, see CIVIL PROCEDURE, RULES OF, this index. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS, this index.		
MASSAGE THERAPISTS STATE BOARD OF MASSAGE THERAPY, this index.		
McKEAN COUNTY Abandoned oil and gas wells; cleaning and plugging; bid opportunity—Notice 3009 Real estate for sale by the Department of General Services—Notice 1038		
MEDALLIONS See MOTOR CARRIERS, this index.		
MEDICAL ASSISTANCE HUMAN SERVICES, this index.		
MEDICAL MARIJUANA HEALTH AND SAFETY, this index.		
MEDICAL WASTE Regulated medical and chemotherapeutic waste, see ENVIRONMENTAL PROTECTION, this index.		
MEDICARE INSURANCE, this index.		
MEDICATIONS See DRUGS, this index.		
MEGAN'S LAW STATE POLICE, this index.		
MERCER COUNTY Department of Transportation finding—Notice 3494 Hazardous waste education grant awards—Notice 5416 Municipal waste; planning grant award—Notice 576		
MIFFLIN COUNTY Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice 3668 Courts: Judicial administration rules— Court 3582, 3852, 5719 Department of Transportation finding—Notice 2257		
MIGRATORY GAME BIRDS See generally GAME COMMISSION, this index.		
MILITARY AND VETERANS AFFAIRS* Catalog of nonregulatory documents—Notice 5943 Pennsylvania State Veterans' Homes; per diem rates—Notice 2241 Regulatory agenda—Notice 1389, 4743		
MILK MARKETING BOARD Cooperative milk procurement costs; hearing and presubmission schedule; all milk marketing areas—Notice 4371 Dairy market issues; hearing—Notice 2480, 2737, 5679 Meeting: Sunshine meeting calendar for fiscal year 2018-2019—Notice 3185 Milk sanitation, see AGRICULTURE, this index. Over-order premium; hearing and presubmission schedule; all milk marketing areas—Notice 4371 Transactions between dealers and producers; public hearing—Notice 3053 Uniform system of accounts—Rule 1416		

*Denotes title designation of the *Pennsylvania Code*.

MINIMUM WAGE

ADMINISTRATION, this index.
 Executive orders, see GOVERNOR'S OFFICE, this index.
 LABOR AND INDUSTRY, this index.

MINING

BOARD OF COAL MINE SAFETY, this index.
 ENVIRONMENTAL PROTECTION, this index.
 ENVIRONMENTAL QUALITY BOARD, this index.

MINOR COURT CIVIL RULES*

Actions for emergency protective relief; adopted—
 Court 3581
 Actions for the recovery of possession of real prop-
 erty; adopted—Court..... 3581
 Civil action; adopted—Court..... 2617, 3581
 Minors and incapacitated persons as parties; ad-
 opted—Court 3581
 Rules of construction; general provisions; adopted—
 Court 511, 3581

MINORS

See CHILDREN, this index.

MONROE COUNTY

Courts:
 Civil rules—Court 4256
 Rules of criminal procedure—Court 5721
 Real estate for sale by the Department of General
 Services—Notice 3011
 Right-of-way; application for lease made to the
 Department of Transportation—Notice 1913
 Spotted lanternfly; quarantine and treatment or-
 der—Notice..... 3094

MONTGOMERY COUNTY

Courts:
 Civil rules—Court 4098
 Rules of criminal procedure—Court 5858
 Department of Transportation finding—
 Notice..... 2257, 3494
 Spotted lanternfly; quarantine and treatment or-
 der—Notice..... 3094

MONTOUR COUNTY

Central Susquehanna Wild Pheasant Recovery Area;
 wild pheasant youth hunt executive order—
 Notice..... 3496

MORTGAGES

BANKING AND SECURITIES, this index.

MOTOR CARRIERS

PHILADELPHIA PARKING AUTHORITY, this index.
 PUBLIC UTILITIES, this index.
 TRANSPORTATION, this index.

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Catalog of nonregulatory documents—Notice. 5943
 Regulatory agenda—Notice 1389, 4743

MUNICIPAL RECYCLING

ENVIRONMENTAL PROTECTION, this index.

MUNICIPAL RETIREMENT SYSTEM

Catalog of nonregulatory documents—Notice. 5943

MUNICIPAL SEPARATE STORM SEWER SYSTEMS

ENVIRONMENTAL PROTECTION, this index.

MUNICIPAL SOLID WASTE

ENVIRONMENTAL PROTECTION, this index.

MUNICIPAL WASTE

ENVIRONMENTAL PROTECTION, this index.

NPDES

ENVIRONMENTAL PROTECTION, this index.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM

NPDES, see ENVIRONMENTAL PROTECTION, this index.

NATURAL GAS

See GAS AND GAS WELLS, this index.

NITROGEN

Air quality, see:
 ENVIRONMENTAL PROTECTION, this index.
 ENVIRONMENTAL QUALITY BOARD, this index.

NONCOAL MINING

Mining, see:
 ENVIRONMENTAL PROTECTION, this index.
 ENVIRONMENTAL QUALITY BOARD, this index.

NONCOMMON CARRIERS

Fixed service utilities, see PUBLIC UTILITIES, this index.

*Denotes title designation of the *Pennsylvania Code*.

Page

NORTHAMPTON COUNTY
 Access route approval by the Department of Transportation—Notice 3493, 5425
 Municipal waste; request for proposals—Notice 4698
 Right-of-way; applications for lease made to the Department of Transportation—Notice 702
 Spotted lanternfly; quarantine and treatment order—Notice 3094

NORTHUMBERLAND COUNTY
 Central Susquehanna Wild Pheasant Recovery Area; wild pheasant youth hunt executive order—Notice 3496

NURSES
 STATE BOARD OF NURSING, this index.

NURSING FACILITIES AND HOMES
 See LONG-TERM CARE, this index.

NUTRIENT CREDITS
 ENVIRONMENTAL PROTECTION, this index.
 Water, see PUBLIC UTILITIES, this index.

OCCUPATIONAL THERAPISTS
 STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE, this index.

ODOR MANAGEMENT
 STATE CONSERVATION COMMISSION, this index.

OFFICE OF ADMINISTRATION
 ADMINISTRATION, this index.

OFFICE OF ATTORNEY GENERAL
 Unfair market trade practices; automotive industry trade practices:
 Advanced notice of proposed rulemaking; public hearing—Proposed Rulemaking 4834
 —Proposed Rulemaking 267
 Withdraw—Proposed Rulemaking 742

OFFICE OF THE BUDGET
 Commonwealth Financing Authority certification for fiscal year 2018-2019—Notice 4372
 Reorganization—Statement of Policy 2138, 4506
 State Treasury:
 Certification of Federal revenue received and deposited in the General Fund—Notice 4020
 Unrestricted State revenue to be received and deposited:
 General Fund—Notice 4020
 Motor License Fund—Notice 4021

OFFICE OF THE BUDGET—Continued
 Tobacco:
 Amounts of annual payments under the Master Settlement Agreement pledged under section 2804(a)(1) of the Tax Reform Code—Notice 1406
 Maximum amount of revenues collected under Article II pledged under section 2804(c)(1) of the Tax Reform Code—Notice 1406

OFFICE OF INSPECTOR GENERAL
 Reorganization—Statement of Policy 2819

OFFICE OF OPEN RECORDS
 Change of address—Notice 1243

OIL AND OIL WELLS
 CONSERVATION AND NATURAL RESOURCES, this index.
 ENVIRONMENTAL PROTECTION, this index.

OPIOIDS
 Controlled substances, see HEALTH AND SAFETY, this index.
 Drugs, see generally HEALTH AND SAFETY, this index.
 Proclamations, see GOVERNOR'S OFFICE, this index.
 Sentencing guidelines, see COMMISSION ON SENTENCING, this index.

OPTOMETRISTS
 STATE BOARD OF OPTOMETRY, this index.

ORGAN DONATION
 HEALTH AND SAFETY, this index.

ORPHANS' COURT
 CIVIL PROCEDURE, RULES OF, this index.

PEMA
 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY, this index.

PENNVEST
 PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY, this index.

PHEAA
 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, this index.

PANFISH
 FISH AND BOAT COMMISSION, this index.

PARI-MUTUEL WAGERING

PENNSYLVANIA GAMING CONTROL BOARD, this index.

PARKING METERS

AGRICULTURE, this index.

PAROLE

BOARD OF PROBATION AND PAROLE, this index.

PASSENGER CARRIERS

See COMMON CARRIERS, this index.

PATIENT SAFETY AUTHORITY

Acute care facilities; draft recommendations to ensure accurate patient weights—
Notice..... 4191 1407, 2265, 3498, 5681
Patient weights; final recommendation to ensure accurate—Notice..... 5679

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

BOARD OF PROBATION AND PAROLE, this index.

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

COMMISSION ON CRIME AND DELINQUENCY, this index.

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Opioid crisis; proclamation of disaster emergency—
Governor..... 458, 4090
Regulatory agenda—Notice..... 1390, 4744
Reorganization—Statement of Policy..... 2819

PENNSYLVANIA GAMING CONTROL BOARD

Cash flow management, see REVENUE, this index.
Casino simulcasting; temporary regulations—
Rule..... 29
Fantasy contests:
Accounting and internal controls; temporary regulations—Rule..... 2559
Advertising; temporary regulations—Rule..... 2559
Application process; temporary regulations—
Rule..... 2559
Application requirements; temporary regulations—Rule..... 2559
Compulsive and problem gaming; temporary regulations—Rule..... 2559
Generally; temporary regulations—Rule..... 2559
Licenses; temporary regulations—Rule..... 2559
Self-exclusion; temporary regulations—Rule..... 2559

PENNSYLVANIA GAMING CONTROL BOARD—Continued

Interactive gaming:
Accounting and internal controls; temporary regulations—Rule..... 2631
Advertisements, promotions and tournaments; temporary regulations—Rule..... 2550
Certificates; temporary regulations—Rule..... 21
Commencement of operations; temporary regulations—Rule..... 2631
Compulsive and problem gambling requirements; temporary regulations—Rule..... 2631
General provisions; temporary regulations—
Rule..... 21
Live studio; temporary regulations—Rule..... 2550
Manufacturers; temporary regulations—Rule.... 1513
Operators; temporary regulations—Rule..... 21
Platform requirements; temporary regulations—
Rule..... 2544
Player accounts; temporary regulations—Rule... 2631
Principals and key, gaming and nongaming employees; temporary regulations—Rule..... 1513
Qualified gaming entity; temporary regulations—
Rule..... 2631
Self-excluded persons; temporary regulations—
Rule..... 2631
Service providers; temporary regulations—Rule.. 1513
Suppliers; temporary regulations—Rule..... 1513
Testing and controls; temporary regulations—
Rule..... 2550
Sports wagering:
Gaming service providers; temporary regulations—Rule..... 4493
General provisions; temporary regulations—
Rule..... 3726, 4493, 5859 (correction)
Manufacturer—Rule..... 4493
Operators—Rule..... 4493
Order regarding Supreme Court of the United States opinion—Notice..... 3499
Principals and key, gaming and non-gaming employees—Rule..... 4493
Supplier—Rule..... 4493
STATE ETHICS COMMISSION, this index.
STATE HORSE RACING COMMISSION, this index.
Table game rules of play:
Down Under Blackjack—Proposed Rulemaking.. 5860
Video gaming at licensed truck stop establishments:
Accounting and internal controls; temporary regulations—Rule..... 1524
Applications generally; temporary regulations—
Rule..... 1524
Compulsive and problem gaming; temporary regulations—Rule..... 1524
Conduct; temporary regulations—Rule..... 1524

	<i>Page</i>		<i>Page</i>
PENNSYLVANIA GAMING CONTROL BOARD—Continued		PENNSYLVANIA PUBLIC UTILITY COMMISSION	
Video gaming at licensed truck stop establishments— <i>Continued</i>		PUBLIC UTILITIES, this index.	
Establishment licensees; temporary regulations—		PENNSYLVANIA STATE POLICE	
Rule	1524	STATE POLICE, this index.	
Exclusion of persons; temporary regulations—		PENNSYLVANIA TURNPIKE COMMISSION	
Rule	1524	TURNPIKE COMMISSION, this index.	
Gaming service providers; temporary regulations—Rule	1524	PERMITS	
Generally; temporary regulations—Rule	1524	See generally:	
Key employees; temporary regulations—Rule	1524	ENVIRONMENTAL PROTECTION, this index.	
License terms and renewals; temporary regulations—Rule	1524	FISH AND BOAT COMMISSION, this index.	
Manufacturers; temporary regulations—Rule	1524	GAME COMMISSION, this index.	
Occupation permits; temporary regulations—		PERRY COUNTY	
Rule	1524	Chronic wasting disease; designation of disease management areas and endemic states and Canadian provinces—Notice	3668
Placement agreements; temporary regulations—		Department of Transportation finding—Notice	2257
Rule	1524	Sale of land no longer needed for transportation purposes by the Department of Transportation—Notice	1913
Possession of terminals; temporary regulations—		Water; proposed total maximum daily load; request for comments—Notice	4173
Rule	1524, 1681 (correction)	PHARMACIES AND PHARMACISTS	
Principals; temporary regulations—Rule	1524	STATE BOARD OF PHARMACY, this index.	
Record retention; temporary regulations—Rule	1524	PHEASANTS	
Self-exclusion; temporary regulations—Rule	1524	See generally GAME COMMISSION, this index.	
Suppliers; temporary regulations—Rule	1524	PHILADELPHIA COUNTY	
Terminal operator licensees; temporary regulations—Rule	1524	CITY OF PHILADELPHIA, this index.	
Terminal, redemption terminal and associated equipment testing and certification; temporary regulations—Rule	1524	PHILADELPHIA PARKING AUTHORITY, this index.	
		PHILADELPHIA RULES, this index.	
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY		PHILADELPHIA PARKING AUTHORITY	
Regulatory agenda—Notice	1390	Motor carriers:	
		See also PUBLIC UTILITIES, this index.	
PENNSYLVANIA HOUSING FINANCE AGENCY		Common carrier applications—Notice	118, 706, 1261, 1916, 2269, 2486, 3065, 3392, 3696, 4194, 4600, 5113, 5589, 5817, 6370
HOUSING FINANCE AGENCY, this index.		Dispatcher application—Notice	5112
PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY		Taxicabs and limousines:	
Clean Water and Drinking Water State Revolving Fund Programs; Federal fiscal year 2018 intended use plans; public meeting—Notice	3920	Taxicab and Limousine Division:	
Drinking Water State Revolving Fund, see ENVIRONMENTAL PROTECTION, this index.		Formal complaints—Notice	5818
Environmental assessment:		Taxicab and Limousine Division; fee schedule for fiscal year 2019—Notice	4601
See also ENVIRONMENTAL PROTECTION, this index.			
Approval for funding consideration—			
Notice	1485, 3186, 5581		
Regulatory agenda—Notice	1391, 4744		
Regulatory agenda—Notice	1392		
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
Regulatory agenda—Notice	1392		

	<i>Page</i>
PHILADELPHIA RULES	
Court of Common Pleas:	
Civil forfeiture proceedings—Court.....	5847
Court-appointed counsel, investigative and expert witness payment orders and vouchers to be used for court-appointments—Court.....	4219
Criminal rules—Court	732, 5846
Diversified Community Services and Unity in the Community expungement clinic fee waivers—Court	4813
Indicting grand jury judges designation—Court ..	3323
Judicial administration rules—Court..	227, 3078, 5845
Taxicab medallion loan case management program—Court	10
Office of Judicial Records; water liens filed under the Municipal Claim and Tax Liens Act—Court..	731
Philadelphia Municipal Court:	
Civil rules—Court	3582
Traffic Division:	
Criminal rules—Court	3323
Local rules—Court.....	3322
Public access policy—Court.....	3080
Trial Division:	
Insurance companies:	
Deferred status orders—Court.....	2125, 2940
Liquidation orders—Court.....	1825

PHYSICAL THERAPIST ASSISTANTS
STATE BOARD OF PHYSICAL THERAPY, this index.

PHYSICAL THERAPISTS
STATE BOARD OF PHYSICAL THERAPY, this index.

PHYSICIANS
See DOCTORS, this index.

PIKE COUNTY	
Electric company default service plan; prehearing conference—Notice.....	3921
Department of Transportation finding—Notice	2257

PODIATRISTS
STATE BOARD OF PODIATRY, this index.

POLICE
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION, this index.
STATE POLICE, this index.

POLLUTION
Air quality, see ENVIRONMENTAL PROTECTION, this index.

POTTER COUNTY	
Courts:	
Judicial administration rules—Court.....	249
Orphan gas well cleaning and plugging; bid opportunity—Notice.....	4017
Water quality management permit; public meeting—Notice.....	93

PRIVATE ACADEMIC SCHOOLS
STATE BOARD OF PRIVATE ACADEMIC SCHOOLS, this index.

PRIVATE LICENSED SCHOOLS
STATE BOARD OF PRIVATE LICENSED SCHOOLS, this index.

PROBATION
BOARD OF PROBATION AND PAROLE, this index.

PROCLAMATIONS
GOVERNOR'S OFFICE, this index.

PROFESSIONAL COUNSELORS
STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS, this index.

PROFESSIONAL ENGINEERS
STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS, this index.

PROFESSIONAL NURSES
STATE BOARD OF NURSING, this index.

PROFESSIONAL STANDARDS AND PRACTICES COMMISSION	
Application for reinstatement of teaching certificate—Notice.....	1660, 1916, 4945
Regulatory agenda—Notice	1373, 4731

PROFESSIONAL AND VOCATIONAL STANDARDS*
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, this index.

PROPERTY INSURANCE
INSURANCE, this index.

PROPOSALS
See CONTRACTS, this index.

*Denotes title designation of the *Pennsylvania Code*.

PROTECTION FROM ABUSE

CIVIL PROCEDURE, RULES OF, this index.

PSYCHOLOGISTS

STATE BOARD OF PSYCHOLOGY, this index.

PUBLIC OFFICERS*

STATE ETHICS COMMISSION, this index.

PUBLIC-PRIVATE PARTNERSHIPS

Executive orders, see GOVERNOR'S OFFICE, this index.

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Actuarial tables—Notice 3929
Hearings—Notice 2354, 3065, 3697, 7374, 4946

PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM

Catalog of nonregulatory documents—Notice 5943

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD, this index.

Regulatory agenda—Notice 1392
Reorganization—Statement of Policy 2819, 5866

PUBLIC UTILITIES*

Certificate of public convenience; cancellation 5683

Electric and energy:

Applications—Notice 580, 845, 1802

Combined heat and power:

—Statement of Policy 3412

Working group meeting—Notice 2353

Default service plan; prehearing conference:

Pike County—Notice 3921

Default service program and procurement plan; petition of PPL Electric Utilities Corporation—

Notice 1245

Electric generation suppliers; license cancellations of companies with an expired financial security or insufficient financial security amount—
Notice 110, 839, 1244, 1915, 2737, 3387, 3921, 4591, 5097, 5690

Electric vehicle charging; resale/redistribution of utility service tariff provisions—Statement of Policy 3584

Electricity generation customer choice—Proposed Rulemaking 1696

Implementation of Act 40 of 2017—Notice 5098

Right-of-way; acquire by eminent domain—
Notice 5681

Solar photovoltaic systems:

Final implementation order—Notice 3054

Request for comments—Notice 111

PUBLIC UTILITIES—Continued

Electric and energy—Continued

Substation upgrade; prehearing conference:

Allegheny County—Notice 4372

Transfer by sale—Notice 5588

Transmission line project; prehearing conference:

Allegheny County—Notice 2268

Franklin County—Notice 585, 3679

York County—Notice 585, 3679

Universal service and energy conservation programs; staff report—Notice 2034

Fixed service utilities:

Fixed utility distribution rates—Statement of Policy 3739

Tariffs for noncommon carriers; use of fully projected future test year:

Advanced notice of proposed rulemaking—
Proposed Rulemaking 276

Stakeholder meeting and revised comment period—Proposed Rulemaking 1422

Fully projected future test year; advanced notice—
Proposed Rulemaking 5501

Gas:

Applications—Notice 1797, 3835, 4192

Natural gas applications—Notice 118

Wells:

See also:

ENVIRONMENTAL PROTECTION, this index.

ENVIRONMENTAL QUALITY BOARD, this index.

Unconventional gas well fees; producer fees for 2017—Notice 839

Independent Regulatory Review Commission:

Comments issued—Notice 955, 4021, 5807

Recovery of purchased gas costs; 2019 schedule of filing dates—Notice 5427

Motor carriers:

See also PHILADELPHIA PARKING AUTHORITY, this index.

Applications—Notice 115, 384, 580, 704, 840, 959, 1253, 1487, 1798, 2054, 2265, 2354, 2480, 2738, 2919, 3064, 3188, 3388, 3499, 3674, 3836, 3927, 4024, 4193, 4374, 4592, 4753, 4941, 5105, 5427, 5584, 5694, 5810, 5934, 6362

Evidentiary criteria used to decide motor common carrier applications—Statement of Policy 882

Formal complaints—Notice 116, 580, 704, 841, 960, 1254, 1799, 2055, 2265, 2481, 2739, 2920, 3188, 3211, 3389, 3500, 3675, 3928, 4024, 4593, 4753, 4941, 5106, 5584, 5695, 5700, 5811, 5935, 6362

Insurance; minimum requirements for motor carriers of passengers—Proposed Rulemaking 3951

PHILADELPHIA PARKING AUTHORITY, this index.

Rates:

Act 58 of 2018 alternative ratemaking for utilities—Notice 5691

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>
PUBLIC UTILITIES—Continued	
Steam heat and chilled water applications—Notice	1798
Tax Cuts and Jobs Act of 2017; corporate Federal income tax rate changes and the effects:	
Commission-regulated public utilities and ratepayers; request for comments—Notice	1253
Extension of public comment period—Notice	2066
Pennsylvania telecommunications carriers and ratepayers; request for public comments—Notice	1659
Telecommunications and telephone:	
Applications—Notice	115, 584, 585, 840, 1260, 1261, 1407, 1487, 1488, 1660, 1914, 2033, 2034, 2485, 2919, 2925, 3064, 3391, 3835, 3836, 3922, 3929, 4193, 4374, 4592, 4756, 5110, 5583, 5588, 5682, 5810, 5817
Commission jurisdiction over pole attachments—Proposed Rulemaking	6273
Competitive classification of telecommunication retail services; advanced notice of proposed rulemaking—Proposed Rulemaking	4792
Pennsylvania and Telecommunications Relay Service; surcharge recalculation—Notice	3923
Petition for extension of waiver of equal access and billing option requirements for telephone relay service and captioned telephone voice-carrier-over relay service—Notice	6361
Wastewater applications—Notice	845, 2741, 2925, 3216, 3929, 5111, 5589, 5934, 5937
Water applications—Notice	383, 705, 845, 846, 1075, 1660, 2741, 3217, 5112, 5583, 5589, 5934, 5937, 5938

RNs
STATE BOARD OF NURSING, this index.

RACETRACKS
See generally PENNSYLVANIA GAMING CONTROL BOARD, this index.
STATE HORSE RACING COMMISSION, this index.

RADON
ENVIRONMENTAL PROTECTION, this index.

RARE DISEASES
HEALTH AND SAFETY, this index.

REAL ESTATE
GENERAL SERVICES, this index.
STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS, this index.
Taxes, see REVENUE, this index.

RECREATION*
FISH AND BOAT COMMISSION, this index.
GAME COMMISSION, this index.

RECREATION—Continued
PENNSYLVANIA GAMING CONTROL BOARD, this index.
STATE HORSE RACING COMMISSION, this index.

RECYCLING
See generally ENVIRONMENTAL PROTECTION, this index.

REGISTERED NURSES
STATE BOARD OF NURSING, this index.

REGULATED MEDICAL WASTE
ENVIRONMENTAL PROTECTION, this index.

RENAL DISEASE
HEALTH AND SAFETY, this index.

REORGANIZATIONS
EXECUTIVE BOARD, this index.

REQUESTS FOR BIDS AND PROPOSALS
See CONTRACTS, this index.

RESIDENTIAL SEPTAGE
ENVIRONMENTAL PROTECTION, this index.

RESIDUAL WASTE
ENVIRONMENTAL PROTECTION, this index.

RESOLUTIONS
EXECUTIVE BOARD, this index.

RESTROOMS
GENERAL SERVICES, this index.

RETIREMENT
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM, this index.
PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD, this index.
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM, this index.
STATE EMPLOYEES' RETIREMENT BOARD, this index.
STATE EMPLOYEES' RETIREMENT SYSTEM, this index.

REVENUE*
Catalog of nonregulatory documents—Notice 5943

*Denotes title designation of the *Pennsylvania Code*.

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>
REVENUE—Continued	
Independent Regulatory Review Commission:	
Comments issued—Notice	373
Filing of final rulemakings—Notice	6360
Institutions of purely public charity; adjustment of program service revenue amounts—Notice	3905
Lottery:	
Fast play games:	
\$1 Break the Bank—Notice	1347
\$2 Break the Bank—Notice	1351
\$5 Break the Bank—Notice	1355
\$20 on the Spot—Notice	1909
7-11-21®—Notice	1905
All or None for the Win—Notice	3379
Cash Connect—Notice	5566
Eagles—Notice	4708
Fast Cash Bingo—Notice	825
Go Fish—Notice	4716
Hot Ticket—Notice	3911
Lucky 13—Notice	6348
Lucky Star—Notice	3382
Match for Cash—Notice	2470
Money Tree—Notice	3911
Moneycomb—Notice	828
Screamin’ 7s—Notice	6353
Steelers—Notice	4720
Tic-Tac-Luck—Notice	832
Treasure Chase—Notice	98
Triple Win—Notice	101
Why Did the Chicken Cross the Road— Notice	5570
Word Search—Notice	2473
iLottery Internet instant games:	
Rules—Notice	2027
Temporary regulations—Rule	1829
Instant games:	
5X the Bucks—Notice	359
10X the Bucks—Notice	361
20X the Bucks—Notice	364
50X the Bucks—Notice	366
\$1 MONOPOLY™—Notice	1629
\$2 MONOPOLY™—Notice	1633
\$5 MONOPOLY™—Notice	1637
\$10 MONOPOLY™—Notice	1642
\$50 Cash Bla\$t—Notice	2901
\$300,000 Nest Egg®—Notice	2903
\$1,000,000 Power Payday—Notice	1042
\$3,000,000 Pennsylvania Club—Notice	2907
7-11-21®—Notice	5657
Bingo Squared—Notice	1045
Bonus Star Millions—Notice	4916
Cash Adventure—Notice	2242
Ca\$hhtastic Crossword—Notice	3650
Double Match—Notice	2243

	<i>Page</i>
REVENUE—Continued	
Lottery— <i>Continued</i>	
Instant games— <i>Continued</i>	
Easy as 123—Notice	1057
Extreme 8s—Notice	1061
Funky 5s—Notice	2911
Goat Load of Cash—Notice	4920
Great 8s—Notice	2246
Hit \$1,000—Notice	4178
Hot \$100,000—Notice	5659
It Takes 2—Notice	3653
Jack O’ Lantern Jackpot—Notice	5662
Jack O’ Lantern; change to game rules; amended—Notice	5929
Joker’s Wild—Notice	4922
Loose Change@—Notice	1051
Lucky Win—Notice	3655
Match 3 Tripler—Notice	4180
Million Dollar Winner—Notice	3658
Money Mania—Notice	2915
Mother’s Day Surprise—Notice	1648
My First Million—Notice	2249
Neon—Notice	4183
O’Lucky 7s—Notice	369
Right on the Money—Notice	3662
Silver & Gold—Notice	1054
Spooky Cash—Notice	5666
Spooky Cash; change to game rules; amended— Notice	5930
Struck by Luck—Notice	4187
Top Secret Crossword—Notice	4926
Twisted—Notice	3665
Wheel of Fortune®—Notice	4928
Whole Lotta \$20s—Notice	5671
Win It All—Notice	2252
Win Win Win—Notice	5673
Realty Tax Act; surcharge rate notice for the tax year beginning January 1, 2019—Notice	5676
Retailer incentive programs; fiscal year 2018- 2019—Notice	3914
Terminal-based games:	
Keno—Notice	2466
Xpress Car Racing—Notice	3828
Xpress Football—Notice	3830
Pennsylvania gaming cash flow management; an- nual inflation adjustment for distributions to counties and municipalities—Notice	702
Regulatory agenda—Notice	1392, 4745
Reorganization—Statement of Policy	522
State Treasury:	
Certification of Federal revenue received and de- posited in the General Fund—Notice	4020

	<i>Page</i>		<i>Page</i>
REVENUE—Continued		SEASON LIMITS	
State Treasury— <i>Continued</i>		GAME COMMISSION, this index.	
Unrestricted State revenue to be received and deposited:		SECURITIES	
General Fund—Notice.....	4020	BANKING AND SECURITIES, this index.	
Motor License Fund—Notice.....	4021	SEDIMENT CONTROL	
Taxes:		Erosion and sediment control, see ENVIRONMENTAL PROTECTION, this index.	
Corporate net income tax net loss deduction; Act 43-2017 notice of Pennsylvania Supreme Court decision concerning constitutionality—Notice ..	701	SENATE OF PENNSYLVANIA	
Realty transfer tax; 2017 common level ratio; real estate valuation factors—Notice	3832	GENERAL ASSEMBLY, this index.	
RIGHT-TO-KNOW LAW		Right-to-Know Law—Statement of Policy.....	1833
SENATE OF PENNSYLVANIA, this index.		Vetoed, see GOVERNOR'S OFFICE, this index.	
RIGHT-OF-WAY		SENTENCING	
TRANSPORTATION, this index.		COMMISSION ON SENTENCING, this index.	
SAFE DRINKING WATER		SEPTAGE	
See DRINKING WATER, this index.		ENVIRONMENTAL PROTECTION, this index.	
SAVINGS INSTITUTIONS		SEWAGE	
BANKING AND SECURITIES, this index.		ENVIRONMENTAL PROTECTION, this index.	
DISCIPLINARY BOARD OF THE SUPREME COURT, this index.		SEXUAL VIOLENCE	
SUPREME COURT, this index.		CIVIL PROCEDURE, RULES OF, this index.	
SCHOOLS		HEALTH AND SAFETY, this index.	
EDUCATION, this index.		SHOOTING RANGES	
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, this index.		Lands and buildings, see GAME COMMISSION, this index.	
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION, this index.		SMALL GAME	
PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD, this index.		See generally GAME COMMISSION, this index.	
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM, this index.		SNOWMOBILES	
STATE BOARD OF EDUCATION, this index.		Snowmobiles and all-terrain vehicles, see CONSERVATION AND NATURAL RESOURCES, this index.	
STATE BOARD OF PRIVATE ACADEMIC SCHOOLS, this index.		Special permits, see GAME COMMISSION, this index.	
STATE BOARD OF PRIVATE LICENSED SCHOOLS, this index.		SNYDER COUNTY	
STATE SYSTEM OF HIGHER EDUCATION, this index.		Courts:	
THADDEUS STEVENS SCHOOL OF TECHNOLOGY, this index.		Judicial administration—Court	5351
SCHUYLKILL COUNTY		SOCIAL WORKERS	
Access route approval by the Department of Transportation—Notice	1788	STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS, this index.	
Courts:			
Criminal rules—Court	2620		
Spotted lanternfly; quarantine and treatment order—Notice.....	3094		

	<i>Page</i>		<i>Page</i>
SOLAR ENERGY		STATE BOARD OF EDUCATION	
ENVIRONMENTAL PROTECTION, this index.		Regulatory agenda—Notice	4732
PUBLIC UTILITIES, this index.			
SOMERSET COUNTY		STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS	
Chronic wasting disease; designation of disease management areas and endemic states and Cana- dian provinces—Notice	1653, 3668	Regulatory agenda—Notice	4749
Department of Transportation finding—Notice	2257		
SPORTS WAGERING		STATE BOARD OF FUNERAL DIRECTORS	
PENNSYLVANIA GAMING CONTROL BOARD, this index.		Adjudication—Notice	4375
SPOTTED LANTERNFLY		STATE BOARD OF LANDSCAPE ARCHITECTS	
AGRICULTURE, this index.		Regulatory agenda—Notice	1397, 4748
STATE		STATE BOARD OF MASSAGE THERAPY	
Catalog of nonregulatory documents—Notice	5943	Adjudication—Notice	4375
DEPARTMENT OF STATE, this index.		Fees—Proposed Rulemaking	3736
		Independent Regulatory Review Commission:	
		Comments issued—Notice	5577
		Regulatory agenda—Notice	1398, 4748
STATE ARCHITECTS LICENSURE BOARD		STATE BOARD OF MEDICINE	
Regulatory agenda—Notice	1394, 4746	See DOCTORS, this index.	
STATE BOARD OF ACCOUNTANCY		Adjudication—Notice	1803, 2486, 2741
Regulatory agenda—Notice	1393	Regulatory agenda—Notice	4748
STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS		STATE BOARD OF NURSING	
Adjudication—Notice	2925	See NURSES, this index.	
Comments issued—Notice	5807	Adjudication—Notice	119, 384, 586, 706, 846, 964, 1076, 1261, 1407, 1488, 1661, 1803, 2270, 2486, 2487, 2488, 2741, 2742, 2925, 3065, 3066, 3392, 3836, 4194, 4601, 4757, 5113, 5590
Federally-mandated revisions—Proposed Rulemak- ing	3955	Formal administrative action—	
Regulatory agenda—Notice	1401, 4750	Notice	385, 586, 1803, 1917, 2066, 4194, 5818, 5819
STATE BOARD OF CHIROPRACTIC		Regulatory agenda—Notice	1398, 4748
Chiropractic specialties—Proposed Rulemaking	1177	STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE	
Independent Regulatory Review Commission:		Code of ethics—Rule	2136
Comments issued—Notice	2732	General revisions—Rule	2624
Regulatory agenda—Notice	1394, 4746	Independent Regulatory Review Commission:	
STATE BOARD OF CRANE OPERATORS		Action taken—Notice	1482, 2029
Regulatory agenda—Notice	1395, 4747	Filing of final rulemakings—Notice	837, 1405
STATE BOARD OF DENTISTRY		Regulatory agenda—Notice	1398
Child abuse reporting requirements—Proposed Rulemaking	1179	STATE BOARD OF OPTOMETRY	
Formal administrative action—Notice	1075, 4029	Regulatory agenda—Notice	1399, 4749
Independent Regulatory Review Commission:		STATE BOARD OF OSTEOPATHIC MEDICINE	
Comments issued—Notice	2732	See DOCTORS, this index.	
Regulatory agenda—Notice	1395, 4747	Regulatory agenda—Notice	1400, 4749

	<i>Page</i>		<i>Page</i>
STATE BOARD OF PHARMACY		STATE CONTRACTS	
Cancer Drug Repository Program; income limits for eligibility—Notice	1076	See CONTRACTS, this index.	
Regulatory agenda—Notice	1400, 4749		
STATE BOARD OF PHYSICAL THERAPY		STATE EMPLOYEES' RETIREMENT BOARD	
Independent Regulatory Review Commission:		Hearing—Notice	1262, 2489, 3218, 3838, 5702
Action taken—Notice	2731	STATE EMPLOYEES' RETIREMENT SYSTEM, this index.	
Filing of final rulemakings—Notice	1796		
Post-Act 38 revisions—Rule	2947		
Regulatory agenda—Notice	1400, 4749	STATE EMPLOYEES' RETIREMENT SYSTEM	
STATE BOARD OF PODIATRY		Catalog of nonregulatory documents—Notice	5943
Regulatory agenda—Notice	1401, 4749	Regulatory agenda—Notice	1403
STATE BOARD OF PRIVATE ACADEMIC SCHOOLS		STATE EMPLOYEES' RETIREMENT BOARD, this index.	
Regulatory agenda—Notice	1372, 4731		
STATE BOARD OF PRIVATE LICENSED SCHOOLS		STATE ETHICS COMMISSION	
Regulatory agenda—Notice	1374, 4732	Gaming Act list—Notice	3221, 3505 (correction)
STATE BOARD OF PSYCHOLOGY		Meeting—Notice	1918
Regulatory agenda—Notice	1401, 4749	STATE GAME LANDS	
STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS		See generally GAME COMMISSION, this index.	
Independent Regulatory Review Commission:		STATE HORSE RACING COMMISSION	
Comments issued—Notice	2351	Administrative hearing bond—Notice	1661
Licensed bachelor social worker; fees—Proposed Rulemaking	872	Claiming regulations and procedures; standardbred horse racing—Notice	5819
Regulatory agenda—Notice	1402, 4751	Human ambulances:	
STATE BOARD OF VETERINARY MEDICINE		Standbred horse racing—Notice	5590
Formal administrative action—Notice	3066	Thoroughbred horse racing—Notice	5590
Regulatory agenda—Notice	1402, 4751	Intervention:	
STATE CHARTER SCHOOL APPEAL BOARD		Applications and petitions—Notice	4376, 4946
2018-2019 meeting schedule—Notice	3504	Rules of administrative practice and procedure—Notice	4030
STATE CIVIL SERVICE COMMISSION		Lasix administration in 2-year old horses; thoroughbred horse racing—Notice	1661
Reorganization—Statement of Policy	2819	Refusal of admission or ejections; expedited hearing procedures—Notice	1662
STATE CONSERVATION COMMISSION		Schedule of controlled therapeutic medications; standardbred horse racing—Notice	1662
CAFO NPDES permits, see ENVIRONMENTAL PROTECTION, this index.		STATE PARKS	
Odor management plans for concentrated animal operations and concentrated animal feeding operations and volunteers complying with the Facility Odor Management Program:		CONSERVATION AND NATURAL RESOURCES, this index.	
Actions—Notice	706, 1261, 1917, 2488, 3217, 3837, 4375, 5114, 5938		
		STATE POLICE	
		Catalog of nonregulatory documents—Notice	5943
		Independent Regulatory Review Commission:	
		Action taken—Notice	4189
		Filing of final rulemakings—Notice	3184
		Megan's Law; registration sites report—Notice	5428
		Opioid crisis; proclamation of disaster emergency—Governor	458, 4090
		Regulatory agenda—Notice	1392, 4745
		Reorganization—Statement of Policy	37

	<i>Page</i>	<i>Page</i>
STATE POLICE—Continued		
Uniform Firearms Act; procedures and specifications for firearm record forms:		
—Proposed Rulemaking	297	
—Rule	5358	
STATE REAL ESTATE COMMISSION		
Adjudication—Notice	4757	
STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS		
Regulatory agenda—Notice	1396, 4748	
STATE SYSTEM OF HIGHER EDUCATION		
Regulatory agenda—Notice	1392	
STATE TAX EQUALIZATION BOARD		
See TAXES, this index.		
2017 common level ratio—Notice	3392	
STATE VETERANS' HOMES		
MILITARY AND VETERANS' AFFAIRS, this index.		
STEAM HEAT		
PUBLIC UTILITIES, this index.		
STEEL PRODUCTS		
GENERAL SERVICES, this index.		
STORAGE TANKS		
ENVIRONMENTAL PROTECTION, this index.		
ENVIRONMENTAL QUALITY BOARD, this index.		
INSURANCE, this index.		
STORM SEWERS		
Municipal separate storm sewer systems, see ENVIRONMENTAL PROTECTION, this index.		
STORMWATER		
ENVIRONMENTAL PROTECTION, this index.		
STUDENTS		
See SCHOOLS, this index.		
SUPERIOR COURT		
APPELLATE PROCEDURE, this index.		
Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts—Court	4615	
SUPPORT		
CIVIL PROCEDURE, RULES OF, this index.		
SUPREME COURT		
See COURTS, this index.		
APPELLATE PROCEDURE, this index.		
Congressional districts, see DEPARTMENT OF STATE, this index.		
Financial institutions approved as depositories for fiduciary accounts—Court	5355	
JUDICIAL CONDUCT, this index.		
Orphans' court rules; review and vacatur of local rules—Court	3582	
Schedule of holidays for staffs of the appellate courts and the Administrative Office of Pennsylvania Courts for 2019—Court	514	
Sessions of the Supreme Court of Pennsylvania for 2019—Court	514	
Taxes, see REVENUE, this index.		
Trust accounts of attorneys; financial institutions approved as depositories—Court	981, 2944	
SURPLUS LINES		
INSURANCE, this index.		
SURVEYORS		
CONSERVATION AND NATURAL RESOURCES, this index.		
STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS, this index.		
SUSQUEHANNA COUNTY		
Courts:		
Judicial administration rules—Court	249	
SUSQUEHANNA RIVER BASIN COMMISSION		
Actions—Notice	708, 2067, 5115	
General policies—Rule	1939	
Hearing—Notice	2355	
Meeting—Notice	1076, 3218, 5116	
Meeting; correction—Notice	5591	
Projects for consumptive uses of water:		
Approved—Notice	1077, 1408, 1918, 2355, 2743, 4195, 4376, 5116	
Rescinded—Notice	1408, 1914, 2355, 2744, 5118	
Projects for minor modifications:		
Approved—Notice	2743, 4196, 5117	
Public hearing—Notice	386, 4196	
TAXES		
HOUSING FINANCE AGENCY, this index.		
OFFICE OF THE BUDGET, this index.		
PHILADELPHIA RULES, this index.		

TAXES—Continued

PUBLIC UTILITIES, this index.
 REVENUE, this index.
 STATE TAX EQUALIZATION BOARD, this index.

TAXIS

See MOTOR CARRIERS, this index.

TEACHERS

See SCHOOLS, this index.

TELECOMMUNICATIONS

PUBLIC UTILITIES, this index.

TELEPHONES

PUBLIC UTILITIES, this index.

TERMINAL-BASED LOTTERY GAMES

Lottery, see REVENUE, this index.

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for bids—Notice 5118, 5939
 Request for proposals—Notice 1662

TOBACCO

OFFICE OF THE BUDGET, this index.

TRANSMISSION LINES

PUBLIC UTILITIES, this index.

TRANSPORTATION*

Access route approvals:
 Lancaster County—Notice 2257
 Lehigh County—Notice 5425
 Northampton County—Notice 3493, 5425
 Schuylkill County—Notice 1788
 Automated Red Light Enforcement Transportation
 Enhancement Grants Program applications—
 Notice 3181
 Catalog of nonregulatory documents—Notice 5943
 Findings:
 Adams County—Notice 2257, 3494
 Allegheny County—Notice 2257
 Beaver County—Notice 2257
 Bedford County—Notice 2257, 3494
 Berks County—Notice 2257, 3494
 Bucks County—Notice 2257
 Cambria County—Notice 2257
 Centre County—Notice 2257
 Chester County—Notice 2257

TRANSPORTATION—Continued

Findings—*Continued*
 City of Philadelphia—Notice 2257
 Cumberland County—Notice 2257
 Dauphin County—Notice 2257
 Delaware County—Notice 2257, 3494
 Greene County—Notice 2257
 Huntingdon County—Notice 3494
 Lancaster County—Notice 2257
 Lebanon County—Notice 2257
 Lehigh County—Notice 2257, 3494
 Lycoming County—Notice 2257, 3494
 Mercer County—Notice 3494
 Mifflin County—Notice 2257
 Montgomery County—Notice 2257, 3494
 Perry County—Notice 2257
 Pike County—Notice 2257
 Somerset County—Notice 2257
 Washington County—Notice 2257
 Westmoreland County—Notice 3494
 York County—Notice 3494
 Highways:
 Access and occupancy by driveways and local
 roads:
 —Proposed Rulemaking 1563
 —Rule 4624
 Independent Regulatory Review Commission:
 Action taken—Notice 4189
 Comments issued—Notice 3181
 Filing of final rulemakings—Notice 3497, 4940
 Joint Committee on Documents; Department of
 Transportation publication 282—review of clas-
 sification of section 2.2; extension of time—
 Notice 2737
 Medical Advisory Board meeting—Notice 2350
 Motor Carrier and Safety Advisory Committee; 2018
 meeting schedule—Notice 1482
 Public-Private Partnerships Board meeting—
 Notice 3496
 Regulatory agenda—Notice 1403, 4751
 Reorganization—Statement of Policy 37
 Right-of-way; applications for lease:
 Allegheny County—Notice 1652
 Lancaster County—Notice 5806
 Monroe County—Notice 1913
 Northampton County—Notice 702
 Sale of land no longer needed for transportation
 purposes:
 Allegheny County—Notice 1913
 Berks County—Notice 6358
 Bradford County—Notice 1913
 Crawford County—Notice 4729
 Indiana County—Notice 3181
 Juniata County—Notice 1913
 Perry County—Notice 1913

*Denotes title designation of the *Pennsylvania Code*.

	<i>Page</i>		<i>Page</i>
TRANSPORTATION—Continued		VACCINES	
Section 5310 Program; applications for funding for fiscal year 2018-2019—Notice.....	4728	See IMMUNIZATIONS, this index.	
State Transportation Commission meeting— Notice.....	1064, 1789, 2916, 4932	VEGETABLES	
State Transportation Innovation Council meeting— Notice.....	1368, 3919	AGRICULTURE, this index.	
Transportation Advisory Committee meeting— Notice.....	837, 2029	VEHICLES	
TURNPIKE COMMISSION, this index.		Alcohol and controlled substance content, see HEALTH AND SAFETY, this index.	
TRAPPING		Gasoline requirements, see ENVIRONMENTAL QUALITY BOARD, this index.	
See generally GAME COMMISSION, this index.		INSURANCE, this index.	
TRAUMATIC BRAIN INJURY		OFFICE OF ATTORNEY GENERAL, this index.	
HEALTH AND SAFETY, this index.		PUBLIC UTILITIES, this index.	
TREASURY DEPARTMENT		TRANSPORTATION, this index.	
Revenue received and deposited, see:		VENANGO COUNTY	
OFFICE OF THE BUDGET, this index.		Abandoned strip mine reclamation project; bid op- portunity—Notice.....	823
REVENUE, this index.		Municipal waste; planning grant award—Notice ...	1480
Unclaimed property owners—Notice.....	5125	VETERANS	
TROUT		MILITARY AND VETERANS AFFAIRS, this index.	
FISH AND BOAT COMMISSION, this index.		VETERINARIANS	
TRUCK STOPS		STATE BOARD OF VETERINARY MEDICINE, this index.	
Video gaming, see PENNSYLVANIA GAMING CON- TROL BOARD, this index.		VETOES	
TRUST COMPANIES		GOVERNOR'S OFFICE, this index.	
BANKING AND SECURITIES, this index.		VIDEO GAMING	
DISCIPLINARY BOARD OF THE SUPREME COURT, this index.		PENNSYLVANIA GAMING CONTROL BOARD, this index.	
TURNPIKE COMMISSION		VOLATILE ORGANIC COMPOUNDS	
Transfer of land by the Department of Conservation and Natural Resources and funding for acquisi- tion—Notice.....	2827	Air quality, see ENVIRONMENTAL PROTECTION, this index.	
UNCONVENTIONAL WELLS		ENVIRONMENTAL QUALITY BOARD, this index.	
See OIL AND OIL WELLS, this index.		VOTING	
UNIVERSITIES		BUREAU OF COMMISSIONS, ELECTIONS AND LEGISLATION, this index.	
See COLLEGES, this index.		DEPARTMENT OF STATE, this index.	
UTILITIES		WIC PROGRAM	
PUBLIC UTILITIES, this index.		HEALTH AND SAFETY, this index.	
VOCs		WARREN COUNTY	
Air quality, see ENVIRONMENTAL PROTECTION, this index.		Municipal waste:	
ENVIRONMENTAL QUALITY BOARD, this index.		Plan revision approval—Notice.....	2891
		Planning grant award—Notice.....	1480

	<i>Page</i>
WASHINGTON COUNTY	
Abandoned mine reclamation project; bid opportunity—Notice	4914
Air quality; Pittsburgh-Beaver Valley area; summertime low Reid vapor pressure gasoline volatility requirements and supporting noninterference demonstration:	
Removal; public hearing—Notice	1481
Suspension of enforcement—Notice	2347
Courts:	
District attorney 911 fee—Court	3411
Local rules—Court	1827
Department of Transportation finding—Notice	2257
Oil and gas lease for publicly-owned streambeds by the Department of Conservation and Natural Resources—Notice	1722, 2390
Proposed consent order and agreement—Notice	5076
Water obstruction and encroachment permit and erosion and sediment control permit; public hearing—Notice	1476

WASTE
 See generally ENVIRONMENTAL PROTECTION, this index.
 PUBLIC UTILITIES, this index.

WASTEWATER
 PUBLIC UTILITIES, this index.

WATER
 See generally ENVIRONMENTAL PROTECTION, this index.
 DELAWARE RIVER BASIN COMMISSION, this index.
 ENVIRONMENTAL QUALITY BOARD, this index.
 FISH AND BOAT COMMISSION, this index.
 PUBLIC UTILITIES, this index.
 SUSQUEHANNA RIVER BASIN COMMISSION, this index.

WATERCRAFTS
 See BOATS AND BOATING, this index.

WEATHERIZATION
 AUDITOR GENERAL, this index.
 COMMUNITY AND ECONOMIC DEVELOPMENT, this index.

WESTMORELAND COUNTY	
Air quality; Pittsburgh-Beaver Valley area; summertime low Reid vapor pressure gasoline volatility requirements and supporting noninterference demonstration:	
Removal; public hearing—Notice	1481
Suspension of enforcement—Notice	2347
Department of Transportation finding—Notice	3494
Municipal waste; request for proposals—Notice	2721
Oil and gas lease for publicly-owned streambeds by the Department of Conservation and Natural Resources—Notice	1722

WILDLIFE
 See generally GAME COMMISSION, this index.

WINE
 AGRICULTURE, this index.
 LIQUOR CONTROL BOARD, this index.

WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM
 HEALTH AND SAFETY, this index.

WORKERS' COMPENSATION
 INSURANCE, this index.
 LABOR AND INDUSTRY, this index.

WORKFORCE DEVELOPMENT
 Executive orders, see GOVERNOR'S OFFICE, this index.

WYOMING COUNTY
 Hazardous waste education grant awards—Notice 5416

YORK COUNTY	
Department of Transportation finding—Notice	3494
NPDES permit; public hearing—Notice	1779
Transmission line project; prehearing conference—Notice	585, 3679

YOUTH
 See CHILDREN, this index.

List of Pa. Code Sections Affected

This numerical guide is a list of the sections of each listed title of the *Pennsylvania Code* affected by documents in the *Pennsylvania Bulletin* from January 1, 2018, to September 30, 2018. Reference should be made to the “List of Pa. Code Chapters Affected” at 48 Pa.B. 6540 (October 6, 2018) for entries which could not be made here due to the differences in numbering systems.

1 Pa. Code (General Provisions)

§ 301.1	Amended	48 Pa.B. 2126
§ 301.2	Amended	48 Pa.B. 2126
§ 301.3	Amended	48 Pa.B. 2126
§ 301.7	Amended	48 Pa.B. 2126
§ 301.9	Amended	48 Pa.B. 2126
§ 303.1	Amended	48 Pa.B. 2126
§ 305.1	Amended	48 Pa.B. 2126
§ 307.2	Amended	48 Pa.B. 2126
§ 307.3	Amended	48 Pa.B. 2126
§ 307.3a	Amended	48 Pa.B. 2126
§ 309.1	Amended	48 Pa.B. 2126
§ 311.1	Amended	48 Pa.B. 2126
§ 311.4	Amended	48 Pa.B. 2126
§ 311.5	Amended	48 Pa.B. 2126
§ 311a.1	Amended	48 Pa.B. 2126
§ 311a.2	Amended	48 Pa.B. 2126
§ 311a.3	Amended	48 Pa.B. 2126
§ 311a.4	Amended	48 Pa.B. 2126
§ 311a.5	Amended	48 Pa.B. 2126
§ 311a.7	Amended	48 Pa.B. 2126
§ 315.1	Amended	48 Pa.B. 2126
§ 315.2	Amended	48 Pa.B. 2126

4 Pa. Code (Administration)*

§ 1.4	Amended	48 Pa.B. 4261
§ 1.822	Amended	48 Pa.B. 1089
§ 1.825	Amended	48 Pa.B. 1089
§ 1.841	Amended	48 Pa.B. 4211
§ 1.846	Amended	48 Pa.B. 4211
§ 1.871	Amended	48 Pa.B. 4208
§ 1.872	Amended	48 Pa.B. 4208
§ 1.873	Amended	48 Pa.B. 4208
§ 1.876	Amended	48 Pa.B. 4208
§ 1.877	Amended	48 Pa.B. 4208
§ 1.881	Added	48 Pa.B. 210
§ 1.882	Added	48 Pa.B. 210
§ 1.883	Added	48 Pa.B. 210
§ 1.884	Added	48 Pa.B. 210
§ 1.885	Added	48 Pa.B. 210
§ 1.891	Added	48 Pa.B. 1087
§ 1.892	Added	48 Pa.B. 1087
§ 1.893	Added	48 Pa.B. 1087
§ 1.894	Added	48 Pa.B. 1087
§ 1.895	Added	48 Pa.B. 1087
§ 1.896	Added	48 Pa.B. 1087
§ 1.897	Added	48 Pa.B. 1087
§ 1.901	Added	48 Pa.B. 3708
§ 1.902	Added	48 Pa.B. 3708
§ 1.903	Added	48 Pa.B. 3708
§ 1.904	Added	48 Pa.B. 3708
§ 1.905	Added	48 Pa.B. 3708
§ 1.906	Added	48 Pa.B. 3708
§ 1.907	Added	48 Pa.B. 3708
§ 1.908	Added	48 Pa.B. 3708
§ 6.271	Deleted	48 Pa.B. 212
§ 6.272	Deleted	48 Pa.B. 212
§ 6.273	Deleted	48 Pa.B. 212
§ 6.274	Deleted	48 Pa.B. 212
§ 6.275	Deleted	48 Pa.B. 212
§ 6.276	Deleted	48 Pa.B. 212
§ 6.277	Deleted	48 Pa.B. 212
§ 6.278	Deleted	48 Pa.B. 212
§ 6.279	Deleted	48 Pa.B. 212
§ 6.371	Deleted	48 Pa.B. 214
§ 6.372	Deleted	48 Pa.B. 214
§ 6.373	Deleted	48 Pa.B. 214
§ 6.374	Deleted	48 Pa.B. 214
§ 6.375	Deleted	48 Pa.B. 214
§ 6.376	Deleted	48 Pa.B. 214
§ 6.377	Deleted	48 Pa.B. 214
§ 6.651	Added	48 Pa.B. 214
§ 6.652	Added	48 Pa.B. 214
§ 6.653	Added	48 Pa.B. 214
§ 6.654	Added	48 Pa.B. 214
§ 6.655	Added	48 Pa.B. 214
§ 6.656	Added	48 Pa.B. 214
§ 6.657	Added	48 Pa.B. 214
§ 6.658	Added	48 Pa.B. 214
§ 6.659	Added	48 Pa.B. 214

§ 6.661	Added	48 Pa.B. 212	§ 69.5	Deleted	48 Pa.B. 1501
§ 6.662	Added	48 Pa.B. 212	§ 69.6	Deleted	48 Pa.B. 1501
§ 6.663	Added	48 Pa.B. 212	§ 69.7	Deleted	48 Pa.B. 1501
§ 6.664	Added	48 Pa.B. 212	§ 69.8	Deleted	48 Pa.B. 1501
§ 6.665	Added	48 Pa.B. 212	§ 69.9	Deleted	48 Pa.B. 1501
§ 6.666	Added	48 Pa.B. 212	§ 161.1	Proposed	48 Pa.B. 5474
§ 6.667	Added	48 Pa.B. 212	§ 161.2	Proposed	48 Pa.B. 5474
§ 6.668	Added	48 Pa.B. 212	§ 163.1	Proposed	48 Pa.B. 5474
§ 6.669	Added	48 Pa.B. 212	§ 165.1	Proposed	48 Pa.B. 5474
§ 6.670	Added	48 Pa.B. 212	§ 167.1	Proposed	48 Pa.B. 5474
§ 6.681	Added	48 Pa.B. 4487	§ 167.2	Proposed	48 Pa.B. 5474
§ 6.682	Added	48 Pa.B. 4487	§ 167.11	Proposed	48 Pa.B. 5474
§ 6.683	Added	48 Pa.B. 4487	§ 167.12	Proposed	48 Pa.B. 5474
§ 6.684	Added	48 Pa.B. 4487	§ 167.13	Proposed	48 Pa.B. 5474
§ 6.685	Added	48 Pa.B. 4487	§ 167.14	Proposed	48 Pa.B. 5474
§ 6.686	Added	48 Pa.B. 4487	§ 167.15	Proposed	48 Pa.B. 5474
§ 6.687	Added	48 Pa.B. 4487	§ 167.16	Proposed	48 Pa.B. 5474
§ 6.688	Added	48 Pa.B. 4487	§ 167.17	Proposed	48 Pa.B. 5474
§ 6.689	Added	48 Pa.B. 4487	§ 167.18	Proposed	48 Pa.B. 5474
§ 6.690	Added	48 Pa.B. 4487	§ 167.21	Proposed	48 Pa.B. 5474
§ 6.691	Added	48 Pa.B. 4487	§ 167.22	Proposed	48 Pa.B. 5474
§ 6.692	Added	48 Pa.B. 4487	§ 167.23	Proposed	48 Pa.B. 5474
§ 6.693	Added	48 Pa.B. 4487	§ 167.31	Proposed	48 Pa.B. 5474
§ 6.701	Added	48 Pa.B. 5442	§ 167.32	Proposed	48 Pa.B. 5474
§ 6.702	Added	48 Pa.B. 5442	§ 167.33	Proposed	48 Pa.B. 5474
§ 6.703	Added	48 Pa.B. 5442	§ 167.34	Proposed	48 Pa.B. 5474
§ 6.704	Added	48 Pa.B. 5442	§ 167.35	Proposed	48 Pa.B. 5474
§ 6.705	Added	48 Pa.B. 5442	§ 167.36	Proposed	48 Pa.B. 5474
§ 6.706	Added	48 Pa.B. 5442	§ 167.41	Proposed	48 Pa.B. 5474
§ 6.707	Added	48 Pa.B. 5442	§ 167.42	Proposed	48 Pa.B. 5474
§ 6.708	Added	48 Pa.B. 5442	§ 167.43	Proposed	48 Pa.B. 5474
§ 7a.101	Deleted	48 Pa.B. 217	§ 167.44	Proposed	48 Pa.B. 5474
§ 7a.102	Deleted	48 Pa.B. 217	§ 167.45	Proposed	48 Pa.B. 5474
§ 7a.103	Deleted	48 Pa.B. 217	§ 167.46	Proposed	48 Pa.B. 5474
§ 7a.104	Deleted	48 Pa.B. 217	§ 167.47	Proposed	48 Pa.B. 5474
§ 7a.105	Deleted	48 Pa.B. 217	§ 167.48	Proposed	48 Pa.B. 5474
§ 7a.106	Deleted	48 Pa.B. 217	§ 167.49	Proposed	48 Pa.B. 5474
§ 7a.161	Added	48 Pa.B. 217	§ 167.50	Proposed	48 Pa.B. 5474
§ 7a.162	Added	48 Pa.B. 217	§ 167.51	Proposed	48 Pa.B. 5474
§ 7a.163	Added	48 Pa.B. 217	§ 167.52	Proposed	48 Pa.B. 5474
§ 7a.164	Added	48 Pa.B. 217	§ 167.53	Proposed	48 Pa.B. 5474
§ 7a.165	Added	48 Pa.B. 217	§ 167.61	Proposed	48 Pa.B. 5474
§ 7a.166	Added	48 Pa.B. 217	§ 167.62	Proposed	48 Pa.B. 5474
§ 62.1	Deleted	48 Pa.B. 1498	§ 167.63	Proposed	48 Pa.B. 5474
§ 62.2	Deleted	48 Pa.B. 1498	§ 167.64	Proposed	48 Pa.B. 5474
§ 62.3	Deleted	48 Pa.B. 1498	§ 167.65	Proposed	48 Pa.B. 5474
§ 62.4	Deleted	48 Pa.B. 1498	§ 167.66	Proposed	48 Pa.B. 5474
§ 64.1	Deleted	48 Pa.B. 1499	§ 167.71	Proposed	48 Pa.B. 5474
§ 64.2	Deleted	48 Pa.B. 1499	§ 167.81	Proposed	48 Pa.B. 5474
§ 64.3	Deleted	48 Pa.B. 1499	§ 167.82	Proposed	48 Pa.B. 5474
§ 64.4	Deleted	48 Pa.B. 1499	§ 167.91	Proposed	48 Pa.B. 5474
§ 64.5	Deleted	48 Pa.B. 1499	§ 167.92	Proposed	48 Pa.B. 5474
§ 64.6	Deleted	48 Pa.B. 1499	§ 167.93	Proposed	48 Pa.B. 5474
§ 64.7	Deleted	48 Pa.B. 1499	§ 167.94	Proposed	48 Pa.B. 5474
§ 64.8	Deleted	48 Pa.B. 1499	§ 167.95	Proposed	48 Pa.B. 5474
§ 64.9	Deleted	48 Pa.B. 1499	§ 167.96	Proposed	48 Pa.B. 5474
§ 64.10	Deleted	48 Pa.B. 1499	§ 167.97	Proposed	48 Pa.B. 5474
§ 64.11	Deleted	48 Pa.B. 1499	§ 167.98	Proposed	48 Pa.B. 5474
§ 64.12	Deleted	48 Pa.B. 1499	§ 167.99	Proposed	48 Pa.B. 5474
§ 67.1	Deleted	48 Pa.B. 1500	§ 167.100	Proposed	48 Pa.B. 5474
§ 67.2	Deleted	48 Pa.B. 1500	§ 167.101	Proposed	48 Pa.B. 5474
§ 67.3	Deleted	48 Pa.B. 1500	§ 167.102	Proposed	48 Pa.B. 5474
§ 67.4	Deleted	48 Pa.B. 1500	§ 167.103	Proposed	48 Pa.B. 5474
§ 67.5	Deleted	48 Pa.B. 1500	§ 167.104	Proposed	48 Pa.B. 5474
§ 67.6	Deleted	48 Pa.B. 1500	§ 167.111	Proposed	48 Pa.B. 5474
§ 67.7	Deleted	48 Pa.B. 1500	§ 167.112	Proposed	48 Pa.B. 5474
§ 67.8	Deleted	48 Pa.B. 1500	§ 167.113	Proposed	48 Pa.B. 5474
§ 67.9	Deleted	48 Pa.B. 1500	§ 167.114	Proposed	48 Pa.B. 5474
§ 67.10	Deleted	48 Pa.B. 1500	§ 167.115	Proposed	48 Pa.B. 5474
§ 67.11	Deleted	48 Pa.B. 1500	§ 167.116	Proposed	48 Pa.B. 5474
§ 67b.1	Added	48 Pa.B. 2824	§ 167.117	Proposed	48 Pa.B. 5474
§ 67b.2	Added	48 Pa.B. 2824	§ 501.1	Added	48 Pa.B. 879
§ 67b.3	Added	48 Pa.B. 2824	§ 501.2	Added	48 Pa.B. 879
§ 67b.4	Added	48 Pa.B. 2824	§ 501.3	Added	48 Pa.B. 879
§ 67b.5	Added	48 Pa.B. 2824	§ 501.4	Added	48 Pa.B. 879
§ 67b.6	Added	48 Pa.B. 2824	§ 501.5	Added	48 Pa.B. 879
§ 69.1	Deleted	48 Pa.B. 1501	§ 501.6	Added	48 Pa.B. 879
§ 69.2	Deleted	48 Pa.B. 1501	§ 501.7	Added	48 Pa.B. 879
§ 69.3	Deleted	48 Pa.B. 1501	§ 501.8	Added	48 Pa.B. 879
§ 69.4	Deleted	48 Pa.B. 1501			

*Reference should be made to the “List of Pa. Code Chapters Affected” at 48 Pa.B. 6540 (October 6, 2018).

§ 501.9	Added	48 Pa.B. 879
§ 501.10	Added	48 Pa.B. 879
7 Pa. Code (Agriculture)		
§ 28a.8	Amended	48 Pa.B. 2623
§ 59a.402	Proposed	48 Pa.B. 4761
§ 149.43	Amended	48 Pa.B. 1416
§ 149.46	Added	48 Pa.B. 1416
10 Pa. Code (Banking and Securities)		
§ 1.1	Amended	48 Pa.B. 389
§ 59.1	Added	48 Pa.B. 2493
§ 59.2	Added	48 Pa.B. 2493
§ 59.3	Added	48 Pa.B. 2493
§ 59.4	Added	48 Pa.B. 2493
§ 59.5	Added	48 Pa.B. 2493
§ 59.6	Added	48 Pa.B. 2493
§ 59.7	Added	48 Pa.B. 2493
§ 59.8	Added	48 Pa.B. 2493
§ 59.9	Added	48 Pa.B. 2493
§ 59.10	Added	48 Pa.B. 2493
§ 59.11	Added	48 Pa.B. 2493
§ 59.12	Added	48 Pa.B. 2493
§ 59.13	Added	48 Pa.B. 2493
§ 59.14	Added	48 Pa.B. 2493
§ 59.15	Added	48 Pa.B. 2493
§ 102.021	Added	48 Pa.B. 389
§ 102.031	Deleted	48 Pa.B. 389
§ 102.041	Deleted	48 Pa.B. 389
§ 102.050	Deleted	48 Pa.B. 389
§ 102.060	Deleted	48 Pa.B. 389
§ 102.111	Deleted	48 Pa.B. 389
§ 102.112	Deleted	48 Pa.B. 389
§ 102.201	Deleted	48 Pa.B. 389
§ 102.202	Deleted	48 Pa.B. 389
§ 102.241	Deleted	48 Pa.B. 389
§ 202.010	Amended	48 Pa.B. 389
§ 202.030	Amended	48 Pa.B. 389
§ 202.041	Deleted	48 Pa.B. 389
§ 202.052	Deleted	48 Pa.B. 389
§ 202.091	Amended	48 Pa.B. 389
§ 202.092	Amended	48 Pa.B. 389
§ 202.093	Amended	48 Pa.B. 389
§ 202.094	Amended	48 Pa.B. 389
§ 202.095	Amended	48 Pa.B. 389
§ 203.011	Amended	48 Pa.B. 389
§ 203.041	Amended	48 Pa.B. 389
§ 203.091	Deleted	48 Pa.B. 389
§ 203.101	Amended	48 Pa.B. 389
§ 203.131	Deleted	48 Pa.B. 389
§ 203.141	Amended	48 Pa.B. 389
§ 203.151	Amended	48 Pa.B. 389
§ 203.161	Amended	48 Pa.B. 389
§ 203.171	Deleted	48 Pa.B. 389
§ 203.183	Amended	48 Pa.B. 389
§ 203.184	Amended	48 Pa.B. 389
§ 203.185	Amended	48 Pa.B. 389
§ 203.186	Amended	48 Pa.B. 389
§ 203.187	Amended	48 Pa.B. 389
§ 203.188	Amended	48 Pa.B. 389
§ 203.189	Amended	48 Pa.B. 389
§ 203.190	Amended	48 Pa.B. 389
§ 203.191	Amended	48 Pa.B. 389
§ 203.192	Amended	48 Pa.B. 389
§ 203.201	Amended	48 Pa.B. 389
§ 203.202	Amended	48 Pa.B. 389
§ 203.203	Amended	48 Pa.B. 389
§ 204.010	Amended	48 Pa.B. 389
§ 204.011	Amended	48 Pa.B. 389
§ 204.012	Amended	48 Pa.B. 389
§ 205.021	Amended	48 Pa.B. 389
§ 205.040	Amended	48 Pa.B. 389
§ 206.010	Amended	48 Pa.B. 389
§ 206.020	Deleted	48 Pa.B. 389
§ 207.050	Amended	48 Pa.B. 389
§ 207.071	Amended	48 Pa.B. 389
§ 207.072	Amended	48 Pa.B. 389
§ 207.091	Amended	48 Pa.B. 389
§ 207.101	Amended	48 Pa.B. 389
§ 207.130	Amended	48 Pa.B. 389
§ 207.140	Deleted	48 Pa.B. 389
§ 208.010	Added	48 Pa.B. 389
§ 209.010	Amended	48 Pa.B. 389
§ 210.010	Amended	48 Pa.B. 389
§ 211.010	Amended	48 Pa.B. 389
§ 301.020	Amended	48 Pa.B. 389
§ 302.060	Deleted	48 Pa.B. 389
§ 302.061	Amended	48 Pa.B. 389
§ 302.063	Amended	48 Pa.B. 389
§ 302.064	Amended	48 Pa.B. 389

§ 302.065	Amended	48 Pa.B. 389
§ 302.070	Added	48 Pa.B. 389
§ 302.071	Added	48 Pa.B. 389
§ 303.011	Amended	48 Pa.B. 389
§ 303.012	Amended	48 Pa.B. 389
§ 303.013	Amended	48 Pa.B. 389
§ 303.014	Amended	48 Pa.B. 389
§ 303.015	Amended	48 Pa.B. 389
§ 303.016	Added	48 Pa.B. 389
§ 303.021	Amended	48 Pa.B. 389
§ 303.031	Amended	48 Pa.B. 389
§ 303.032	Amended	48 Pa.B. 389
§ 303.041	Amended	48 Pa.B. 389
§ 303.042	Amended	48 Pa.B. 389
§ 303.051	Amended	48 Pa.B. 389
§ 304.011	Amended	48 Pa.B. 389
§ 304.012	Amended	48 Pa.B. 389
§ 304.021	Amended	48 Pa.B. 389
§ 304.022	Amended	48 Pa.B. 389
§ 304.041	Amended	48 Pa.B. 389
§ 304.051	Amended	48 Pa.B. 389
§ 304.061	Amended	48 Pa.B. 389
§ 304.071	Added	48 Pa.B. 389
§ 305.011	Amended	48 Pa.B. 389
§ 305.012	Deleted	48 Pa.B. 389
§ 305.019	Amended	48 Pa.B. 389
§ 305.020	Added	48 Pa.B. 389
§ 305.061	Amended	48 Pa.B. 389
§ 401.020	Amended	48 Pa.B. 389
§ 404.010	Amended	48 Pa.B. 389
§ 404.011	Amended	48 Pa.B. 389
§ 404.012	Amended	48 Pa.B. 389
§ 404.013	Deleted	48 Pa.B. 389
§ 404.014	Added	48 Pa.B. 389
§ 501.011	Amended	48 Pa.B. 389
§ 504.060	Amended	48 Pa.B. 389
§ 513.010	Amended	48 Pa.B. 389
§ 601.010	Deleted	48 Pa.B. 389
§ 601.020	Deleted	48 Pa.B. 389
§ 601.030	Added	48 Pa.B. 389
§ 602.022	Deleted	48 Pa.B. 389
§ 602.060	Deleted	48 Pa.B. 389
§ 603.011	Amended	48 Pa.B. 389
§ 603.031	Amended	48 Pa.B. 389
§ 603.040	Amended	48 Pa.B. 389
§ 604.010	Deleted	48 Pa.B. 389
§ 604.011	Deleted	48 Pa.B. 389
§ 604.012	Deleted	48 Pa.B. 389
§ 604.016	Deleted	48 Pa.B. 389
§ 604.017	Deleted	48 Pa.B. 389
§ 604.018	Deleted	48 Pa.B. 389
§ 604.019	Deleted	48 Pa.B. 389
§ 604.020	Deleted	48 Pa.B. 389
§ 604.021	Deleted	48 Pa.B. 389
§ 604.022	Deleted	48 Pa.B. 389
§ 604.023	Deleted	48 Pa.B. 389
§ 605.020	Amended	48 Pa.B. 389
§ 606.011	Amended	48 Pa.B. 389
§ 606.031	Amended	48 Pa.B. 389
§ 606.041	Deleted	48 Pa.B. 389
§ 609.010	Amended	48 Pa.B. 389
§ 609.011	Amended	48 Pa.B. 389
§ 609.012	Amended	48 Pa.B. 389
§ 609.031	Amended	48 Pa.B. 389
§ 609.032	Deleted	48 Pa.B. 389
§ 609.033	Amended	48 Pa.B. 389
§ 609.034	Amended	48 Pa.B. 389
§ 609.036	Amended	48 Pa.B. 389
§ 609.037	Amended	48 Pa.B. 389
§ 610.010	Deleted	48 Pa.B. 389
§ 701.010a	Added	48 Pa.B. 389
§ 701.011	Added	48 Pa.B. 389
§ 701.020	Added	48 Pa.B. 389
§ 701.030	Added	48 Pa.B. 389
§ 901.011	Deleted	48 Pa.B. 389
§ 1001.010	Amended	48 Pa.B. 389
12 Pa. Code (Commerce, Trade and Local Government)		
§ 151.1	Added	48 Pa.B. 5457
§ 151.2	Added	48 Pa.B. 5457
§ 151.3	Added	48 Pa.B. 5457
§ 151.4	Added	48 Pa.B. 5457
§ 151.5	Added	48 Pa.B. 5457
§ 151.6	Added	48 Pa.B. 5457
§ 151.11	Added	48 Pa.B. 5457
§ 151.12	Added	48 Pa.B. 5457
§ 151.13	Added	48 Pa.B. 5457
§ 151.21	Added	48 Pa.B. 5457

§ 151.22	Added	48 Pa.B. 5457
§ 151.23	Added	48 Pa.B. 5457
§ 151.24	Added	48 Pa.B. 5457
§ 151.25	Added	48 Pa.B. 5457
§ 151.26	Added	48 Pa.B. 5457
§ 151.41	Added	48 Pa.B. 5457
§ 151.51	Added	48 Pa.B. 5457
§ 151.61	Added	48 Pa.B. 5457
17 Pa. Code (Conservation and Natural Resources)		
§ 53.1	Proposed	48 Pa.B. 515
§ 53.2	Proposed	48 Pa.B. 515
§ 53.3	Proposed	48 Pa.B. 515
§ 53.4	Proposed	48 Pa.B. 515
§ 53.5	Proposed	48 Pa.B. 515
§ 53.11	Proposed	48 Pa.B. 515
§ 53.12	Proposed	48 Pa.B. 515
§ 53.21	Proposed	48 Pa.B. 515
§ 53.22	Proposed	48 Pa.B. 515
25 Pa. Code (Environmental Protection)		
§ 77.106	Proposed	48 Pa.B. 733
§ 78a.1	Proposed	48 Pa.B. 4100
§ 78a.19	Proposed	48 Pa.B. 4100
§ 93.9c	Amended	48 Pa.B. 866
§ 93.9f	Amended	48 Pa.B. 866
§ 93.9i	Amended	48 Pa.B. 866
§ 109.1	Amended	48 Pa.B. 2509
§ 109.1	Amended	48 Pa.B. 4974
§ 109.5	Amended	48 Pa.B. 4974
§ 109.202	Amended	48 Pa.B. 2509
§ 109.202	Amended	48 Pa.B. 4974
§ 109.204	Amended	48 Pa.B. 4974
§ 109.301	Amended	48 Pa.B. 2509
§ 109.301	Amended	48 Pa.B. 4974
§ 109.302	Amended	48 Pa.B. 4974
§ 109.303	Amended	48 Pa.B. 2509
§ 109.303	Amended	48 Pa.B. 4974
§ 109.304	Amended	48 Pa.B. 4974
§ 109.305	Deleted	48 Pa.B. 4974
§ 109.408	Amended	48 Pa.B. 2509
§ 109.416	Amended	48 Pa.B. 4974
§ 109.503	Amended	48 Pa.B. 4974
§ 109.505	Amended	48 Pa.B. 4974
§ 109.511	Added	48 Pa.B. 4974
§ 109.602	Amended	48 Pa.B. 4974
§ 109.606	Amended	48 Pa.B. 4974
§ 109.612	Amended	48 Pa.B. 4974
§ 109.701	Amended	48 Pa.B. 2509
§ 109.701	Amended	48 Pa.B. 4974
§ 109.702	Amended	48 Pa.B. 4974
§ 109.703	Amended	48 Pa.B. 4974
§ 109.704	Amended	48 Pa.B. 4974
§ 109.705	Amended	48 Pa.B. 4974
§ 109.706	Amended	48 Pa.B. 4974
§ 109.708	Amended	48 Pa.B. 4974
§ 109.710	Amended	48 Pa.B. 2509
§ 109.713	Amended	48 Pa.B. 4974
§ 109.716	Added	48 Pa.B. 2509
§ 109.717	Added	48 Pa.B. 4974
§ 109.718	Added	48 Pa.B. 4974
§ 109.810	Amended	48 Pa.B. 4974
§ 109.1002	Amended	48 Pa.B. 2509
§ 109.1003	Amended	48 Pa.B. 4974
§ 109.1003	Amended	48 Pa.B. 2509
§ 109.1004	Amended	48 Pa.B. 2509
§ 109.1005	Amended	48 Pa.B. 4974
§ 109.1008	Amended	48 Pa.B. 2509
§ 109.1103	Amended	48 Pa.B. 2509
§ 109.1105	Amended	48 Pa.B. 4974
§ 109.1107	Amended	48 Pa.B. 2509
§ 109.1107	Amended	48 Pa.B. 4974
§ 109.1108	Amended	48 Pa.B. 4974
§ 109.1202	Amended	48 Pa.B. 2509
§ 109.1202	Amended	48 Pa.B. 4974
§ 109.1203	Amended	48 Pa.B. 4974
§ 109.1204	Amended	48 Pa.B. 4974
§ 109.1206	Amended	48 Pa.B. 4974
§ 109.1302	Amended	48 Pa.B. 2509
§ 109.1302	Amended	48 Pa.B. 4974
§ 109.1303	Amended	48 Pa.B. 4974
§ 109.1305	Amended	48 Pa.B. 4974
§ 109.1306	Amended	48 Pa.B. 4974
§ 109.1307	Amended	48 Pa.B. 4974
§ 109.1401	Added	48 Pa.B. 4974
§ 109.1402	Added	48 Pa.B. 4974
§ 109.1403	Added	48 Pa.B. 4974

§ 1171.35 Temporary 48 Pa.B. 2801
 § 1171.36 Temporary 48 Pa.B. 2801
 § 1171.37 Temporary 48 Pa.B. 2801
 § 1171.38 Temporary 48 Pa.B. 2801
 § 1171.39 Temporary 48 Pa.B. 2801
 § 1181.21 Temporary 48 Pa.B. 2806
 § 1181.22 Temporary 48 Pa.B. 2806
 § 1181.23 Temporary 48 Pa.B. 2806
 § 1181.24 Temporary 48 Pa.B. 2806
 § 1181.25 Temporary 48 Pa.B. 2806
 § 1181.26 Temporary 48 Pa.B. 2806
 § 1181.27 Temporary 48 Pa.B. 2806
 § 1181.28 Temporary 48 Pa.B. 2806
 § 1181.29 Temporary 48 Pa.B. 2806
 § 1181.30 Temporary 48 Pa.B. 2806
 § 1181.31 Temporary 48 Pa.B. 2806
 § 1181.32 Temporary 48 Pa.B. 2806
 § 1181.33 Temporary 48 Pa.B. 2806
 § 1181.34 Temporary 48 Pa.B. 2806
 § 1191.21 Temporary 48 Pa.B. 2810
 § 1191.22 Temporary 48 Pa.B. 2810
 § 1191.23 Temporary 48 Pa.B. 2810
 § 1191.24 Temporary 48 Pa.B. 2810
 § 1191.25 Temporary 48 Pa.B. 2810
 § 1191.26 Temporary 48 Pa.B. 2810
 § 1191.27 Temporary 48 Pa.B. 2810
 § 1191.28 Temporary 48 Pa.B. 2810
 § 1191.29 Temporary 48 Pa.B. 2810
 § 1191.30 Temporary 48 Pa.B. 2810
 § 1191.31 Temporary 48 Pa.B. 2810
 § 1191.32 Temporary 48 Pa.B. 2810
 § 1191.33 Temporary 48 Pa.B. 2810
 § 1191.34 Temporary 48 Pa.B. 2810
 § 1210.21 Temporary 48 Pa.B. 1508
 § 1210.21 Deleted 48 Pa.B. 4493
 § 1210.22 Temporary 48 Pa.B. 1508
 § 1210.22 Deleted 48 Pa.B. 4493
 § 1210.23 Temporary 48 Pa.B. 1508
 § 1210.23 Deleted 48 Pa.B. 4493
 § 1210.24 Temporary 48 Pa.B. 1508
 § 1210.24 Deleted 48 Pa.B. 4493
 § 1210.25 Temporary 48 Pa.B. 1508
 § 1210.25 Deleted 48 Pa.B. 4493
 § 1210.26 Temporary 48 Pa.B. 1508
 § 1210.26 Deleted 48 Pa.B. 4493
 § 1210.27 Temporary 48 Pa.B. 1508
 § 1210.27 Deleted 48 Pa.B. 4493
 § 1210.28 Temporary 48 Pa.B. 1508
 § 1210.28 Deleted 48 Pa.B. 4493
 § 1210.29 Temporary 48 Pa.B. 1508
 § 1210.29 Deleted 48 Pa.B. 4493
 § 1210.30 Temporary 48 Pa.B. 1508
 § 1210.30 Deleted 48 Pa.B. 4493
 § 1210.31 Temporary 48 Pa.B. 1508
 § 1210.31 Deleted 48 Pa.B. 4493
 § 1210.32 Temporary 48 Pa.B. 1508
 § 1210.32 Deleted 48 Pa.B. 4493
 § 1210.33 Temporary 48 Pa.B. 1508
 § 1210.33 Deleted 48 Pa.B. 4493
 § 1210.34 Temporary 48 Pa.B. 1508
 § 1210.34 Deleted 48 Pa.B. 4493
 § 1210.35 Temporary 48 Pa.B. 1508
 § 1210.35 Deleted 48 Pa.B. 4493
 § 1210.36 Temporary 48 Pa.B. 1508
 § 1210.36 Deleted 48 Pa.B. 4493
 § 1210.37 Temporary 48 Pa.B. 1508
 § 1210.37 Deleted 48 Pa.B. 4493
 § 1211.21 Temporary 48 Pa.B. 5027
 § 1211.22 Temporary 48 Pa.B. 5027
 § 1211.23 Temporary 48 Pa.B. 5027
 § 1211.24 Temporary 48 Pa.B. 5027
 § 1211.25 Temporary 48 Pa.B. 5027
 § 1211.26 Temporary 48 Pa.B. 5027
 § 1211.27 Temporary 48 Pa.B. 5027
 § 1211.28 Temporary 48 Pa.B. 5027
 § 1211.29 Temporary 48 Pa.B. 5027
 § 1211.30 Temporary 48 Pa.B. 5027
 § 1211.31 Temporary 48 Pa.B. 5027
 § 1211.32 Temporary 48 Pa.B. 5027
 § 1211.33 Temporary 48 Pa.B. 5027
 § 1211.34 Temporary 48 Pa.B. 5027
 § 1211.35 Temporary 48 Pa.B. 5027
 § 1211.36 Temporary 48 Pa.B. 5027
 § 1211.37 Temporary 48 Pa.B. 5027
 § 1230.21 Temporary 48 Pa.B. 2814
 § 1230.22 Temporary 48 Pa.B. 2814
 § 1230.23 Temporary 48 Pa.B. 2814
 § 1230.24 Temporary 48 Pa.B. 2814
 § 1230.25 Temporary 48 Pa.B. 2814

§ 1230.26 Temporary 48 Pa.B. 2814
 § 1230.38 Temporary 48 Pa.B. 2814
 § 1230.39 Temporary 48 Pa.B. 2814
 § 1230.43 Temporary 48 Pa.B. 2814
 § 1230.44 Temporary 48 Pa.B. 2814
 § 1230.45 Temporary 48 Pa.B. 2814
 § 1230.46 Temporary 48 Pa.B. 2814

31 Pa. Code (Insurance)

§ 89.772 Amended 48 Pa.B. 5601
 § 89.772 Proposed 48 Pa.B. 517
 § 89.777b Amended 48 Pa.B. 5601
 § 89.777b Proposed 48 Pa.B. 517
 § 89.777c Added 48 Pa.B. 5601
 § 89.777c Proposed 48 Pa.B. 517
 § 89.778 Amended 48 Pa.B. 5601
 § 89.778 Proposed 48 Pa.B. 517
 § 89.781 Proposed 48 Pa.B. 517
 § 89.783 Amended 48 Pa.B. 5601
 § 89.783 Proposed 48 Pa.B. 517
 § 146a.1 Proposed 48 Pa.B. 4258
 § 146a.2 Proposed 48 Pa.B. 4258
 § 146a.3 Proposed 48 Pa.B. 4258
 § 146a.12 Proposed 48 Pa.B. 4258
 § 146a.13 Proposed 48 Pa.B. 4258

34 Pa. Code (Labor and Industry)

§ 231.1 Proposed 48 Pa.B. 3731
 § 231.82 Proposed 48 Pa.B. 3731
 § 231.83 Proposed 48 Pa.B. 3731
 § 231.84 Proposed 48 Pa.B. 3731
 § 401.1 Amended 48 Pa.B. 6261
 § 403.1 Amended 48 Pa.B. 6261
 § 403.21 Amended 48 Pa.B. 6261
 § 403.23 Amended 48 Pa.B. 6261
 § 403.26 Amended 48 Pa.B. 6261
 § 403.27 Amended 48 Pa.B. 6261
 § 403.28 Amended 48 Pa.B. 6261
 § 403.42 Amended 48 Pa.B. 6261
 § 403.42a Amended 48 Pa.B. 6261
 § 403.44 Amended 48 Pa.B. 6261
 § 403.45 Amended 48 Pa.B. 6261
 § 403.46 Amended 48 Pa.B. 6261
 § 403.103 Amended 48 Pa.B. 6261

37 Pa. Code (Law)

§ 33.103 Proposed 48 Pa.B. 297
 § 33.103 Amended 48 Pa.B. 5358
 § 301.1 Proposed 48 Pa.B. 267
 § 301.2 Proposed 48 Pa.B. 267
 § 301.4 Proposed 48 Pa.B. 267
 § 311.1 Proposed 48 Pa.B. 267
 § 311.2 Proposed 48 Pa.B. 267
 § 311.3 Proposed 48 Pa.B. 267
 § 311.4 Proposed 48 Pa.B. 267
 § 311.5 Proposed 48 Pa.B. 267
 § 311.6 Proposed 48 Pa.B. 267
 § 311.7 Proposed 48 Pa.B. 267
 § 311.8 Proposed 48 Pa.B. 267
 § 311.9 Proposed 48 Pa.B. 267
 § 311.10 Proposed 48 Pa.B. 267
 § 311.11 Proposed 48 Pa.B. 267
 § 311.12 Proposed 48 Pa.B. 267
 § 311.13 Proposed 48 Pa.B. 267
 § 311.14 Proposed 48 Pa.B. 267
 § 311.15 Proposed 48 Pa.B. 267
 § 471.101 Added 48 Pa.B. 608
 § 471.102 Added 48 Pa.B. 608
 § 471.103 Added 48 Pa.B. 608
 § 471.104 Added 48 Pa.B. 608

40 Pa. Code (Liquor)

§ 9.111 Amended 48 Pa.B. 4616
 § 9.112 Amended 48 Pa.B. 4616
 § 9.113 Amended 48 Pa.B. 4616
 § 9.114 Amended 48 Pa.B. 4616
 § 9.115 Amended 48 Pa.B. 4616
 § 11.231 Added 48 Pa.B. 4616
 § 11.232 Added 48 Pa.B. 4616
 § 11.233 Added 48 Pa.B. 4616
 § 11.234 Added 48 Pa.B. 4616
 § 11.235 Added 48 Pa.B. 4616
 § 11.236 Added 48 Pa.B. 4616
 § 11.237 Added 48 Pa.B. 4616
 § 11.238 Added 48 Pa.B. 4616
 § 11.239 Added 48 Pa.B. 4616

49 Pa. Code (Professional and Vocational Standards)

§ 5.1 Proposed 48 Pa.B. 1177
 § 5.31 Proposed 48 Pa.B. 1177
 § 20.3 Proposed 48 Pa.B. 3736
 § 33.1 Proposed 48 Pa.B. 1179
 § 33.250 Proposed 48 Pa.B. 1179
 § 33.251 Proposed 48 Pa.B. 1179
 § 33.252 Proposed 48 Pa.B. 1179
 § 33.252a Proposed 48 Pa.B. 1179
 § 33.253 Proposed 48 Pa.B. 1179
 § 33.254 Proposed 48 Pa.B. 1179
 § 33.255 Proposed 48 Pa.B. 1179
 § 33.256 Proposed 48 Pa.B. 1179
 § 33.257 Proposed 48 Pa.B. 1179
 § 33.401 Proposed 48 Pa.B. 1179
 § 36.1 Proposed 48 Pa.B. 3955
 § 36.2 Proposed 48 Pa.B. 3955
 § 36.3 Proposed 48 Pa.B. 3955
 § 36.11 Proposed 48 Pa.B. 3955
 § 36.12 Proposed 48 Pa.B. 3955
 § 36.12a Proposed 48 Pa.B. 3955
 § 36.13 Proposed 48 Pa.B. 3955
 § 36.41 Proposed 48 Pa.B. 3955
 § 36.42 Proposed 48 Pa.B. 3955
 § 36.43 Proposed 48 Pa.B. 3955
 § 36.54 Proposed 48 Pa.B. 3955
 § 40.16 Amended 48 Pa.B. 2947
 § 40.17 Amended 48 Pa.B. 2947
 § 40.20 Amended 48 Pa.B. 2947
 § 40.63 Amended 48 Pa.B. 2947
 § 40.67 Amended 48 Pa.B. 2947
 § 40.69 Amended 48 Pa.B. 2947
 § 40.152 Amended 48 Pa.B. 2947
 § 40.161 Amended 48 Pa.B. 2947
 § 40.163 Amended 48 Pa.B. 2947
 § 40.164 Amended 48 Pa.B. 2947
 § 40.165 Amended 48 Pa.B. 2947
 § 40.181 Amended 48 Pa.B. 2947
 § 40.192 Amended 48 Pa.B. 2947
 § 42.13 Amended 48 Pa.B. 2624
 § 42.14 Amended 48 Pa.B. 2624
 § 42.15 Amended 48 Pa.B. 2624
 § 42.16 Amended 48 Pa.B. 2624
 § 42.24 Amended 48 Pa.B. 2136
 § 42.51 Amended 48 Pa.B. 2624
 § 42.52 Amended 48 Pa.B. 2624
 § 42.53 Amended 48 Pa.B. 2624
 § 42.54 Amended 48 Pa.B. 2624
 § 42.55 Amended 48 Pa.B. 2624
 § 42.56 Amended 48 Pa.B. 2624
 § 42.57 Amended 48 Pa.B. 2624
 § 42.58 Amended 48 Pa.B. 2624
 § 42.61 Added 48 Pa.B. 2624
 § 42.62 Added 48 Pa.B. 2624
 § 42.63 Added 48 Pa.B. 2624
 § 47.1 Proposed 48 Pa.B. 872
 § 47.4 Proposed 48 Pa.B. 872
 § 47.11 Proposed 48 Pa.B. 872
 § 47.12b Proposed 48 Pa.B. 872
 § 47.12e Proposed 48 Pa.B. 872
 § 47.15 Proposed 48 Pa.B. 872
 § 47.32 Proposed 48 Pa.B. 872
 § 47.33 Proposed 48 Pa.B. 872
 § 47.34 Proposed 48 Pa.B. 872
 § 47.35 Proposed 48 Pa.B. 872
 § 47.36 Proposed 48 Pa.B. 872
 § 47.36a Proposed 48 Pa.B. 872
 § 47.41 Proposed 48 Pa.B. 872
 § 47.61 Proposed 48 Pa.B. 872
 § 47.62 Proposed 48 Pa.B. 872
 § 47.63 Proposed 48 Pa.B. 872
 § 47.64 Proposed 48 Pa.B. 872
 § 47.65 Proposed 48 Pa.B. 872
 § 47.71 Proposed 48 Pa.B. 872

52 Pa. Code (Public Utilities)

§ 32.11 Proposed 48 Pa.B. 3951
 § 41.14 Amended 48 Pa.B. 882
 § 54.3 Proposed 48 Pa.B. 1696
 § 54.5 Proposed 48 Pa.B. 1696
 § 54.7 Proposed 48 Pa.B. 1696
 § 54.10 Proposed 48 Pa.B. 1696
 § 69.3201 Added 48 Pa.B. 3412
 § 69.3202 Added 48 Pa.B. 3412
 § 69.3203 Added 48 Pa.B. 3412
 § 69.3301 Proposed 48 Pa.B. 3739
 § 69.3302 Proposed 48 Pa.B. 3739
 § 69.3303 Proposed 48 Pa.B. 3739

69.3501 Proposed 48 Pa.B. 3584
 69.3502 Proposed 48 Pa.B. 3584
 77.1 Proposed 48 Pa.B. 6273
 77.2 Proposed 48 Pa.B. 6273
 77.3 Proposed 48 Pa.B. 6273
 77.4 Proposed 48 Pa.B. 6273
 77.5 Proposed 48 Pa.B. 6273

55 Pa. Code (Human Services)

1155.1 Proposed 48 Pa.B. 4762
 1155.2 Proposed 48 Pa.B. 4762
 1155.11 Proposed 48 Pa.B. 4762
 1155.21 Proposed 48 Pa.B. 4762
 1155.22 Proposed 48 Pa.B. 4762
 1155.31 Proposed 48 Pa.B. 4762
 1155.32 Proposed 48 Pa.B. 4762
 1155.33 Proposed 48 Pa.B. 4762
 1155.34 Proposed 48 Pa.B.
 1155.35 Proposed 48 Pa.B. 4762
 1155.36 Proposed 48 Pa.B. 4762
 1155.37 Proposed 48 Pa.B. 4762
 1155.41 Proposed 48 Pa.B. 4762
 1155.51 Proposed 48 Pa.B. 4762
 5240.1 Proposed 48 Pa.B. 4762
 5240.2 Proposed 48 Pa.B. 4762
 5240.3 Proposed 48 Pa.B. 4762
 5240.4 Proposed 48 Pa.B. 4762
 5240.5 Proposed 48 Pa.B. 4762
 5240.6 Proposed 48 Pa.B. 4762
 5240.7 Proposed 48 Pa.B. 4762
 5240.11 Proposed 48 Pa.B. 4762
 5240.12 Proposed 48 Pa.B. 4762
 5240.13 Proposed 48 Pa.B. 4762
 5240.14 Proposed 48 Pa.B. 4762
 5240.21 Proposed 48 Pa.B. 4762
 5240.22 Proposed 48 Pa.B. 4762
 5240.23 Proposed 48 Pa.B. 4762
 5240.31 Proposed 48 Pa.B. 4762
 5240.32 Proposed 48 Pa.B. 4762
 5240.41 Proposed 48 Pa.B. 4762
 5240.42 Proposed 48 Pa.B. 4762
 5240.43 Proposed 48 Pa.B. 4762
 5240.51 Proposed 48 Pa.B. 4762
 5240.61 Proposed 48 Pa.B. 4762
 5240.71 Proposed 48 Pa.B. 4762
 5240.72 Proposed 48 Pa.B. 4762
 5240.73 Proposed 48 Pa.B. 4762
 5240.74 Proposed 48 Pa.B. 4762
 5240.75 Proposed 48 Pa.B. 4762
 5240.81 Proposed 48 Pa.B. 4762
 5240.82 Proposed 48 Pa.B. 4762
 5240.83 Proposed 48 Pa.B. 4762
 5240.84 Proposed 48 Pa.B. 4762
 5240.85 Proposed 48 Pa.B. 4762
 5240.86 Proposed 48 Pa.B. 4762
 5240.87 Proposed 48 Pa.B. 4762
 5240.91 Proposed 48 Pa.B. 4762
 5240.92 Proposed 48 Pa.B. 4762
 5240.93 Proposed 48 Pa.B. 4762
 5240.101 Proposed 48 Pa.B. 4762
 5240.102 Proposed 48 Pa.B. 4762
 5240.103 Proposed 48 Pa.B. 4762
 5240.104 Proposed 48 Pa.B. 4762
 5240.105 Proposed 48 Pa.B. 4762
 5240.106 Proposed 48 Pa.B. 4762
 5240.107 Proposed 48 Pa.B. 4762
 5240.108 Proposed 48 Pa.B. 4762
 5240.111 Proposed 48 Pa.B. 4762

58 Pa. Code (Recreation)

51.2 Amended 48 Pa.B. 1672
 51.37 Proposed 48 Pa.B. 5499
 51.38 Proposed 48 Pa.B. 5496
 51.71 Proposed 48 Pa.B. 5497
 51.82 Amended 48 Pa.B. 1672
 53.11 Amended 48 Pa.B. 5467
 53.11 Proposed 48 Pa.B. 2655
 53.17 Proposed 48 Pa.B. 5500
 57.11 Amended 48 Pa.B. 1672
 65.14 Amended 48 Pa.B. 1676
 65.21 Proposed 48 Pa.B. 5495
 65.24 Amended 48 Pa.B. 5468
 71.2 Amended 48 Pa.B. 1672
 71.7 Proposed 48 Pa.B. 5493
 71.7 Amended 48 Pa.B. 1672
 75.4 Amended 48 Pa.B. 1672
 79.3 Amended 48 Pa.B. 1672
 79.5 Proposed 48 Pa.B. 5493
 79.5 Amended 48 Pa.B. 1672
 79.6 Proposed 48 Pa.B. 5493

79.6 Amended 48 Pa.B. 1672
 79.7 Proposed 48 Pa.B. 5493
 79.7 Amended 48 Pa.B. 1672
 79.8 Amended 48 Pa.B. 1672
 79.12 Amended 48 Pa.B. 1672
 93.13 Proposed 48 Pa.B. 5499
 93.119 Amended 48 Pa.B. 1672
 99a.1 Added 48 Pa.B. 5472
 99a.1 Proposed 48 Pa.B. 2654
 99a.2 Added 48 Pa.B. 5472
 99a.2 Proposed 48 Pa.B. 2654
 99a.3 Added 48 Pa.B. 5472
 99a.3 Proposed 48 Pa.B. 2654
 99a.4 Added 48 Pa.B. 5472
 99a.4 Proposed 48 Pa.B. 2654
 111.3 Amended 48 Pa.B. 5472
 111.3 Proposed 48 Pa.B. 2654
 111.16 Amended 48 Pa.B. 5472
 111.16 Proposed 48 Pa.B. 2654
 133.7 Proposed 48 Pa.B. 5608
 135.2 Amended 48 Pa.B. 1677
 135.48 Amended 48 Pa.B. 1677
 135.49 Amended 48 Pa.B. 1677
 135.50 Amended 48 Pa.B. 1677
 135.51 Amended 48 Pa.B. 1677
 135.52 Amended 48 Pa.B. 1677
 135.53 Amended 48 Pa.B. 1677
 135.54 Amended 48 Pa.B. 1677
 135.55 Amended 48 Pa.B. 1677
 135.183 Added 48 Pa.B. 3082
 135.183 Proposed 48 Pa.B. 1688
 137.2 Proposed 48 Pa.B. 5608
 139.4 Amended 48 Pa.B. 3082
 139.4 Proposed 48 Pa.B. 1689
 141.1 Amended 48 Pa.B. 3089
 141.1 Proposed 48 Pa.B. 1685
 141.4 Amended 48 Pa.B. 3089
 141.4 Proposed 48 Pa.B. 1683
 141.28 Amended 48 Pa.B. 3090
 141.28 Proposed 48 Pa.B. 1686
 141.29 Added 48 Pa.B. 5727
 141.29 Proposed 48 Pa.B. 2818
 141.43 Amended 48 Pa.B. 3325
 141.43 Proposed 48 Pa.B. 1682
 141.44 Amended 48 Pa.B. 3325
 141.44 Proposed 48 Pa.B. 1682
 141.47 Amended 48 Pa.B. 3325
 141.47 Proposed 48 Pa.B. 1682
 Ch. 141 Appx. G Amended 48 Pa.B. 3089
 Ch. 141 Appx. G Proposed 48 Pa.B. 1683
 147.102 Amended 48 Pa.B. 1680
 147.316 Amended 48 Pa.B. 3091
 147.316 Proposed 48 Pa.B. 1695
 147.317 Amended 48 Pa.B. 3091
 147.317 Proposed 48 Pa.B. 1695
 147.322 Proposed 48 Pa.B. 5607
 147.681 Deleted 48 Pa.B. 3089
 147.681 Proposed 48 Pa.B. 1685
 147.682 Deleted 48 Pa.B. 3089
 147.682 Proposed 48 Pa.B. 1685
 147.683 Deleted 48 Pa.B. 3089
 147.683 Proposed 48 Pa.B. 1685
 147.684 Deleted 48 Pa.B. 3089
 147.684 Proposed 48 Pa.B. 1685
 147.685 Deleted 48 Pa.B. 3089
 147.685 Proposed 48 Pa.B. 1685
 147.686 Deleted 48 Pa.B. 3089
 147.686 Proposed 48 Pa.B. 1685
 147.901 Proposed 48 Pa.B. 5742
 147.902 Proposed 48 Pa.B. 5742
 147.903 Proposed 48 Pa.B. 5742
 147.903.1 Proposed 48 Pa.B. 5742
 147.904 Proposed 48 Pa.B. 5742
 147.904.1 Proposed 48 Pa.B. 5742
 147.905 Proposed 48 Pa.B. 5742
 147.1021 Added 48 Pa.B. 1677
 147.1022 Added 48 Pa.B. 1677
 147.1023 Added 48 Pa.B. 1677
 147.1024 Added 48 Pa.B. 1677
 685a.1 Proposed 48 Pa.B. 5860
 685a.2 Proposed 48 Pa.B. 5860
 685a.3 Proposed 48 Pa.B. 5860
 685a.4 Proposed 48 Pa.B. 5860
 685a.5 Proposed 48 Pa.B. 5860
 685a.6 Proposed 48 Pa.B. 5860
 685a.7 Proposed 48 Pa.B. 5860
 685a.8 Proposed 48 Pa.B. 5860
 685a.9 Proposed 48 Pa.B. 5860
 685a.10 Proposed 48 Pa.B. 5860

685a.11 Proposed 48 Pa.B. 5860
 685a.12 Proposed 48 Pa.B. 5860
 801.1 Temporary 48 Pa.B. 21
 801.2 Temporary 48 Pa.B. 21
 801.3 Temporary 48 Pa.B. 21
 801.4 Temporary 48 Pa.B. 21
 802.1 Temporary 48 Pa.B. 21
 802.2 Temporary 48 Pa.B. 21
 802.3 Temporary 48 Pa.B. 21
 803.1 Temporary 48 Pa.B. 21
 803.2 Temporary 48 Pa.B. 21
 803.3 Temporary 48 Pa.B. 21
 804.1 Temporary 48 Pa.B. 2631
 804.2 Temporary 48 Pa.B. 2631
 804.3 Temporary 48 Pa.B. 2631
 804.4 Temporary 48 Pa.B. 2631
 805.1 Temporary 48 Pa.B. 1513
 805.2 Temporary 48 Pa.B. 1513
 805.3 Temporary 48 Pa.B. 1513
 805.4 Temporary 48 Pa.B. 1513
 805.5 Temporary 48 Pa.B. 1513
 805.6 Temporary 48 Pa.B. 1513
 805.7 Temporary 48 Pa.B. 1513
 806.1 Temporary 48 Pa.B. 1513
 806.2 Temporary 48 Pa.B. 1513
 806.3 Temporary 48 Pa.B. 1513
 806.4 Temporary 48 Pa.B. 1513
 806.5 Temporary 48 Pa.B. 1513
 806.6 Temporary 48 Pa.B. 1513
 806.7 Temporary 48 Pa.B. 1513
 807.1 Temporary 48 Pa.B. 1513
 807.2 Temporary 48 Pa.B. 1513
 807.3 Temporary 48 Pa.B. 1513
 807.4 Temporary 48 Pa.B. 1513
 807.5 Temporary 48 Pa.B. 1513
 807.6 Temporary 48 Pa.B. 1513
 807.7 Temporary 48 Pa.B. 1513
 807.8 Temporary 48 Pa.B. 1513
 807.9 Temporary 48 Pa.B. 1513
 808.1 Temporary 48 Pa.B. 1513
 808.2 Temporary 48 Pa.B. 1513
 808.3 Temporary 48 Pa.B. 1513
 808.4 Temporary 48 Pa.B. 1513
 808.5 Temporary 48 Pa.B. 1513
 808.6 Temporary 48 Pa.B. 1513
 808.7 Temporary 48 Pa.B. 1513
 808.8 Temporary 48 Pa.B. 1513
 809.1 Temporary 48 Pa.B. 2544
 809.2 Temporary 48 Pa.B. 2544
 809.3 Temporary 48 Pa.B. 2544
 809.4 Temporary 48 Pa.B. 2544
 809.5 Temporary 48 Pa.B. 2544
 809.6 Temporary 48 Pa.B. 2544
 809.7 Temporary 48 Pa.B. 2544
 809.8 Temporary 48 Pa.B. 2544
 810.1 Temporary 48 Pa.B. 2550
 810.2 Temporary 48 Pa.B. 2550
 810.3 Temporary 48 Pa.B. 2550
 810.4 Temporary 48 Pa.B. 2550
 810.5 Temporary 48 Pa.B. 2550
 810.6 Temporary 48 Pa.B. 2550
 810.7 Temporary 48 Pa.B. 2550
 810.8 Temporary 48 Pa.B. 2550
 810.9 Temporary 48 Pa.B. 2550
 810.10 Temporary 48 Pa.B. 2550
 810.11 Temporary 48 Pa.B. 2550
 810.12 Temporary 48 Pa.B. 2550
 810.13 Temporary 48 Pa.B. 2550
 811.1 Temporary 48 Pa.B. 2631
 811.2 Temporary 48 Pa.B. 2631
 811.3 Temporary 48 Pa.B. 2631
 811.4 Temporary 48 Pa.B. 2631
 811.5 Temporary 48 Pa.B. 2631
 811.6 Temporary 48 Pa.B. 2631
 811.7 Temporary 48 Pa.B. 2631
 811.8 Temporary 48 Pa.B. 2631
 811.9 Temporary 48 Pa.B. 2631
 812.1 Temporary 48 Pa.B. 2631
 812.2 Temporary 48 Pa.B. 2631
 812.3 Temporary 48 Pa.B. 2631
 812.4 Temporary 48 Pa.B. 2631
 812.5 Temporary 48 Pa.B. 2631
 812.6 Temporary 48 Pa.B. 2631
 812.7 Temporary 48 Pa.B. 2631
 812.8 Temporary 48 Pa.B. 2631
 812.9 Temporary 48 Pa.B. 2631
 812.10 Temporary 48 Pa.B. 2631

List of Pa. Code Chapters Affected

This numerical guide is a list of the chapters of each listed title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* from January 1, 2018, to September 30, 2018. This list supplements the “List of Pa. Code Sections Affected” at 48 Pa.B. 6534 (October 6, 2018). Differences in numbering systems prevented these entries from being made there.

4 Pa. Code (Administration)*

Statements of Policy

1	4261
9	37, 299, 522, 1423, 1710, 2138, 2388, 2819, 4506, 5504, 5866
67b	2824
501	879

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

5	5714
7	595, 3847
19	3847
40	3403

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29	222, 5346
81	2582, 2756, 4812
82	3076
83	3076, 4094
89	727
91	727
93	4956
207	5714
213	2113, 2582, 2602, 3077, 3847
221	1092
303	716

Proposed Rules

71	5715
81	2936
83	1270, 5717, 5830
305	2367

207 Pa. Code (Judicial Conduct)

Adopted Rules

33	2757
51	2757

210 Pa. Code (Appellate Procedure)

Adopted Rules

1	461, 3517
5	461, 3517
7	461
9	461, 3517
11	461, 3517
13	461
15	461
17	461
19	461
21	461, 3517
25	461, 3517
27	461

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200	224, 475, 3519
1000	475
1900	477, 3520
1910	477, 1093, 3520, 4960
1915	477, 1095, 3520, 5346
1920	477, 3520, 4960
1930	477, 3520, 6257
1940	1095
1950	477, 3520
2020	475, 3519
Part II	483, 3524, 3573

Proposed Rules

400	4956, 4959
1000	4956, 4959
1910	4214, 5831
1915	1813, 5843
1920	1814
Part II	486, 728, 1271, 3571

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1	487, 490, 856, 2759, 3575
2	3575
4	224, 3575
5	487, 729, 856, 2759, 3575

Proposed Rules

4	496, 1930
5	507, 4094

237 Pa. Code (Juvenile Rules)

Adopted Rules

1	2939
4	2615, 3407
6	3407
11	2615
16	3321

Proposed Rules

1	4217
11	1098
15	4218

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

200	511, 3581
300	2617, 3581
500	3581
800	3581
1200	3581

*Reference should be made to the “List of Pa. Code Sections Affected” at 48 Pa.B. 6534 (October 6, 2018)

249 Pa. Code (Philadelphia Rules)

Unclassified . . . 10, 227, 731, 732, 1825, 2125, 2940, 3078,
3080, 3322, 3323, 3582, 4219, 4813, 5845, 5846, 5847

252 Pa. Code (Allegheny County Rules)

Unclassified 5857, 6258

255 Pa. Code (Local Court Rules)

Unclassified 10, 227, 236, 249, 513, 596, 598, 863,
975, 976, 1497, 1827, 2383, 2385, 2619, 2620, 2941, 3080,
3081, 3411, 3582, 3851, 3852, 3947, 3948, 4096, 4097,
4098, 4234, 4256, 4611, 4612, 4967, 4968, 5350, 5351,
5454, 5719, 5721, 5858, 6259

