

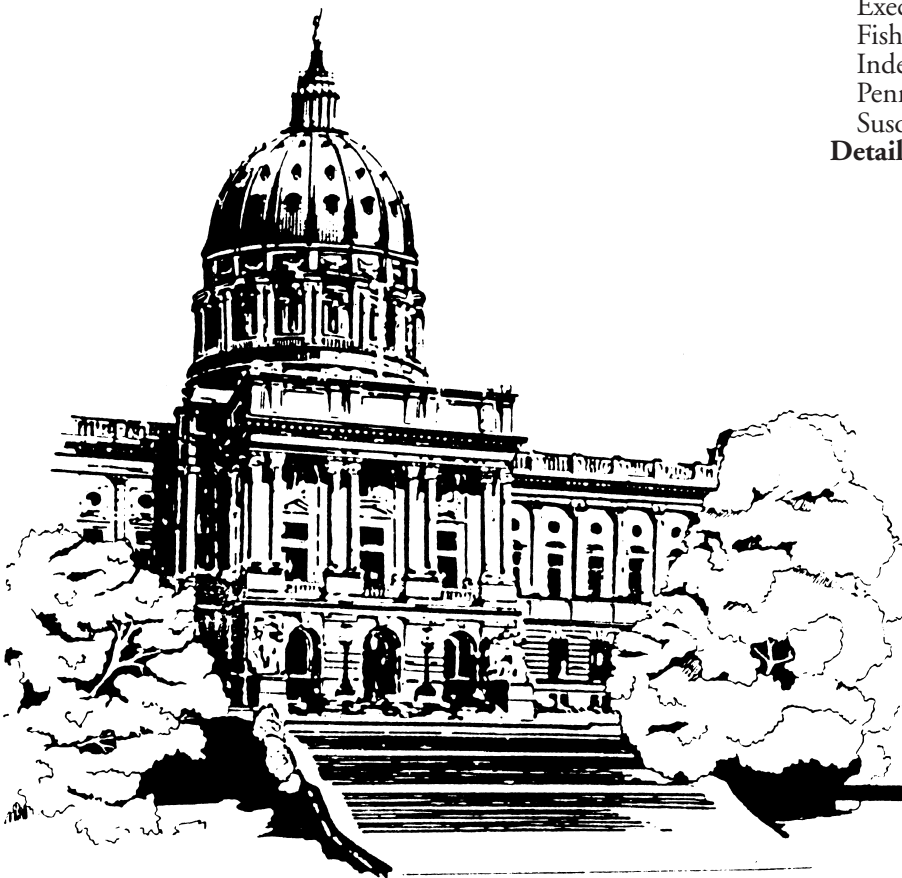
PENNSYLVANIA BULLETIN

Volume 48
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Agencies in this issue

The Courts
Department of Banking and Securities
Department of Environmental Protection
Department of Health
Department of Human Services
Department of Labor and Industry
Department of Transportation
Executive Board
Fish and Boat Commission
Independent Regulatory Review Commission
Pennsylvania Public Utility Commission
Susquehanna River Basin Commission

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

No. 527, October 2018

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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THE COURTS

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rules; 29 January Term 1976

Administrative Order of Court

And Now, this 28th day of September, 2018, the Court hereby rescinds all of the former Local Rules of Clinton County and hereby adopts the following Local Rules packet in its entirety, effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

The Clinton County Judicial Law Clerk is Ordered and Directed to do the following:

1. File with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* by emailing a copy of this order to bulletin@palrb.us and sending two (2) certified copies to:

Legislative Reference Bureau
Pa. Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 177120-0033

2. Publish a copy of this Administrative Order and the entire copy of the Clinton County Local Rules on the Clinton County Court website within thirty (30) days after the publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

LOCAL RULES OF JUDICIAL ADMINISTRATION

Rule 101. Title and Citation of Rules.

(A) These rules shall be known as the Clinton County Rules of Miscellaneous Procedure and may be cited as "Clinton R.J.Admin. No. _____."

(B) These rules shall govern all proceedings in the criminal division of the Court and shall be construed either consistent with or subordinate to all rules or decision of the Supreme Court of Pennsylvania, the rules of the Judicial Council of Pennsylvania, or any statutes still in effect governing practice and procedure.

Rule 200. Confidential Documents.

(A) Unless required by applicable authority the following information is confidential and shall be not included in any document filed with the Court or the Office of the Prothonotary, Clerk of Courts, or Clerk of Orphans' Court, except on a Confidential Information Form filed contemporaneously with the document:

- (1) Social Security Numbers;
- (2) Financial Account Numbers, except on active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
- (3) Driver License Numbers;
- (4) State Identification (SID) Numbers;
- (5) Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
- (6) Abuse victim's address and other contact information, including employer's name, address and work sched-

ule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

(B) The Confidential Information Form shall be available on the website of the Court and at the Office of Court Administrator.

(C) Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the Court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents."

(D) The Court or staff of the Office of the Prothonotary, Clerk of Courts, or Clerk of Orphans' Court is not required to review or redact any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

(E) If a filed document fails to comply with the requirements of this section, the Court may, upon motion or its own initiative, with or without a hearing order the filed document sealed, redacted, amended or any combination thereof. The Court may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

(F) This section shall apply to all documents for any case filed with the Court or in the Office of the Prothonotary, Clerk of Courts, or Clerk of Orphans' Court.

Rule 1901. Termination of Inactive Cases at Magisterial District Courts.

(A) An "inactive matter" is defined as any civil or criminal proceeding filed in any Magisterial District Office in which no action has been taken for a continuous period of twenty-four (24) months.

(B) On or before March 1st of each year, each Magisterial District Judge, after at least thirty (30) days written notice to all parties and any attorney representing any parties, shall dismiss said inactive matters.

(C) On or before May 1st of each year, each Magisterial District Judge shall transmit to the Court Administrator and the President Judge a written report of any inactive matter which has been dismissed along with an explanation concerning any inactive matter which has not been dismissed.

(D) Magisterial District Judges shall destroy files of terminated cases three (3) years after the order of termination or an audit by the Commonwealth of Pennsylvania has been completed, whichever is later.

Rule 4007. Court Reporters and Transcripts.

(A) General Provisions

(1) The District Court Administrator is the designee for purposes of the administration of this local rule.

(2) This rule shall not interfere with or otherwise limit the income of Court Reporters. Court Reporters shall

continue to be properly compensated for their professional services as related to the preparation of transcripts and orders.

(B) *Procedures*

(1) *Format.* Requests for ordinary transcripts shall be set forth on a standardized form provided by the District Court Administrator of the Commonwealth of Pennsylvania and available at the Office of the District Court Administrator of Clinton County or the Clinton County Website.

(2) *Requests for Transcripts.* For an ordinary transcript, the party requesting the full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office of the court (Clerk of Courts, Prothonotary, or Orphan's Court).

(3) *Service.* The Requesting Party shall serve copies of the formal request to:

- (a) The Presiding Judge;
- (b) The Court Reporter(s) assigned to the proceeding;
- (c) The District Court Administrator; and
- (d) All opposing counsel or parties if party is unrepresented.

(4) *Costs.* The Court Reporter, upon receipt of request, shall estimate the cost of transcribing the requested transcript and provide that information to the District Court Administrator. The District Court Administrator shall forward that information to the requesting party.

(5) *Requests for Daily, Expedited or Same Day Transcript.*

(a) Requests for daily, expedited or same day transcript shall be filed in writing in the appropriate filing office at least thirty (30) days prior to the beginning of proceedings.

(b) Copies of the written request shall be served as provided for by Section (B)(3) supra.

(c) In the event of an emergency, a party may request by oral motion to the court a daily, expedited or same day transcript. Granting said request shall be at the discretion of the Court.

(6) *Private Litigants.* When a private litigant requests a transcript, the party ordering said transcript shall make a payment of 75% of the estimated cost of the transcript as determined on the official request for transcript form.

(7) *Payment of Costs.* Deposit checks shall be made payable to The County of Clinton-Transcript Deposit Fund and shall be delivered to the District Court Administrator.

(8) *Preparation of Transcript.* Upon receipt of the 75% deposit, the Court Reporter assigned to the proceeding shall be directed by the District Court Administrator to prepare the transcript.

(9) *Notice of Completion.* The Court Reporter(s) shall notify the ordering party and the District Court Administrator of the completion of the transcript and the final cost thereof. The Court Reporter(s) shall deliver a copy to the District Court Administrator. The original transcript shall not be filed and counsel or parties shall not receive copies until payment in full is received by the District Court Administrator.

(10) *Payment of Balance.* Checks for the final balance due will be made payable to The County of Clinton-

Transcript Deposit Fund and delivered to the District Court Administrator. Upon receipt of payment in full, the Court Reporter shall file and deliver the transcript to the requesting party or parties and upon presentation of an appropriate bill by the Court Reporter, the County shall make payment to the Court Reporter.

(11) *Economic Hardship.*

(a) The application to waive all or a portion of the costs for an ordinary transcript shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a petition to waive all or a portion of the transcript costs and filed in the appropriate filing office.

(b) When a litigant requests a transcript but cannot pay for the transcript due to alleged economic hardship, the Court will determine economic hardship pursuant to the procedure set forth in Paragraph (C)(3) infra.

(c) In cases of economic hardship where the matter is under appeal or a transcript is necessary to advance litigation, the cost of procuring the transcript shall be waived or otherwise adjusted by the Court.

(d) In cases of economic hardship where there is no pending appeal or there exist no obvious need for the transcript to advance litigation, the requesting party must demonstrate reasonable need for said transcript which shall be set forth in the request for transcript before the Court shall waive or adjust the cost of obtaining the transcript. The Court will determine if the requesting party has demonstrated reasonable need to have the transcript prepared without payment of the cost of the transcript.

(C) *Rates*

Transcript cost payable by a requesting party other than the Commonwealth or a subdivision thereof shall be governed as follows:

(1) *Costs Payable.* The costs payable by the initial ordering party for a transcript delivered via electronic format shall be:

- (a) For an Ordinary Transcript, \$2.50 per page
- (b) For an Expedited Transcript, \$3.50 per page
- (c) For a Daily Transcript, \$4.50 per page
- (d) For Same Day delivery, \$6.50 per page
- (e) For Rough Draft, \$1.00 per page

(f) For complex litigation add \$0.50 to the per page price for each class of transcript the Court will determine at the request of any party or Court Reporter, if the litigation shall be deemed "complex."

(2) *Bound Paper Format.*

(a) When a transcript is requested in bound paper form, the costs shall be in accordance with Section (C)(1) supra relating to electronic format plus a surcharge of \$0.25 per page.

(b) When a transcript is requested to be delivered in electronic format, the Court Reporter shall prepare an additional transcript in bound paper format if one is needed to be filed of record at no additional cost.

(3) *Economic Hardship.*

(a) Transcript cost shall not be waived for daily, expedited or same day transcript.

(b) The transcript cost for necessary ordinary transcripts shall be waived as follows:

(i) If requester has been permitted to proceed in forma pauperis.

(ii) If requester has income less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services poverty guidelines for the current year.

(iii) If requester is represented by an attorney providing free legal service and the attorney files a praecipe which contains a certification by the attorney that the attorney is providing free legal service to the party and believes that the party is unable to pay the costs.

(c) The transcript cost for necessary ordinary transcripts shall be reduced by one half if requester has income less than 200 percent of the poverty line as defined by the U.S. Department of Health and Human Services poverty guidelines for the current year.

(d) Transcript costs for ordinary transcripts that are not subject to appeal, where the transcript is not necessary to advance the litigation, may be waived at the Court's discretion for parties who qualify for economic hardship under (B)(11) if the party demonstrates reasonable need.

(4) *Assignment and Allocation of Transcript Costs.*

(a) The requesting party or the party required by rule to file the transcript shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for any transcript ordered by the Court, unless requesting a copy as provided by Subparagraph (C)(5) of this rule.

(b) When more than one party requests a transcript, or more than one party is required by rule to file a transcript, the costs will be divided equally among the parties.

(5) *Copies of a Transcript.* A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be provided according to the following schedule:

(a) \$0.75 per page bound, paper format

(b) \$0.50 per page for an electronic copy

Any request for a copy of a transcript shall be directed to the District Court Administrator. Filing offices must direct all requests for copies of any transcript to the District Court Administrator.

The District Court Administrator shall notify the responsible Court Reporter to prepare a copy of the ordered transcript. All payments shall be paid to The County of Clinton Transcript Deposit Fund and upon presentation of appropriate bill by the Court Reporter, the County shall pay said fee to the Court Reporter.

(6) *Other Costs.*

(a) Costs payable to a Court Reporter by the Commonwealth, any subdivision of the Commonwealth or indigent parties for preparation of an ordered transcript and/or other necessary document shall be paid by the County at the rate as follows:

(i) Ordinary transcripts and orders—\$2.25 per page; and

(ii) All other requests as set forth in Subparagraph (C)(1) supra.

(b) Said payment by the County shall be made upon presentation of appropriate billing document from the Court Reporter.

LOCAL RULES OF CRIMINAL PROCEDURE

Rule 101. Title, Citation, and Scope of Rules.

(C) These rules shall be known as the Clinton County Rules of Criminal Procedure and may be cited as "Clinton R.Crim.P. No. _____."

(D) These rules shall govern all proceedings in the criminal division of the Court and shall be construed either consistent with or subordinate to all rules or decision of the Supreme Court of Pennsylvania, the rules of the Judicial Council of Pennsylvania, or any statutes still in effect governing practice and procedure.

Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Clinton County having filed a Certification pursuant to Pa.R.Crim.P. 202, no Search Warrant Application shall hereafter be accepted by a Magisterial District Judge unless the Search Warrant Application has the approval of an Attorney for the Commonwealth prior to filing.

Rule 301. Procedures for Accelerated Rehabilitative Disposition in Summary Cases before the Minor Judiciary.

Diversion in summary cases shall be in accordance with the local procedures adopted for Adjudication Alternative Programs (A.A.P.) as adopted by this Court on January 23, 2006, by Administrative Order 1-2006, which states:

(A) The following types of summary cases shall be eligible for A.A.P. to be supervised by the Magisterial District Judge, pursuant to 42 Pa.C.S.A. § 1520.

(1) Retail Theft. 18 Pa.C.S.A. § 3929(a),(b)(1)(i).

(b) Purchase, consumption, possession or transportation of intoxicating beverages by one less than twenty-one (21) years of age. 18 Pa.C.S.A. § 6308.

(c) Misrepresentation of age to secure liquor or malt or brewed beverages by one less than twenty-one (21) years of age. 18 Pa.C.S.A. § 6307.

(d) Carrying a false identification card. 18 Pa.C.S.A. § 6310.3.

(e) Use of tobacco in schools prohibited. 18 Pa.C.S.A. § 6306.1.

(f) Disorderly conduct if defendant is a juvenile. 18 Pa.C.S.A. § 5503.

(g) Harassment if defendant is a juvenile. 18 Pa.C.S.A. § 2709(a).

(h) Criminal mischief if defendant is a juvenile. 18 Pa.C.S.A. § 3304.

(B) Admission shall be requested within ten (10) days of receipt of the citations or summons. Extensions of the application period may be granted by the Magisterial District Judge for good cause. The Magisterial District Judge shall determine eligibility for summary A.A.P. within seventy-two (72) hours of the submission of the application.

(C)(a) No defendant who has previously been placed in an A.A.P. or A.R.D. Program in any Court shall be admitted to A.A.P. in a summary matter.

(b) A defendant who applies for A.A.P. in a summary matter shall execute the following:

AFFIDAVIT

I have not previously been placed in an A.A.P. or A.R.D. Program in any court at either the Common Pleas Court

or Magisterial District Court level. I make this statement subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date	Name
c. Prior to placing a defendant in A.A.P., the Magisterial District Judge shall determine that the defendant has not previously been placed in A.A.P. in a summary matter in this judicial district by contacting the other District Courts within the Judicial District.	

4. Costs of supervision and restitution, if any, must be paid in full before admission to the A.A.P. Program. These costs include court costs incident to a non-traffic summary offense and any costs incident to the program to which the defendant is referred.

5. The defendant shall be notified in writing of acceptance or rejection from the A.A.P.

a. If accepted, defendant shall appear at a time designated by the Magisterial District Judge for completion of all documentation incident to admission to A.A.P.

b. If rejected, the Magisterial Judge shall notify defendant that he has ten (10) days to enter his plea and the case shall proceed in accord with Chapter 400 of the Pennsylvania Rules of Criminal Procedure.

6. The Magisterial District Judge shall schedule and notify the defendant at time of admission to A.A.P. of a hearing date to determine if all A.A.P. requirements have been met within the prescribed time frame of the specific programs entered into.

7. Requests for continuance of said hearing shall be denied, except in compelling circumstances. No continuance shall be for more than seven (7) days.

8. A defendant accepted into A.A.P. shall be referred to the following programs:

- a. Retail theft
- b. Alcohol
- c. Tobacco in schools
- d. Disorderly conduct
- e. Criminal mischief
- f. Harassment

9. Upon successful completion of all requirements, this defendant's case shall be dismissed and the defendant discharged.

10. If defendant declines A.A.P. or fails to successfully complete the program requirements, the case shall proceed in accord with Chapter 50 of the Pennsylvania Rules of Criminal Procedure.

11. No summary case shall remain "active" for purposes for A.A.P. supervision in excess of one (1) year.

12. The following shall be displayed in each Magisterial District office:

**NOTICE TO THOSE CHARGED
WITH CERTAIN SUMMARY OFFENSES—**

Retail Theft,
Underage Alcohol Offenses,
Tobacco on School Property,
Harassment,
Disorderly Conduct,
and Criminal Mischief by a Juvenile

You may be eligible to participate in a program (A.A.P.) which will result in dismissal of the charge against you.

The A.A.P. Program is available for defendants who have not previously been placed into an A.A.P. or A.R.D. Program. You must pay all costs and restitution before admission to the A.A.P. Program. You will be required to attend a counseling program. If you successfully complete the program, the charge against you will be dismissed. If you want to apply for the A.A.P. Program, notify the Magisterial District Judge immediately.

Rule 302. Procedures for Accelerated Rehabilitative Disposition in Summary Cases in the Court of Common Pleas.

Because the District Attorney has not filed a Certification to proceed by local option under Rule 300, no local rule exists.

Rule 506.1. Private Criminal Complaint for Violation of Order or Agreement Entered Pursuant to the Protection From Abuse Act (23 Pa.C.S.A. § 6101, et seq.) or the Protection of Victims of Sexual Violence or Intimidation Act (42 Pa.C.S.A. § 62A01, et seq.)

(A) In lieu of filing a complaint with the police, a plaintiff may file a private criminal complaint against a defendant alleging indirect criminal contempt for a non-economic violation of any provision of an order or court-approved consent agreement issued under the Protection From Abuse Act, 23 Pa.C.S. § 6101 et seq., or Probation of Victims of Sexual Violence or Intimidation Act, 42 Pa.C.S. § 62A01 et seq., with the Office of District Attorney, the Court or the Magisterial District Judge in the district where the violation occurred in accordance with the following procedure:

(1) With the Office of District Attorney—The Plaintiff may file with the Office of District Attorney a private criminal complaint on a form approved by the Court. The District Attorney's Office shall review the complaint and approve or disapprove it without unreasonable delay. If the District Attorney approves the complaint, the attorney shall indicate this decision on the complaint form and shall docket the complaint with the Clerk of Courts. The Clerk of Courts shall forward it to the Judge who handled the original order or consent agreement. The Judge shall review the allegations and if the Judge finds that probable cause exists, the Judge shall issue a warrant. The court shall forward the warrant to the Sheriff of Clinton County.

(2) The Sheriff shall serve the warrant upon the defendant and take the Defendant before the Court without unnecessary delay. If the Court is not in session the Defendant shall be taken to the appropriate Magisterial District Judge. The defendant shall be afforded a preliminary arraignment pursuant to 23 Pa.C.S. § 6113(d) or 42 Pa.C.S.A. § 62A12(c) and bail shall be set (and the Court shall be notified if arraignment occurs in front of a Magisterial District Judge). The court shall schedule a hearing within ten (10) days of the filing of the private criminal complaint. If the Judge finds that sufficient grounds are not alleged in the complaint, the Judge may summarily dismiss the complaint without a hearing.

(3) If the District Attorney disapproves the complaint, the attorney shall state the reasons on the complaint form and return it to the affiant. Thereafter, the affiant may petition the court of common pleas and proceed pro se in accordance with subsection (2).

(4) With the Court or the Magisterial District Judge in the district where the violation occurred—The Plaintiff may file with the Court or the Magisterial District Judge in the district where the violation occurred a private

criminal complaint on a form approved by the court. After the complaint is filed, it shall be immediately forwarded to the Office of the District Attorney (unless the District Attorney has already disapproved the complaint, in which case the affiant shall proceed pro se in the Court of Common Pleas), who shall review it and follow the procedure outlined in subsection (a)(1) of this Rule.

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Clinton County, having filed a Certification pursuant to Pa.R.Crim.P. 507, Criminal Complaints and Arrest Warrant Affidavits by Police Officers, as defined in the Rules of Criminal Procedure, charging Criminal Homicide in violation of 18 Pa.C.S.A. § 2501; Murder in any degree in violation of 18 Pa.C.S.A. § 2502; Voluntary Manslaughter in violation of 18 Pa.C.S.A. § 2503; Involuntary Manslaughter in violation of 18 Pa.C.S.A. § 2504; Rape in violation of 18 Pa.C.S.A. § 3121; Statutory Sexual Assault in violation of 18 Pa.C.S.A. § 3122.1; Involuntary Deviate Sexual Assault in violation of 18 Pa.C.S.A. § 3123; Sexual Assault in violation of 18 Pa.C.S.A. § 3124.1; Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125; Indecent Assault in violation of 18 Pa.C.S.A. § 3126; Sexual Abuse of Children in violation of 18 Pa.C.S.A. § 6312; Homicide by Vehicle in violation of 75 Pa.C.S.A. § 3732; and Homicide by Vehicle While Driving under the Influence in violation of 75 Pa.C.S.A. § 3735 shall not be accepted by any judicial officer unless the Complaint and/or Affidavit has the approval of an attorney for the Commonwealth prior to filing.

LOCAL MISCELLANEOUS RULES OF PROCEDURE

Rule 101. Title and Citation of Rules.

These rules shall be known as the Clinton County Rules of Miscellaneous Procedure and may be cited as "Clinton R.M.P. No. _____."

Rule 102. Scope of Rules.

These rules shall govern all proceedings in the Court of Common Pleas of Clinton County, Pennsylvania, and shall be construed either consistent with or subordinate to all rules or decisions of the Supreme Court of Pennsylvania, rules of the Judicial Council of Pennsylvania, any statutes still in effect governing practice and procedure, the Clinton County Rules of Criminal Procedure, the Clinton County Rules of Civil Procedure, and the Clinton County Orphans' Court Rules.

Rule 201. Court in Continuous Session. Court Calendar.

(A) Court shall be in continuous session throughout the year.

(B) Prior to December of each year, the Court by order will fix the Court calendar for the upcoming year. A copy of this order shall be posted in the Prothonotary's office and mailed to all attorneys regularly practicing before the Court.

Rule 701. Bill of Costs.

(A) Every bill of costs shall set forth the names and addresses of the witnesses, the dates of their attendance, the number of miles actually traveled by each, and the places from which mileage is claimed. To the bill of costs shall be attached any subpoena, endorsed with a return of service on oath or affirmation of the person who served it, setting forth the place where service on each witness was

made, the date of service, and the number of miles actually traveled in making service.

(B) Every bill of costs shall be verified on oath or affirmation of the party filing it or their agent or attorney that the witnesses named were actually present in Court on the dates stated and that they were material witnesses.

(C) All bills of costs shall be filed, a copy thereof served on the adverse party, and proof of service filed within ten (10) days after the trial or continuance.

(D) Any party upon whom a bill of costs has been served may, within five (5) days after such service, file exceptions and request a hearing. Failure to file timely exceptions shall be deemed a waiver of all objections to the bill as filed. The collection of costs will be stayed until the trial judge has decided the matter.

LOCAL RULES OF CIVIL PROCEDURE

Rule 51. Title, Citation and Scope of Rules.

(A) These rules shall be known as the Clinton County Rules of Civil Procedure and may be cited as "Clinton R.C.P. No. _____."

(B) These rules shall govern all proceedings in the civil division of the Court and shall be construed either consistent with or subordinate to all rules or decision of the Supreme Court of Pennsylvania, the rules of the Judicial Council of Pennsylvania, or any statutes still in effect governing practice and procedure.

Rule 205.2(b). Motion Cover Sheet.

The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court, except a motion for a continuance.

(A) A cover sheet substantially in the form set forth in subsection (G) of this section shall be attached to the front of every request for a court order to which this rule applies. Any request for relief on the front of which an applicable Pennsylvania Rule of Civil Procedure requires a specific order or notice to be attached shall include that order or notice directly following the cover sheet.

(B) The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.

(C) If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.

(D) If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration must be requested if the date of the pretrial conference has been set or if the case has already been pretried.

(E) A proposed order granting the relief requested shall be attached to the cover sheet.

(F) The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling

order appearing on the cover sheet. The Prothonotary shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.

(G) The form of the cover sheet shall be substantially as follows:

COURT OF COMMON PLEAS, CLINTON COUNTY, PENNSYLVANIA
MOTION COVER SHEET

CAPTION (may be abbreviated)

DOCKET NO. _____

Case Assigned to Judge _____

_____ NONE

vs.

- 1. NAME OF FILING PARTY:
- 2. FILING PARTY'S ATTORNEY:
- 3. TYPE OF FILING:

<p>4. THE FOLLOWING IS/ARE REQUESTED:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Argument <input type="checkbox"/> Evidentiary Hearing <input type="checkbox"/> Court Conference <input type="checkbox"/> Rule to Show Cause <input type="checkbox"/> Issue an Appropriate Order <input type="checkbox"/> Entry of Uncontested Order (attach supporting documentation) <input type="checkbox"/> Expedited Consideration. State the Basis: _____ _____ <input type="checkbox"/> Telephone Conferencing Requested. (Telephone number shall be provided to court administrator prior to hearing.) <input type="checkbox"/> Video Conferencing Requested. <input type="checkbox"/> Attach this Cover Sheet to the Original Motion Previously Filed on: _____ 	<p>5. Agreement of Opposing Party Sought? Yes/No If yes, was it granted or denied? _____</p> <p>6. TIME REQUIRED: _____</p> <p>7. NAMES AND ADDRESSES OF ALL COUNSEL OF RECORD AND UNREPRESENTED PARTIES:</p> <p><input type="checkbox"/> Continued on Separate Sheet.</p>
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ORDER

- 1. ___ An ___ Argument ___ Factual Hearing ___ Court Conference is scheduled for _____ at _____ M. in Courtroom No. _____, Clinton County Courthouse, Lock Haven, PA.
 - 2. ___ Briefs are to be filed by the following dates:
Filing Party _____
Responding Party/Parties _____
 - 3. ___ A Rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.
 - 4. ___ A Response to the Motion/Petition shall be filed as follows: _____.
 - 5. ___ See Order Attached. ___ See Separate Order Issued This Date.
 - 6. ___ Other: _____.
- DATE: _____

JUDGE

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6" ABOVE.

Rule 206.4(c). Petition Procedure. Rule to Show Cause.

(A) The procedure specified in Pennsylvania Rule of Civil Procedure 206.5 is adopted to govern petition practice in Clinton County. The issuance of a Rule to Show cause shall be discretionary with the Court in accordance with that Rule.

(B) The provisions of this rule shall not be applicable to Preliminary Objections.

(C) After a petition has been time-stamped in the Prothonotary's Office, such petition may be presented to the Court as follows:

(1) Any petition may be presented to an available Judge at 8:30 A.M. on any business day or in open court immediately preceding or following any court proceeding.

(2) Any petition may be delivered to the Court Administrator who shall refer the petition to the appropriate judge.

(D) All petitions shall contain a certification by counsel that concurrence in the petition has been sought and that such concurrence has been given or denied. Counsel shall take reasonable steps to secure such concurrence or non-concurrence. Concurrence need not be sought of pro se parties. Certification shall be on a separate piece of paper, attached to the petition at the end thereof. If concurrence or non-concurrence cannot be secured after reasonable efforts, the petition may be filed without said certification, but the petitioner shall thereafter have a continuing duty to file such a certification within a reasonable time.

(E) The Petitioner shall attach to the Petition a proposed order substantially in the form set forth in Pa.R.C.P. No. 206.5(d).

(F) At the time the petition is time-stamped, a copy of the petition, together with a copy of the proposed order, shall be served in accordance with Pa.R.C.P. No. 440. It shall be presumed that members of the Clinton County Bar agree that their mailbox in the Prothonotary's Office is designated as an appropriate place for service unless they note otherwise on the first page of their pleading.

(G) Any Petition which is insufficient on its face will be returned unsigned to the Prothonotary without further notice to counsel.

Rule 208.2(d). Certification of Uncontested Motions.

All Motions, except for motions pertaining to discovery, shall contain a certification by counsel that concurrence in the motion has been sought and that such concurrence has been given or denied. Counsel shall take reasonable steps to secure such concurrence or non-concurrence. Concurrence need not be sought of pro se parties. Certification shall be on a separate piece of paper, attached to the motion at the end thereof. If concurrence or non-concurrence cannot be secured after reasonable efforts, the motion may be filed without said certification, but the moving party shall thereafter have a continuing duty to file such a certification within a reasonable time.

Rule 208.2(e). Certification of Discovery Motions.

Any Motions pertaining to discovery shall contain a certification by counsel that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action. Certification shall be on a separate piece of paper, attached to the motion at the end thereof. If a resolution cannot be secured without court action after reasonable efforts, the motion may be filed without said certification, but the

moving party shall thereafter have a continuing duty to file such a certification within a reasonable time.

Rule 208.3(a). Motion Practice.

(A) After a motion has been time-stamped in the Prothonotary's Office, such motion may be presented to the Court as follows:

(1) Any motion may be presented to an available judge at 8:30 A.M. on any business day or in open court immediately preceding or following any court proceeding.

(2) Any motion may be delivered to the Court Administrator who shall refer the motion to the appropriate Judge.

(B) Counsel shall prepare and submit a proposed order with any motion.

(C) At the time the motion is time-stamped, a copy of the motion, together with a copy of the proposed order shall be served in accordance with Pa.R.C.P. No. 440.

(D) Any motion which is insufficient on its face will be returned unsigned to the Prothonotary without further notice to counsel.

Rule 212.3.1. Counsel's Pre-Trial Conference (Civil Jury and Non-Jury Trial).

(A) As directed by the Court, plaintiff's counsel shall arrange for a pre-trial conference between counsel which shall be held not later than forty-five (45) days prior to the pre-trial conference. Counsel's conference shall be conducted at the Clinton County Courthouse unless all counsel agree to another location. Arrangements for the availability of a room at the Courthouse shall be made through the Court Administrator. The failure of plaintiff's counsel to comply with the schedule provided herein shall upon motion be grounds for a non pros.

(B) At counsel's conference the following matters shall be accomplished:

(1) Counsel shall exchange lists of potential witnesses, their addresses, and a general statement of the proposed testimony of each witness. The lists shall indicate which witnesses will be called and which may be called. Only witnesses so listed will be permitted to testify at trial.

(2) Counsel shall examine, number, and list all exhibits which they intend to introduce and use at trial, whether during the case in chief or in rebuttal. Exhibits shall be marked by using the labels then in use by the Court. Any party may use at trial any exhibit listed by any other party. Only exhibits so listed and numbered will be admitted into evidence at trial. Counsel shall make a good faith attempt to agree as to the authenticity and admissibility of exhibits which have been listed and marked. If such an agreement cannot be reached, the objecting party shall state in detail the reasons for an objection together with any authorities in support of that position.

(3) Counsel shall agree upon a brief factual statement of the case to be read to the jury as a part of voir dire and submit proposed questions to be used by the Court or counsel in conducting voir dire.

(4) Each party shall submit to the other parties, in writing, the principles upon which they intend to rely at trial. If the parties disagree as to the applicability of a particular legal principle, a statement shall be prepared indicating the nature of said disagreement and each party's respective position.

(5) Each party claiming damages shall submit to the party against whom the claim is asserted, an itemized list of special damages being sought and the estimated value of said general damages.

(6) Counsel shall explore in depth the prospects for settlement and if a settlement cannot be achieved be prepared to explain to the Court the areas of difference in arriving at a settlement.

(C) The Court may, in its discretion, sua sponte dispense with the requirement of Counsel's Pre-Trial Conference and request that the Court Administrator schedule a Pre-Trial Conference between the assigned Judge and Counsel.

Rule 212.3.2. Report of Counsel's Pre-Trial Conference.

(A) Within ten (10) days of the completion of counsel's conference, plaintiff's counsel shall prepare a report thereof and submit the same to the assigned Judge and counsel. To the extent the report requires information and rules of law pertaining to defendant's case, it shall be the responsibility of defendant's counsel to provide plaintiff's counsel with such data. The report shall contain the following as applicable:

(1) A statement of the date and place where counsel's conference was held.

(2) A list of all prospective witnesses and accompanying data as required by Clinton R.C.P. No. 212.3.1(B)(1).

(3) A list of all exhibits which have been examined, numbered and listed in accordance with Clinton R.C.P. No. 212.3.1(B)(2). Each numbered exhibit shall be briefly but adequately identified on this list together with an indication is in dispute the objecting party's statement of reasons for the objection shall be included.

(4) The agreed upon brief statement of facts to be read to the jury for voir dire purposes together with each party's proposed questions for voir dire.

(5) Plaintiff's statement of the legal principles being relief upon to support the case together with an indication as to whether those principles are in dispute as well as a statement of the legal principles being relief upon by all other parties.

(6) A statement of damages as required by Clinton R.C.P. No. 212.3.1(B)(5).

(7) Any stipulation of fact which the parties have agreed upon for use at trial including any waivers of specific claims or defenses.

(8) Concise trial briefs regarding the anticipated legal issues to be presented at trial. When any portion of a trial brief relies upon an unreported opinion, photocopies of that opinion shall be attached to the briefs.

(9) A concise statement, in narrative form, from each party as to the basic facts intended to be proven at trial.

(10) Proposed special verdict questions which any party anticipates submitting at the time of trial.

(B) If any party disagrees with any representation made in plaintiff's report of counsel's conference, a written objection to said report shall be submitted to the assigned Judge within ten (10) days of the filing of plaintiff's report.

Rule 212.3.3. Pre-Trial Conference.

(A) If no objection are filed to the Report of Counsel's Pre-Trial Conference within the time limits prescribed by Clinton R.C.P. No. 212.3.2(B), the Court Administrator

shall forthwith schedule the matter for a pre-trial conference between the assigned Judge and counsel. This conference shall be attended by counsel who are expected to try the case and who shall either be authorized to enter into a settlement agreement or who shall have in attendance, in person or readily available by telephone, such persons who are empowered to enter into a settlement agreement. The Judge and counsel shall discuss the report of counsel's conference, any possible simplification of the issues, the possible bifurcation of the trial, limitations on the number of expert witnesses, the prospects of settlement, and such other matters as may aid in the trial or disposition of the action.

(B) If a party fails to cooperate in the conduct of the pre-trial proceedings mandated by Clinton R.C.P. Nos. 212.3.1, 212.3.2, and 212.3.3, including but not limited to, failure to attend any scheduled conference and/or the inadequate preparation of required documents, such failure shall be deemed to be grounds for the entry of a judgment of non pros or other appropriate default relief.

Rule 430. Service by Publication.

Service by publication authorized by Pa.R.C.P. No. 430(a) shall be made by publishing a notice of the action (1) time in one (1) newspaper of general circulation within Clinton County; proof of publication shall be filed with the Prothonotary.

Rule 1018.1. Notice to Defendant. Form.

The designated officer to be named in the Notice to Defend from whom legal help can be obtained as required by Pa.R.C.P. No. 1018.1 shall be:

Court Administrator
Court of Common Pleas of Clinton County
230 East Water Street
Lock Haven, PA 17745
(570) 893-4016

Rule 1028(c). Procedures Concerning Disposition of Preliminary Objections.

(A) *Procedure Defined.*

(1) Preliminary Objections shall be accompanied by a memorandum of law which shall be designated for immediate distribution to the Court and not filed of record.

(2) Service shall be made in conformity with Pa.R.C.P. No. 440.

(3) All Preliminary Objections shall be accompanied by a notice plainly appearing on the face thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be submitted within thirty (30) days from that date. The reply memorandum shall not be filed of record. The moving party shall also file an affidavit of service which shall state that the notice required by this rule has been given.

(4) The Prothonotary shall immediately send the Preliminary Objections and the accompanying memorandum to the Court Administrator who shall refer the matter to the appropriate Judge. All requests for an extension of the thirty (30) day period to answer Preliminary Objections must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.

(5) Any Preliminary Objections filed without the accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by subsection (3) of this rule, the Court may dispose of the matter without such memorandum.

(6) If any matter is settled or withdrawn prior to disposition, the Court Administrator shall be promptly advised, and the moving party shall file an appropriate praecipe with the Prothonotary.

(7) The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for filing, or enter an Order prior to the expiration of the thirty (30) day reply period.

(B) *Matters Requiring Factual Supplement to the Record.*

(1) In the case of Preliminary Objections challenging jurisdiction or service, a memorandum of law and notice to opposing parties to file a reply memorandum of law within thirty (30) days need not be filed contemporaneously with the Preliminary Objections. Instead, the party filing the Preliminary Objections shall indicate that additional testimony is required.

(2) In all such cases, the party filing the Preliminary Objections shall undertake to supplement the record with the necessary facts by affidavit, deposition or testimony, as the case may require, within sixty (60) days from the filing of the Preliminary Objections.

(3) If the Court requires, the party filing the Preliminary Objections shall file a memorandum of law within two (2) weeks from the completion of the supplementation of the record. This memorandum shall be processed as stated above.

Rule 1034(a). Procedures Concerning Disposition of Motions for Judgment on the Pleadings.

(A) *Procedure Defined.*

(1) Motions for Judgment on the Pleadings shall be accompanied by a memorandum of law which shall be designated for immediate distribution to the Court and not filed of record.

(2) Service shall be made in conformity with Pa.R.C.P. No. 440.

(3) All Motions for Judgment on the Pleadings shall be accompanied by a notice plainly appearing on the face thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be submitted within thirty (30) days from that date. The reply memorandum shall not be filed of record. The moving party shall also file with the motion an affidavit of service which shall state that the notice required by this rule has been given.

(4) The Prothonotary shall immediately send the motion to the Court Administrator who shall refer the matter to the appropriate Judge. All requests for an extension of the thirty (30) day period to answer such motions must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.

(5) Any motion subject to this rule which is filed without an accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by subsection (3) of this rule, the Court may dispose of the matter without such memorandum.

(6) If any matter is settled or withdrawn prior to disposition, the Court Administrator shall be promptly advised, and the moving party shall file an appropriate praecipe with the Prothonotary.

(7) The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for filing, or enter an order prior to the expiration of the thirty (30) day reply period.

(B) *Matters Requiring Factual Supplement to the Record.*

(1) In the case of motions based on facts not presently a part of the record, a memorandum of law and notice to opposing parties to file a reply memorandum of law within thirty (30) days need not be filed contemporaneously with the motion. Instead, the moving party shall indicate that additional testimony is required.

(2) In all such cases, the moving party shall undertake to supplement the record with the necessary facts by affidavit, deposition or testimony, as the case may require, within sixty (60) days from the filing of the motion.

(3) If the Court requires, the moving party shall file a memorandum of law within two (2) weeks from the completion of the supplementation of the record. This memorandum shall be processed as stated above.

Rule 1035.2(a). Procedures Concerning Disposition of Motions for Summary Judgment.

(A) *Procedure Defined.*

(1) Motions for Summary Judgment shall be accompanied by a memorandum of law which shall be designated for immediate distribution to the Court and not filed of record.

(2) Service shall be made in conformity with Pa.R.C.P. No. 440.

(3) All motions shall be accompanied by a notice plainly appearing on the face thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be submitted within thirty (30) days from that date. The reply memorandum shall not be filed of record. The moving party shall also file with the motion an affidavit of service which shall state that the notice required by this rule has been given.

(4) The Prothonotary shall immediately send the Motion for Summary Judgment to the Court Administrator who shall refer the matter to the appropriate Judge. All requests for an extension of the thirty (30) day period to answer such motions must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.

(5) Any motion subject to this rule which is filed without an accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by subsection (3) of this rule, the court may dispose of the matter without such memorandum.

(6) If any matter is settled or withdrawn prior to disposition, the Court Administrator shall be promptly advised, and the moving party shall file an appropriate praecipe with the Prothonotary.

(7) The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for filing, or enter an order prior to the expiration of the thirty (30) day reply period.

(B) *Matters Requiring Factual Supplement to the Record.*

(1) In the case of motions based on facts not presently a part of the record, a memorandum of law and notice to opposing parties to file a reply memorandum of law within thirty (30) days need not be filed contemporaneously with the motion. Instead, the moving party shall indicate that additional testimony is required.

(2) In all such cases, the moving party shall undertake to supplement the record with the necessary facts by affidavit, deposition or testimony, as the case may require, within sixty (60) days from the filing of the motion.

(3) If the Court requires, the moving party shall file a memorandum of law within two (2) weeks from the completion of the supplementation of the record. This memorandum shall be processed as stated above.

Rule 1301.1. Compulsory Submission.

All cases which are at issue where the amount in controversy is Fifty Thousand and 00/100 (\$50,000.00) Dollars or less, except those involving title to real estate, shall first be submitted to and heard by a Board of three (3) members of the Bar of this Court, as provided by 42 Pa.C.S.A. 7361. Unless a party has demanded a jury trial, the President Judge may dispense with compulsory arbitration and order the matter tried as a non-jury trial. At such non-jury trial, the parties may proceed pursuant to Pa.R.C.P. 1305 with respect to evidentiary matters.

Rule 1301.2. Arbitrators.

(A) All members of the Clinton County Bar shall constitute the Board of Arbitrators and all members shall act as arbitrators. No two (2) members from the same firm or office, or related by blood or marriage, shall serve on the same board, unless this requirement is waived in writing by all parties in interest or their counsel.

(B) The Prothonotary shall maintain, in alphabetical order, a list of all members of the Bar. Upon the filing of a praecipe for arbitration, the Prothonotary shall submit a list of five names to the plaintiff or the attorney for the plaintiff. In the event there are additional parties to the proceeding, the Prothonotary shall add an additional name for each additional party. This list shall be in the order in which the names appear on the Prothonotary's list, passing those who are disqualified to the next qualified. The plaintiff may strike one member from the list and forward the list to the defendant who may likewise strike one member. In the event of an additional party or parties, the defendant shall forward the list to that party who may likewise strike one member. When all parties have exercised the right to strike, the list shall be returned to the Prothonotary.

(C) In the event a party or parties do not exercise the right to strike, the first three (3) remaining members shall constitute the Board and the first shall be the chairperson. Any stricken member, as well as any disqualified member, shall, in alphabetical order, be at the head of the list for the next and/or subsequent cases.

Rule 1301.3. Consolidation of Arbitration Actions.

When the same transaction or occurrence, or series of transactions or occurrences, gives rise to more than one cause of action and separate actions have been commenced, all such action shall be consolidated for arbitration, referred to the same board of arbitration, and heard together, unless the total amount in controversy exceeds Fifty Thousand and 00/100 (\$50,000.00) Dollars, in which case none of them shall be submitted to arbitration. It

shall be the duty of every board of arbitrators, before proceeding with the hearing, to ascertain whether or not any such separate action has been commenced.

Rule 1301.4. Place of Arbitration Hearing.

All hearings shall be held in the Clinton County Courthouse.

Rule 1301.5. Fees of Arbitrators.

The fee of the chairperson shall be three hundred and 00/100 (\$300.00) dollars for a half-day hearing and six hundred and 00/100 (\$600.00) dollars for a full-day hearing. The fee of each other arbitrator shall be two hundred and seventy-five (\$275.00) dollars for a half-day hearing and five hundred and fifty (\$550.00) dollars for a full-day hearing. These fees shall be applicable in all cases, including those which have been consolidated as provided under Clinton R.C.P. No. 1301.3. In cases requiring lengthy hearings or involving unusual questions of law or fact, the Court may, on petition of the arbitrators, increase the fees to an amount which will reasonably compensate them for the services performed.

Rule 1534. Accounting by Fiduciaries.

(A) A fiduciary filing an account pursuant to Pa.R.C.P. No. 1534 shall give written notice to all parties or their counsel of record that such account will be presented for confirmation on a date not less than thirty (30) days after such notice. Said notice shall include any proposed schedule of distribution and a statement that the account may be confirmed and distribution ordered unless exceptions are filed with the Prothonotary before that date.

(B) Service of the aforesaid documents on a party shall be by personal service or upon counsel.

Rule 1920.31. Filing a Claim for Alimony Pendente Lite.

(A) Upon request the Court of Common Pleas shall schedule a hearing to determine whether Alimony Pendente Lite shall be awarded. The Scheduling Order shall direct that the matter be referred to the Domestic Relations Office to determine the parties' incomes prior to the hearing before the Court. The Court in its discretion may decide the amount of Alimony Pendente Lite, or may refer the matter to the Domestic Relations Section to calculate the award.

(B) This Rule shall not apply to orders for spousal support which automatically convert to Alimony Pendente Lite upon the entry of a divorce decree where economic claims remain pending. See Pa.R.C.P. No. 1920.31(d) of record pursuant to Pa.R.C.P. No. 440.

Rule 2039. Compromise. Settlement. Discontinuance and Distribution.

(A) A petition for compromise, settlement, or discontinuance of an action to which a minor is a party of record shall recite the factual nature of the minor's action, the prognosis for the minor's injuries, the reasons for any proposed compromise, settlement, or discontinuance, and a request for a proposed distribution of the fund. A hearing will be scheduled at which the minor shall appear and evidence shall be presented as to the extent of the minor's injuries and such other matters as the Court deems necessary. If the petition is accompanied by (1) a written report of a physician based upon an examination of the minor within thirty (30) days preceding the filing of the petition, (2) an affidavit of each counsel of record giving an opinion as to the probabilities of proof of defendant's negligence, and of the minor's negligence, if any, and (3) in the event that the minor is

sixteen (16) years of age or over, his or her written approval of the proposed settlement and distribution, the Court may approve the proposed compromise, settlement or discontinuance, and distribution without the requirement of a hearing, if satisfied of the accuracy of the information presented and that, based upon such information, the proposed disposition of the action and distribution of the proceeds adequately compensates the minor for the injuries sustained and expenses incurred.

(B) The petition shall include a detailed statement outlining attorney fees, if any, the nature of the legal services rendered, and correspondence from any insurance carrier detailing the nature of the negotiations.

Rule 2952. Judgment on Warrant More than Twenty Years Old or on Missing or Unsigned Warrant.

An application for leave of Court to enter judgment under the circumstances set forth in Pa.R.C.P. No. 2952(a)(9) shall be by petition and rule to show cause, returnable twenty (20) days after service. The petition shall set forth that the instrument containing the warrant was duly executed, that the obligation is unpaid, and that the obligor is alive.

The rule shall be served personally if the obligor can be found within the Commonwealth; if the obligor cannot be found within the Commonwealth, he or she shall be served by registered mail. If the address of the obligor is unknown, notice of the rule shall be published by the Sheriff once each week for three (3) successive weeks in one newspaper of general circulation within the county. If no answer is filed within twenty (20) days after service or within five (5) days after the last publication of the notice, the rule may, on motion, forthwith be made absolute and leave granted to enter judgment in accordance with the warrant.

Rule 3252. Writ of Execution. Money Judgments. Notice.

The designated officer to be named in the Notice to find out where legal help can be obtained as required by Pa.R.C.P. No. 3252(a) shall be:

Court Administrator
Court of Common Pleas of Clinton County
230 East Water Street
Lock Haven, PA 17745
(570) 893-4016

Rule 4005. Interrogatories.

Neither written Interrogatories to a party nor the Answers thereto shall be filed with the Prothonotary without leave of Court unless to supplement a Motion.

Rule 4009.1. Production of Documents.

Neither Requests for Production of Documents nor the responses thereto shall be filed with the Prothonotary without leave of Court unless to supplement a Motion.

Rule 4009.21. Notice of Intent to Serve Subpoena.

Notice to a person, not a party, of intent to serve a subpoena shall not be filed with the Prothonotary unless to supplement a Motion.

LOCAL RULES OF ORPHANS' COURT

Rule 1.1. Title, Citation, and Scope of Rules.

(A) These rules shall be known as the Clinton County Rules of Orphans' Court and may be cited as "Clinton R.O.C. No. _____."

(B) These rules shall govern all proceedings in the Orphans' Court division of the Court and shall be construed either consistent with or subordinate to all rules or decision of the Supreme Court of Pennsylvania, the rules of the Judicial Council of Pennsylvania, or any statutes still in effect governing practice and procedure.

Rule 1.8(c). Orphans' Court Cover Sheet.

The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court, except a motion for a continuance.

(A) A cover sheet substantially in the form set forth in subsection 7 of this section shall be attached to the front of every request for a court order to which this rule applies. Any request for relief on the front of which an applicable Pennsylvania Rule of Civil Procedure requires a specific order or notice to be attached shall include that order or notice directly following the cover sheet.

(B) The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.

(C) If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.

(D) If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration must be requested if the date of the pretrial conference has been set or if the case has already been pretried.

(E) A proposed order granting the relief requested shall be attached to the cover sheet.

(F) The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The Office of the Clerk of the Orphans' Court shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.

(G) The form of the cover sheet shall be substantially as follows:

COURT OF COMMON PLEAS, CLINTON COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION—COVER SHEET
(For a Petition; for an Objection to an Account; or for an Objection to an Inventory)

CAPTION

vs.

DOCKET NO. _____

Case Assigned to Judge _____

_____ NONE

- 1. NAME OF FILING PARTY:
2. FILING PARTY'S ATTORNEY:
3. TYPE OF FILING:

Basis of Orphans' Court Jurisdiction (Check One)
Decedent's Estate Trust TPR or Adoption Incapacitated Person
Minor Power of Attorney Non-Profit Corporation
Other (specify) _____

Filing Party's Relationship to Entity or Person checked above:
Personal Representative Parent or Guardian Trustee Heir Adopting Parent
Trust Beneficiary Creditor Corporate Officer Agent (POA)
Other (specify) _____

4. THE FOLLOWING IS/ARE REQUESTED:
Argument Evidentiary Hearing Court Conference Rule to Show Cause
Issue an Appropriate Order (attach supporting documentation)
Expedited Consideration State the Basis:
Telephone Conferencing Requested
Attach this Cover Sheet to the Original Motion Previously Filed on:
Other:
5. Agreement of Opposing Party Sought? Yes/No—If yes, was it granted or denied?
6. TIME REQUIRED:
7. NAMES AND ADDRESSES OF ALL COUNSEL OF RECORD AND UNREPRESENTED PARTIES:
Continued on Separate Sheet

ORDER

- 1. An Argument Factual Hearing Court Conference is scheduled for _____ at _____ am/pm, in Courtroom No. _____, Clinton County Courthouse, Lock Haven, Pennsylvania.
2. Briefs are to be filed by the following dates:
Filing Party: _____ Responding Party/Parties: _____
3. A Rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.
4. A Response to the Motion/Petition shall be filed as follows: _____
5. See Order Attached. See Separate Order Issued This Date.
6. Other:

DATE: _____

JUDGE

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "7" ABOVE.

[Pa.B. Doc. No. 18-1584. Filed for public inspection October 12, 2018, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT****Notice of Disbarment**

Notice is hereby given that Burt Lee Burnett (# 307992), having been disbarred in the State of Texas, the Supreme Court of Pennsylvania issued an Order on September 26, 2018, disbaring Burt Lee Burnett from the Bar of this Commonwealth, effective October 26, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-1585. Filed for public inspection October 12, 2018, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT****Notice of Disbarment**

Notice is hereby given that Gregory L. Davis (# 27211), having been disbarred in the State of New York, the Supreme Court of Pennsylvania issued an Order on September 26, 2018, disbaring Gregory L. Davis from the Bar of this Commonwealth, effective October 26, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-1586. Filed for public inspection October 12, 2018, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

[55 PA. CODE CHS. 20, 3041, 3270, 3280 AND
3290]

Child Care Facilities

The Department of Human Services (Department) under the authority of Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1088) proposes to amend Chapters 20, 3041, 3270, 3280 and 3290 to read as set forth in Annex A.

Purpose

The child care facility regulations under 55 Pa. Code Chapters 3270, 3280 and 3290 (relating to child day care centers; group child day care homes; and family child day care homes) provide standards to aid in protecting the health, safety and rights of families and to reduce risks to children in child care centers, group child care homes and family child care homes. The regulations identify the minimum level of compliance necessary to obtain the Department's certificate of compliance, which constitutes licensure or approval under 55 Pa. Code Chapter 20 (relating to licensure or approval of facilities and agencies) to operate a child care center, a group child care home or a family child care home. For the purpose of this document, a child care center, a group child care home or a family child care home provider which has a certificate of compliance shall be described as "certified." The process by which a child care provider becomes and remains certified is called "certification."

This proposed rulemaking is needed to address the new requirements in the Child Care and Development Block Grant Act of 1990 (CCDBG) (42 U.S.C.A. §§ 9857—9858r, as reauthorized by Pub.L. No. 113-186), which was enacted on November 19, 2014. The CCDBG annually provides more than \$197 million in funding to support child care services in the Commonwealth. The CCDBG has been in effect since 1996. When the original CCDBG was authorized in 1996, it included the first uniform standards for child care in the United States. The CCDBG provides funding for states to help low-income families by making funds available to child care providers that serve these families, establishes baseline health and safety protections for child care providers that receive the funds, and requires states to use a portion of the funds to improve the quality of child care services.

The Department's current regulations under 55 Pa. Code Chapters 3270, 3280 and 3290 include the baseline health and safety protections that were in the original CCDBG. The Department proposes to apply the current CCDBG health and safety requirements to all child care providers, not just those child care providers that receive CCDBG funds. All children in this Commonwealth who receive care from certified child care providers should be afforded the same health and safety protections. These new CCDBG requirements are included in the following description.

In addition to making changes to the regulations as required by the CCDBG, the Department is proposing other changes to better protect the health and safety of children in child care settings.

New CCDBG Requirements

To comply with the CCDBG requirements, the Department is proposing regulatory changes in the areas of: (1) annual unannounced inspections; (2) certification of family child care homes; (3) announced pre-certification inspections; (4) professional development; and (5) emergency plans.

Annual Unannounced Inspections

The Department is proposing changes to 55 Pa. Code Chapters 3270, 3280 and 3290 so that all certified child care providers meet the requirements of the CCDBG (42 U.S.C.A. § 9858c(c)(2)(K)(i)(II)). The Department will conduct an annual unannounced inspection for all certified child care providers. The purpose of the inspection is to determine compliance with the requirements of 55 Pa. Code Chapters 3270, 3280 and 3290.

The annual unannounced inspection is required by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(K)(i)(II)(bb)). The inspection will also provide an opportunity for the Department to offer technical assistance on how to meet the regulatory requirements and provide quality child care services. The inspection will also inform the child care providers of the benefits of Keystone STARS, the Commonwealth's quality improvement program.

Certification of Family Child Care Homes to Meet CCDBG Requirements

To meet the new requirements of the CCDBG, family child care homes must follow the certification process. Prior to December 28, 2015, when Act 2015-92 took effect, family child care homes were registered, not certified, under Article X(c) of the Human Services Code. Registered family child care homes were not regularly inspected, but instead self-certified compliance with regulations, and received 2-year registration certificates. Act 2015-92 repealed Article X(c) of the Human Services Code. Family child care homes are now certified like other child care providers. Therefore, the Department is eliminating the previous differences in regulation between family child care homes and other certified child care facilities to conform to Act 2015-92.

In accordance with Act 2015-92, the Department is proposing changes to Chapter 3290 to require all family child care homes be certified and receive an annual certificate of compliance instead of a biennial certificate of registration through a self-certification process. Requiring family child care homes to become certified will provide the following benefits: (1) equity for the health and safety of children in all child care settings; (2) increased awareness among parents, community members and stakeholders that certified family child care home settings offer a viable option for child care needs; and (3) increased access for family child care homes to the Department's quality initiatives to prepare children to be lifetime learners.

The term "certificate of registration" is removed in all areas of this chapter and replaced with the term "certificate of compliance." In addition, the reference to the "registration" of family child care homes is removed from §§ 20.2 and 3041.13(a)(3) (relating to applicability; and relating to parent choice).

Announced Precertification Inspections

An agent of the Department will conduct an onsite announced inspection at all locations that seek to operate a child care center, group child care home or a family

child care home before issuing an initial certificate of compliance. As required by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(K)(i)(II)), these precertification inspections will: (1) ensure that the applicant for a certificate of compliance understands the responsibilities involved to meet the requirements under 55 Pa. Code Chapters 3270, 3280 or 3290; (2) inform the applicant of any potential health and safety issues that need to be corrected prior to becoming certified; (3) alert the applicant of the technical assistance and quality initiatives that are available; and (4) alert the applicant of any information that the applicant must report to the Department.

Professional Development

Under the CCDBG (42 U.S.C.A. § 9858c(c)(2)(I)), all applicants who wish to operate as a child care provider in this Commonwealth must complete a one-time only, precertification professional development in ten health and safety areas:

- (1) Prevention and control of infectious diseases.
- (2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.
- (3) Administration of medication.
- (4) Prevention of and response to emergencies due to food and allergic reactions.
- (5) Building and physical premises safety, including identification of protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.
- (6) Prevention of shaken baby syndrome and abusive head trauma.
- (7) Emergency preparedness and response planning.
- (8) Handling and storage of hazardous materials.
- (9) Precautions when transporting children.
- (10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

All staff persons currently employed in a certified child care center, group child care home or family child care home shall also complete the same one-time only professional development. The Department is making the professional development available for online and face-to-face sessions. The professional development is critical to ensure that child care providers and staff are aware of life saving techniques for infants, prevention of diseases, administration of medication and building safety. All legal entities, who apply to operate as a child care provider, shall show documentation of the completion of the health and safety topics professional development when submitting their applications to the Department. As defined in § 20.4 (relating to definitions), a “legal entity” is “a person, society, corporation, governing authority, or partnership legally responsible for the administration and operation of a facility or agency.” When the applicant for a certificate of compliance is a person, the named individual must complete the pre-certification professional development and present documentation of completion. When the applicant is a corporation, partnership or other type of legal entity, the designated representative must show documentation of completion of the required precertification professional development. Any applicant that can document completion of the precertification professional development within the 2 years prior to the date of publication of the final-form rulemaking, will be considered as having satisfied the requirement.

There will be a one-time only implementation period of 180 days from the date of the publication of the final-form rulemaking for current child care staff who have not already met the professional development requirements. Any professional development sessions that have been completed within 2 years prior to the date of the publication of the final-form rulemaking will satisfy this requirement. After the implementation period, any child care staff hired by certified child care providers who have not completed the required professional development, will have 90 days after the date of hire to complete the professional development.

Emergency Plan

To meet requirements of the CCDBG (42 U.S.C.A. § 9858c(c)(2)(I)(i)(VII) and (U)), the Department is proposing to clarify the requirements for the emergency plans which all child care providers must establish in conjunction with local emergency units at the local municipality and county level. This requirement specifies that a child care provider’s emergency plan shall include provisions that all child care staff are aware of the components of the plan. This proposed rulemaking would require that the child care provider hold an annual practice drill to review the requirements of the emergency plan. Also, this proposed rulemaking specifies the provisions that must be included in the child care provider’s emergency plan for infants, toddlers and children who have disabilities or chronic medical conditions.

Under the current regulations, the child care provider must furnish a copy of the plan only to the county emergency management agency. However, the Commonwealth now follows the principles of the National Incident Management System and the Incident Command System as specified by the United States Department of Homeland Security and as directed under the Governor’s Proclamation on December 20, 2004. It also follows a format similar to the National Response Framework (NRF). Recognizing that the majority of emergencies and disasters are local and are handled locally by first responders and emergency managers, the Department is proposing to follow the recommendations of the Pennsylvania Emergency Management Agency and the NRF to file the child care emergency plan with both the local municipality and the county. Local jurisdictions have the ability to perform response and recovery operations for most disasters or emergencies, but a disaster or emergency may be of such magnitude that response and recovery requirements exceed local resources and rely upon assistance from the county level.

Additional Proposed Changes

In addition to the proposed changes for compliance with the CCDBG, the Department proposes other regulatory changes for all child care providers in the areas of: (1) increased annual professional development hours; and (2) certification process.

Increased Annual Professional Development Hours

The Department is proposing to increase the number of annual professional development hours required for all child care staff persons in certified child care providers from 6 hours to 12 hours. The purpose is to update and strengthen the minimum standards for the child care staff professional development in all child care providers.

Since 1992, when the 6-hour annual professional development requirement was implemented, and 2008, when these regulations were last amended, the industry standards in health and safety have evolved. Nationwide, additional emphasis has been placed on increased profes-

sional development for child care staff as a means of better ensuring health and safety and the improvement of quality for child care providers.

This proposed requirement for the 12 hours of annual professional development for all child care staff is in addition to the one-time only professional development in ten health and safety topics that are required by the CCDBG. The one-time only professional development required by the CCDBG can count towards the 12 hours of annual professional development for a new child care staff person in the first year of employment.

Currently, child care staff working in child care providers that participate in the Keystone STARS quality initiative have a minimum of 12 hours of professional development annually. Increasing the number of professional development hours to 12 hours annually for all child care staff is consistent with the Department's commitment to improving quality. Further, aligning the professional development requirements for all certified providers with Keystone STARS professional development requirements better prepares the child care staff and the child care providers to adapt to other quality initiatives, including Pre-K Counts and Early Head Start.

Certification Process

The Department proposes to update the certification process for an applicant that wishes to open as a new child care provider to include the following: (1) attend an orientation training session offered by the Department; (2) submit a complete application to the Department to receive a certificate of compliance; (3) participate in an announced precertification inspection by an agent of the Department; (4) submit child abuse clearances as required by the Pennsylvania Child Protective Services Law (CPSL) (23 Pa.C.S. §§ 6344—6344.3); and (5) complete precertification professional development on ten health and safety topics as identified by the Department. Once the Department issues a certificate of compliance, the child care provider will be subject to an annual unannounced inspection. For current registered family child care homes to receive a certificate of compliance, the Department proposes to update the certification process as follows: (1) submit an application to the Department to receive a certificate of compliance; (2) complete precertification professional development on ten health and safety topics as identified by the Department or demonstrate that the operator previously completed the professional development within 2 years prior to the date of publication of the final-form rulemaking; (3) participate in an announced precertification inspection by a Department representative; (4) submit child abuse clearances required by the CPSL; and (5) be subject to an unannounced annual inspection.

To more clearly describe the details of this proposed rulemaking as required by the changes of the CCDBG and the Department's intended changes as a proposed rulemaking, the following section describes specific regulatory provisions being amended in 55 Pa. Code Chapters 3270, 3280 and 3290.

Specific Regulation Sections

The specific regulatory changes to Chapters 3270, 3280 and 3290 included in this proposed rulemaking are set forth as follows.

1. Chapters 3270, 3280 and 3290 (removing “day” from all sections of the regulations)

The Department is amending the name of the setting in which care is offered by removing the word “day” from the

description. The common usage is now “child care” rather than “day care.” This change is also consistent with Act 2015-92. The setting or location will be referred to as a child care center, a group child care home and a family child care home. The term “day” will be removed in all sections of these chapters.

2. § 3290.3 (relating to applicability)

Under § 3290.3(c), the Department is also deleting the reference to Article X(c) of the Human Services Code and replacing it with Article X to conform with changes under Act 2015-92.

Under § 3290.3(d), the Department is adding the requirement that an applicant must apply for a certificate of compliance in order to open or continue to operate a family child care home, as is currently required for child care centers and group child care homes.

3. §§ 3270.4, 3280.4 and 3290.4 (relating to definitions)

The definition of “certificate of compliance” relating to child care centers and group child care homes is amended to update the statutory citation to include a new section that has been added to Article X of the Human Services Code.

The definition of “parent” is amended to include foster mother or foster father. Although the foster mother or father is not the legal guardian of the child, he or she makes decisions about placing a child in a facility for child care services. This change is consistent with Act 2015-75, the “Activities and Experiences for Children in Out-of-Home Placement Act,” under which children in foster care should have the same opportunities to participate in age-appropriate every day activities as all other children, without unnecessary involvement of courts or child welfare agencies. See 11 P.S. §§ 2641—2648. If there is a disagreement between the foster parent and the legal guardian, the legal guardian is the parent for the purposes of this definition.

The definition of “volunteer” is amended to include a student 14 years of age or older but under 16 years of age who is enrolled in a Child Care and Support Services Management Program approved by the Pennsylvania Department of Education (PDE). Allowing these students to work as volunteers affords them the opportunity to gain experience in early childhood education and be able to enter the workforce at a higher level position when they turn 18 years of age. Usually, a person who turns 18 years of age can qualify to work at a child care center as an aide; however, persons who have volunteered in a PDE-approved program may have gained the experience to qualify as an assistant group supervisor.

4. § 3290.4

The definition of “applicant” is being revised to remove the reference to the registration process and reference the certification process. The definition of a “certificate of registration” is being deleted as the registration process has been eliminated and replaced with the certification process applicable to other child care facilities.

Further, the definition of “certificate of compliance” is added because that is the document that will be issued to family child care home providers.

The definition of “operator” is being revised to remove the reference to caregiver. The definition is also being revised to clarify that the operator is either the legal entity or a staff person designated by the legal entity, in order to limit the maximum number of unrelated children

in a family child care home as described in § 3290.51 (relating to maximum number of children).

The definition of “random sample” is being deleted because it was required for the prior registration process and is not required for the current certification process. The definition of “registration law” is also deleted.

The definition of “regulatory ratio” has been added to clarify the term as it is used in the definition of staff person.

The definition of “relative” is amended to reflect the definition of relative at 62 P.S. § 1001.

5. §§ 3270.11 and 3280.11 (relating to application for and issuance of a certificate of compliance)

Under §§ 3270.11(b) and 3280.11(b), the Department is proposing that an individual who attends an orientation training prior to applying for a certificate of compliance to operate a child care center or a group child care home cannot count this training towards the annual clock hours of training needed under §§ 3270.31 and 3280.31 (relating to age and training).

Under §§ 3270.11(c) and 3280.11(c), the Department is proposing that, prior to the issuance of a certificate of compliance, the applicant must complete professional development in ten health and safety topics as prescribed by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(I)).

Under §§ 3270.11(d) and 3280.11(d), the Department is proposing that documentation of the completion of the professional development in §§ 3270.11(c) and 3280.11(c) must be included with the application for a certificate of compliance.

Under § 3280.11(e), the Department is clarifying the requirements for adhering to the CPSL. The Department is adding clearance requirements for each individual 18 years of age and older who lives in the household at least 30 days in a calendar year.

Under §§ 3270.11(g) and 3280.11(h), the Department is proposing that it will annually conduct at least one onsite unannounced inspection.

Under §§ 3270.11(j) and 3280.11(k), the Department is clarifying that a child care provider whose certificate of compliance is current as of the date of the final-form rulemaking will not be inspected under the final-form rulemaking until the current certificate of compliance is to be renewed or when the Department conducts an inspection in response to a regulatory complaint.

6. § 3290.11 (relating to application for and issuance of a certificate of registration)

The requirements in this section are being amended and restructured to reflect the sequence of the requirements that an applicant must meet to complete an application for a certificate of compliance for a family child care home. These changes will make the process consistent with the requirements for group child care homes and child care centers.

Under § 3290.11(a), the Department is clarifying that an individual who wishes to make an inquiry about the certification process for a family child care home should contact the appropriate regional office of the Department.

Under § 3290.11(b), the Department is proposing that an applicant who attends an orientation training prior to applying for a certificate of compliance to operate a family child care home cannot count this training towards the annual clock hours needed under § 3290.31(f) (relating to age and training).

Under § 3290.11(c), the Department is proposing that an applicant must obtain a certificate of compliance from the Department prior to operating a family child care home.

Under § 3290.11(d), the Department is clarifying that an applicant must submit an application for a certificate of compliance to operate a family child care home to the appropriate regional office on forms approved by the Department.

Under § 3290.11(e), the Department is proposing that, prior to the issuance of a certificate of compliance, the applicant shall complete professional development in ten health and safety topics as prescribed by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(I)).

Under § 3290.11(f), the Department is proposing that documentation of the completion of the professional development in § 3290.11(e) be included with the application for a certificate of compliance.

Under § 3290.11(g), the Department is proposing that family child care homes that have a certificate of registration prior to the date of the final-form rulemaking regulations must complete the pre-certification professional development as prescribed in § 3290.11(e).

Under § 3290.11(h), the Department is clarifying the requirements for adhering to the CPSL. The Department is adding clearance requirements for each individual 18 years of age and older who lives in the household at least 30 days in a calendar year.

Under § 3290.11(i), the Department is adding a requirement as prescribed by CCDBG (42 U.S.C.A. § 9858c(c)(2)(K)(i)(II)(aa)) that prior to making a decision about the issuance of a certificate of compliance, the Department’s agent shall conduct an announced pre-certification inspection at the location where the family child care home will operate.

Under § 3290.11(j), the Department is proposing that the Department issue a certificate of compliance not to exceed 12 months from the date of issuance. The requirement for the 12-month certificate of compliance is the same for a group child care home and child care center under section 1009 of the Human Services Code (62 P.S. § 1009).

Under § 3290.11(k), the Department is proposing that it will annually conduct at least one onsite unannounced inspection of each family child care home, as required by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(K)(i)(II)(bb)).

Under § 3290.11(l), the Department is proposing that a family child care home be subject to announced and unannounced inspections in accordance with § 3290.21 (relating to Departmental access).

Under § 3290.11(m), the Department is proposing that a family child care home be subject to inspections as follows: an announced precertification inspection as required by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(K)(i)(II)(aa)); an unannounced inspection occurring not less than annually as required by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(K)(i)(II)(bb)); and an unannounced inspection in response to a complaint that alleges regulatory non-compliance.

Under § 3290.11(n), the Department is proposing that a family child care home provider seeking to renew a certificate of compliance shall submit a correct, completed application and other required materials to the appropriate regional office of the Department prior to the expiration of the current certificate of compliance.

Under § 3290.11(o), the Department is proposing that the certificate of registration for a family child care home which is current as of the date this proposed rulemaking is published as final be effective until the current certificate of registration expires or the family child care home provider submits an application for and receives a certificate of compliance, whichever is sooner.

Under § 3290.11(p), the Department is proposing that any existing sanctions in statute and regulation that relate to a certificate of compliance, such as a provisional certificate of compliance, a revocation of a certificate of compliance or a refusal to renew a certificate of compliance, be extended to family child care home providers.

7. § 3290.12 (relating to negative sanctions)

The Department is removing this section because it is no longer needed. As stated previously, § 3290.11(p) provides that the requirements for negative sanctions are set forth at 62 P.S. § 1026 and 55 Pa. Code §§ 20.54 and 20.71 (relating to provisional certificate of compliance; and conditions for denial, nonrenewal or revocation) and apply to all certified child care providers.

8. § 3290.13(a) (relating to appeals)

The Department is replacing the reference to “registration” with “licensure,” which is now applicable to family child care homes. This is consistent with regulations for child care centers or group child care homes.

9. §§ 3270.19(b), 3280.18(b), and 3290.16(b) (relating to child abuse reporting)

The Department is clarifying that a child care staff person, volunteer or other adult who is employed by a child care provider who has reason to believe that a child is a victim of child abuse, shall make the report to the Child Abuse Hotline online or any other method as prescribed by the Department. The Child Abuse Hotline is (800) 932-0313. The web address is www.keepkidssafe.pa.gov.

10. §§ 3270.24(d), 3280.23(d) (relating to departmental access) and 3290.21(d)

As required by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(K)(i)(II)(bb)), the Department is adding a provision that annual inspections be unannounced. Beginning with the effective date of the rulemaking, a child care provider will not be notified in advance of the date of the annual inspection. Unannounced inspections will give a more accurate picture of the status of compliance with the regulations.

11. §§ 3270.24(e), 3280.23(e) and 3290.21(e)

As required by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(K)(i)(II)(aa)), the Department is adding a provision that an announced inspection will be conducted prior to the issuance of the initial certificate of compliance.

12. §§ 3270.25(a), 3280.24(a) and 3290.22(b) (relating to availability of certificate of compliance and applicable regulations)

The Department is proposing that a child care provider give the parent of each enrolled child information on how to access the applicable regulatory chapter electronically.

13. §§ 3270.27(a)(5) and (6) and (f), 3280.26(a)(5) and (6) and (f), and 3290.24(a)(5), (d) and (g) (relating to emergency plan)

The Department is proposing that the required emergency plan include an additional element that provides specific accommodations for the evacuation of infants,

toddlers, children with disabilities and children with medical conditions. This is a requirement of the CCDBG (42 U.S.C.A. § 9858c(c)(2)(U)(iii)(I)).

The Department is also proposing that the child care provider conduct drills annually for the emergency plan and maintain documentation that the drills are conducted. This addition is a requirement of the CCDBG (42 U.S.C.A. § 9858c(c)(2)(U)(iii)(III)).

The Department is also proposing that the child care provider shall send a copy of the emergency plan and subsequent plan updates to the local municipality as well as the county emergency management agency.

14. § 3290.25 (relating to waivers)

The Department is proposing that family child care home providers be allowed to submit a request for a waiver from the regulations under §§ 3290.61—3290.78 (relating to physical site); equipment (§§ 3290.101—3290.107); and facility persons (§ 3290.31). The waivers may be considered because the circumstances and the physical sites of a family child care home can vary.

15. §§ 3270.31, 3280.31 and 3290.31 (relating to age and training)

Under § 3290.31(a)(2), the Department is proposing that any family child care home provider who does not have documentation of a high school diploma or general education development certificate upon application for a certificate of compliance be given until the second renewal for the certificate of compliance to obtain or produce the documentation.

Under § 3290.31(a)(3), the Department is proposing that the family child care home provider present acceptable photo identification to the Department’s agents at the time of the inspection. The Department is requiring proof to ensure that the individual who is present during the inspection is actually the person whose qualification documentation is on file.

Under §§ 3270.31(g), 3280.31(g) and 3290.31(h), the Department is proposing that documentation of the completion of the professional development as prescribed in §§ 3270.31(f), 3280.31(f) and 3290.31(g) be placed in the child care staff person’s file or maintained in a manner designated by the Department so that the documentation can be verified by agents of the Department.

16. §§ 3270.33(d), 3280.33(c) and 3290.32(d) (relating to general requirements for facility persons; and suitability of persons in the facility)

The Department is also amending the requirement for training in first aid and CPR to include the word “pediatric” to reflect the requirement of the CCDBG (42 U.S.C.A. § 9858c(c)(2)(I)(i)(X)). The Department is inserting the word pediatric to assure that the child care staff person is aware of the techniques in first aid and CPR that are specific to young children.

17. §§ 3270.34(c) and 3280.34(a) (relating to Director qualifications and responsibilities; and primary staff person qualifications and responsibilities)

Under §§ 3270.34(c) and 3280.34(a), the Department is proposing that the director or primary staff person in a group home, present acceptable photo identification to the Department’s agents when the Department is conducting an inspection. The Department has determined that these two supervisory positions equate to a person who is in charge of the child care provider. This change will assure

that the individual who is in charge is actually the person who the Department determined was qualified for the position.

18. § 3290.51 (relating to maximum number of children)

The Department is deleting the term “operator” and replacing it with “legal entity or staff person.” This will clarify that if the legal entity and a family child care home staff person both have their own children present in the family child care home at the same time, the related children of either the legal entity or the staff person, but not both, will be counted when determining maximum number of unrelated children.

19. § 3290.113(f) (relating to supervision of children)

The Department is proposing that family child care home providers have monitors with a camera or other video or sight technology to use when the only child care staff person present is not able to directly supervise the children during a restroom break, kitchen activities or any other situation in which the children cannot be seen, heard, directed and assessed. Appropriate supervision is critical to the health and safety of children. When there is only one person present to supervise children, the Department recognizes that there are times when that person cannot properly supervise the children and needs a device to assist with supervision.

20. § 3290.113(g)

Additionally, the Department is proposing that when a family child care home provider operates service for 24 hours a day, another child care staff person is required. No family child care staff person may work for a period of more than 16 hours in a 24-hour time period. This requirement is included because the Department recognizes that many family child care home providers offer services during nontraditional hours, such as nights and weekends. Other States, such as New Jersey, have placed similar limits on work hours to ensure that the family child care staff person is not caring for children more than 16 consecutive hours within a 24-hour period.

To ensure the safety of the children in care, the family child care home staff person must maintain an adequate level of alertness and must be awake in order to properly supervise and care for children.

21. §§ 3270.131(a), 3280.131(a) and 3290.131(a) (relating to health information)

The Department is proposing to shorten the time frame to submit an initial health report from 60 days to 30 days. This change is needed to allow the child care provider more opportunity to determine if the child is healthy enough to attend. The health report also shows whether the child has health conditions or diseases that would prohibit attendance or be contagious.

22. §§ 3270.166(7), 3280.166(7) and 3290.166(7) (relating to meals for infants)

The Department is proposing to add human milk as milk that cannot be heated in a microwave. See American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education, *Caring for our Children: National Health and Safety Performance Standards: Guidelines for Early Care and Education Programs* (3rd ed. 2011), Standard 4.3.1.3, available at <http://www.cfoc.nrckids.org/StandardView/4.3.1.3>. This is consistent with recognized national health and safety standards. The requirement is to use warm running water to heat the bottle instead.

Obsolete Provisions

The Department is deleting the following sections because they are obsolete.

- § 3290.211 (relating to approval by the Department of Labor and Industry).

- §§ 3270.232 and 3280.212 (relating to indoor and outdoor space and capacity; and indoor and outdoor capacity).

- § 3280.214 (relating to insurance).

- §§ 3270.233, 3280.215 and 3290.212 (relating to play surfaces).

Affected Individuals and Organizations

Children are directly impacted by this proposed rulemaking. There are an estimated 400,000 children receiving child care at regulated child care providers in this Commonwealth who will benefit from the increased health and safety requirements. The minimum health and safety standards in Chapters 3270, 3280 and 3290 protect children who attend 4,737 child care centers, 753 group homes and 2,474 family child care homes in this Commonwealth.

The current certified child care providers and certified or registered family child care providers are also impacted as they will be required to participate in additional professional development and be subject to annual unannounced inspections. The current certified or registered family child care providers may have to obtain monitors with cameras or other technologies. The applicants for a certificate of compliance, after the effective date of the final-form rulemaking will be subject to an announced inspection from the Department’s representatives as well as precertification professional development prior to the Department issuing a certificate of compliance. The child care providers need additional professional development as prescribed by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(G)) and an additional 6 hours of professional development on an annual basis.

Parents also are impacted by this proposed rulemaking. Parents want their children to be safe in child care. At the same time, the cost of child care is of concern to parents and directly impacts the choices that parents make regarding child care. This proposed rulemaking may result in increased costs to parents due to the increased costs incurred by child care providers for professional development.

Accomplishments and Benefits

The child care service regulations were last amended in September 2008. Since 2008, many changes have occurred that affect the regulations and operation of a child care provider. The CCDBG has imposed requirements that states provide specific professional development and conduct annual unannounced inspections for all regulated child care facilities (42 U.S.C.A. § 9858c(c)(2)(G), (I) and (K)(i)(II)(bb)). The proposed regulatory requirements comply with the requirements under the CCDBG.

In addition, the Department has included many quality initiatives for child care providers to help them improve the quality of service delivery to children. The quality initiatives include increased professional development requirements for child care staff. By proposing an increase to the annual number of hours of professional development that all child care staff persons shall complete, children in all child care providers are receiving care that better assures their health and safety while improving quality.

*Fiscal Impact**Pre-Certification Professional Development*

There will be costs associated for current child care providers because of the precertification professional development that is required by the CCDBG (42 U.S.C.A. § 9858c(c)(2)(G), (I)). The free professional development will be available online and on a face-to-face basis. However, the operator may have to schedule professional development during operating hours and may incur overtime costs or substitute staff costs.

Increased Annual Professional Development Hours

There will be an ongoing cost for all current child care staff who will need an additional 6 hours of professional development annually in the specific areas as described in §§ 3270.31, 3280.31 and 3290.31. The current child care providers may incur costs for the training, substitutes and overtime.

Monitors and other technologies

The proposed amendments regarding a monitor with video capability will be approximately \$125 per device for family child care homes. The Department determines that this cost is a necessity as it is needed to ensure that the family child care home provider meets the supervision requirements at all times when there are children in care. When the family child care home provider is alone, there needs to be a safeguard to assure that children are properly supervised. The other technologies vary in cost depending on the type of device chosen by the family child care provider. The device must meet the requirements of the supervision regulation. The existing definition of “supervise” under Chapter 3290 is “to be present in the child care facility with the children or with the facility person under supervision. Supervision is critical oversight in which the supervisor can see, hear, direct and assess the activity of the supervisee.” See 55 Pa. Code § 3290.4.

Paperwork Requirements

Child care providers are required to document attendance at professional development sessions to verify attendance at the required training. Documentation may be maintained by means of an electronic system or in a written format. The Department’s agents will review the documentation of the professional development when conducting inspections.

Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*, except for §§ 3270.31(f), 3280.31(f) and 3290.31(g). The Department is providing for an additional 180 days for the operators and current staff to receive professional development under §§ 3270.31(f), 3280.31(f) and 3290.31(g).

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Tamula Ferguson, Bureau of Certification Services, Office of Child Development and Early Learning, Department of Human Services, 333 Market Street, Harrisburg, PA 17105, tferguson@pa.gov within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-542 when submitting comments.

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 28, 2018, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Children and Youth and the Senate Committee on Health and Human Services. In addition to submitting this proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has any comments, recommendations or objections to this proposed rulemaking, it may notify the Department and the Committees within 30 days of the close of the public comment period. Such notification shall not specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review by the Department, the General Assembly and the Governor, of any comments, recommendations or objections raised prior to the final publication of the rulemaking.

Fiscal Note: 14-542. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 55. HUMAN SERVICES****PART I. DEPARTMENT OF HUMAN SERVICES****Subpart C. LICENSING/APPROVAL****CHAPTER 20. LICENSURE OR APPROVAL OF FACILITIES AND AGENCIES****GENERAL PROVISIONS****§ 20.2. Applicability.**

(a) This chapter applies to facilities and agencies subject to licensure or approval under Articles IX and X of the Public Welfare Code (62 P.S. §§ 901—922 and 1001—1080).

(b) [**This chapter does not apply to family day care homes that are registered under the authority of Article X of the Public Welfare Code, except for appeals as provided in § 20.82 (relating to written request for appeal).**

(c)] This chapter applies in addition to applicable program licensure or approval regulations.

**PART V. CHILDREN, YOUTH AND FAMILIES
MANUAL****Subpart B. ELIGIBILITY FOR SERVICES****CHAPTER 3041. SUBSIDIZED CHILD CARE
ELIGIBILITY****GENERAL REQUIREMENTS AND BENEFITS****§ 3041.13. Parent choice.**

(a) A family who is eligible for subsidized child care shall have the right to choose care from a provider who agrees to comply with the Department’s standards for provider participation. Providers eligible to participate include:

(1) A child day care center certified under Chapter 3270 (relating to child day care centers).

(2) A group child day care home certified under Chapter 3280 (relating to group child day care homes).

(3) A family child [day] care home [registered] certified under Chapter 3290 (relating to family child [day] care homes).

(4) A provider specifically exempt from certification [or registration] under Chapters 3270, 3280 and 3290.

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Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

Article I. Licensing/Approval

CHAPTER 3270. CHILD [DAY] CARE CENTERS

GENERAL PROVISIONS

§ 3270.1. Introduction.

This chapter is promulgated to facilitate the safe and healthful care of a child in a child [day] care center and to support families by providing care that promotes the emotional, cognitive, communicative, perceptual-motor, physical and social development of the child.

§ 3270.2. Purpose.

The purpose of this chapter is to provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in child [day] care centers. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of compliance.

§ 3270.3. Applicability.

* * * * *

(c) A legal entity seeking to operate a child [day] care facility as defined in this chapter shall apply for an initial or renewal certificate of compliance in accordance with the requirements established in Chapter 20 (relating to licensure or approval of facilities and agencies).

* * * * *

§ 3270.4. Definitions.

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

ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act—The [Public Welfare] Human Services Code (62 P.S. §§ 101—[1411] 1503).

* * * * *

Certificate of compliance—A document issued by the Department to a legal entity permitting the entity to operate a specific type of facility for a specific period of time according to applicable Department regulations. A certificate of compliance approves the operation of a facility subject to Article IX of the act (62 P.S. §§ 901—922) or licenses the operation of a facility subject to Article X of the act (62 P.S. §§ 1001—[1087] 1088).

* * * * *

Child [day] care center—The premises in which care is provided at any one time for seven or more children unrelated to the operator.

* * * * *

Facility—A child [day] care center.

* * * * *

Parent—The biological or adoptive mother or father [or the], legal guardian or foster mother or father of the child.

* * * * *

Public water system—A system for the provision to the public of water for human consumption that has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes:

(i) Collection, treatment, storage and distribution facilities under the control of the operator of the system and used in connection with the system.

(ii) Collection or pretreatment storage facilities not under control of the operator which are used in connection with the system.

(iii) A system which provides water for bottling or bulk hauling for human consumption.

Regulatory Ratio—The maximum number of children based on the age of the child or children for whom a staff person can be responsible.

Relative—A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew. As applied to facilities subject to approval under Article IX of the act, the term also includes a stepbrother, stepsister or first cousin.

School-age care—Supervised child [day] care in a Departmentally certified facility during the hours when a child is not required to attend school.

* * * * *

Volunteer—One of the following:

(i) A student 14 years of age or older but under 16 years of age enrolled in a Child Care and Support Services Management program approved by the Pennsylvania Department of Education who is not included in the regulatory ratio and who assists in implementing daily program activities under the supervision of a staff person.

(ii) A person 16 years of age or older who is not included in the regulatory ratio and who assists in implementing daily program activities under the supervision of a staff person.

* * * * *

GENERAL REQUIREMENTS

§ 3270.11. Application for and issuance of a certificate of compliance.

* * * * *

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the child [day] care center. The orientation does not count toward the annual minimum of [6] 12 hours of child care training required in § 3270.31(e) (relating to age and training).

(c) Prior to issuance of a certificate of compliance, the legal entity or representative of the legal entity shall complete professional development in each of the following topics:

(1) Prevention and control of infectious diseases.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning.

(8) Handling and storage of hazardous materials.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(d) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date the professional development was completed. Documentation shall be included with the application when it is submitted to the regional office.

[(c)] (e) Application for a certificate of compliance shall be submitted to the appropriate regional [day] child care office in accordance with Chapter 20 (relating to the licensure or approval of facilities and agencies).

[(d)] (f) A certificate of compliance is issued in the manner described in Chapter 20, for a period not to exceed 12 months from the date of issue.

[(e)] A facility will be inspected at least once every 12 months by an agent of the Department.]

(g) The Department will annually conduct at least one on-site unannounced inspection of a child care facility.

[(f)] (h) The facility is subject to announced and unannounced inspections in accordance with § 3270.24(b) (relating to Departmental access).

[(g)] (i) Sanctions relating to the status of a certificate of compliance are applied under the authority of applicable sections of the act, Chapter 20 and this chapter.

[(h)] (j) A facility whose certificate of compliance is current as of [September 22, 2008] _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.)* will not be inspected under this chapter until the current certificate of compliance is due to be renewed or when a regulatory violation is alleged and the Department responds to the alleged violation with an inspection.

§ 3270.16. Dual licensure.

If a facility meets the definition of both a private academic school under the authority of the Department of Education and a child [day] care center under the authority of the Department, the legal entity shall apply for approval to operate from both Departments. The facility shall comply with 22 Pa. Code Part II (relating to State Board of Private Academic Schools) and this chapter.

§ 3270.19. Child abuse reporting.

* * * * *

(b) [A staff person may be designated by the operator as the person responsible to notify ChildLine of suspected child abuse. The operator or designated staff person with this responsibility shall immediately notify ChildLine at 1 (800) 932-0313.] A facility person who has reasonable cause to suspect that a child is a victim of child abuse shall immediately make a report of suspected child abuse to ChildLine through the hotline, online, or any other method as prescribed by the Department.

* * * * *

§ 3270.24. Departmental access.

* * * * *

(c) An agent of the Department will inspect for compliance with this chapter in all areas of the facility premises that are accessible to children.

(d) An agent of the Department will annually conduct at least one on-site unannounced inspection of a child care facility.

(e) An announced inspection will be conducted by the Department prior to the issuance of the initial certificate of compliance.

§ 3270.25. Availability of certificate of compliance and applicable regulations.

(a) The facility's current certificate of compliance [and a copy of the applicable regulations under which the facility is certified] shall be posted in a conspicuous location used by parents[,]. The operator shall provide the parent of each child enrolled with information on how to access the regulations in this chapter electronically and with instructions for contacting the appropriate regional [day] child care office [posted at the same location].

* * * * *

§ 3270.27. Emergency plan.

(a) The facility shall have an emergency plan that provides for:

(1) Shelter of children during an emergency including shelter in place at the facility and shelter at locations away from the facility premises.

(2) Evacuation of children from the facility building and evacuation of children to a location away from the facility premises. The evacuation routes and evacuation plans to exit the building may be the same as those required by § 3270.94(f) and (g) (relating to fire drills).

(3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises.

(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.

(5) Accommodations for infants, toddlers, children with disabilities, and children with chronic medical conditions.

(6) Emergency plan drills shall be conducted annually. Annual emergency drills shall be documented and on file at the facility.

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.

* * * * *

(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the local municipality and to the county emergency management agency.

FACILITY PERSONS

§ 3270.31. Age and training.

(a) A volunteer [shall be 16 years of age or older and] shall be directly supervised at all times.

(b) A staff person shall be 18 years of age or older.

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.

(2) The curriculum includes acceptable training topics referenced in subsection (e)(2).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child [day] care facility.

* * * * *

(e) A staff person shall obtain an annual minimum of [6] 12 clock hours of child care training.

* * * * *

(iv) Water safety instruction. Competence is the completion of basic instruction in water safety from a certified lifeguard.

(f) Staff persons shall complete professional development in the following topics within 90 days of hire:

(1) Prevention and control of infectious diseases.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning.

(8) Handling and storage of hazardous materials.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

[f] (g) Completion of [training] professional development shall be documented by the signature and title of a representative of the [training] professional development entity and include the date [training] professional development was completed. Documentation shall be retained in the facility person's file or maintained in an electronic system as designated by the Department.

§ 3270.32. Suitability of persons in the facility.

* * * * *

(b) Questions relating to the requirements of the CPSL shall be directed to the appropriate regional child [day] care office.

* * * * *

§ 3270.33. General requirements for facility persons.

* * * * *

(d) One or more facility persons competent in pediatric first-aid and pediatric cardiopulmonary resuscitation techniques shall be at the facility when one or more children are in care.

§ 3270.34. Director qualifications and responsibilities.

* * * * *

(c) A director shall be employed by a facility and be present at the facility site a minimum of 30 hours per week. A valid photo identification of the director or designated responsible person shall be provided to the agent of the Department at the time of inspection.

* * * * *

PHYSICAL SITE

§ 3270.61. Measurement and use of indoor child care space.

* * * * *

(i) The total number of children receiving child [day] care services at the facility at any one time may not exceed the facility's maximum capacity.

§ 3270.79. Firearms.

Weapons, firearms and ammunition are prohibited in a child [day] care center.

PROGRAM

§ 3270.115. Water activity.

* * * * *

(b) *Wading.*

(1) Staff persons shall supervise [day care] children in care using wading pools. Staff: child ratios in subsection (a) apply when children are wading.

* * * * *

CHILD HEALTH

§ 3270.131. Health information.

(a) The operator shall require the parent of an enrolled child, including a child, a foster child and a relative of an operator or a facility person, to provide an initial health report no later than [60] 30 days following the first day of attendance at the facility.

* * * * *

NUTRITION

§ 3270.161. Food.

* * * * *

(b) Food handling practices shall conform to the requirements of the Department of Health or the Department of Environmental Resources or its delegate agency where the [day] child care facility is located.

* * * * *

§ 3270.166. Meals for infants.

Meals for infants shall be provided in accordance with the following requirements:

* * * * *

(7) [Bottled formula may not be heated in a microwave oven] Neither bottled formula nor human milk may be heated in a microwave.

TRANSPORTATION

§ 3270.171. Pick-up and drop-off points.

(a) An operator shall notify local traffic safety authorities annually in writing of the location of the facility and the program's use of pedestrian and vehicular routes around the [day] child care facility.

* * * * *

§ 3270.184. Release of information.

(a) The parent shall have access to the child's complete child [day] care record.

* * * * *

HEAD START PROGRAMS

§ 3270.221. Certificate of compliance.

Child [day] care programs that meet the requirements of this chapter are issued a certificate of compliance. When child [day] care services are operated before or after the Head Start Program, that portion of the extended day which meets the definitions of this chapter shall receive a certificate of compliance.

SPECIAL EXCEPTIONS

§ 3270.231. Staff qualifications.

(a) Staff persons employed in a [day] child care center prior to April 2, 1978, permanently qualify for their position, as long as the staff qualifications in effect as of September 1, 1977 are met.

* * * * *

§ 3270.232. [Indoor and outdoor space and capacity.] Reserved.

[(a) Facilities licensed or approved prior to April 2, 1978, that comply with the indoor space requirements effective September 1, 1977, permanently satisfy the indoor space requirements specified in § 3270.61 (relating to measurement and use of indoor child care space).

(b) Infant and toddler indoor or outdoor play space capacity established prior to April 4, 1992, shall remain in effect.

(c) A facility certified by the Department which does not provide play space as described at

§ 3270.62(a) (relating to measurement and use of play space) as of April 4, 1992, is exempt from the requirement, if the facility location remains unchanged.]

§ 3270.233. [Play surfaces.] Reserved.

[(a) A facility lawfully operating as of September 22, 2008, has until September 22, 2010, to comply with the protective surface requirement described in § 3270.102(c) (relating to condition of play equipment).

(b) A facility lawfully operating as of September 22, 2008, which has a play surface not in compliance with § 3270.102(e) has until September 22, 2010, to comply with the requirement described in § 3270.102(e).]

SCHOOL-AGE PROGRAMS

§ 3270.241. Requirements specific to school-age programs.

(a) If a child is required to be enrolled in public or private school under the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702) and if the child is not enrolled and if the child is not exempted from enrollment under the Public School Code, a child [day] care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.

* * * * *

CHAPTER 3280. GROUP CHILD [DAY] CARE HOMES

GENERAL PROVISIONS

§ 3280.1. Introduction.

This chapter is promulgated to facilitate the safe and healthful care of a child in group child [day] care home and to support families by providing care that promotes the emotional, cognitive, communicative, perceptual-motor, physical and social development of the child.

§ 3280.2. Purpose.

The purpose of this chapter is to provide standards to aid in protecting the health, safety and rights of children and to reduce risks to children in group child [day] care homes. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of compliance.

§ 3280.3. Applicability.

* * * * *

(c) A legal entity seeking to operate a child [day] care facility as defined in this chapter shall apply for an initial or renewal certificate of compliance in accordance with the requirements established in Chapter 20 (relating to licensure or approval of facilities and agencies).

* * * * *

§ 3280.4. Definitions.

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

ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act—The [Public Welfare] Human Services Code (62 P.S. §§ 101—[1411] 1503).

* * * * *

Certificate of compliance—A document issued by the Department to a legal entity permitting the entity to operate a specific type of facility for a specific period of time according to applicable Department regulations. A certificate of compliance approves the operation of a facility subject to Article IX of the act (62 P.S. §§ 901—922) or licenses the operation of a facility subject to Article X of the act (62 P.S. §§ 1001—[1056] 1088).

* * * * *

Facility—A group child [day] care home.

* * * * *

Group child [day] care home—The premises in which care is provided at one time for more than six but fewer than 16 older school-age level children or more than six but fewer than 13 children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premise[s].

* * * * *

Parent—The biological or adoptive mother or father [or the], legal guardian or foster mother or father of the child.

* * * * *

Potentially hazardous food—A food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Regulatory Ratio—The maximum number of children based on the age of the child or children for whom a staff person can be responsible.

Relative—A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew. As applied to facilities subject to approval under Article IX of the act, the term also includes a stepbrother, stepsister or first cousin.

School-age care—Supervised child [day] care in a Departmentally certified facility during the hours when a child is not required to attend school.

* * * * *

Volunteer—One of the following:

(i) A student 14 years of age or older but under 16 years of age enrolled in a Child Care and Support Services Management program approved by the Pennsylvania Department of Education who is not included in the regulatory ratio and who assists in implementing daily program activities under the supervision of a staff person.

(ii) A person 16 years of age or older who is not included in the regulatory ratio and who assists in implementing daily program activities under the supervision of a staff person.

* * * * *

GENERAL REQUIREMENTS

§ 3280.11. Application for and issuance of a certificate of compliance.

* * * * *

(b) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to commencing operation of the group child [day] care home. The orientation does not count toward the annual minimum of [6] 12 hours of child care training required in § 3280.31(e) (relating to age and training).

(c) Prior to issuance of a certificate of compliance the legal entity or representative of the legal entity shall complete professional development in each of the following topics:

(1) Prevention and control of infectious diseases.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

(3) Administration of medication.

(4) Prevention of and response to emergencies due to food and allergic reactions.

(5) Building and physical premises safety, including identification of protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.

(6) Prevention of shaken baby syndrome and abusive head trauma.

(7) Emergency preparedness and response planning.

(8) Handling and storage of hazardous materials.

(9) Precautions when transporting children.

(10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(d) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date the professional development was completed. Documentation shall be included with the application when it is submitted to the regional office.

(e) Regarding child abuse and criminal history clearances related to the CPSL, the following apply:

(1) At initial application for a certificate of compliance, the legal entity shall submit clearances for the legal entity and for each individual 18 years of age and older who resides in the facility at least 30 days in a calendar year.

(2) At renewal, the legal entity shall submit clearances for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year if any of the following apply:

(i) The individual attained 18 years of age following the date of the previous application for a certificate of compliance.

(ii) The individual moved into the facility following the date of the previous application for a certificate of compliance.

(3) Clearances are required for the legal entity and for each individual 18 years of age or older who resides in the facility at least 30 days in a

calendar year by the Department if an application for renewal is received following expiration of the current certificate of compliance.

[(c)] (f) Application for a certificate of compliance shall be submitted to the appropriate regional [day] child care office in accordance with Chapter 20 (relating to the licensure or approval of facilities and agencies).

[(d)] (g) A certificate of compliance is issued in the manner described in Chapter 20, for a period not to exceed 12 months from the date of issue.

[(e) A facility will be inspected at least once every 12 months by an agent of the Department.]

(h) The Department will annually conduct at least one on-site unannounced inspection of a child care facility.

[(f)] (i) The facility is subject to announced and unannounced inspections in accordance with § 3280.23 (relating to Departmental access).

[(g)] (j) Sanctions relating to the status of a certificate of compliance are applied under the authority of applicable sections of the act, Chapter 20 and this chapter.

[(h)] (k) A facility whose certificate of compliance is current as of [September 22, 2008] _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) will not be inspected under this chapter until the current certificate of compliance is due to be renewed or when a regulatory violation is alleged and the Department responds to the alleged violation with an inspection.

§ 3280.18. Child abuse reporting.

* * * * *

(b) [A staff person may be designated by the operator as the person responsible to notify ChildLine of suspected child abuse. The operator or designated staff person with this responsibility shall immediately notify ChildLine at 1 (800) 932-0313.] A facility person who has reasonable cause to suspect that a child is a victim of child abuse shall immediately make a report of suspected child abuse to ChildLine through the hotline or online or any other method as prescribed by the Department.

* * * * *

§ 3280.23. Departmental access.

* * * * *

(c) An agent of the Department will inspect compliance with this chapter in all areas of the facility premises that are accessible to children.

(d) An agent of the Department will annually conduct at least one on-site unannounced inspection of a child care facility.

(e) An announced inspection will be conducted by the Department prior to the issuance of the initial certificate of compliance.

§ 3280.24. Availability of certificate of compliance and applicable regulations.

(a) The facility's current certificate of compliance [and a copy of the applicable regulations under which the facility is certified] shall be posted in a conspicuous location used by parents[,]. The operator shall

provide the parent of each child enrolled with information on how to access the regulations in this chapter electronically and with instructions for contacting the appropriate regional [day] child care office [posted at the same location] .

* * * * *

§ 3280.26. Emergency plan.

(a) The facility shall have an emergency plan that provides for:

* * * * *

(3) A method for facility persons to contact parents as soon as reasonably possible when an emergency situation arises.

(4) Accommodations for infants and toddlers, children with disabilities and children with chronic medical conditions.

(5) Emergency plan drills shall be conducted annually. Annual emergency drills shall be documented and on file at the facility.

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.

* * * * *

(f) The operator shall send a copy of the emergency plan and subsequent plan updates to the local municipality and to the county emergency management agency.

FACILITY PERSONS

§ 3280.31. Age and training.

(a) A volunteer [**shall be 16 years of age or older and**] shall be directly supervised at all times.

(b) A staff person shall be 18 years of age or older.

(c) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person, if the following guidelines are met:

(1) The curriculum is conducted by an institution approved by the Department of Education and accredited by an accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Education and acceptable to the Department of Education.

(2) The curriculum includes acceptable training topics referenced in subsection (e)(2).

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

(i) A minimum of 400 clock hours of classroom training.

(ii) A minimum of 200 clock hours of supervised training in a child [day] care facility.

* * * * *

(e) A staff person shall obtain an annual minimum of [6] 12 clock hours of child care training.

* * * * *

(f) All staff shall complete professional development in the following topics within 90 days of hire:

(1) Prevention and control of infectious diseases.

(2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.

- (3) Administration of medication.
- (4) Prevention of and response to emergencies due to food and allergic reactions.
- (5) Building and physical premises safety, including identification of protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.
- (6) Prevention of shaken baby syndrome and abusive head trauma.
- (7) Emergency preparedness and response planning.
- (8) Handling and storage of hazardous materials.
- (9) Precautions when transporting children.
- (10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

[f] (g) Completion of [training] **professional development** shall be documented by the signature and title of a representative of the [training] **professional development** entity and include the date [training] **professional development** was completed. Documentation shall be retained in the facility person's file **or maintained in an electronic system as designated by the Department.**

§ 3280.32. **Suitability of persons in the facility.**

* * * * *

(b) Questions relating to the requirements of the CPSL shall be directed to the appropriate regional child [day] care office.

* * * * *

§ 3280.33. **General requirements for facility persons.**

* * * * *

(c) One or more facility persons competent in **pediatric first-aid and pediatric cardiopulmonary resuscitation** techniques shall be at the facility when one or more children are in care.

§ 3280.34. **Primary staff person qualifications and responsibilities.**

(a) A primary staff person is responsible for the supervision of children receiving care in the facility. **A valid photo identification of the primary staff person or designated responsible person shall be provided to the agent of the Department at the time of inspection.**

* * * * *

PROGRAM

§ 3280.115. **Water activity.**

* * * * *

(b) *Wading.*

(1) Staff persons shall supervise [day] **child** care children using wading pools. Staff: child ratios in subsection (a) apply when children are wading.

* * * * *

CHILD HEALTH

§ 3280.131. **Health information.**

(a) The operator shall require the parent of an enrolled child, including a child, a foster child and a relative of an

operator or a facility person, to provide an initial health report no later than [60] **30** days following the first day of attendance at the facility.

* * * * *

NUTRITION

§ 3280.166. **Meals for infants.**

Meals for infants shall be provided in accordance with the following requirements:

* * * * *

(7) [**Bottled formula may not be heated in a microwave oven**] **Neither bottled formula nor human milk may be heated in a microwave.**

TRANSPORTATION

§ 3280.171. **Pick-up and drop-off points.**

(a) The operator shall notify local traffic safety authorities in writing of the location of the facility and about the program's use of pedestrian and vehicular routes around the group child [day] care facility.

* * * * *

CHILD RECORDS

§ 3280.184. **Release of information.**

(a) The parent shall have access to the child's complete child [day] care record.

* * * * *

SPECIAL EXCEPTIONS

§ 3280.212. [**Indoor and outdoor capacity.**] **Reserved.**

[**Indoor and outdoor capacity established by the Department in a certified group day child care home prior to April 4, 1992, shall remain in effect.**]

§ 3280.213. [**Approval by the Department of Labor and Industry.**] **Reserved.**

[(a) A facility certified by the Department as of April 4, 1992, will be permitted 12 months beyond the expiration date of the current certificate of compliance to comply with the requirements of the Department of Labor and Industry or its delegate agency, as described at § 3280.15 (relating to building codes).

(b) A facility certified by the Department as of April 4, 1993, will be permitted until April 4, 1994, to comply with the requirements of the Department of Labor and Industry, or its delegate agency, as described in § 3280.15.]

§ 3280.214. [**Insurance.**] **Reserved.**

[A facility certified by the Department as of April 4, 1992, will be permitted 12 months beyond the expiration date of the current certificate of compliance to comply with the requirement for liability insurance, as described in § 3280.17 (relating to liability insurance).]

§ 3280.215. [**Play surfaces.**] **Reserved.**

[(a) A facility lawfully operating as of September 22, 2008, has until September 22, 2010, to comply with the protective surface requirement described in § 3280.102(c) (relating to condition of play equipment).

(b) A facility lawfully operating as of September 22, 2008 which has a play surface not in compliance with § 3280.102(e) has until September 22, 2010 to comply with § 3280.102(e).]

SCHOOL-AGE PROGRAMS

§ 3280.221. Requirements specific to school-age programs.

(a) If a child is required to be enrolled in public or private school under the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702) and if the child is not enrolled and if the child is not exempted from enrollment under the Public School Code, a child [day] care facility may not admit the child for care during the hours when the child is required by law to attend public or private school.

* * * * *

CHAPTER 3290. FAMILY CHILD [DAY] CARE HOMES

GENERAL PROVISIONS

§ 3290.1. Introduction.

This chapter is promulgated to facilitate the safe and healthful care of a child in family child [day] care and to support families by providing care that promotes the emotional, cognitive, communicative, perceptual-motor, physical and social development of the child.

§ 3290.2. Purpose.

The purpose of this chapter is to provide standards to aid in protecting the health, safety and rights of children and to reduce the risks to children in family child [day] care homes. This chapter identifies the minimum level of compliance necessary to obtain the Department's certificate of [registration] compliance.

§ 3290.3. Applicability.

* * * * *

(c) In addition to the requirements in this chapter, the family child [day] care home shall be in compliance with applicable provisions of [Article X (c)] Article X of the act (62 P.S. §§ [1070—1080] 1001—1088).

(d) A legal entity seeking to operate a child care facility shall apply for an initial or renewal certificate of compliance in accordance with the requirements established in Chapter 20 (relating to licensure or approval of facilities and agencies).

§ 3290.4. Definitions.

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

ACIP—The Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Act—The [Public Welfare] Human Services Code (62 P.S. §§ 101—[1411] 1503).

* * * * *

Applicant—A legal entity who [makes a written request to operate a registered family child day care home] applies to operate a certified family child care home.

Appeal—A written, signed and dated statement requesting reconsideration or modification of a Departmental decision that negatively affects the certificate of [registration] compliance of the facility. An appeal is made by the facility operator or by the facility's legal entity.

* * * * *

Casual contact—The ordinary, routine and age-appropriate association of children, parents and facility persons in the course of daily assembly in a facility.

[Certification of registration—A document issued by the Department to a legal entity permitting the legal entity to operate a specific type of facility at a specific location for a specific period of time not to exceed 2 years from the date of issue, according to applicable Departmental regulations. A certificate of registration approves the operation of a facility subject to Article X(c) of the act (62 P.S. §§ 1070—1080).]

Certificate of compliance—A document issued by the Department to a legal entity permitting the entity to operate a specific type of facility at a specific location for a specific period of time according to applicable Department regulations. A certificate of compliance licenses the operation of a facility subject to Article X of the act (62 P.S. §§ 1001—1088).

Child—A person 15 years of age or younger.

* * * * *

Denial—The written refusal of the Department to issue a certificate of [registration] compliance to a new applicant.

* * * * *

Facility—A family child [day] care home.

* * * * *

Family child [day] care home—A home other than the child's own home, operated for profit or not-for-profit, in which child [day] care is provided at any one time to four, five or six children unrelated to the operator.

* * * * *

Nonrenewal—The written refusal of the Department to issue a certificate of [registration] compliance to a legal entity previously granted a certificate of [registration] compliance at the same location.

Operator—[The term is synonymous with the term "caregiver" in section 1070 of the act (62 P.S. § 1070).] The legal entity or a person designated by the legal entity to serve as the staff person.

Parent—The biological or adoptive mother or father [or the], legal guardian or foster mother or father of the child.

* * * * *

[Random sample—The total of the registered family child day care homes annually selected for inspection by the Department.]

Regional office of child [day] care—One of four Departmental offices responsible for certified child [day] care facilities located in counties assigned to the regional office. A certificate of [registration] compliance is

issued by a regional office to the legal entity responsible for the operation of a family child [day] care home.

[*Registration law*—The act of December 5, 1980 (P.L. 1112, No. 193) (62 P.S. §§ 1070—1080).]

Regulatory Ratio—The maximum number of children based on the age of the child or children for whom a staff person can be responsible.

Relative—[A child, stepchild, grandchild or foster child] A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece or nephew.

Revocation—The Department’s written retraction of a certificate of [registration] **compliance** which occurs prior to expiration of the facility’s certificate of [registration] **compliance**.

* * * * *

Volunteer—**One of the following:**

(i) **A student 14 years of age or older but under 16 years of age enrolled in a Child Care and Support Services Management program approved by the Pennsylvania Department of Education who is not included in the ratio and who assists in implementing daily program activities under the supervision of a staff person;**

(ii) A person 16 years of age or older who is not included in the regulatory ratio and who assists in implementing daily program activities **under the supervision of a staff person.**

GENERAL REQUIREMENTS

§ 3290.11. Application for and issuance of a certificate of [registration] **compliance**.

[(a) An individual desiring information about the registration law or about regulations for the operation of a family child day care home shall request the documents from the appropriate regional office of the Department.

(b) A legal entity desiring to apply for a certificate of registration shall request application documents from the appropriate regional office of the Department.

(c) A legal entity or a representative of the legal entity shall participate in an orientation training provided by the Department within 12 months prior to issuance of a certificate of registration. The orientation does not count toward the biennial minimum of 12 clock hours of child care training required in § 3290.31(f) (relating to age and training).

(d) Prior to providing child day care at any one time to more than three children unrelated to the operator, the legal entity shall apply for and will be issued a certificate of registration.

(e) A legal entity seeking to operate a facility shall apply to the appropriate regional office on a form approved by the Department. The legal entity shall be required to submit information specified by the registration law and this chapter.

(f) The legal entity applying for a certificate of registration shall certify, in writing, compliance with the registration law and this chapter.

(g) Following review of the application and related documents, the Department will approve or deny the issuance of a certificate of registration.

(h) A certificate of registration will be issued for a period not to exceed 24 months following date of issue.

(1) A certificate of registration is issued to a specific legal entity at a specific location. A certificate of registration is not transferrable.

(2) A certificate of registration is void without notice if there is a change in the legal entity or the location of the facility.

(3) If a facility is to be operated at a new location or by a new legal entity, the legal entity shall advise the appropriate regional office at least 30 days in advance of the change.

(i) The facility is subject to inspections as follows:

(1) For purposes of the random sample on an announced or unannounced basis.

(2) At the request of an operator on an announced or unannounced basis.

(3) In response to a complaint on an unannounced basis.

(j) If a certificate of registration lapses, the legal entity shall file an original application and the supplemental information required by the Department.

(k) Prior to expiration of a current certificate of registration, the legal entity will receive notice from the Department regarding renewal of the certificate.

(l) A legal entity desiring to renew a certificate of registration shall submit a correct, completed application and other required materials to the appropriate regional office of the Department prior to the expiration of the current certificate of registration.

(m) Regarding child abuse and criminal history clearances related to the CPSL, the following apply:

(1) At initial application for a certificate of registration, the legal entity shall submit clearances for the legal entity and for each individual 18 years of age and older who resides in the facility at least 30 days in a calendar year.

(2) At renewal, the legal entity shall submit clearances for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year if any of the following apply:

(i) The current registration certificate was issued prior to May 28, 2007.

(ii) The individual attained 18 years of age following the date of the previous application for a registration certificate.

(iii) The individual moved into the facility following the date of the previous application for a registration certificate.

(3) New clearances for the legal entity and for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year will be required by the Department if an application for renewal is received following expiration of the current certificate of registration.

(n) An operator whose facility's certificate of registration is current as of September 22, 2008, will not be required to certify compliance with this chapter until renewal of the certificate of registration or until the Department inspects in response to an alleged regulatory violation, whichever occurs first.]

(a) An individual desiring information about the certification requirements for the operation of a family child care home shall contact the Department at the appropriate regional office.

(b) An applicant who may be interested in applying for a certificate of compliance shall participate in an orientation training provided by the Department within 12 months prior to issuance of a certificate of compliance. The orientation does not count toward the annual minimum of 12 clock hours of child care training required in § 3290.31(f) (relating to age and training).

(c) An applicant shall obtain a valid certificate of compliance to operate a family child care home to care for up to six unrelated children at a specific location. The certificate of compliance will be issued by the Department to the legal entity prior to commencement of operation at a specified location.

(d) An applicant desiring to apply for a certificate of compliance shall submit application documents, on forms prescribed by the Department, to the appropriate regional office.

(e) Prior to issuance of a certificate of compliance, the applicant or representative of the applicant, shall complete professional development in each of the following topics:

- (1) Prevention and control of infectious diseases.
- (2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.
- (3) Administration of medication.
- (4) Prevention of and response to emergencies due to food and allergic reactions.
- (5) Building and physical premises safety, including identification of protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic.
- (6) Prevention of shaken baby syndrome and abusive head trauma.
- (7) Emergency preparedness and response planning.
- (8) Handling and storage of hazardous materials.
- (9) Precautions when transporting children.
- (10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(f) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date the professional development was completed. Documentation shall be included with the application when it is submitted to the regional office.

(g) Family child care home providers that operate under a certificate of registration prior to _____ (Editor's Note: The blank refers to the effective

date of adoption of this proposed rulemaking.) shall complete the professional development under subsection (e).

(h) Regarding child abuse and criminal history clearances related to the CPSL, the following apply:

(1) At initial application for a certificate of compliance, the applicant shall submit clearances for the applicant and for each individual 18 years of age and older who resides in the child care facility at least 30 days in a calendar year.

(2) At renewal, the legal entity shall submit clearances for each individual 18 years of age or older who resides in the child care facility at least 30 days in a calendar year if any of the following apply:

(i) The individual attained 18 years of age following the date of the previous application for a certificate of compliance.

(ii) The individual moved into the child care facility following the date of the previous application for a certificate of compliance.

(3) Clearances are required for the legal entity and for each individual 18 years of age or older who resides in the facility at least 30 days in a calendar year by the Department if an application for renewal is received following expiration of the current certificate of compliance.

(i) Prior to making a decision about the issuance of a certificate of compliance, the Department's agent shall conduct an announced precertification inspection at the location where the family child care home will operate.

(j) A certificate of compliance is issued in the manner described in Chapter 20 (relating to licensure or approval of facilities and agencies) for a period not to exceed 12 months from the date of issue.

(1) A certificate of compliance is issued to a specific legal entity at a specific location. A certificate of compliance is not transferrable.

(2) A certificate of compliance is void without notice if there is a change in the legal entity or the location of the child care facility.

(k) The Department will annually conduct at least one on-site unannounced inspection of a child care facility.

(l) A facility is subject to announced and unannounced inspections in accordance with § 3290.21 (relating to Departmental access).

(m) The facility is subject to inspections as follows:

- (1) An announced precertification inspection.
- (2) An unannounced inspection, not less than annually.
- (3) In response to a complaint on an unannounced basis.

(n) A legal entity desiring to renew a certificate of compliance shall submit a correct, completed application and other required materials to the appropriate regional office of the Department prior to the expiration of the current certificate of compliance.

(o) A legal entity whose facility's certificate of registration is current as of the (date of publication of the final-form regulation) will not be required to obtain a certificate of compliance until the registration certificate expires or the operator applies for a renewal of the certificate by submitting an application for a certificate of compliance, whichever is sooner.

(p) Sanctions relating to the status of a certificate of compliance under the authority of 62 P.S. 1026 and this chapter apply to a family child care home.

§ 3290.12. [Negative sanctions.] Reserved.

[(a) If the Department's agent records noncompliance with the registration law or this chapter during an inspection, the operator shall submit a written plan to correct the noncompliance. The operator shall establish in writing, with the Department's agent, an acceptable period of time in which the noncompliance will be corrected.

(b) The Department may deny issuance of a certificate of registration to an operator for one or more of the following reasons:

(1) Failure to certify compliance with the registration law or this chapter.

(2) Fraud or deceit in the self-certification process.

(3) Failure to meet the requirements of the CPSL.

(c) The Department may refuse to renew or may revoke a certificate of registration to an operator for one or more of the following reasons:

(1) Noncompliance with the registration law or this chapter.

(2) Fraud or deceit in the self-certification process.

(3) Lending, borrowing or using the certificate of another operator or in any way knowingly aiding the improper issuance of a certificate of registration.

(4) Lending, borrowing or using the certificate of another operator or in any way knowingly aiding the improper issuance of a certificate of registration.

(5) Gross incompetence, negligence or misconduct in operating the facility.

(6) Mistreating or abusing children cared for in the facility.

(7) Failure to submit to the Department an acceptable plan to correct noncompliance.

(8) Failure to comply with the acceptable plan to correct noncompliance.

(d) The Department will review and may deny, refuse to renew or revoke a certificate of registration to an operator if one or more of the following applies to an operator, staff person, volunteer or another person present at the facility while children are in care.

(1) The person is convicted of a felony.

(2) The person is convicted of a crime involving child abuse, child neglect, moral corruptness or physical violence.

(3) The person demonstrates a mental illness which creates a risk to children that is determined and documented by a physician or CRNP.

(4) The person evidences drug or alcohol addiction within the most recent 12-month period that is determined and documented by a physician or CRNP.

(5) The person is named in accordance with the CPSL as a perpetrator in an indicated or founded report of child abuse.]

§ 3290.13. Appeals.

(a) Appeals related to the Department's [registration] licensure decisions shall be made under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

* * * * *

(c) A facility's operator may appeal a Departmental decision relating to the status of the facility's certificate of [registration] compliance.

(d) The Department will include information relative to appeal procedures when notifying operators of one or more of the following decisions:

(1) Denial of a certificate of [registration] compliance.

(2) Failure to renew a certificate of [registration] compliance.

(3) Revocation of a certificate of [registration] compliance.

* * * * *

§ 3290.14. Building codes.

A certificate of [registration] compliance will not be granted by the Department until the legal entity provides a certificate of occupancy as proof of compliance with the applicable requirements in 34 Pa. Code § 403.23 (relating to child day care facilities).

§ 3290.16. Child abuse reporting.

* * * * *

(b) [A staff person may be designated by the operator as the person responsible to notify ChildLine of suspected child abuse. The operator or designated staff person with this responsibility shall immediately notify ChildLine at 1 (800) 932-0313.]

A staff person who has reasonable cause to suspect that a child is a victim of child abuse shall immediately make a report of suspected child abuse to ChildLine through the hotline or online or any other method as prescribed by the Department.

* * * * *

§ 3290.21. Departmental access.

* * * * *

(c) An agent of the Department will inspect for compliance with this chapter in all areas of the facility premises that are accessible to children.

(d) An agent of the department will annually conduct at least one on-site unannounced inspection of a child care facility.

(e) An announced inspection will be conducted by the Department prior to the issuance of the initial certificate of compliance.

§ 3290.22. Availability of certificate of [**registration**] **compliance** and applicable regulations.

(a) The facility's current certificate of [**registration** and a copy of the applicable regulations under which the facility is certified] **compliance** shall be posted in a conspicuous location used by parents, with instructions for contacting the appropriate regional [**day care**] office posted at the same location.

(b) [**The operator shall provide the parent of each child enrolled in the facility with a copy of this chapter.**]

The operator shall provide the parent of each child enrolled in the facility with information on how to access the regulations in this chapter electronically and with instructions for contacting the appropriate regional child care office.

(c) The operator shall post a copy of each inspection summary issued by the Department next to the facility's certificate of [**registration**] **compliance** in a conspicuous location used by parents. The inspection summary must remain posted until an agent of the Department verifies that each noncompliance item noted on the inspection summary has been corrected.

§ 3290.23. Compliance with nondiscrimination requirements.

* * * * *

(b) A certificate of [**registration**] **compliance** will not be granted by the Department to a legal entity unless compliance with civil rights laws and applicable regulations has been met. The applicable laws as identified on the certificate of [**registration**] **compliance** application are:

(1) The Pennsylvania Human Relations Act (43 P.S. §§ 951—962.2).

(2) The Age Discrimination Act of 1975 (42 U.S.C.A. §§ 6101—6107).

(3) Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000d—2000d-4a).

(4) Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000e—2000e-5).

(5) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794).

(6) The Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12514).

(c) The appropriate forms to establish compliance shall be included with the application for [**certificate of registration**] **certification**.

§ 3290.24. Emergency plan.

(a) The facility shall have an emergency plan that provides for:

* * * * *

(4) A method for facility persons to inform parents that the emergency has ended and to provide instruction as to how parents can safely be reunited with their children.

(5) Accommodations of infants and toddlers, children with disabilities, and children with chronic medical conditions.

(b) The operator shall review the emergency plan at least annually and update the plan as needed. Each review and update of the emergency plan shall be documented in writing and kept on file at the facility.

* * * * *

(d) Emergency plan drills shall be conducted annually. Annual emergency drills shall be documented and on file at the facility.

[**(d)**] **(e)** The emergency plan shall be posted in the facility at a conspicuous location.

[**(e)**] **(f)** The operator shall provide to the parent of each enrolled child a letter explaining the emergency procedures described in subsection (a). The operator shall also provide to the parent of each enrolled child a letter explaining any subsequent update to the plan.

[**(f)**] **(g)** The operator shall send a copy of the emergency plan and subsequent plan updates to the **local municipality and to the** county emergency management agency.

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

§ 3290.25. Waivers.

(a) A waiver excuses an operator from meeting a regulatory standard and substitutes another standard which the operator shall meet. The substituted standard has the same legal effect as the regulatory standard.

(b) The operator shall submit the request for waiver to the regional office before the facility is inspected for issuance or renewal of a certificate of compliance.

(c) An operator may request a waiver of only the regulatory standards in the following sections:

(1) Facility persons requirements in §§ 3290.31(a)(2) (relating to age and training).

(2) Physical site requirements in §§ 3290.61—3290.78 (relating to physical site).

(3) Equipment requirements in §§ 3290.101—3290.107 (relating to equipment).

(d) The Department will grant a waiver only if the following conditions are met:

(1) The waiver is not requested as a substitute for correcting a Departmental citation of noncompliance.

(2) The request for waiver does not alter the applicability or purpose of a regulation.

(3) The request shows evidence that the operator has a plan to achieve the objective of the regulation.

(4) The request certifies that the operator will meet regulatory standards related to the health, safety and rights of children.

(5) The request for waiver does not violate or condone noncompliance with another Federal or State law or regulation.

(6) The request for waiver may not jeopardize Federal or State funding.

FACILITY PERSONS

§ 3290.31. Age and training.

(a) The operator shall have the following qualifications:

(1) Be 18 years of age or older.

(2) Have a high school diploma or a general educational development certificate and submit proof to the appropriate regional office of the Department at the time of [registration renewal] the initial application. If the operator does not have the documentation at the time of the initial application, then it must be submitted by the time of the submission of the second renewal application.

(3) A valid photo identification of the operator shall be provided to the agent of the Department at the time of inspection.

(b) Staff persons shall be 18 years of age or older.

(c) [A volunteer shall be 16 years of age or older.] A volunteer shall be directly supervised at all times by a staff person.

(d) An individual 16 years of age or older who is enrolled in an approved training curriculum may be used as a staff person if the following guidelines are met:

* * * * *

(3) The curriculum includes a minimum total of 600 clock hours, distributed as follows:

* * * * *

(ii) A minimum of 200 clock hours of supervised training in a child [day] care facility.

* * * * *

(f) A staff person shall obtain [a biennial] an annual minimum of 12 clock hours of child care training.

* * * * *

(g) [Completion of training shall be documented by the signature and title of a representative of the training entity and shall include the date training was completed. Documentation shall be retained in the facility person's file.] All staff shall complete professional development in the following topics within 90 days of the date of hire:

- (1) Prevention and control of infectious diseases.
- (2) Prevention of Sudden Infant Death Syndrome and use of safe sleep practices.
- (3) Administration of medication.
- (4) Prevention of and response to emergencies due to food and allergic reactions.
- (5) Building and physical premises safety, including identification of protection from hazards that can cause bodily injury such as electrical hazards, bodies of water and vehicular traffic.
- (6) Prevention of shaken baby syndrome and abusive head trauma.
- (7) Emergency preparedness and response planning.
- (8) Handling and storage of hazardous materials.
- (9) Precautions when transporting children.
- (10) Pediatric first aid and pediatric cardiopulmonary resuscitation.

(h) Completion of professional development shall be documented by the signature and title of a representative of the professional development entity and include the date the professional development was completed. Documentation shall be retained in the staff person's file.

(i) Current staff persons other than the operator shall complete the precertification professional development under subsection (g). Documentation of the completion of training shall be kept in the facility file or maintained in an electronic system as designated by the Department.

§ 3290.32. Suitability of persons in the facility.

* * * * *

(b) Questions relating to the requirements of the CPSL shall be directed to the appropriate regional child [day] care office.

* * * * *

(d) One or more persons competent in pediatric first-aid techniques and pediatric cardiopulmonary resuscitation shall be at the facility when [day] child care children are in care.

STAFF-CHILD RATIO

§ 3290.51. Maximum number of children.

The number of children in care may not exceed six children at any one time who are unrelated to [the operator] either the legal entity or the staff person. At any one time, the related children of either the legal entity or the staff person, but not both, may be excluded in determining compliance with this section.

§ 3290.52. Ratio requirements.

The operator may provide care to no more than five related and unrelated infants and toddlers at any one time. No more than two related and unrelated infants may receive care at any one time. The following numbers of infants and toddlers are permitted in a family [day] child care home:

* * * * *

PROGRAM

§ 3290.113. Supervision of children.

* * * * *

(e) A facility person may not restrain a child by using bonds, ties or straps to restrict a child's movement or by enclosing the child in a confined space, closet or locked room. The prohibition against restraining a child does not apply to the use of adaptive equipment prescribed for a child with special needs.

(f) While on the family child care home premises, an operator shall use a monitoring device with a video camera or other video or sight technological device to supervise a child if the operator is not able to directly see, hear, direct and assess the activity of the child due to activities such as the need to be in the restroom or for the preparation of meals and snacks. The alternative method of supervision shall only be for the time it takes to complete the specific activity.

(g) When a family child care home operator provides services for 24 hours per day, the operator may not work for a period of more than 16 hours in

a 24-hour time period. The operator must secure a designated staff person to ensure that there is appropriate supervision as required in subsection (a).

CHILD HEALTH

§ 3290.131. Health information.

(a) The operator shall require the parent of an enrolled child to provide an initial health report no later than [60] 30 days following the first day of attendance at the facility.

* * * * *

ADULT HEALTH

§ 3290.151. Health assessment.

(a) A facility person providing direct care who comes into contact with the children or who works with food preparation shall have a health assessment on file at the facility.

(1) The operator shall submit a health assessment to the Department prior to issuance of an initial or renewal certificate of [registration] compliance.

* * * * *

NUTRITION

§ 3290.166. Meals for infants.

Meals for infants shall be provided in accordance with the following requirements:

* * * * *

(7) [Bottled formula may not be heated in a microwave oven.] Neither bottled formula nor human milk may be heated in a microwave oven.

CHILD RECORDS

§ 3290.184. Release of information.

(a) The parent shall have access to the child's complete child [day] care record.

* * * * *

SPECIAL EXCEPTIONS

§ 3290.211. [Approval by the Department of Labor and Industry.] Reserved.

[(a) A facility registered by the Department as of April 4, 1992, will be permitted one full registration

period (24 months) beyond the expiration of the current certificate of registration to comply with the requirements of the Department of Labor and Industry or its delegate agency, as described at § 3290.14 (relating to firesafety approval).

(b) A facility registered by the Department between April 4, 1992, and April 4, 1994, is required to provide:

(1) An operable smoke detector placed on each level of the facility used by day child care children.

(2) An operable smoke detector on each level of exit from the facility.

(3) A portable fire extinguisher located in the kitchen and in other working areas. A fire extinguisher shall be equipped with a pressure gauge and shall be suitable for a class B fire.

(c) Subsection (b) applies for a maximum of 24 months from the date the facility is registered by the Department. Following expiration of the 24-month period, a facility shall comply with the requirements of the Department of Labor and Industry or its delegate agency, as described at § 3290.14.]

§ 3290.212. [Play surfaces.] Reserved.

[(a) A facility registered by the Department as of September 22, 2008, has until September 22, 2010, to comply with the protective surface requirement as described in § 3290.102(c) (relating to condition of play equipment). (b) A facility registered by the Department as of September 22, 2008, which has a play surface or play surface not in compliance with § 3920.102(e), has until September 22, 2010, to comply with § 3290.102(e).]

§ 3290.213. Age and training.

The operator of a facility who is lawfully operating a family child [day] care home registered by the Department as of September 22, 2008, is permanently qualified as an operator of a family child [day] care home.

[Pa.B. Doc. No. 18-1587. Filed for public inspection October 12, 2018, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective September 24, 2018.

The organization chart at 48 Pa.B. 6586 (October 13, 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. 18-1588. Filed for public inspection October 12, 2018, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Game Commission

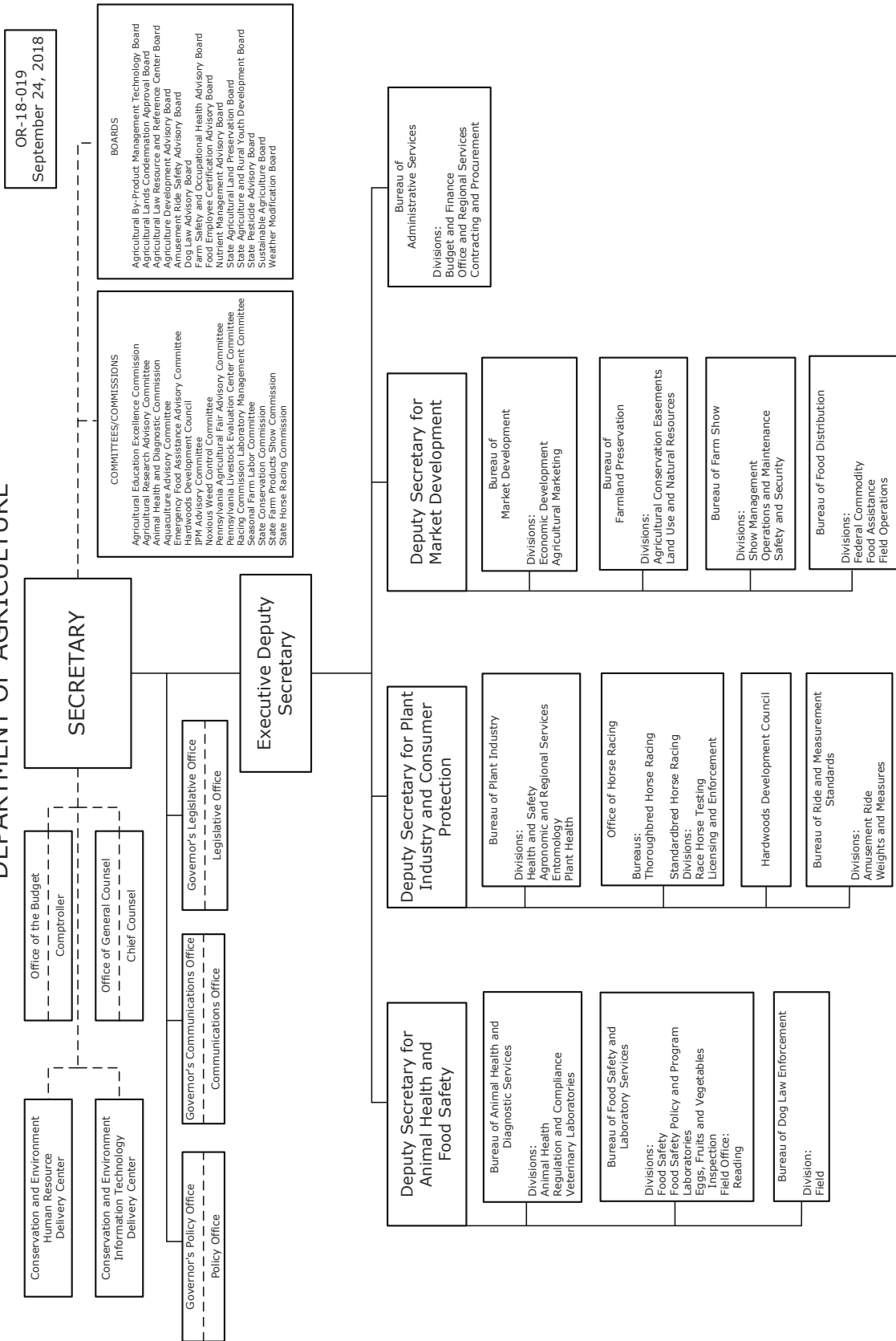
The Executive Board approved a reorganization of the Game Commission effective September 24, 2018.

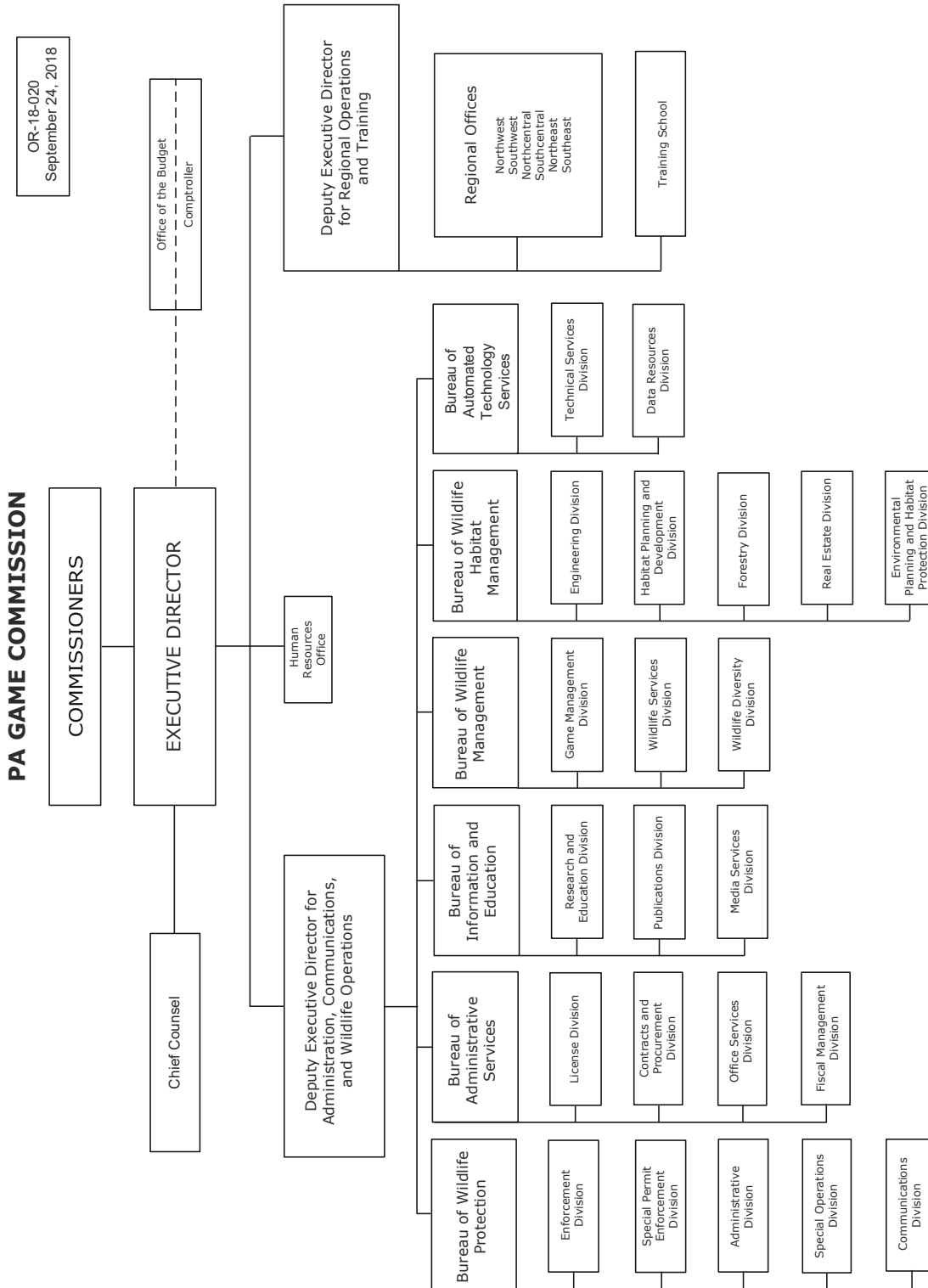
The organization chart at 48 Pa.B. 6587 (October 13, 2018) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(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. 18-1589. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE





NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending October 2, 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

Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-28-2018	Advantage Bank Lemoyne Cumberland County	Dissolved

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-28-2018	Northwest Bancshares, Inc. Warren Warren County Application for approval to acquire 100% of Donegal Financial Services Corporation, Marietta, and thereby indirectly acquire 100% of Union Community Bank, Mount Joy.	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-28-2018	Northwest Bank Warren Warren County Application for approval to merge Union Community Bank, Mount Joy, with and into Northwest Bank, Warren.	Filed
10-1-2018	Orrstown Bank Shippensburg Cumberland County Merger of First Community Bank of Mercersburg, Mercersburg, with and into Orrstown Bank, Shippensburg.	Effective

Branch Applications

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-27-2018	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 1700 Walnut Street Philadelphia Philadelphia County <i>From:</i> 214 South 20th Street Philadelphia Philadelphia County	Approved

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-30-2018	TruMark Financial Credit Union Fort Washington Montgomery County	Effective
	Application for approval to merge Philadelphia Mint Federal Credit Union, Philadelphia, with and into TruMark Financial Credit Union, Fort Washington.	

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 18-1590. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

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>
PA0063096 (Sewage)	Seiders Hill STP S.R. 901—Gordon Nagle Trail Pottsville, PA 17901	Schuylkill County North Manheim Township	West Branch Schuylkill River (03A)	Yes
PA0060313 (Sewage)	Marcel Lakes WWTP Townsend Circle Road Dingmans Ferry, PA 18328	Pike County Delaware Township	Dingmans Creek (1-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0111414 (Sewage)	McEwensville STP 105 Sodom Road Milton, PA 17847-9232	Northumberland County Delaware Township	Unnamed Tributary to Warrior Run (10-D)	Yes
PA0046094 (Sewage)	Ives Run Recreation Area Wastewater Treatment Plant 710 Ives Run Lane Tioga, PA 16946-8643	Tioga County Tioga Township	Crooked Creek (4-A)	Yes
PA0209457 (Industrial)	JELD-WEN, Inc. Fiber Division PA P.O. Box 311 825 Shiner Road Towanda, PA 18848-0311	Bradford County Wysox Township	Laning Creek (4-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0093475 (Sewage)	Potato Garden Run STP 1271 Route 30 P.O. Box 409 Clinton, PA 15026-1536	Allegheny County Findlay Township	Potato Garden Run (20-D)	Yes
PA0205877 (Sewage)	Redstone Township Sewer Authority WWTP 1002 Main Street P.O. Box 751 Republic, PA 15475-0751	Fayette County Redstone Township	Dunlap Creek (19-C)	Yes
PA0098337 (Sewage)	Springfield Township Elementary School STP 732 Rockridge Road Connellsville, PA 15425-4376	Fayette County Springfield Township	Unnamed Tributary to Indian Creek (19-E)	Yes
PA0098914 (Sewage)	Unionville Works STP 1376 Route 68 New Brighton, PA 15066-4125	Beaver County New Sewickley Township	UNT to Brush Creek (20-C)	Yes
PA0217140 (Sewage)	Shelocta STP 602 Kolter Drive Indiana, PA 15701-3570	Indiana County Armstrong Township	Crooked Creek (17-E)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0103594 Sewage	Windsor MHP 2871 US Route 6N East Edinboro, PA 16412	Erie County Washington Twp.	UNT to Little Conneauttee Creek (16-A)	Y
PA0239208 Sewage	Catherine M & John A McIntyre SFTF 2510 Old Route 422 E Fenelton, PA 16034	Butler County Clearfield Township	Unnamed tributary to to Little Buffalo Run (18-F)	Y

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.

PA0244571 A-1, Industrial, SIC Code 3999, **Crc Ind Inc.**, 885 Louis Drive, Warminster, PA 18974. Facility Name: Crc Ind Warminster Plant. This existing facility is located in Warminster Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Little Neshaminy Creek and Unnamed Tributary of Little Neshaminy Creek, is located in State Water Plan watershed 2-F 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 .06 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	75.0
Tetrachloroethylene	XXX	XXX	XXX	0.005	XXX	0.0125
Trichloroethylene	XXX	XXX	XXX	0.005	XXX	0.0125
PFOA (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PFOS (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Total PFOA and PFOS (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Vinyl Chloride (ug/L)	XXX	XXX	XXX	0.24	XXX	0.6

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
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
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Tetrachloroethylene	XXX	XXX	XXX	XXX	Report	XXX
Toluene	XXX	XXX	XXX	XXX	Report	XXX
Trichloroethylene	XXX	XXX	XXX	XXX	Report	XXX
Xylenes, Total	XXX	XXX	XXX	XXX	Report	XXX
Vinyl Chloride	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 101 (Effluent of First GAC Unit) are based on a design flow of 0.06 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
PFOA (ug/L)	XXX	XXX	XXX	Report	Report	XXX
PFOS (ug/L)	XXX	XXX	XXX	Report	Report	XXX
Total PFOA and PFOS (ug/L)	XXX	XXX	XXX	Report	Report	XXX

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

PFCs Treatment and Monitoring Requirements:

The facility has an active groundwater remediation system in place for the treatment of Volatile Organic Compounds (VOCs), which also provides treatment for Perfluorooctanoic Acid (PFOA) + Perfluorooctane Sulfonate (PFOS). The treatment consists of a chemical feed system and air stripper followed by two 500-pound granular activated carbon (GAC) vessels in a series.

The permittee shall continue to operate and maintain the current treatment system at all times while the system is discharging. The treatment plant effluent from the first GAC unit and final effluent shall be sampled once per month for PFOA, PFOS and the sum of PFOA and PFOS using the EPA approved test method, and the results shall be submitted with the monthly DMR. The media of the first GAC unit shall be replaced at any time the effluent sample results of combined PFOA and PFOS from the first GAC unit are at or above 50 ppt. The media replacement shall take place within 10 business days of receiving the sample results.

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.

PA0053899, Industrial, SIC Code 4953, **Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, Morrisville, PA 19067. Facility Name: Wheelabrator Falls Recycling and Energy Recovery Facility. This existing facility is located in Falls Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Biles Creek, 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 001 and 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 Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Barium, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Total	XXX	XXX	XXX	XXX	Report	XXX
Mercury, Total	XXX	XXX	XXX	XXX	Report	XXX
Selenium, Total	XXX	XXX	XXX	XXX	Report	XXX
Silver, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Organic Carbon	XXX	XXX	XXX	XXX	Report	XXX

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

- Requirements applicable to stormwater outfalls
- Use of Chemical Additives
- Discharge of cooling water for fire protection system
- Applicable BMPs

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.

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

PA0276146, Storm Water, SIC Code 2041, **Ardent Mills**, 258 Harvest Lane, Pocono Summit, PA 18346. Facility Name: Horizon Milling LLC. This proposed facility is located in **Monroe 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), Indian Run, is located in State Water Plan watershed 1-E and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (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
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	120.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.00
Nitrate-Nitrite as N	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)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

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.

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

PAG046470, Sewage, **Amy Southern**, 9691 Old Steubenville Pike, Bulgar, PA 15019. Facility Name: Southern Properties SRSTP. This proposed facility is located in Chartiers Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary of Chartiers Creek, is located in State Water Plan watershed 20-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<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>Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	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 Geo Mean	XXX	XXX

Sludge use and disposal description and location(s): At a minimum, septic tanks must be pumped out once every three years and hauled by a licensed sludge hauler to an approved site.

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.

PA0098612, Industrial, SIC Code 4911, **Ebensburg Power Co.**, 2840 New Germany Road, Ebensburg, PA 15931-3505. Facility Name: Ebensburg Cogen Plant. This existing facility is located in Cambria Township, **Cambria County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.197 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Chromium, Total	XXX	XXX	XXX	0.2	0.2	XXX
Zinc, Total	XXX	XXX	XXX	1.0	1.0	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	110	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	110	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	110	XXX
May 1 - 15	XXX	XXX	XXX	XXX	101.6	XXX
May 16 - 31	XXX	XXX	XXX	XXX	110	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	90.8	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	99.0	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	87.2	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	83.5	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	97.8	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	81.6	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	92.4	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	86.9	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	91.3	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	76.0	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	91.3	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	110	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 197 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	100.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.011	XXX	0.026
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Chromium, Total	XXX	XXX	XXX	0.2	0.2	XXX
Zinc, Total	XXX	XXX	XXX	1.0	1.0	XXX
Aluminum, Total	XXX	XXX	XXX	1.8	2.9	XXX
Iron, Dissolved	XXX	XXX	XXX	1.8	2.8	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Antimony, Total	XXX	XXX	XXX	Report	Report	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	110	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	110	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	110	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	110	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	110	XXX
May 1 - 15	XXX	XXX	XXX	XXX	91.2	XXX
May 16 - 31	XXX	XXX	XXX	XXX	110	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	84.9	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	99.0	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	86.8	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	77.7	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	97.8	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	81.6	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	92.4	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Oct 1 - 15	XXX	XXX	XXX	XXX	86.9	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	91.3	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	76.0	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	91.3	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	110	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of .077 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30.0	50.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	XXX

The proposed effluent limits for Outfall 002, design flow varies.—Limits.

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

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

- Water quality based effluent compliance schedule.
- Requirements applicable to cooling water intake structures.

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

The EPA Waiver is not in effect (TMDL).

PA0255459, Sewage, SIC Code 8811, **Hastings Richard**, P.O. Box 1466, Andover, OH 44003-1466. Facility Name: Hastings SRSTP. This proposed facility is located in Nottingham Township, **Washington County**.

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

The receiving stream(s), Unnamed Tributary to Mingo Creek, is located in State Water Plan watershed 19-C and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<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>Semi-Annual Average</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1000
Ultraviolet light transmittance (%)	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	5.0	XXX	10.0

Sludge use and disposal description and location(s): Municipal Sewage Treatment Plant.

The EPA Waiver is in effect.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0271764, Sewage, SIC Code 8800, **Cheryl Gruver**, 9615 Shunpike Road, Waterford, PA 16441-4142. Facility Name: Little SRSTP. This proposed facility is located in Summit Township, **Erie County**.

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

The receiving stream, the Walnut Creek, is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	Report

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.

PA0271772, Sewage, SIC Code 8800, **Diane Melnick**, 806 Farren Surrena Road, Harrisville, PA 16038. Facility Name: Diane Melnick SRSTP. This proposed facility is located in Irwin Township, **Venango County**.

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

The receiving stream, an Unnamed Tributary of the North Branch Slippery Rock Creek, is located in State Water Plan watershed 20-C and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<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 (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
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:

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

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.

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

WQM Permit No. 6570401 A-7, Industrial, SIC Code 8731, **Arconic Inc.**, 100 Technical Drive, New Kensington, PA 15068.

This existing facility is located in Upper Burrell Township, **Westmoreland County**.

Description of Proposed Action/Activity: Increase the design flow rate of the existing sewage treatment plant.

WQM Permit No. 0418406, Sewage, **Center Township Sanitary Authority**, 224 Center Grange Road, Aliquippa, PA 15001-1421.

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

Description of Proposed Action/Activity: The applicant proposes to construct a gravity sewer system to serve The Bluffs at Glade Path Development. Sewage will be conveyed and treated at Center Township Sanitary Authority's Elkhorn Run WPCP.

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

WQM Permit No. 2718401, Sewage, **Christopher Kovac**, 528 Dick Station Road, Irwin, PA 15642.

This proposed facility is located in Harmony Township, **Forest County**.

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

WQM Permit No. 2718402, Sewage, **Victoria J Brady**, 371 Butcher Knife Hill Road, Pleasantville, PA 16341.

This proposed facility is located in Harmony Township, **Forest County**.

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

WQM Permit No. 3718404, Sewage, **Dona & Joseph Kaba**, 16 Sunnybrook Drive, New Castle, PA 16105.

This proposed facility is located in Neshannock Township, **Lawrence County**.

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

WQM Permit No. 2518414, Sewage, **Cheryl Gruver**, 9615 Shunpike Road, Waterford, PA 16441-4142.

This proposed facility is located in Summit Township, **Erie County**.

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

WQM Permit No. 4318411, Sewage, **Perry Township Mercer County**, P.O. Box 69, Hadley, PA 16130.

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

Description of Proposed Action/Activity: Construction of sanitary sewers and pump station to serve Clarks Mill community on-lot disposal system.

IV. NPDES Applications for Stormwater Discharges from MS4.

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

PAI136101, MS4, **Indiana Township**, 3710 Saxonburg Boulevard, Pittsburgh, PA 15238. 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 Indiana Township, **Allegheny County**. The receiving streams, Little Deer Creek, Unnamed Tributary to Long Run, Unnamed Tributary to Little Deer Creek, Long Run, Blue Run, Deer Creek, and Squaw Run, are located in State Water Plan watershed 18-A and are classified for Cold 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 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.

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.

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>
PAD450070	Pocono Manor Investors LP P.O. Box 38 2 Oak Ln Pocono Manor, PA 18349	Monroe	Tobyhanna Twp	Swiftwater Creek (EV) Indian Run (EV) UNT to Indian Run (EV)
PAD450060	Hirshland & Co 1055 Westlakes Dr Ste 300 Berwyn, PA 19312	Monroe	Mt Pocono Boro	Swiftwater Creek (HQ-CWF, MF) Pocono Summit Lake (HQ-CWF)

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>
PAD540007	PPL Elect Util Corp 2 N 9th St Allentown, PA 18101-1139	Schuylkill	Butler Twp Mahanoy Twp West Mahanoy Twp Gilberton Boro Frackville Boro Shenandoah Boro	Little Mahanoy Creek (CWF, MF, EV Wetlands) Mahanoy Creek (WWF, MF) Mill Creek (CWF, MF) Shenandoah Creek (CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360040	Jared Krantz 1007 River Road Quarryville, PA 17566	Lancaster	East Drumore Township	UNT Conowingo Creek (HQ-CWF, MF) EV Wetlands

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

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD630031	Guardian Storage Development of North Strabane, LLC 5879 Centre Avenue Pittsburgh, PA 15206	Washington County	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 0518503 MA, Minor Amendment, Public Water Supply.

Applicant	Saxton Borough Municipal Authority
Municipality	Saxton Borough
County	Bedford
Responsible Official	John G. Russell, Asst Secretary 707 Ninth Street Saxton, PA 16678-1099
Type of Facility	Public Water Supply
Consulting Engineer	Christopher M. Echenrode, P.E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Application Received:	8/23/2018
Description of Action	Change in corrosion inhibitor chemical.

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.

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

WA 22-291C, Water Allocations. Halifax Area Water and Sewer Authority (PWS ID No. 7220040), Dauphin County. The applicant is requesting the right to withdraw a maximum of 250,000 gpd, when available, from a series of five (5) springs known collectively as Peters Mountain Springs, located in Halifax Township, Dauphin County. Applicant Address: Jeff Enders, Vice Chairman, Halifax Area Water and Sewer Authority, P.O. Box 443, 203 Armstrong Street, Halifax, PA 17032. Consulting Engineer: Justin J. Mendinsky, P.E., Herbert, Rowland & Grubic Inc., 369 East Park Drive, Harrisburg, PA 17111. Application Received: 8/28/2018.

WA 28-869B, Water Allocations. Edenville Water Association, Inc. (PWS ID No. 7280046), Franklin County. Applicant Address: Glen P. Shatzer, President, Edenville Water Association Inc., 9932 Circle Drive, St. Thomas, PA 17252. Application Received: 1/31/2017.

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

WA 14-130C, Water Allocations. Millheim Borough Water Authority, 225 East Main Street, Millheim, 16854, Millheim Borough, Centre County. Application to renew the allocation permit WA 14-130B. No changes are being requested.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 1**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

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

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

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

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

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

Former Farm & Home Terminal # 3, 5088 Shippers Road, Lower Macungie Township Township, **Lehigh County**. HDR Engineering, 4900 Ritter Road, Suite 101, Mechanicsburg, PA 17055, on behalf of CRL Holdings, 33 North Second Street, Harrisburg, PA 17101, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by releases of petroleum at this bulk petroleum storage and distribution facility. Future use of the site will be non-residential. Site-Specific remediation standards are planned for this site. The Notice of Intent to Remediate was published in *The Morning Call* on September 7, 2018.

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

Pin Oak Lane Farm, 14781 Boyer Road, New Freedom, PA 17349, Shrewsbury Township, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Pin Oak Lane Farm, 14781 Boyer Road, New Freedom, PA 17349, submitted a Notice of Intent to Remediate site soil contaminated with unleaded gasoline. The site will be remediated to the Residential Statewide Health Standard. Future use of the site will remain as a full-service horse farm and equine veterinary center. The Notice of Intent to Remediate was published in the *York Daily Record*, *York Dispatch* and *York Sunday News* on September 20, 2018.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit Application No. WMGR133SC001. CRS-SPV, Inc. has submitted an application for a Determination of Applicability under General Permit No. WMGR133. The application is for CRS-SPV, Inc.'s facility located at 569 Industrial Drive, Lewisberry, PA 17339 in the Fairview Township, **York County**. This general permit authorizes the processing prior to beneficial use of end-of-use lamp phosphors by installing and operating a production process to remove remaining crushed glass from the spent lamp phosphor powder and chemically process the powder to refine valuable elements for sale or further processing. The application was determined to be administratively complete on September 24, 2018.

Persons interested in obtaining more information about the general permit application may contact John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

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

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

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

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

46-0267B: Peak 10 + Via West (1000 Black Road, Colledgeville, PA 19426) in Upper Providence Township, **Montgomery County** for reactivation of an internal combustion engine used in a generator set at the company's Data Center in Upper Providence Township, Montgomery County. The engine is one of a group of 8 identical engines that serve the Data Center primarily during power interruptions. The facility is a non-Title V, Synthetic Minor facility. No modifications to the engine, allowable emissions, or permit conditions (SOOP 46-00267) for the subject and 7 other engines are authorized.

The engine is subject to National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, codified at 40 CFR Part 63 Subpart ZZZZ; New Source Standards of Performance for Stationary (NSPS) Compression Ignition Internal Combustion Engines, 40 CFR Part 60 Subpart IIII, and the requirements of 25 Pa. Code pertaining to particulate matter, visible emissions, odors and Best Available Technology (BAT). BAT constitutes a NSPS compliant engine, a turbocharger and low temperature aftercooler, combustion controls and use of ultra-low sulfur fuel.

15-0104E: Flowers Baking Company of Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) is a Title V facility. The facility is a major source for VOC emissions. The facility intends to install a new bun oven at their facility located in Oxford Borough, **Chester County**. The primary source of emissions from the bun oven is VOC. VOC emissions will be controlled by a catalytic oxidizer, with a minimum destruction efficiency of 95%. The facility has a Plantwide Applicable Limit (PAL) of 41.7 tons per year for VOC emissions. In the last five (5) years, actual VOC emissions have not exceeded 24.0 TPY. The new line has a PTE of 3.33 TPY after controls. Therefore, the facility is expected to continue to comply with the PAL for VOC. Other potential emissions include: 3.36 TPY for NO_x; 3.0 TPY for CO; 0.3 TPY for PM; 0.1 TPY for SO_x; and 0.1 TPY for HAP. Emissions of filterable PM shall not exceed 0.04 grain per dry standard cubic feet. Both the inlet and outlet temperatures of the catalyst shall be continuously monitored and recorded. The pressure drop across the catalyst shall be monitored and recorded daily. Annual sampling and testing shall be performed to ensure the catalyst is in good condition. This project is not subject to NSPS, NESHAP, MACT, PSD, NSR or CAM. The Plan Approval will contain additional monitoring, recordkeeping and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas 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.

31-05022B: AC Products, Inc.—Mt. Union Plant (11823 Lenaper Drive, Mt Union, PA 17066) for a revision to the operating requirements for a new cabinet manufacturing facility in Shirley Township, **Huntingdon County**. The potential facility emissions are 5.7 tons of carbon monoxide, 7.7 tons of nitrogen oxide, 0.6 ton of particulate matter, 0.2 ton of sulfur dioxide, 49.2 tons of volatile organic compounds, and 8.7 tons of HAPs. The facility is a non-Title V facility. The Plan Approval will include emission limits (50 tons of NO_x, 10 tons of single HAP, and 25 tons of total HAPs) and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The 150 kW emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12 and 25 Pa. Code § 123.13 Process Particulate Matter. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval will be incorporated into a facility-wide permit pursuant to the provisions of 25 Pa. Code Chapter 127.

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

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

14-00003: Pennsylvania State University (101P Physical Plant Bldg, University Park, PA 16802) for a significant permit modification pursuant to 25 Pa. Code § 127.541 for the University Park Campus located in College Township and State College Borough, **Centre County**. PSU has submitted a significant operating permit modification application for incorporating the terms and conditions of Plan Approval 14-00003G, relating to the construction of two Doosan model HP1600WCU air compressors powered by 580 brake-horsepower diesel-fired Cummins QSX15 reciprocating internal combustion engines. One of the air compressors is located at each of the University Park Campus' steam plants. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements pertaining to these sources have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. Several permit conditions have been derived from the applicable requirements of 40 CFR Parts 60 and 63 as well as 25 Pa. Code Article III, Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during

normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3693.

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

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

AMS IP18-000235: Naval Surface Warfare Center, Philadelphia Division (NSWCPD) (901 Admiral Perry Way, Philadelphia, PA 19112) for the modification of AMS Plan Approval No. 15088 dated October 16, 2015 to incorporate a change of equipment from the originally permitted gas turbine generator (GTG) to the temporary GTG originally permitted under AMS Installation Permit Nos. IP16-000199, IP17-000092, and IP17-000261. The facility is installing a 230.8 MMBtu/hr GTG with water injection system firing natural gas or No. 2 fuel oil/JP-5 oil. The facility will be subject to a PAL NO_x limit of 252.3 tons per rolling 12 month period and a PAL SO_x limit of 70.6 tons per rolling 12 month period. The plan approval will contain operating, monitoring, testing, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

Copies of all documents and information concerning this plan approval are available for review in the offices of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents or to submit written comments should contact Edward Wiener (215-685-9426) at the above address. All written comments must be received within 30 days from the date of this publication date. Comments received by facsimile will not be accepted.

OP-18-000012: WuXi AppTec (4751 League Island Boulevard, Philadelphia, PA 19112) for the operation of a biopharmaceutical facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include fourteen (14) air handling units firing natural gas, each of which is less than 1.5 MMBtu/hr, one (1) 1,000 kW emergency generator firing diesel, and assorted small bench-scale equipment, fume hoods, and bio-safety cabinets. The limit for testing, tuning, maintenance checks, and readiness testing of the emergency generator has been changed from 30 minutes per month for testing and 4 hours per year for tuning to 100 hours per calendar year for testing and tuning combined.

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

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.

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

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

23-00017: Exelon Generation Co.—Eddystone Generating Station (One Industrial Highway, Eddystone, PA 19022) for a renewal of the Title V Operating Permit in Eddystone Borough, **Delaware County**. The previous permit was issued on 12-06-2013. The facility is primarily used for providing electrical energy from two fossil-fuel generating units. As a result of potential NO_x and VOC emissions, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. Boilers 3 & 4 (Source IDs 033 & 041) are limited to 5,568 tons/year and 35.9 tons/year for NO_x and VOC emissions, respectively. Auxiliary Boilers A, B & C are limited to 46 tons/year of NO_x emissions individually. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The facility is subject to the RACT II regulation (25 Pa. Code §§ 129.96—129.100) and the applicable presumptive requirements are incorporated into the permit. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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.

46-00186: Tri Valley Crematory (667 Harleysville Pike, Telford, PA 18969; Attn: Mr. Patrick Taylor) for a non-Title V Facility, State-Only Natural Minor Operating Permit in Franconia Township, **Montgomery County**. This renewed operating permit reflects the continued operation of Source ID 101 (Crematory). The facility also operates three (3) identical air conditioning and heating systems that operate on propane. There are no other sources of emissions at this facility. The potential to emit of the permitted sources at the facility are less than 1.0 TPY for NO_x, SO_x, and VOC; 1.54 TPY for PM; and 2.25 TPY for CO. Emissions of PM from the Crematory are expected to be less than 0.08 grains per dry standard cubic feet, corrected to 7 percent O₂. Emissions of SO_x from the Crematory are expected to be less than 500 ppmv. The permit will continue to contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

23-00102: Brandywine Veterinary Hospital (1270 Baltimore Pike, Chadds Ford, PA 19317) for operation of their veterinary hospital in Chadds Ford Township, **Delaware County**. The permit is for a non-Title V (State only) facility. The source of air emissions is an animal crematory unit with an integral afterburner. No changes have taken place since the permit was last issued in

November 2013. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00196: Abington Reldan Metals, LLC (550 Old Bordentown Road, Fairless Hills, PA 19030) for operation of three thermal destructors, an acid and strip room process, melt furnaces, ball mills, and associated control devices at their plant, located in Falls Township, **Bucks County**. The main pollutants emitted from the facility processes are NO_x, lead, mercury, and hydrochloric acid (including chlorine gas). The facility took emission restrictions for NO_x, single HAP and total combined HAPs just below the Title V facility threshold levels; therefore, it is a State-only (Synthetic Minor) facility. The proposed Operating Permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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.

36-05100: Pennsy Supply, Inc. (P.O. Box 3331, Harrisburg, PA 17105) to issue a State Only Operating Permit for the batch asphalt plant located in Manheim Township, **Lancaster County**. The potential emissions from the facility are estimated at 6.7 tpy of PM₁₀, 99.0 tpy of CO, 6.2 tpy of NO_x, 1.1 tpy of SO_x and 2.0 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.

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

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

17-00020: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823); the Department intends to issue a renewal State Only permit for their DuBois Plant # 4 facility located in Sandy Township, **Clearfield County**. The facility is currently operating under State Only Permit No: 17-00020 (Synthetic Minor) as issued on July 15, 2013. A change to the facility to operate a McCloskey portable crushing plant was authorized via a Request for Determination (RFD) and is incorporated in the renewal permit. The company also does not operate the portable plants incorporated into Source ID P107 and P108 anymore, so these were removed. Accordingly, the facility's sources currently in operation consist of a 400-tph drum mix asphalt production plant (Source ID P101), two (2) natural gas-fired liquid asphalt heaters, two (2) waste oil-fired space heaters, two (2) 2,000-gallon or more diesel fuel aboveground storage tanks, a parts washers for maintenance, and three (3) portable crushers powered by diesel engines. Facility wide Potential to Emit calculations for nitrogen oxides (NO_x, expressed as NO₂), carbon monoxide (CO), volatile organic compounds (VOCs), sulfur oxides (SO_x, expressed as SO₂), particulate matter (PM), PM₁₀, PM_{2.5} and hazardous air pollutants (HAPs) are, as follows in tons per year (tpy): NO_x: 26; CO: 30; VOCs: 18; SO₂: 71; PM₁₀: 35; HAPs: 4. The asphalt production plant is subject to Best Available Technology (BAT)

requirements of 25 Pa. Code §§ 127.1 and 127.12, as well as the Standards of Performance for Hot Mix Asphalt Facilities. The portable crushing plants are subject to the Standards of Performance for Nonmetallic Mineral Processing Plants as codified 40 CFR Part 60 Subpart OOO. The parts washer is subject to regulations for Degreasing Operations Cold Cleaning Machines as codified in 25 Pa. Code § 129.63(a). The facility has taken a cap on the amount of Asphalt Produced in any 12-consecutive month period to keep the Potential to Emit below minor source thresholds for Title V and New Source Review regulations. Based on the information provided in the permit renewal application submittal, all applicable air quality regulatory requirements pertaining to the air contaminant sources located at this facility have been incorporated into the renewal permit including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance with the applicable requirements. The applicable requirements were derived from 25 Pa. Code Article III Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

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 Denied

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

Permit No. 56170105 and NPDES No. PA0279595. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County** affecting 47.0 acres. Receiving streams: unnamed tributaries to Blue Lick Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 30, 2017. Permit denied: September 26, 2018

The application includes a stream encroachment to install a culverted stream crossing within the barrier area of unnamed tributary to Bluelick Creek.

Permit No. 56110108 and NPDES No. PA0263354. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 176.9 acres. Receiving streams: unnamed tributaries to and Oven Run and unnamed tributaries to Stonycreek River classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority intake on Stonycreek River approximately 1 mile downstream. Application received: May 7, 2018. Permit denied: September 27, 2018.

Permit No. 56920106 and NPDES No. PA0599557. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 276 acres. Receiving streams: unnamed tributary to Hinson Run; unnamed tributary to Shade Creek; unnamed tributary to Stonycreek River, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 7, 2018. Permit denied: September 27, 2018.

Coal Applications Received

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

65181301 (formerly 65091301) and NPDES No. PA0236471 (formerly PA0235873). New Derry Energy, LLC, (1812 Harvard Street, Houston, TX 77008). To operate the Kingston-West Mine in Derry Township, **Westmoreland County** for a new coal mining activity permit to re-activate the expired C&D Coal Company, LLC's Kingston-West Mine and related NPDES permit. Includes authorization request for an Air Quality GPA/GP12 General Permit. The projected fugitive particle emission calculations are based on the total annual raw coal throughput at the facility of 495,000 tons/year that

will be mined, rock screened and loaded as part of this operation. Surface Acres Proposed 10.0, Underground Acres Proposed 999.0, Subsidence Control Plan Acres Proposed 971.4. Unnamed Tributary to Loyalhanna Creek, classified for the following use: WWF. The application was considered administratively complete on September 24, 2018. Application received: July 6, 2018.

32051301 and NPDES No. PA0215228. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Barrett Deep Mine in Buffington and Brush Valley Townships, **Indiana County** and related NPDES permit to add underground acres and subsidence control plan area acres to Barrett Deep Mine from the adjacent Brush Valley Mine. Underground Acres Proposed 212.4, Subsidence Control Plan Acres Proposed 212.4. No additional discharges. The application was considered administratively complete on September 27, 2018. Application received: August 15, 2018.

30831303 and NPDES No. PA0013511. Cumberland Contura, LLC, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley, Center and Jackson Townships, **Greene County** and related NPDES permit for construction of a bleeder shaft site. Surface Acres Proposed 24.36. No additional discharges. The application was considered administratively complete on September 28, 2018. Application received: July 16, 2018.

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

10930111. JMW Enterprises, Inc. (P.O. Box 282, Acme, PA 15610) Renewal of an existing bituminous surface and auger mine in Washington Township, **Butler County** affecting 115.5 acres. Receiving streams: South Branch Slippery Rock Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: September 24, 2018.

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

03080106 and NPDES Permit No. PA0251542. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision application for addition of a manganese treatment system to an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 225.0 acres. Receiving streams: Seven unnamed tributaries to Mahoning Creek; one unnamed tributary to Pine Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 27, 2018.

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

Permit No. 54860206R6. Rausch Creek Generation, LLC, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite coal refuse reprocessing and refuse disposal operation in Frailey and Porter Townships, **Schuylkill County** affecting 511.3 acres, receiving stream: Lower Rausch Creek, classified for the following use: cold water fishes. Application received: September 4, 2018.

Permit No. 54860204R6. Premium Fine Coal, Inc., (P.O. Box 268, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Walker Township, **Schuylkill County** affecting 57.0 acres, receiving stream: Little

Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: September 12, 2018.

Permit No. 40930102R5. Glenn O. Hawbaker, Inc., (1952 Waddle Road, Suite 203, State College, PA 16803), renewal of an existing anthracite surface mine and coal preparation plant operation in Hazle and Butler Townships, **Luzerne County** affecting 688.1 acres, receiving stream: Little Nescopeck Creek, classified for the following uses: cold water and migratory fishes. Application received: September 12, 2018.

Permit No. 40930102C3. Glenn O. Hawbaker, Inc., (1952 Waddle Road, Suite 203, State College, PA 16803), correction to update the post-mining land use to unmanaged natural habitat and/or industrial/commercial use of an existing anthracite surface mine and coal preparation plant operation in Hazle and Butler Townships, **Luzerne**

County affecting 688.1 acres, receiving stream: Little Nescopeck Creek, classified for the following uses: cold water and migratory fishes. Application received: September 12, 2018.

Permit No. 40-305-008GP12R2. Blaschak Coal Corp., (P.O. Box 12, Mahanoy City, PA 17948), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40930102 in Hazle and Butler Townships, **Luzerne County**. Application received: September 12, 2018.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

10180304. Seneca Landfill, Inc. (P.O. Box 1080, Mars, PA 16046). Commencement, operation and restoration of a large industrial minerals mine in Jackson Township, **Butler County**, affecting 34.3 acres. Receiving streams: Unnamed tributaries to Connoquenessing Creek, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Zelienville Water Company. Application received: September 17, 2018.

6433-10180304-E-1. Seneca Landfill, Inc. (P.O. Box 1080, Mars, PA 16046). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 2 to Connoquenessing Creek in Jackson Township, **Butler County**. Receiving streams: Unnamed tributaries to Connoquenessing Creek, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Zelienville Water Company. Application received: September 17, 2018.

6433-10180304-E-2. Seneca Landfill, Inc. (P.O. Box 1080, Mars, PA 16046). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 1 to Connoquenessing Creek in Jackson Township, **Butler County**. Receiving streams: Unnamed tributaries to Connoquenessing Creek, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Zelienville Water Company. Application received: September 17, 2018.

10180304. Seneca Landfill, Inc. (P.O. Box 1080, Mars, PA 16046). Application for a wetlands encroachment to mine through 1.8 acre of palustrine emergent and palustrine forested wetlands, and construct 1.6 acre of new wetlands with the incorporation of 0.49 acre overbuild from wetland mitigation activities associated with Seneca's coal mine, SMP No. 10000103, in Jackson Township, **Butler County**. Receiving streams: Unnamed tributaries to Connoquenessing Creek, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Zelienville Water Company. Application includes a request for a Section 401 Water Quality Certification. Application received: September 17, 2018.

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

26980601 and NPDES Permit No. PA0202193. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Conneville, PA 15425-9503). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Bullsken Township, **Fayette County**, affecting 856.4 acres. Receiving streams: unnamed tributaries to Polecat Hollow Run and unnamed tributaries to Breakneck Run and Breakneck Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 27, 2018.

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

Permit No. 8074SM2C13. Highway Materials, Inc., (409 Stenton Avenue, PA 19031), depth correction to -300 feet MSL, update reclamation plan and increase highwalls of an existing quarry operation in Whitmarsh Township, **Montgomery County** affecting 269.29 acres, receiving streams: Lorraine Run and Plymouth Creek, classified for the following use: trout stocking fishes. Application received: September 4, 2018.

Permit No. 52900803. John S. McKay, (112 Mast Hope Avenue, Lackawaxen, PA 18435), Stage I & II bond release of a quarry operation in Lackawaxen Township, **Pike County** affecting 1.0 acre on property owned by John S. and Patricia J. McKay. Application received: September 10, 2018.

Permit No. 09080301C4 and NPDES No. PA022642. H & K Group, Inc., (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hilltown Township, **Bucks County** affecting 52.9 acres, receiving stream: unnamed tributary to Morris Run to East Branch Perkiomen Creek. Application received: September 14, 2018.

Permit No. 06970302C14 and NPDES No. PA0223794. H & K Group, Inc., (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Robeson and Union Townships, **Berks County** affecting 289.6 acres, receiving stream: Hay Creek, classified for the following use: exceptional value waters. Application received: September 20, 2018.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

Alkalinity greater than acidity*

*The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0212393 (Mining Permit No. 11930102), E.P. Bender Coal Company, P.O. Box 594, Carrolltown, PA 15722, renewal of an NPDES permit for a bituminous surface mine in Dean Township, **Cambria County**, affecting 195.8 acres. Receiving stream(s): Clearfield Creek, classified for the following use(s): cold water fishes and warm water fishes. This receiving stream is included in the Clearfield Creek TMDL. Application received: September 14, 2018.

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

The following outfall(s) discharge to Clearfield Creek:

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

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

<i>Outfalls: 011 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (lbs/d)			58.0
Manganese (lbs/d)			39.0
Aluminum (lbs/d)			5.2
Acidity (lbs/d)			100.0
Flow (gpm)			Report
Sulfates (mg/l)			Report

Noncoal NPDES Draft Permits

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

NPDES No. PA0280658 (Permit No. 42042804), Richard A. Powell (1423 West Kane Road, P.O. Box 252, Kane, PA 16735) New NPDES permit for a small industrial minerals surface mine in Wetmore Township, **McKean County**, affecting 15.0 acres. Receiving streams: Unnamed tributary to West Run, classified for the following uses: HQ-CWF. TMDL: None. Application received: August 31, 2018.

There will be no discharge from this site.

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

NPDES No. PA0269522 (Mining permit No. 59120302), Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803, renewal for NPDES permit on Noncoal Surface Mine in Hamilton Township and Blossburg Borough, **Tioga County**, affecting 89.6 acres. Receiving stream(s): Unnamed Tributary to Johnson Creek, classified for the following use(s): CWF. Application received: September 12, 2018.

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

The following outfall(s) discharge to Unnamed Tributary to Johnson Creek and will meet BAT effluent limits:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>Location</i>
001	No	SB1
002	No	SB2
003	No	SB3

The following outfall(s) discharge to Unnamed Tributary to Johnson Creek and will meet in-stream effluent limits:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>Location</i>
004	No	TPA

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	4.0
Manganese (mg/l)		1.0	2.0	3.0
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

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

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

E02-1796, PennDOT District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Coraopolis Borough, **Allegheny County**, Pittsburgh ACOE District.

The applicant proposes to:

Remove the existing 61.7' long, 11.5' diameter opening, outlet section of the 236.4' long masonry arch enclosure carrying SR 51 over McCabe Run (WWF) with a drainage area of 0.89 square mile; construct and maintain a replacement 75.7' long, 12' wide, 1' depression box culvert outlet section having a 6.0' underclearance on existing alignment for a total enclosure length of 250.6'. In addition, construct and maintain associated stormwater facilities and temporarily impact 111' of stream for the purpose of constructing these encroachments. Impacts will be mitigated on site. The project is located at the intersection of SR 51 and Arch Street approximately 500' upstream of the Ohio River (Ambridge, PA Quadrangle; Latitude: 40° 30' 58"; Longitude: -80° 9' 21"; Sub-basin 20D; USACE Pittsburgh District) in Coraopolis Borough, Allegheny County.

E32-524, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, Plumville Borough, **Indiana County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove the existing 20' wide by 35.5' long single span bridge carrying SR 4035 over North Branch Plum Creek (CWF) with a drainage area of 4.2 square miles; construct and maintain a replacement 44.1' long, 18' wide, 1' depressed box culvert having a 7.5' underclearance on the same alignment. Place and maintain fill in 226' of an unnamed tributary to North Branch Plum Creek (CWF) with a drainage area of 224 acres and construct and maintain 210' of relocated replacement channel. Place and maintain fill in 31' of a second unnamed tributary to North Branch Plum Creek (CWF) with a drainage area less than 100 acres and construct and maintain 31' of relocated replacement channel. Place and maintain fill in a de minimis 0.046 acre of PEM wetland. In addition, construct and maintain associated stormwater facilities and temporarily impact 120' of stream and 0.033 acre of PEM wetland for the purpose of constructing these encroachments. Impacts will be mitigated on site. The project site is located near the intersection of SR 4035 (Indiana Street) and SR 0954 (Main Street) (Plumville, PA USGS topographic quadrangle; N: 40°, 47', 35.45"; W: -79°, 10', 49.21"; Sub-basin 17E; USACE Pittsburgh District), in Plumville Borough, Indiana County.

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, P.O. Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for 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.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
18015	Williams Lubricants, Inc. 6221 Mile Lane Road Sayre, PA 18840-2862 Attn: Gary Wilcox	Bradford	Athens Township	43 ASTs storing petroleum products	121,000 gallons total

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.

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0266345 IW	Keystone Protein Company 154 W Main Street Fredericksburg, PA 17026-9510	Bethel Township, Lebanon County	Unnamed tributary to Beach Run and Little Swatara Creek in Watershed(s) 7-D	N

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?
PA0233536 (Sewage)	David & Hope Finrock Subdivision 377 Seymour Hill Road Mansfield, PA 16933-8958	Tioga County Sullivan Township	Unnamed Tributary to Corey Creek (4-A)	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?
PA0000418 (Industrial)	Derry Borough Municipal Authority 620 N Chestnut Street Derry, PA 15627-1728	Westmoreland County Derry Borough	Unnamed Tributary to McGee Run (18-D)	Yes
PA0001864 (Industrial)	Riverbend Foods LLC 1080 River Avenue Pittsburgh, PA 15212	Allegheny County Pittsburgh City	Unnamed Tributary to Allegheny River and Allegheny River (18-A)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
Sewage Renew	Perseus House Inc. 39132 Mt. Pleasant Road Spartansburg, PA 16434	Bloomfield Twp	16-E	Y

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

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

NPDES Permit No. PA0024694 A-2, Sewage, **Beaver Borough Municipal Authority**, 469 3rd Street, Beaver, PA 15009-2226.

This existing facility is located in Beaver Borough, **Beaver County**.

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

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

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

WQM Permit No. 4110403 A-2, Sewage, SIC Code 4952, **Williamsport Sanitary Authority**, 253 W 4th Street, Williamsport, PA 17701-6113.

This existing facility is located in City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: Sludge Handling Improvements Project.

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

WQM Permit No. WQG02111802, Sewage, SIC Code 4952, **East Carroll Township**, 3350 Brick Road, Carrolltown, PA 15722.

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

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

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

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

WQM Permit No. WQG02101801, Sewage, **Western Butler County Authority**, 607 Market Street, Zelienople, PA 16063-1830.

This proposed facility is located in Zelienople Borough, **Butler County**.

Description of Proposed Action/Activity: Sanitary sewer extension to serve Villas at Spring Valley development.

IV. NPDES Stormwater Discharges from MS4 Permit Actions.

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

<i>NPDES Permit No.</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI132280	Lower Towamensing Township 595 Hans Dairy Road Palmerton, PA 18071	Lower Towamensing Township, Carbon	Unnamed Tributary to Pohopoco Creek, Mill Creek, Fireline Creek, Unnamed Tributary to Mill Creek, Aquashicola Creek, and Lehigh River/TSF, CWF, and MF	N	N

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400020	Lehigh Valley Health Network c/o Gregory Marushak 2100 Mack Boulevard P.O. Box 4000 Allentown, PA 18105	Luzerne	Hazleton City	Hazle Creek (HQ-CWF, MF) Black Creek (CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480068	Hanover Township 3630 Jacksonville Road Bethlehem, PA 18017-9302	Northampton	Hanover Township	Monocacy 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>
PAD0200112	Independence Excavating, Inc. 5720 East Schaaf Road Independence, OH 44131	Allegheny County	Neville Township	Ohio River (WWF)
PAD560002	Confluence Borough Municipal Authority 711 Logan Place P.O. Box 6 Confluence, PA 15424	Somerset County	Confluence Borough	Casselman River (WWF); Laurel Hill Creek (HQ-CWF); 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>
PAD630019	U.S. Army Corps of Engineers, Pittsburgh District 1000 Liberty Avenue Pittsburgh, PA 15222	Washington County	Carroll Township	Monongahela River (WWF)
PAD630024	North Strabane Township Municipal Authority 1929B Route 519 South Canonsburg, PA 15317	Washington County	North Strabane Township	UNT to Chartiers Creek (HQ-WF)

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

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

List of NPDES and/or Other General Permit Types.

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

General Permit Type—PAG-02

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

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>
PAC350051	Marywood University 2300 Adams Ave Scranton, PA 18509	Lackawanna	Dunmore Boro	UNT to Lackawanna River (CWF, MF) Meadow Brook (CWF, MF)
PAC350045	North Star Construction Management Inc 645 W Hamilton St Ste 208 Allentown, PA 18101	Lackawanna	Dickson City Boro	Lackawanna River (CWF, MF) Mill Creek (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>
PAC390053	DVS Enterprises, Inc 5285 W Coplay Rd Whitehall, PA 18052	Lehigh	Coplay Boro Whitehall Twp	Lehigh River (TSF, MF)

NOTICES

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC400070	BJD Holdings Co LLC Bruce Fine 342 Hobbie Wapwallopen Rd Wapwallopen, PA 18660	Luzerne	Rice Twp	Big Wapwallopen 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>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC060121	Thomas G. Psarros GSP Properties—North Bethlehem, LLC 264 Sylvia Lane Allentown, PA 18104-9078	Willow Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060160	Rodney Trusty John Hoffert Surveying P.O. Box 184 Mohnton, PA 19540	UNT Indian Corn Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060070	James Mascaro DPIF PA 1, LLC 1776 on the Green 67 East Park Place Suite 540 Morristown, NJ 07960	UNT Little Swatara Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC220135	Lower Paxton Township 425 Prince Street Harrisburg, PA 17109	Spring Creek (CWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220089	The McNaughton Company 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC380085	Roberto J. Valentin 508 North Eighth Street Lebanon, PA 17046	UNT Little Swatara Creek (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380083	Bruce Heilinger 225 Heffelfinger Road Lebanon, PA 17046	UNT Little Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Facility Location & Municipality

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC080030	John A. Desisti Desisti Properties P.O. Box R Sayre, PA 18840	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6

<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>
Wyalusing Twp, Bradford Cnty	PAC080031	Jeff Homer Greyhan LLC 119 Grovedale Lane Wyalusing, PA 18853	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
Orange Twp, Columbia Cnty	PAC190019	Mar-Del, LLC P.O. Box 338 Bloomsburg, PA 17815	Fishing Creek WWF, MF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Greenwood Twp & Millville Boro, Columbia Cnty	PAC190024	PPL Electric Utilities Corp Two North Ninth St Allentown, PA 18101-1139	Richard Hollow TSF, MF Green Creek TSF, MF Mud Run & Tribs TSF, MF Little Fishing Creek & Tribs CWF, MF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Center Twp, Snyder Cnty	PAC55023	Larry Nolt 144 Dutch Lane Middleburg, PA 17842	UNT to Penns Creek CWF/MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

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>
Summit Township, Erie County	PAC250036 Major Amendment of PAG02002515025	Erie (Perry) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Walnut Creek CWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Pleasant Township, Warren County	PAC620005	Columbia Gas of Pennsylvania Inc 2021 West State Street New Castle, PA 16101	Allegheny River WWF	Warren County Conservation District 4000 Conewango Avenue Warren, PA 16365 814-726-1441

General Permit Type—PAG-06

<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>
Crafton Borough Allegheny County	PAG066110	Crafton Borough Allegheny County 100 Stotz Avenue Pittsburgh, PA 15205	Chartiers Creek— 20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Export Borough Westmoreland County	PAG066130	Export Borough Westmoreland County 5944 Johnson Avenue Export, PA 15632-1120	Turtle Creek—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-13

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Media Borough Delaware County	PAG130115	Media Borough Delaware County 301 N. Jackson Street Floor 2 Media, PA 19063-2909	Vernon Run, Unnamed Tributary to Ridley Creek, Dicks Run and Ridley Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Robinson Township Allegheny County	PAG136161	Robinson Township 1000 Church Hill Road Pittsburgh, PA 15205	Moon Run, Unnamed Tributary to Moon Run, Unnamed Tributary of Chartiers Creek, Chartiers Creek, Ohio River and Montour Run—20-G and 20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

PUBLIC WATER SUPPLY PERMITS

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

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

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

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

Permit No. 0918506, Public Water Supply.

Applicant	Buckingham Township 4613 Hughesian Drive P.O. Box 413 Buckingham, PA 18912
Township	Buckingham
County	Bucks
Type of Facility	PWS
Consulting Engineer	Castle Valley Consultants 10 Beulah Road New Brain, PA 18901
Permit to Construct Issued	September 25, 2018

Operations Permit # 4616503 issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1460073**, Upper Moreland Township, **Montgomery County**, on September 25, 2018 for the repainting the interior of Upper Moreland Tank, operation of facilities approved under construction permit # 4616503.

Operations Permit # 1518515 issued to: **Lincoln Crest Home Park**, P.O. Box 677, Morgantown, PA 19543, **PWS ID # 1150082**, Sadsbury Township, **Chester County** on September 25, 2018 for the operation of a softening system for radiological removal, protection of facilities approved under construction permit # 1518515.

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

Permit No. 0618506, Public Water Supply.

Applicant	Western Berks Water Authority
Municipality	Lower Heidelberg Township
County	Berks
Responsible Official	Matthew Walborn, Operations Manager 91 Water Road Sinking Spring, PA 19608-9633

Type of Facility	Western Berks Water Authority (Authority) has submitted an application for the approval to acquire a new surface water source (Blue Marsh Lake) and to install a new raw water pipeline to deliver water by gravity to the Authority's water treatment plant. The pipeline will consist of approximately 4,000' of 24" Class 52 DIP, with several hundred feet of PVC, DR-21 AWWA C-905, pipe in the vicinity of the Sunoco petroleum pipeline.	Responsible Official	John D. Hollenbach, General Manager 4211 East Park Circle Harrisburg, PA 17111-0151
Consulting Engineer	Darryl A. Jenkins, P.E. SSM Group 1047 N Park Rd Reading, PA 19610	Type of Facility	The existing emergency interconnect between SUEZ Water Pennsylvania Grantham and Center Square systems (PWS ID Nos. 7210027 and 7210054) will be abandoned and a new permanent interconnect will be installed for emergency use.
Permit to Construct Issued	9/26/2018	Consulting Engineer	Arthur C. Saunders, P.E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
		Permit to Construct Issued	9/21/2018
Permit No. 6718502 , Public Water Supply.			
Applicant	Clarity Bottling LLC		Operation Permit No. 3816504 MA issued to: Richland Borough (PWS ID No. 7380032) , Richland Borough, Lebanon County on 10/1/2018 for facilities approved under Construction Permit No. 3816504 MA.
Municipality	Hanover Borough		
County	York		Operation Permit No. 3817504 MA issued to: City of Lebanon Authority (PWS ID No. 7380010) , Swatara Township, Lebanon County on 10/1/2018 for facilities approved under Construction Permit No. 3817504 MA.
Responsible Official	Travis L. Jones, Owner 251 Factory Street Hanover, PA 17331-2600		
Type of Facility	Installation of a new water bottling plant using finished water from the Borough of Hanover's public water system.		Operation Permit No. 2117509 MA issued to: State Correctional Institution at Camp Hill (PWS ID No. 7210046) , Lower Allen Township, Cumberland County on 9/27/2018 for facilities approved under Construction Permit No. 2117509 MA.
Consulting Engineer	David M. Davidson, P.E. C S Davidson Inc 38 North Duke Street York City, PA 17401-1201		
Permit to Construct Issued	9/21/2018		Operation Permit No. 3117505 MA issued to: Mount Union Municipal Authority (PWS ID No. 4310016) , Shirley Township, Huntingdon County on 9/27/2018 for facilities approved under Construction Permit No. 3117505 MA.
Permit No. 3418503 MA, Minor Amendment , Public Water Supply.			Operation Permit No. 2818507 issued to: Rutter's (PWS ID No. 7280881) , Quincy Township, Franklin County on 9/24/2018 for facilities approved under Construction Permit No. 2818507.
Applicant	W. E. Schlegel, Inc.		
Municipality	Delaware Township		<i>Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.</i>
County	Juniata		
Responsible Official	Larry H. Sheaffer, Vice President RD 1 Box 181 Thompsontown, PA 17094		Permit No. 0818501—Construction—Public Water Supply.
Type of Facility	Installation of online continuous turbidity and chlorine analyzers.	Applicant	Towanda Municipal Authority
Consulting Engineer	Stephen R. Morse, P.E. Skelly & Loy, Inc. 449 Eisenhower Boulevard Harrisburg, PA 17111	Township/Borough	North Towanda Township
Permit to Construct Issued	9/26/2018	County	Bradford County
		Responsible Official	Mr. Michael Walsh Towanda Municipal Authority 724 Main Street Towanda, PA 18848
Permit No. 2118507 MA , Public Water Supply.		Type of Facility	Public Water Supply—Construction
Applicant	Suez Water Pennsylvania Inc	Consulting Engineer	Mr. Brian Shura P.E. Stiffler McGraw and Assoc. Inc. 1731 N. Juniata Street Hollidaysburg, PA 16648
Municipality	Upper Allen Township		
County	Cumberland		

Permit Issued September 26, 2018
 Description of Action Authorizes the development of three additional sources of supply, known as Church Well, Roberts Well No. 1, and Roberts Well No. 2 and construction of a Pall Aria AP-6 continuous hypochlorite post disinfection, polyaluminum chloride wastewater coagulation, citric acid-sodium hydroxide-sodium hypochlorite “clean-in-place”).

Permit No. 4918505MA—Construction—Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.—Roaring Creek**
 Township/Borough Shamokin & Coal Township
 County **Northumberland 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 28, 2018
 Description of Action Authorizes Aqua Pennsylvania, Inc. Roaring Creek to repair and repaint a 718,509-gallon Ralpho water-storage tank and a 250,000-gallon Springfield standpipe (Springfield Tank), while using a 20,000-gallon hydro-pneumatic tank system for temporary storage of water from the well pump and temporary release of stored water when the 250-gallons-per-minute flow from the well pump is not sufficient to meet distribution system demand.

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

Permit No. 3218505, Public Water Supply.

Applicant **Indiana County Municipal Authority**
 602 Kolter Drive
 Indiana, PA 15701
 [Borough or Township] Armstrong Township
 County **Indiana**
 Type of Facility Hillcrest pump station
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 P.O. Box 853
 Latrobe, PA 15650

Permit to Construct Issued September 27, 2018

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

Operation Permit issued to **PA American Butler, PWSID No. 5100012**, Summit Township, **Butler County**. Permit Number 1017505 issued September 28, 2018 for the operation of the Herman Road Booster Pump Station. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on September 18, 2018.

Operation Permit issued to **Sheetz Store 656, PWSID No. 6420855**, Hamlin Township, **McKean County**. Permit Number 4218503 issued September 27, 2018 for the operation of the new public water system. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on September 20, 2018.

Permit No. 2703502-MA3, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 Township or Borough Jenks Township
 County **Forest County**
 Type of Facility Public Water Supply
 Consulting Engineer Robert Horvat, P.E.
 Entech Engineering
 400 Rouser Road
 Coraopolis, PA 15108
 Permit to Construct Issued September 28, 2018

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA 34-521A, Water Allocations. **McAlisterville Area Joint Authority (PWS ID No. 4340002), Juniata County**. The Department of Environmental Protection has received an application from the McAlisterville Area Joint Authority, Juniata County. The applicant is requesting the right to withdraw 36,000 gallons per day from each of their two (2) spring sources. Permittee Contact: Cory S. Fronk, Manager, McAlisterville Area Joint Authority, P.O. Box 61, McAlisterville, PA 17049. Consulting Engineer: Charles L. Myers, P.E., RETTEW Associates, Inc., 950 East Main Street, Suite # 220, Schuylkill Haven, PA 17972. Permit Issued: 9/27/2018.

WA 06-1019C, Water Allocations. **Bern Township Municipal Authority (PWS ID No. 3060045), Berks County**. Bern Township Municipal Authority is requesting the right to purchase up to 517,000 gallons per day, based on a 30-day average, from the Reading Area Water Authority. Permittee Contact: Consulting Engineer: Darryl A. Jenkins, P.E., SSM Group, 1047 N Park Rd, Reading, PA 19610. Permit Issued: 9/25/2018.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

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

Plan Location: State College Borough and College Township, Centre County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
State College Borough	243 South Allen Street State College, PA 16801	Centre
College Township	1481 East College Avenue State College, PA 16801	Centre

Plan Description: The plan provides for the construction of a new Membrane Bioreactor sewage treatment plant and associated upgrades with a reduced hydraulic design capacity of 3.0 million gallons per day. The new plant is needed in part to allow reuse of the treated sewage effluent in accordance with the previous Penn State Act 537 plan approved in 2016. The primary means of sewage disposal will continue to be the "Living Filter" spray-fields. The total cost of the project is expected to be about \$46.3 million to be funded through Penn State. The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations. No significant environmental or historical impacts were identified in the review of the plan.

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.

McIntyre Property, 395 East Shore Drive, Page Lake, New Milford Township, **Susquehanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Karen McIntyre, 105 Decker Road, North Abington Township, PA 18414, 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.

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:

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

York Wallcoverings, Incorporated, 750 Linden Avenue, York, PA 17405, City of York, **York County**. Ramboll US Corporation, 101 Carnegie Center, Suite 200, Princeton, NJ 08540, on behalf of York Wallcoverings, 750 Linden Avenue, York, PA 17405, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil, unleaded gasoline and inorganics. The Report and Plan were approved by the Department on September 26, 2018.

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

Mohr A&B Well Pads ("Site"), Cumberland Township, **Greene County**. Moody and Associates, Inc., 199 South Johnson Road, Building # 2, Suite 101, Houston, PA 15342, on behalf of Greylock Production, LLC, 500 Corporate Landing, Charleston, WV 25311 has submitted a Final Report for the Site where a Background Standard for soil for vanadium and a Statewide Health Standard for residential soil for aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, and zinc has been attained. The Department approved the report on September 21, 2018.

Kancel Well Pad ("Site"), Cross Creek Township, **Washington County**. Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Range Resources-Appalachia, LLC, 3000 Town Center Blvd., Canonsburg, PA 15317 has submitted a Final Report for the Site where a Residential Statewide Health Standard for the brine parameters under the Department's Oil and Gas Program for soil and a Background Standard for Vanadium for soil has been attained. The Department approved the report 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.

Renewal Applications Received

Cemco-Custom Environmental Management Co., Inc., P.O. Box 212, Hainesport, NJ 08036. License No. PA-AH 0776. Effective Sep. 27, 2018.

Terra First, LLC, P.O. Box 1617, Vernon, AL 35592. License No. PA-AH 0803. Effective Sep. 27, 2018.

Vickery Transportation, Inc., 3956 State Route 412, Vickery, OH 43464. License No. PA-AH 0698. Effective Sep. 28, 2018.

Hazardous Waste Transporter License Reissued

Cemco-Custom Environmental Management Co., Inc., P.O. Box 212, Hainesport, NJ 08036. License No. PA-AH 0776. Effective Sep. 27, 2018.

Terra First, LLC, P.O. Box 1617, Vernon, AL 35592. License No. PA-AH 0803. Effective Sep. 27, 2018.

Vickery Transportation, Inc., 3956 State Route 412, Vickery, OH 43464. License No. PA-AH 0698. Effective Sep. 28, 2018.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit issued, under the Solid Waste Management Act of July 7, 1980, P.L. 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. 300936. Alex E. Paris Contracting Company, Inc., 1595 Smith Twp Road (Route 19), Atlasburg, PA 15004. Renewal permit is issued for a 10-year renewal of Solid Waste Management Permit ID No. 300936 to continue operation of the Paris Flyash Site, a residual waste landfill, located in Hanover Township, **Beaver County**. Renewal permit issued in the DEP Regional Office in Pittsburgh on October 1, 2018.

AIR QUALITY

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

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP3-48-027: Northledge LLC (930 East Market Street, Bethlehem, PA 18017) on August 27, 2018, for the operation of a portable stone crushing plant at the facility located in Lower Mt. Bethel Township, **Northampton County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

GP4-2-22-03042: Edwin L. Heim Co. (P.O. Box 2247, Harrisburg, PA 17105) on September 24, 2018, for the existing burn-off oven, under GP4, at the facility located in the City of Harrisburg, **Dauphin County**. The general permit authorization was renewed.

GP6-07-03056A: Stevenson's, Inc. (2501 18th Street, Altoona, PA 16601) on September 27, 2018, for the existing petroleum dry cleaning operation, under GP6, at

the facility located in Altoona City, **Blair County**. The general permit authorization was renewed.

GP4-01-03035A: Sandusky Lee Corp. (75 South Park Avenue, Littlestown, PA 17340-0006) on September 25, 2018, for the existing burn-off oven, under GP4, at the facility located in the Borough of Littlestown, **Adams County**. The general permit authorization was renewed.

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

Contact: Ed Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

GP1-56-00244: Pennsylvania Department of Corrections, State Correctional Institution at Somerset (1590 Walters Mill Road, Somerset, PA 15510) on September 26, 2018, to allow the construction and continued operation of a small natural gas-fired boiler rated at 32.8 MMBtu/hr at its facility located in Brothersvalley Township, **Somerset 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.

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

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

40-00137A: Western Industries Gas & Cylinder, LLC (7173 Hwy 159E, Bellville, TX 77833) on September 26, 2018 for the construction and operation of a specialty gas supply and distribution facility consisting of paint booths, bake oven, filling operation of gas cylinders operations at their facility in Salem Township, **Luzerne County**.

48-00112A: Freshpet, Inc. (176 North Commerce Way, Bethlehem, PA 18017) on September 25, 2018 for the installation and operation of a CO-Gen unit consisting of a GE engine with CO Catalyst and a waste heat recovery boiler for their facility located in Hanover Twp, **Northampton County**.

Geo Specialty Chemicals Inc. (2409 N. Cedar Crest Blvd., Allentown, PA 18104) on September 26, 2018 for the installation of a new dryer and conveyor with dust collectors at their facility located in South Whitehall Twp., **Lehigh County**.

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

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

AMS Plan Approval No. IP18-000177: The Pen-novation Works (3401 Grays Ferry Avenue, Philadelphia, PA 19146) issued on 9/25/2018 for the installation of two (2) condensing boilers, six (6) forced air heaters, four (4) gas fired boilers, and one (1) hot water boiler all below 1.06 MMBtu/hr and firing natural gas. The facility is also installing one (1) 179 kilowatt fire pump and one (1) 1115 kilowatt emergency generator, both firing diesel fuel at their facility in the City of Philadelphia, **Philadelphia County**. Nitrogen Oxides (NO_x) have a potential emissions of 7.5 tons per year. Carbon Monoxide (CO) has a potential emissions of 4.9 tons per year. The plan approval contains operating, monitoring, recordkeeping,

testing, and reporting requirements to ensure operation within all applicable requirements.

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.

46-0026I: Global Packaging Inc.: (209 Brower Avenue, Oaks, PA 19456) On September 25, 2018 for the installation of a regenerative thermal oxidizer manufactured by TANN Corporation in Upper Providence Township, **Montgomery County**.

46-0296: Woot Services LLC: (2455 Boulevard of the Generals, Norristown, PA 19403-3661) On September 25, 2018 to allow a change in the printing operations at the facility to use a seven (7) ink system for the forty-eight (48) printers instead of the proposed five (5) ink system and to require stack testing six (6) weeks following completion of all construction of sources controlled by the RTO (Source ID: C01) in West Norriton Township, **Montgomery County**.

Title V Operating Permits Issued 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.

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

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

17-00001: NRG REMA LLC (Shawville Generating Station, 250 Power Plant Drive, Shawville, PA 16873) was issued on September 25, 2018, a renewal Title V operating permit for the NRG REMA LLC/Shawville Generating Station facility located in the Bradford Township, **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.

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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

22-03044: Mack Trucks, Inc. (2800 Commerce Drive, Middletown, PA 17057-3294) on September 19, 2018, for the engine manufacturing facility located in Lower Swatara Township, **Dauphin County**. The State-only permit was renewed.

67-03004: Maple Press Co. (480 Willow Street, P.O. Box 2695, York, PA 17405-2695) on September 19, 2018, for the printing facility located in Manchester Township, **York County**. The State-only permit was renewed.

67-05098: Kinsley Construction, Inc. (P.O. Box 2886, York, PA 17405-2886) on September 14, 2018, for the stone crushing and processing operations at the Ensminger and Williams Quarry located 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.

41-00074: Webb Communications, Inc. (1 Maynard Street, Williamsport, PA 17701) on September 28, 2018, for the Bayard Printing Group facility located in Williamsport, **Lycoming County**. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit renewal to ensure the facility complies with all applicable Federal and State air quality regulations.

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

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

04-00445: VEKA, Inc. (100 Veka Drive, Fombell, PA 16123) on September 26, 2018, the Department of Environmental Protection (DEP) authorized a renewed State-Only Operating Permit for a facility that manufactures residential and commercial PVC window and door system profiles and is located in Marion Township, **Beaver County**. The permit includes operating requirements, monitoring requirements, and recordkeeping requirements for the site.

63-00621: AccuTrex Products, Inc. (112 Southpointe Blvd., Canonsburg, PA 15317-9559) On September 28, 2018, the Department issued a renewal State Only Operating Permit for AccuTrex Products, Inc. Canonsburg Plant in Cecil Township, **Washington County** for the operation of a spray paint booth, two powder coating booths, two drying ovens, an adhesive line with a drying oven, a Super Koropon Primer spray booth, a Shim Stock surface coating line, a sandblasting unit with a baghouse that exhausts indoors, and an emergency generator.

The emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal

Combustion Engines. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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.

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

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

SOOP-26-00475: Amerikohl Aggregates, Inc./Jim Mountain Quarry (near Jim Mount Road and Clay Run Road, Mill Run, PA 15464). Per 25 Pa. Code § 127.462, this notice is for the following minor operating permit modification at Amerikohl Aggregates, Inc.'s Jim Mountain Quarry, for a nonmetallic mineral processing plant located in Springfield Township, **Fayette County**:

The permittee requested changing Section C, Condition # 005 of State-only operating permit 26-00475 to remove language requiring the use of water sprays on a number of screens and instead requiring the use of an installed baghouse as a control for those screens. The screens must be controlled by the baghouse at all times that the processing plant is operating. Language was added that requires the use of water sprays to control particulate matter emissions if the baghouse were to malfunction.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Ed Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

SOOP-26-00475: Amerikohl Aggregates, Inc./Jim Mountain Quarry (near Jim Mount Road and Clay Run Road, Mill Run, PA 15464). Per 25 Pa. Code § 127.449(i), this notice is for the following de minimis emission increase at Amerikohl Aggregates, Inc.'s Jim Mountain Quarry, located in Springfield Township, **Fayette County**:

This project allows the installation of one 32,000 scfm Metso/Camcorp reverse air fabric filter and cyclone system. The emission increase resulting from this project will not exceed 0.018 tpy PM₁₀. This project will not trigger the requirements of 25 Pa. Code Subchapter G at the facility. This approval includes proper maintenance of the baghouse, visible emission limitations, and recordkeeping requirements. The list of de minimis increases for this facility includes only this project.

32-00227: Integrated Power Services (4470 Lucern Road, Indiana, PA 15701) on September 17, 2018, for conditioned approval of de minimis emissions increase pursuant to 25 Pa. Code § 127.449 for annual emissions increases of up to 0.2 ton of VOC, resulting from the installation and operation of an additional surface coating operation (GE paint booth) at its facility located in White Township, **Indiana County**. To date, no other de minimis emissions increases have occurred at the facility during the term of its current Operating Permit (OP-32-00227).

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

32841302 and NPDES No. PA0007803. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the NPDES permit for the Greenwich North # 1/South # 2 Mine in Greene and Montgomery Townships, Indiana County and Susquehanna Township, **Cambria County**. No additional discharges. The application was considered administratively complete on June 8, 2016. Application received: December 21, 2015. Permit issued: September 27, 2018.

30743711 and NPDES No. PA0033511. Cumberland Contura, LLC, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the NPDES permit for the Cumberland Mine Coal Refuse Disposal Facility in Whiteley and Monongahela Townships, **Greene County** to revise limits for TDS and sulfate at Outlet 001. No additional discharges. The application was considered administratively complete on October 5, 2017. Application received: October 5, 2017. Permit issued: September 28, 2018.

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

Permit No. 56920114 and NPDES No. PA 0212334. Mountaineer Mining Corp., 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 278.5 acres. Receiving streams: unnamed tributaries to North Branch of Jennings Run, Jennings Run & unnamed tributaries to Jennings Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 13, 2018. Permit issued: September 24, 2018.

Permit No. 56930104. Rosebud Mining Co., 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County** affecting 129.0 acres. Receiving stream: unnamed tributary to/and Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 3, 2018. Permit issued: September 25, 2018.

Permit No. 11070202 and NPDES No. PA0262439. Ebensburg Power Co., 224 Grange Hall Road, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface mine in Nanty Glo Borough and Jackson Township, **Cambria County**, affecting 83.1 acres. Receiving stream: South Brank Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 8, 2018. Permit issued: September 27, 2018.

Noncoal Permits Issued

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

PAM418023-GP104. Scott T and Tonda L Aumiller, 97 Hidden Valley Lane, Lewistown, PA 17044. General NPDES Permit for stormwater discharges associated with mining activities on Non-Coal Permit No. # 68880803 located in Derry Township, **Mifflin County**. Receiving stream: Unnamed Tributary to Jacks Creek classified for the following uses: Trout Stocked Fishes, Migratory Fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: September 4, 2018. Coverage approved: September 25, 2018.

Permit No. 5074SM1 and NPDES No. PA0122629, New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, commencement, operation and restoration of a large noncoal (industrial minerals) operation to add additional acreage and depth expansion to existing quarry operations in Guilford Township, **Franklin County**. Total acres are 434.94. Receiving stream: unnamed tributary to Conococheague Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 28, 2017. Permit issued: September 28, 2018.

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

PAM618058. Zoccole Development Corporation (1127 West Main Street, Sharpsville, PA 16150) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43022806 in Sharpsville Borough, **Mercer County**. Receiving streams: Shenango River. Application received: August 30, 2018. Permit Issued: September 25, 2018.

PAM618060. Donald L. Merritt (19970 Center Road, Venango, PA 16440) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 20022804 in Venango Township, **Crawford County**. Receiving streams: French Creek. Application received: September 6, 2018. Permit Issued: September 25, 2018.

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

26092001 and NPDES Permit No. PA0251658. Bullskin Stone and Lime, LLC (P.O. Box 528, Latrobe, PA 15650). Permit issued for commencement, operation and restoration of a large noncoal surface mine, located in Bullskin Township, **Fayette County**, affecting 307.8 acres. Receiving streams: unnamed tributaries to Mounts Creek and Mounts Creek. Application received: September 12, 2016. Permit issued: September 26, 2018.

02010301 and NPDES Permit No. PA0202916. Redland Brick, Inc. (375 Rich Hill Road, Cheswick, PA

15024-2317). Permit issued for commencement, operation and restoration of a large noncoal surface mine, located in Harmar Township, **Allegheny County**, affecting 48 acres. Receiving streams: Deer Creek. Application received: May 16, 2016. Permit issued: September 27, 2018.

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

Permit No. 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.

Permit No. 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.

Permit No. 7874SM3A1C11 and NPDES Permit No. PA0612537. New Enterprise Stone & Lime Company, Inc. d/b/a Eastern Industries, Inc., (3734 Crescent Court West, Suite 200, Whitehall, PA 18052), renewal of NPDES permit for discharge of treated mine drainage in Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek. Application received: February 9, 2018. Renewal issued: September 26, 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. 36184133. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Mt. Joy Farmers Co-Op in Mt. Joy Township, **Lancaster County** with an expiration date of September 18, 2019. Permit issued: September 26, 2018.

Permit No. 36184134. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Elizabethtown Municipal Garage in Elizabethtown Borough, **Lancaster County** with an expiration date of September 21, 2019. Permit issued: September 26, 2018.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-1021. Deepak Patel, 620 Leslie Lane, Yardley, PA 18914-2103, Upper Makefield Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a Con/Span Pre-Cast bridge across Jericho Creek (WWF/MF) having an approximate waterway opening of 48 feet wide by 10 feet high and measuring approximately 60 feet in length associated

with the Patel Home Site project. The site is located along S.R. 2063, Stonybrook Road (USGS Lambertville, PA Quadrangle Latitude 40.30694; Longitude -74.91638).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-1162—West Pottsgrove Township, 980 Grosstown Road, Stowe, PA 19464, West Pottsgrove Township, **Montgomery County**; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with the Murgai Park Project. To construct a paved trail and one pedestrian bridge for crossing Manatawny Creek. The proposed project will have 18,882 square feet of permanent floodway impact. The project is located in the floodplain.

The site is approximately at the intersection of Manatawny Creek Road and Sell Roads. (Boyertown Latitude. 40° 16' 1"; Longitude. 75° 40' 4.7").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E09-1022. New Britain Township, 207 Park Avenue, Chalfont, PA 18914-2103, New Britain and Doylestown Townships, **Bucks County**, ACOE Philadelphia District.

To construct and maintain approximately 1.3-mile-long shared path between Lenape Lane and existing Neshaminy Greenway Trail partially within the floodplain of the Neshaminy Creek (TSF, MF) associated with the trail planning in the Central Bucks area. The path will also cross over the Neshaminy Creek on the existing Bristol Road Bridge and the Upper State Road Bridge.

The site is located between Neshaminy Greenway Trail—Lenape Lane to Upper State Road (USGS Doylestown, PA Quadrangle Latitude 40.285193; Longitude -75.188861).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E40-809. Lehigh Valley Health Network, P.O. Box 689, Allentown, PA 18105, City of Hazleton, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To fill a de minimus area of PEM wetlands equal to 0.03 acre for the purpose of constructing a stormwater management facility associated with the expansion of a parking lot to serve an existing hospital building. The project is located approximately 0.2 mile northwest of the intersection of S.R. 93 (East Broad Street) and Wilson Street (Hazleton, PA Quadrangle, Latitude: 41° 56' 56.36"; Longitude: -75° 57' 51.24"). Subbasin 5D.

E40-810. Donald and Nancy Ball, 467 Kurt Drive, Blue Bell, PA 19422, Harveys Lake, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 169 sq. ft., pile-supported dock expansion within the basin of Harveys Lake (HQ-CWF). The project is located at Pole 290 along Lakeside Drive (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 1.3"; Longitude: -76° 2' 34.96"). Subbasin 5B.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E41-694. Loyalsock Township, 2501 East Third Street, Williamsport, PA 17701. Millers Run Greenway Trail in Loyalsock Township, **Lycoming County**, ACOE Baltimore District (Barbours, PA Quadrangles N: 41° 15' 40" W: -76° 58' 39").

Loyalsock Township has applied for a Small Projects—Joint Permit to construct, operate and maintain a new trailway with two (2) new pedestrian steel truss bridges along Millers Run in Loyalsock Township, Lycoming County. The overall proposed Millers Run Greenway Trail will connect the Susquehanna River Walk from I-180 to Bruce Henry Park. The entire trail is approximately 1.5 mile long and is anticipated to be constructed in four phases. The first proposed phase is to construct two segments of the trail as presented in this permit. Phase 2 will connect the Susquehanna River Walk to Bruce Henry Park, Phase 3 will be a pedestrian bridge structure that will span both Millers Run and East Third Street and Phase 4 will connect Bruce Henry Park to the North Section of Phase 1 at Four Mile Drive.

A total of two (2) temporary and two (2) permanent stream impacts are proposed to Millers Run (WWF). Project watercourse impacts shall include and be limited to a total of 120 linear feet (2,600 SF) of temporary stream impacts and a total of 115 linear feet (2,700 SF) of permanent stream impacts.

A total of two (2) permanent floodway impacts are proposed. Project floodway impacts shall include and be limited to a total of 3,600 SF (0.08 acre) of permanent floodway impacts.

This project proposes to have the following impacts:

STREAM IMPACT TABLE:

Station	Resource Name	Municipality	Activity	Chapter 93	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
North Bridge 28+60.11	Millers Run	Loyalsock	Bridge Installation	WWF	None	50	500	50	750	41.263889 76.973056
South Bridge 10+90.47	Millers Run	Loyalsock	Bridge Installation	WWF	None	70	2,100	65	1,950	41.258056 76.981944
					TOTAL	120	2,600	115	2,700	

FLOODWAY IMPACT TABLE:

Station	Resource Name	Municipality	Activity	Listed Trout	Impact Length Temp. (LF)	Impact Area Temp. (SF)	Impact Length Perm. (LF)	Impact Area Perm. (SF)	Lat. Long.
North Bridge 28+60.11	Millers Run	Loyalsock	Bridge Installation	None				1,800	41.263889 76.973056
South Bridge 10+90.47	Millers Run	Loyalsock	Bridge Installation	None				1,800	41.258056 76.981944
				TOTAL				3,600	

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

E63-719, Ringgold School District, 400 Main Street, New Eagle, PA 15067, Carroll Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

Construct and maintain two (2) seepage collector zones and funneling the water through large aggregate stone and down into finger drains that tie into the existing storm sewer system. These impacts will directly impact a de minimus amount (0.021 acre) of PEM wetland, therefore will not require mitigation, for the purpose of stabilizing the hillslope and addressing seepage and erosion issues caused by natural springs on the effected hillside. The project will include 0.83 acre of earth disturbance, and is located at the north side of the Ringgold School Complex football stadium located at 1 Ram Drive in Monongahela (Monongahela, PA Quadrangle N: 40° 11' 57.34"; W: -79° 58' 48.88"), in Carroll Township, Washington County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D26-073EA. Cheri Bomar, Nemaquin Woodlands, Inc., 1001 Lafayette Drive, Farmington, PA 15437, Wharton Township, **Fayette County**, USACOE Pittsburgh District.

Project proposes to remove the Wick Dam to eliminate a threat to public safety and to restore approximately 1,600 feet of stream channel to a free-flowing condition. The proposed restoration project includes construction of habitat enhancement structures through the former reservoir and throughout approximately 975 additional feet of stream channel upstream from the impoundment. The project is located across Meadow Run and Deadman Run (HQ-CWF) (Fort Necessity, PA Quadrangle, Latitude: 39.8183; Longitude: -79.5497).

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.

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

ESCGP-2 # ESX29-117-18-0030

Applicant Name Eclipse Resources—PA, L.P.

Contact Person Bruce Carpenter

Address 2121 Old Gatesburg Road, Suite 110

City, State, Zip State College, PA 16803

County Tioga County

Township(s) Deerfield Township

Receiving Stream(s) and Classification(s) Cowanesque River (WWF), Boatman Brook (WWF)

ESCGP-2 # ESX29-015-18-0034

Applicant Name Appalachia Midstream Services, LLC

Contact Person Scott Kinter

Address 400 IST Center, Suite 404

City, State, Zip Horseheads, NY 14845

County Bradford County

Township(s) Athens and Smithfield Township

Receiving Stream(s) and Classification(s) UNT to Buck Creek (WWF), Buck Creek (WWF), UNT to Apple Creek (WWF), Apple Creek (WWF)

Secondary: Susquehanna River

ESCGP-2 # ESX29-117-18-0028

Applicant Name Eclipse Resources—PA, L.P.

Contact Person Bruce Carpenter

Address 2121 Old Gatesburg Road, Suite 110

City, State, Zip State College, PA 16803

County Tioga County

Township(s) Deerfield Township
 Receiving Stream(s) and Classification(s) Cowanesque River (WWF)

ESCGP-2 # ESG29-113-14-0004(01)
 Applicant Name Chief Oil & Gas, LLC
 Contact Person Jeff Deegan
 Address 6051 Wallace Rd., Ext., Suite 300
 City, State, Zip Wexford, PA 15090
 County Sullivan
 Township(s) Fox
 Receiving Stream(s) and Classification(s) Hoagland Branch (EV), Schrader Creek (EV)

SPECIAL NOTICES

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

Act 181 Notification: Operation and Maintenance of Mine Drainage Treatment Sites in Cambria, Indiana, Somerset, and Bedford Counties.

The work will include operation and maintenance of both passive and active treatment facilities on forfeited surface mine sites. This project issues on October 22, 2018. A mandatory preproposal meeting will be conducted on October 30, 2018, at 10 a.m. at the Cambria District Mine Office, 286 Industrial Park, Ebensburg, PA 15931. For information call, Malcolm Crittenden (814) 472-1908 or e-mail mcrittende@pa.gov. Proposal documents will be available after October 22nd and at the preproposal meeting. Contractors must obtain a Coal Mining License in order to qualify for the award as per 25 Pa. Code Chapter 86.189.

[Pa.B. Doc. No. 18-1591. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Climate Change Advisory Committee Meeting Cancellation

The Climate Change Advisory Committee (Committee) meeting scheduled for October 23, 2018, has been cancelled. The next Committee meeting is scheduled for Tuesday, December 4, 2018, and will begin at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the December 4, 2018, meeting can be directed to Lindsay Byron at lbyron@pa.gov or (717) 772-8951. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Climate Change Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-8951 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. 18-1592. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Household Hazardous Waste Education Grant Award 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 grant to Lackawanna 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 (HHW) 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 offering 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>
Northeast	Lackawanna	Lackawanna County	HHW Education	\$1,107

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1593. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Small Water Systems Technical Assistance Center Board Rescheduled Meeting

The Small Water Systems Technical Assistance Center Board meeting scheduled for October 18, 2018, has been rescheduled to Friday, November 9, 2018. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the November 9, 2018, meeting should be directed to Dawn Hissner, Bureau of Safe Drinking Water, at dhissner@pa.gov or (717) 772-2189. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Small Water Systems Technical Assistance Center").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Dawn Hissner at (717) 772-2189, 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. 18-1594. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Water Resources Advisory Committee Rescheduled Meeting

The Water Resources Advisory Committee meeting scheduled for November 14, 2018, has been rescheduled to Thursday, November 29, 2018. The meeting will begin at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the November 29, 2018, meeting should be directed to Diane Wilson, Bureau of Clean Water, at diawilson@pa.gov or (717) 787-3730. The agenda and materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Water Resources Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3730 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. 18-1595. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Dr. Roy A. Himelfarb Surgery Center	28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery)
	28 Pa. Code § 551.22 (relating to criteria for performance of ambulatory surgery on pediatric patients)
Fairgrounds Surgical Center	28 Pa. Code § 553.1 (relating to principle)
LVHN Children's Surgery Center	28 Pa. Code § 553.1
LVHN Surgery Center—Tilghman	28 Pa. Code § 553.1
Center For Same Day Surgery at Wilkes-Bare General Hospital	28 Pa. Code § 553.31 (relating to administrative responsibilities)
Surgery Center at Benbrook	28 Pa. Code § 553.31
	28 Pa. Code § 559.2 (relating to director of nursing)

These previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1596. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation</i>
Chambersburg Hospital	28 Pa. Code § 51.23 (relating to positron emission tomography)
Penn Highlands Clearfield	28 Pa. Code § 51.6(b) (relating to identification of personnel)
	28 Pa. Code § 103.31 (relating to the chief executive officer)
	28 Pa. Code § 107.61 (relating to written orders)
	28 Pa. Code § 109.2 (relating to director of nursing services)
	28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations)
	28 Pa. Code § 138.17 (relating to PTCA)
	28 Pa. Code § 138.18(b) (relating to EPS studies)
	28 Pa. Code § 138.2 (relating to definitions)
	28 Pa. Code § 139.12 (relating to neonatal care units)
Conemaugh Nason Medical Center	28 Pa. Code § 138.15
Curahealth Pittsburgh	28 Pa. Code § 103.31
Doylestown Hospital	28 Pa. Code § 107.61
Penn Highlands Clearfield	28 Pa. Code § 51.6(b)
Waynesboro Hospital	28 Pa. Code § 51.6(b)
	28 Pa. Code § 103.31
	28 Pa. Code § 107.61
	28 Pa. Code § 109.2

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Year</i>
St. Luke's Hospital of Bethlehem, Pennsylvania	2.2-3.1.4.3(1) (relating to secure holding rooms)	2014
St. Luke's Hospital—Sacred Heart Campus	2.2-3.1.4.3(1)	2014

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1597. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Medical Marijuana Academic Clinical Research Centers

Under 28 Pa. Code § 1211.25(d) (relating to certifying ACRCs), the Department of Health (Department) has certified the following Academic Clinical Research Centers as eligible to enter into a contract with a Clinical Registrant after the Clinical Registrant's application has been approved by the Department (see 48 Pa.B. 5423 (August 25, 2018) for Clinical Registrant application approval process opened on October 4, 2018):

Lake Erie College of Osteopathic Medicine (LECOM)
1858 West Grandview Boulevard
Erie, PA 16509

Lewis Katz School of Medicine at Temple University
3500 N. Broad Street
Philadelphia, PA 19140

Penn State College of Medicine
500 University Drive, P.O. Box 850
Hershey, PA 17033

Drexel University College of Medicine
245 N. 15th Street
Philadelphia, PA 10902

University of Pittsburgh School of Medicine
Suite 401 Scaife Hall, 3550 Terrace Street
Pittsburgh, PA 15261

Perelman School of Medicine at the
University of Pennsylvania
3400 Civic Center Boulevard
Philadelphia, PA 19104

The Philadelphia College of Osteopathic Medicine
4170 City Avenue
Philadelphia, PA 19131

Sidney Kimmel Medical College at
Thomas Jefferson University
Office of the Dean, 1025 Walnut Street
Philadelphia, PA 19107

For additional information, including an alternative format of this notice (for example, large print, audiotope, Braille) or for persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 547-3047,

RA-DHMedMarijuana@pa.gov, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1598. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Rescheduling of Substance: Certain FDA-Approved Drugs Containing Cannabidiol as Schedule V Controlled Substances

The Secretary of Health (Secretary) of the Department of Health (Department) is issuing this final order rescheduling certain drug products that have been approved by the United States Food and Drug Administration (FDA) and that contain cannabidiol (CBD) in Schedule V of the Controlled Substance, Drug, Device and Cosmetic Act (act) (35 P.S. §§ 780-101—780-144). This final order places in Schedule V certain FDA-approved drugs that contain CBD derived from cannabis and no more than 0.1% tetrahydrocannabinols—specifically Epidiolex and any generic versions of the same formulation that might be approved by the FDA in the future. Significantly, however, the bulk cannabis material used to make the Epidiolex formulation (as opposed to the FDA-approved drug product in finished dosage form) will remain in Schedule I of the act.

Under section 3 of the act, the rescheduling of a controlled substance to a lower schedule may take effect upon publication in the *Pennsylvania Bulletin*. 35 P.S. § 780-103(c)(1).

Background

On September 28, 2018, the United States Drug Enforcement Administration (DEA) rescheduled Epidiolex as a Schedule V drug under the Federal Controlled Substances Act (CSA) (21 U.S.C.A. §§ 801—971). The DEA's rescheduling order was effective upon its publication in the *Federal Register* at 83 FR 48950 (September 28, 2018.)

As the DEA noted in its rescheduling order, the United States is a party to the Single Convention on Narcotic Drugs, 1961 (Single Convention), and other international

conventions designed to establish effective control over international and domestic traffic in controlled substances. 21 U.S.C.A. § 801(7). The enactment and enforcement of the CSA are the primary means by which the United States carries out its obligations under the Single Convention. Section 811(d) of the CSA, which relates to scheduling of controlled substances under Federal law, directly references the Single Convention. Under section 811(d)(1) of the CSA, Congress directed the Attorney General (and the Administrator of DEA, by delegation) to ensure that compliance by the United States with our Nation's obligations under the Single Convention is given top consideration when it comes to scheduling determinations.

On June 25, 2018, the FDA announced that it approved a drug that is subject to control under the Single Convention. Specifically, the FDA announced that it approved the drug Epidiolex for the treatment of seizures associated with two rare and severe forms of epilepsy, Lennox-Gastaut syndrome and Dravet syndrome, in patients 2 years of age and older. www.fda.gov/News/Events/Newsroom/PressAnnouncements/ucm611046.htm. Epidiolex is an oral solution that contains CBD extracted from the cannabis plant. This is the first FDA-approved drug made from the cannabis plant. Now that Epidiolex has been approved by the FDA, it has a currently accepted medical use in treatment in the United States for purposes of the CSA. Accordingly, Epidiolex no longer meets the criteria for placement in Schedule I of the CSA. See 21 U.S.C.A. § 812(b) (indicating that while substances in Schedule I have no currently accepted medical use in treatment in the United States, substances in Schedules II—V do); see also *United States v. Oakland Cannabis Buyers' Cooperative*, 532 U.S. 483, 491-92 (2001) (same). The DEA therefore took the appropriate scheduling action to remove the drug from Schedule I, while acknowledging the relevant requirements of the Single Convention.

Under the Single Convention treaty, cannabis, cannabis resin and extracts and tinctures of cannabis are listed in Schedule I. The cannabis plant contains more than 100 cannabinoids. Among these are tetrahydrocannabinols (THC) and CBD.¹ Material that contains THC and CBD extracted from the cannabis plant falls within the listing of extracts and tinctures of cannabis for purposes of the Single Convention. Thus, the material, which includes, among other things, a drug product containing CBD extracted from the cannabis plant, is a Schedule I drug under the Single Convention.

In making its rescheduling determination, and while not required, DEA sought an evaluation and recommendation from the United States Department of Health and Human Services (HHS) with respect to the Epidiolex formulation. In response, HHS advised DEA that it found the Epidiolex formulation to have a very low potential for abuse and, therefore, recommended that, if DEA concluded that control of the drug was required under the Single Convention, Epidiolex should be placed in Schedule V of the CSA. Accordingly, DEA accepted HHS's recommendation and ordered that the Epidiolex formulation (and any future FDA-approved generic versions of such formulation made from cannabis) be placed in Schedule V of the CSA.

¹As the FDA noted in its June 25, 2018, announcement, CBD is a chemical component of the Cannabis sativa plant, more commonly known as marijuana. However, CBD does not cause intoxication or euphoria, the "high," that comes from THC. It is THC (and not CBD) that is the primary psychoactive component of marijuana.

The Single Convention also obligates parties to require a permit to import and export drugs listed in Schedule I of the Convention. This permit requirement applies to a drug product containing CBD extracted from the cannabis plant because, as previously indicated, such a product is a Schedule I drug under the Single Convention. Under the CSA and DEA regulations, the import/export permit requirement applies to any controlled substance in Schedule I and II, as well as certain controlled substances in Schedules III, IV and V. See 21 U.S.C.A. §§ 952 and 953; 21 CFR 1312.11, 1312.12, 1312.21 and 1312.22.

The DEA noted that, to comport with section 811(d) of the CSA, the Epidiolex formulation in Schedule V of the CSA will still be subject to all import and export requirements of the permit requirement. At present, the cannabis used to make Epidiolex is grown in the United Kingdom, and the drug is imported into the United States in finished dosage form. The Epidiolex formulation had until now been a Schedule I controlled substance, and importing the drug from its foreign production facility has always been subject to the permit requirement. To ensure this requirement remains in place (and thus to prevent any lapse in compliance with the requirements of the Single Convention), the DEA will amend its regulations (21 CFR 1312.30 (relating to Schedule III, IV, and V non-narcotic controlled substances requiring an import and export permit)) to add the Epidiolex formulation to the list of nonnarcotic Schedule III—V controlled substances that are subject to the import and export permit requirement.

As previously indicated, for drugs listed in Schedule I of the Single Convention, parties are obligated to require that licensed manufacturers of the drugs obtain quotas specifying the amounts of the drugs they may manufacture. The purpose of this treaty requirement is to prevent excessive production and accumulation beyond that necessary to satisfy legitimate needs. Under the DEA's rescheduling order, the United States will continue to meet this obligation because the bulk cannabis material used to make the Epidiolex formulation (as opposed to the FDA-approved drug product in finished dosage form) will remain in Schedule I of the CSA and thus be subject to all applicable quota provisions under 21 U.S.C.A. § 826.

Requirements for Handling FDA-Approved Products Containing CBD

As noted, until now, Epidiolex has been a Schedule I controlled substance. By virtue of the DEA's order, Epidiolex (and any generic versions of the same formulation that might be approved by the FDA in the future) will be a Schedule V controlled substance. Thus, all persons in the distribution chain who handle Epidiolex in the United States (importers, manufacturers, distributors and practitioners) must comply with the requirements of the CSA and DEA regulations relating to Schedule V controlled substances.

Significantly, any material, compound, mixture, or preparation other than Epidiolex that falls within the CSA definition of marijuana set forth in 21 U.S.C.A. § 802(16), including any non-FDA-approved CBD extract that falls within such definition, remains a Schedule I controlled substance under the CSA. Thus, persons who handle the items will continue to be subject to the requirements of the CSA and DEA regulations relating to Schedule I controlled substances.

Legal Authority and Action under the Act

Under section 3 of the act, the Secretary shall control all substances listed in Schedules I—V of the act. Under

section 3(c) of the act, if the Secretary finds that the health and safety of the public will not be adversely affected, the Secretary is authorized to reschedule any substance to coincide with Federal law, including the CSA (Pub.L. No. 91-513, 84 Stat. 1236; 21 U.S.C.A. §§ 801 et seq.), regulations promulgated under 21 CFR Chapter 2 (relating to drug enforcement administration, Department of Justice) or any Federal judicial order. 35 P.S. § 780-103(c)(1). The rescheduling of a controlled substance to a lower schedule may take effect upon publication in the *Pennsylvania Bulletin*. Id.

Based upon the DEA's September 28, 2018, final order rescheduling the Epidiolex formation (and any future FDA-approved generic versions of such formulation made from cannabis), the Secretary is exercising her authority to reschedule the Epidiolex formation from Schedule I to Schedule V under the act. Specifically, this order places FDA-approved drugs that contain CBD derived from cannabis and no more than 0.1% tetrahydrocannabinols in Schedule V. The rescheduling of the Epidiolex formation (and any future FDA-approved generic versions of such formulation made from cannabis) to a lower schedule may take effect upon publication in the *Pennsylvania Bulletin*. 35 P.S. § 780-103(c)(1).

To revise 28 Pa. Code § 25.72 (relating to schedules of controlled substances) to conform to this final order issued by the Secretary under section 3(c) of the act to reschedule as a Schedule V drug Epidiolex (and any future FDA-approved generic versions of such formulation made from cannabis), the Department plans to promulgate a conforming amendment to 28 Pa. Code § 25.72 through final rulemaking with proposed rulemaking omitted.

Accessibility

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Department of Health, Bureau of Community Program Licensure and Certification, Division of Home Health, Drug, Device and Cosmetic Program, 132A Kline Plaza, Harrisburg, PA 17104, (717) 783-1379, or for speech and/or hearing-impaired persons V/TT (717) 783-6514 or Pennsylvania AT&T Relay Service at (800) 654-5984.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1599. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, November 2, 2018, from 10 a.m. to 3 p.m. The meeting will be held in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

Currently in this Commonwealth, nearly 250,000 individuals are living with brain injury. On average, 8,600 residents of this Commonwealth sustain long term disabilities from brain injury. The Department of Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Nicole Johnson, Division of Community Systems Development and Outreach, (717) 772-2763, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1600. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Workers' Compensation Appeal Board 2019 Hearing Schedule

Date	Room	Time
Wednesday, January 2, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Thursday, January 3, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Tuesday, January 15, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD

<i>Date</i>	<i>Room</i>	<i>Time</i>
Wednesday, January 16, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Tuesday, February 5, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, February 6, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, February 7, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, February 20, 2019	110, Lewis Katz Building University Park, PA 16802	TBD
Thursday, February 21, 2019	110, Lewis Katz Building University Park, PA 16802	TBD
Tuesday, March 5, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Wednesday, March 6, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Wednesday, March 20, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Thursday, March 21, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Tuesday, April 2, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, April 3, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, April 4, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Tuesday, April 16, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, April 17, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Tuesday, April 30, 2019	3400 Lovell Place Erie, PA 16503	TBD
Wednesday, May 1, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Thursday, May 2, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Wednesday, May 22, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Thursday, May 23, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Wednesday, June 5, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Thursday, June 6, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Tuesday, June 18, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, June 19, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, June 20, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Tuesday, July 9, 2019	3400 Lovell Place Erie, PA 16503	TBD
Wednesday, July 10, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Thursday, July 11, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD

NOTICES

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<i>Date</i>	<i>Room</i>	<i>Time</i>
Tuesday, July 23, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Wednesday, July 24, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Tuesday, August 6, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, August 7, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, August 8, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Tuesday, September 10, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Wednesday, September 11, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Tuesday, September 24, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, September 25, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, October 2, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Thursday, October 3, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Tuesday, October 15, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, October 16, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, October 17, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Tuesday, November 5, 2019	3400 Lovell Place Erie, PA 16503	TBD
Wednesday, November 6, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Thursday, November 7, 2019	310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Wednesday, November 20, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Thursday, November 21, 2019	319 Eastgate Center Harrisburg, PA 17102	TBD
Tuesday, December 3, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, December 4, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, December 5, 2019	401, 110 North 8th Street Philadelphia, PA 19107	TBD
Tuesday, December 17, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Wednesday, December 18, 2019	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD

W. GERARD OLEKSIAK,
Secretary

[Pa.B. Doc. No. 18-1601. Filed for public inspection October 12, 2018, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Green Light—Go: Pennsylvania’s Municipal Signal Partnership Program; Invitation to Submit Applications

Under 74 Pa.C.S. Chapter 92 (relating to traffic signals) and 75 Pa.C.S. § 9511(e.1) (relating to allocation of proceeds), the Department of Transportation (Department) established Green Light—Go: Pennsylvania’s Municipal Partnership Program, also known as the Green Light—Go Program. The Green Light—Go Program is a competitive application and reimbursement grant program whereby municipalities or metropolitan or rural planning organizations can request financial assistance for existing traffic signal maintenance and operations activities identified in 75 Pa.C.S. § 9511(e.1).

The act of July 20, 2016 (P.L. 861, No. 101) (Act 101) amended 74 Pa.C.S. Chapter 92, 75 Pa.C.S. §§ 3112 and 3117 (relating to traffic-control signals; and automated red light enforcement systems in certain municipalities) and 75 Pa.C.S. § 9511. Act 101 made several changes impacting the Green Light—Go Program. Those amendments include, inter alia, changes to the definition of a “municipality” under 74 Pa.C.S. § 9201 (relating to definitions) and a change to the local match requirements. A 20% match from municipalities or metropolitan or rural planning organizations is required under 75 Pa.C.S. § 9511(e.1)(4).

During Fiscal Year (FY) 2018-2019, up to \$40 million will be allocated to municipalities or planning organizations for upgrading traffic signals to light-emitting diode technology and intelligent transportation applications, such as autonomous and connected vehicle-related technology, performing regional operations such as retiming,

developing special event plans and monitoring traffic signals and for maintaining and operating traffic signals.

Additional information on the Green Light—Go Program requirements, guidelines, application evaluation criteria, corridor designations and the Department’s corridor prioritization can be found on the Department’s Traffic Signal web site at <http://www.dot.state.pa.us/signals/>.

The Department invites municipalities or metropolitan or rural planning organizations to submit electronic applications using the form at https://www.dotgrants.state.pa.us/GLG/Module/PADOT/BOMO_GLG_Default.aspx. The Department will be accepting Green Light—Go Program Applications between October 15, 2018, and January 11, 2019. Prior to application submission, applicants must complete and submit a Pre-Application Project Scoping Form to the appropriate Department Engineering District in accordance with the Green Light—Go Program guidelines.

If municipalities or metropolitan or rural planning organizations are awarded funding, all invoices and status updates will be requested through the Department’s dotGrants system at <https://www.penndot.gov/Doing-Business/Pages/dotGrants.aspx>. Municipalities or metropolitan or rural planning organizations not currently utilizing the dotGrants system should start the process to get access once the application has been submitted.

Questions should be directed to Stephen Gault, PE, PTOE, Statewide Traffic Signal Operations Engineer, Bureau of Maintenance and Operations, Department of Transportation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 783-6988, RA-PDSIGNALFUNDING@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 18-1602. Filed for public inspection October 12, 2018, 9:00 a.m.]

FISH AND BOAT COMMISSION

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following applications to stock triploid grass carp in waters having a surface area of greater than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
John Hawthorne	Gruber Lake N 40 59.847 W -75 21.363	Jackson Township Monroe County	14.6-acre lake tributary to Appenzell Creek tributary to McMichael Creek	<i>Elodea, Coontail, Bladderwort, White Water Lily</i>

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Jonathan Tyler	Laurel Lake New Milford	Harford Township Susquehanna County	6.6-acre lake discharges to an Unnamed Tributary to Leslie Creek tributary to Tunkhannock Creek	<i>Variable Leaf Pondweed</i>

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 18-1603. Filed for public inspection October 12, 2018, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-317	Pennsylvania Public Utility Commission Motor Carrier Age Requirement	9/26/18	11/15/18

GEROGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 18-1604. Filed for public inspection October 12, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Procedure for Commission Review of the September 28, 2018, Compliance Plan and Long Term Infrastructure Improvement Plan Filings of the Pittsburgh Water and Sewer Authority; Doc. Nos. M-2018-2640802 (water); M-2018-2640803 (wastewater)

On September 28, 2018, the Pittsburgh Water and Sewer Authority (PWSA) filed its Compliance Plan including its Long-Term Infrastructure Improvement Plan (LTIIP) in accordance with the requirements of the Pennsylvania Public Utility Commission's (Commission) March 15, 2018, Final Implementation Order (FIO) at the previously-referenced Dockets.

Regarding the PWSA LTIIP, the Commission will employ the procedures developed for LTIIPs filed under 66 Pa.C.S. § 1352 (relating to long-term infrastructure improvement plan). See Implementation of Act 11 of 2012, FIO, Doc. No. M-2012-2293611 (entered August 2, 2012). The LTIIP will be docketed separately at Doc. Nos. P-2018-3005037 (water) and P-2018-3005039 (wastewater). The Commission will apply its LTIIP procedures to the PWSA filing as it would any regulated public utility.

Nevertheless, the Commission will consider consolidating the Compliance Plan and LTIIP proceedings upon request by petition.

Regarding the PWSA Compliance Plan, no later than 45 days after this *Pennsylvania Bulletin* publication, the Commission will, by means of secretarial letter, assign the filings to the Office of Administrative Law Judge (OALJ) for the resolution of any factual matters that PWSA or interested parties may seek to develop. The Commission will attach to that Secretarial Letter an initial report authored by Commission technical staff consisting of directed questions or issue areas to be addressed by PWSA and interested parties. Stakeholders that wish to file comments prior to assignment to OALJ may do so no later than 20 days after this *Pennsylvania Bulletin* publication. However, comments so filed will not be included in the evidentiary record developed by OALJ.

The OALJ will submit a recommended decision on the issues raised by PWSA or the parties no later than 8 months from the date on which the matter is assigned to OALJ. Parties may submit exceptions within 20 days and reply exceptions no later than 15 days thereafter. The Commission will thereafter issue appropriate orders on the filings no later than November 30, 2019.

The PWSA Compliance Plan and LTIIP, and documents filed in support, 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 are available electronically at the Commission's web site at www.puc.pa.gov and at the applicant's business address. Contact persons for this proceeding are Daniel Searforce, Bureau of Technical Utility Services, at (717) 783-6159 and Shaun Sparks, Law Bureau, at (717) 787-3464.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1605. Filed for public inspection October 12, 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 29, 2018. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2018-3004733 (Corrected). Aigner Smith, t/a Urban Transit (5331 Webster Street, Philadelphia, Philadelphia County, PA 19143) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the City and County of Philadelphia, to points in the Counties of Bucks, Chester, Delaware and Montgomery, and return.

A-2018-3004827. Jet Response, LLC (1 Kacey Court, Suite 202, Mechanicsburg, Cumberland County, PA 17055) in paratransit service, from points in the Counties of Cumberland, Dauphin, Lancaster, Lycoming, Northumberland, Snyder and Union, to points in Pennsylvania, and return.

A-2018-3004949. ECM Entertainment, LLC (1163 Estate Road, Bensalem, Bucks County, PA 19020) in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, Esquire, Gallagher & Turchi, PC, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

A-2018-3005023. Bazel F. Doyle, Jr., t/a BF Doyle (5627 McClays Mill Road, Newburg, Franklin County, PA 17240) in paratransit service, limited to persons whose personal convictions prevent them from owning or operat-

ing motor vehicles, from points in the Counties of Franklin and Lancaster, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1606. Filed for public inspection October 12, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due October 29, 2018, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. New Dominion Construction, Inc.; Docket No. C-2018-3004566

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to New Dominion Construction, Inc., (respondent) is under suspension effective August 30, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 362, Hickory, PA 15340.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 28, 2008, at A-8910363.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public

Convenience held by respondent at A-8910363 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/11/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regula-

tions and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions, you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1607. Filed for public inspection October 12, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Wastewater Service

A-2018-3005057. Reynolds Disposal Company. Application of Reynolds Disposal Company to offer, render, furnish and supply wastewater service to three lots in Pymatuning Township, Mercer County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 29, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection

and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Reynolds Disposal Company

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Niesen and Thomas, LLC, 212 Locust Street, Suite 302, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1608. Filed for public inspection October 12, 2018, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September Meeting

As part of its regular business meeting held on September 7, 2018, in Binghamton, NY, the Susquehanna River Basin Commission (Commission) approved or tabled the applications of certain water resources projects, and took additional actions, as set forth in the following Supplementary Information.

The business meeting was held on September 7, 2018.

For further information contact Ava Stoops, Administrative Specialist, (717) 238-0423, fax (717) 238-2436, srbc@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: 1) tabling the release of a proposed rulemaking for consideration at a future Commission meeting; 2) adoption of an update to the Commission's investment policy statement addenda; 3) granting a request from Lycoming County Water and Sewer Authority to extend the deadline to begin withdrawal by 2 years; 4) approval of several grant amendments and agreements, and an equipment purchase; 5) tabling action on a resolution for a consumptive use water storage and mitigation project at Billmeyer Quarry for consideration at the December 2018 Commission meeting; and 6) a report on a delegated settlement, under Commission Resolution 2014-15, with Moxie Freedom, LLC, in the amount of \$1,200.

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: ARD Operating, LLC (Pine Creek), McHenry Township, Lycoming County, PA. Renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20140902).

2. Project Sponsor and Facility: BKV Operating, LLC (East Branch Wyalusing Creek), Jessup Township, Susquehanna County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20140904).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Tunkhannock Creek), Nicholson Township, Wyoming County, PA. Renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20140903).

4. Project Sponsor and Facility: Columbia Water Company, Hellam Township, York County, PA. Groundwater withdrawal of up to 0.015 mgd (30-day average) from Dugan Well 4.

5. Project Sponsor and Facility: Eclipse Resources-PA, LP (Cowanessque River), Deerfield Township, Tioga County, PA. Surface water withdrawal of up to 3.000 mgd (peak day).

6. Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough, Lancaster County, PA. Renewal of groundwater withdrawal of up to 0.300 mgd (30-day average) from Well 5 (Docket No. 19880402).

7. Project Sponsor and Facility: Inflection Energy (PA), LLC (Loyalsock Creek), Upper Fairfield Township, Lycoming County, PA. Renewal of surface water withdrawal of up to 1.700 mgd (peak day) (Docket No. 20140905).

8. Project Sponsor: Lancaster County Solid Waste Management Authority. Project Facility: Solid Waste Resource Recovery, Conoy Township, Lancaster County, PA. Renewal of consumptive use of up to 0.950 mgd (peak day) (Docket No. 19880901).

9. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Terry Township, Bradford County, PA. Renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20140909).

10. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wappasening Creek), Windham Township, Bradford County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20140910).

11. Project Sponsor and Facility: SWEPI, LP (Cowanessque River), Deerfield Township, Tioga County, PA. Modification to reduce surface water withdrawal from 2.000 mgd to 1.000 mgd (peak day) and reassess passby flow thresholds (Docket No. 20161218).

12. Project Sponsor and Facility: Togg Mountain, LLC, Town of Fabius, Onondaga County, NY. Consumptive use of up to 0.485 mgd (peak day).

13. Project Sponsor and Facility: Togg Mountain, LLC (West Branch of Tioughnioga Creek), Town of Fabius, Onondaga County, NY. Surface water withdrawal of up to 2.200 mgd (peak day).

14. Project Sponsor and Facility: Towanda Municipal Authority, North Towanda Township, Bradford County, PA. Groundwater withdrawal of up to 0.432 mgd (30-day average) from Church Production Well 1.

15. Project Sponsor and Facility: Towanda Municipal Authority, North Towanda Township, Bradford County, PA. Groundwater withdrawal of up to 1.000 mgd (30-day average) from Roberts Production Well 1.

16. Project Sponsor and Facility: Towanda Municipal Authority, North Towanda Township, Bradford County, PA. Groundwater withdrawal of up to 1.000 mgd (30-day average) from Roberts Production Well 2.

Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 1.

2. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 2.

3. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.124 mgd (30-day average) from Beech Mountain Well 3.

Project Application Withdrawn

The following project application was withdrawn by the project sponsor:

1. Project Sponsor and Facility: Eclipse Resources-PA, LP (Pine Creek), Gaines Township, Tioga County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: September 27, 2018

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 18-1609. Filed for public inspection October 12, 2018, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on November 1, 2018, at 2:30 p.m. at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, PA. The public hearing will end at 5 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. These projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 6, 2018, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is November 13, 2018.

For further information contact Ava Stoops, Administrative Specialist, (717) 238-0423, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://mdw.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to

Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

Supplementary Information

The public hearing will cover the following projects:

Projects Scheduled for Action

1. Project Sponsor and Facility: City of Aberdeen, Harford County, MD. Modification to extend the approval term of the surface water withdrawal approval (Docket No. 20021210) to be coterminous with a revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.

2. Project Sponsor and Facility: City of Aberdeen, Harford County, MD. Modification to extend the approval term of the consumptive use approval (Docket No. 20021210) to be coterminous with a revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.

3. Project Sponsor and Facility: Adams & Hollenbeck Waterworks, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20141209).

4. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.124 mgd (30-day average) from Beech Mountain Well 3.

5. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 1.

6. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Beech Mountain System, Butler Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Beech Mountain Well 2.

7. Project Sponsor and Facility: ARD Operating, LLC (Pine Creek), Watson Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20141201).

8. Project Sponsor and Facility: Bloomfield Borough Water Authority, Bloomfield Borough, Perry County, PA. Application for groundwater withdrawal of up to 0.055 mgd (30-day average) from Perry Village Well 2.

9. Project Sponsor and Facility: Denver Borough Authority, Denver Borough, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.098 mgd (30-day average) from Well 2 (Docket No. 19890104).

10. Project Sponsor and Facility: Denver Borough Authority, Denver Borough, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.092 mgd (30-day average) from Well 3 (Docket No. 19890104).

11. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.045 mgd (30-day average) from Well 9 (Docket No. 19890101).

12. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster

County, PA. Application for renewal of groundwater withdrawal of up to 0.059 mgd (30-day average) from Well 10 (Docket No. 19890101).

13. Project Sponsor and Facility: Eclipse Resources-PA, LP (Pine Creek), Gaines Township, Tioga County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

14. Project Sponsor and Facility: Masonic Village at Elizabethtown, West Donegal Township, Lancaster County, PA. Modification to increase consumptive use by an additional 0.055 mgd (peak day), for a total consumptive use of up to 0.230 mgd (peak day) (Docket No. 20030811).

15. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Seeley Creek), Wells Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20141212).

16. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Wyalusing Creek), Stevens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20141213).

17. Project Sponsor and Facility: Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, PA. Application for renewal of groundwater withdrawal of up to 5.000 mgd (30-day average) from Maple Hill Mine Shaft Well (Docket No. 19870101).

18. Project Sponsor and Facility: Schuylkill Energy Resources, Inc., Mahanoy Township, Schuylkill County, PA. Application for renewal of consumptive use of up to 2.550 mgd (peak day) (Docket No. 19870101).

19. Project Sponsor and Facility: SWEPI, LP (Cowan-esque River), Nelson Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.533 mgd (peak day) (Docket No. 20141211).

20. Project Sponsor and Facility: Tenaska Resources, LLC (Cowan-esque River), Westfield Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.400 mgd (peak day) (Docket No. 20141214).

Project Scheduled for Action Involving a Diversion

21. Project Sponsor and Facility: City of Aberdeen, Harford County, MD. Modification to extend the approval

term of the out-of-basin diversion approval (Docket No. 20021210) to be coterminous with a revised Maryland Department of the Environment State Water Appropriation and Use Permit for the Aberdeen Proving Ground-Aberdeen Area.

Commission-Initiated Project Approval Modifications

1. Project Sponsor and Facility: Fox Hill Country Club, Exeter Borough, Luzerne County, PA. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal of up to 0.125 mgd (30-day average) from the Halfway House Well (Docket No. 20020605).

2. Project Sponsor and Facility: Norwich Pharmaceuticals, Inc., Town of North Norwich, Chenango County, NY. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals of up to 0.106 mgd (30-day average) from Well 1 and up to 0.082 mgd (30-day average) from Well 2 (Docket No. 20050902).

Opportunity to Appear and Comment

Interested parties may appear at the hearing to offer comments to the Commission on any previously listed business required to be subject of a public hearing. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Guidelines for the public hearing are posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any previously listed business required to be subject of a public hearing may also be mailed to Ava Stoops, Administrative Specialist, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/public-hearing.html. Comments mailed or electronically submitted must be received by the Commission on or before November 13, 2018, to be considered.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: September 28, 2018

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 18-1610. Filed for public inspection October 12, 2018, 9:00 a.m.]

